

Introduction

Food stamp/SNAP benefits are federal assistance to families to help them buy food. In October of 2008, Congress changed the federal name from “Food Stamps” to “Supplemental Nutrition Assistance Program” or SNAP. States have the choice to call the name SNAP or use another name. For purposes of this Guide, we will use *both* names.

Most grocery stores, supermarkets, and co-ops in Massachusetts accept food stamps/SNAP electronic benefit transfer (EBT) cards. In Massachusetts, there is no asset test for most food stamp/SNAP applicants. Most people who meet the federal income limits can get food stamp/SNAP benefits. Unlike some other federal programs, you do not have to have children or be disabled to get benefits. You can also qualify for food stamps/SNAP even if your cash welfare ended because of a time limit, your income exceed the cash benefit level or for other reasons. Food Stamps/SNAP is a critical program in difficult economic times. All low income individuals and families should be encouraged to apply.

About the Food Stamp/SNAP Program

Congress created the Food Stamp Program in 1964 to reduce hunger by increasing the food-buying power of low-income households.

The federal government pays 100 percent of the cost of these benefits and half of the administrative costs. During 2008, Massachusetts received over \$48 million federal dollars per month in direct assistance to needy households in the Commonwealth.

Food stamps/SNAP make a major difference in reducing hunger and in counter-acting the effects of bad economic times. The benefit amounts are usually raised annually to reflect increases in the cost of living and therefore offer some protection against inflation, unlike most cash benefit programs. In addition, food stamp/SNAP purchases help to support local grocery stores.

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However, it is widely acknowledged that food stamp/SNAP benefits are too low to cover all of a household's food needs. The benefit amount is based on a “Thrifty Food Plan” concept that does not reflect the actual cost of today’s food prices. It also presumes that a part of a household’s monthly income is available to buy a portion of the food, even when that is not true for families with high shelter costs.

In 1996, the Food Stamp program was severely restricted including terminating eligibility for many legally present immigrants, creating time-limiting food benefits for childless individuals age 18-50 and other harmful restrictions. In 1998, Congress restored food stamps/SNAP to a subset of the legal immigrants affected, but left many of the restrictions in place. From 1997 to August of 2002, Massachusetts provided state funds to give benefits to needy legal immigrants who were not eligible under federal restrictions. These state benefits were eliminated in August 2002.

The federal Farm Bill of 2002 (Public Law 107-171, May 13, 2002) restored some of the cuts in the program including restoring benefits for some of the legal immigrants cut in 1996 - those with severe disabilities, legal immigrant children, immigrants who have had lawful immigration status in the U.S. for five years or more. The most recent 2008 Federal Farm Bill (Public Law 110-246) made additional improvements to the program including indexing the standard income deduction to inflation, uncapping the child care deduction, treating tax deferred retirement and educational accounts as non-countable as well as changing the name to SNAP. For a concise description of the legislative history of this program, go to:

<http://www.fns.usda.gov/fsp/rules/Legislation/about.htm>

In Massachusetts, the Department of Transitional Assistance (DTA) administers the Food Stamp/SNAP program. Over the past few years, DTA has elected a number of federal options and pursued a number of waivers and demonstration projects to increase participation and allowable deductions in the program. The number of food stamp/SNAP participants has risen from 231,303 in September of 2000 (the worst participation rate in the entire United States) to 548,920 in September of 2008. Since 2003, Massachusetts has experienced one of the highest, most dramatic increases in the food

stamp/SNAP program at a 71.7% increase. In August of 2008, Massachusetts had the top food stamp/SNAP program increase in the nation.

DTA has worked with advocates to remove administrative barriers for households seeking food stamps/SNAP. Recent changes include: creating a two page food stamp/SNAP application form for seniors, eliminating the asset test for most households, adopting a standard medical deduction for elder/disabled households, allowing self-declaration of child care expenses, providing a H-EAT benefit for households to get higher shelter deductions, and more.

Sources of Law:

DTA must administer the program in accordance with the federal regulations issued by the United States Department of Agriculture (USDA) and any waivers or demonstration projects approved by USDA. The federal regulations are printed in Title 7 of the Code of Federal Regulations (7 C.F.R. § 271 et seq) found at <http://www.fns.usda.gov/fsp/rules/Regulations/default.htm#final> You can also see important USDA policy certification memos (that often interpret sections of the federal regulations), at <http://www.fns.usda.gov/fsp/government/Policy-citation.htm>.

DTA also issues its own food stamp/SNAP regulations. The DTA food stamp/SNAP regulations are printed in Chapter 106 of the Code of Massachusetts Regulations (106 C.M.R. § 360 and following). You can get the state regulations from DTA's website, www.mass.gov/dta. Legal services offices, local DTA offices and law libraries also have copies of the DTA regulations. A detailed index to DTA's Food Stamp/SNAP regulations, created by MLRI, can be found in Appendix F.

DTA also issues instructions to DTA offices that give more detail on who is eligible and how to calculate benefits. These instructions are contained in Field Operation Memos (F.O.Memos), in DTA's "Transitions" newsletter, or in a DTA manual known as the BEACON User's Guide. The DTA instructions are still not posted publically on DTA's website. Copies should be available to you at each local DTA office. MLRI also posts these documents on the Massachusetts Legal Services website, at www.masslegalservices.org/cat/242.

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Stay informed, get involved!

The Massachusetts Law Reform Institute coordinates the *Food SNAP Improvement Coalition*. This is a coalition of anti-hunger agencies, health providers, religious organizations, community organizing groups and legal services advocates. Formed in 2000, the Coalition tracks and tackles state and federal food stamp policies that affect Massachusetts households. Coalition members advocate on behalf of low-income households to improve the eligibility rules, remove access barriers, and increase the benefit amounts. The Coalition holds monthly meetings where staff from both the Department of Transitional Assistance and the US Department of Agriculture attend to hear about food stamp/SNAP policy concerns, local office problems, as well as report on important state and federal changes.

If you would like to receive email updates on Food Stamp/SNAP program policy changes, announcements of Coalition meetings, training announcements and other anti-hunger alerts, contact Pat Baker of the Mass Law Reform Institute: pbaker@mlri.org To get legal advice and representation on your individual case, contact your local legal services office.