

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
Statutory Authority: 31 Delaware Code, Chapter 5, Section 512 (31 Del.C. Ch.5, §512)

PUBLIC NOTICE

Food Stamp Program

DSSM Section 9032.6 Residency (Including Homelessness Definition)

PROPOSED

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend the policy of the Food Stamp Program in the Division of Social Services Manual (DSSM) for the following reasons: 1) DSS no longer assigns 3-month certification periods; 2) DSS no longer mails benefits to local food stamp offices; and, 3) the implementation of simplified reporting, six-month certification periods, and EBT have made this policy obsolete.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy and Program Development Unit, Division of Social Services, P.O. Box 906, New Castle, Delaware 19720 by December 31st, 2004.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

Summary Of Proposed Changes

- Removes old language certifying homeless households for 3 or 6 months. Homeless households are subject to simplified reporting. DSS automatically give these households a six-month certification period.
- Removes old language about canceling benefits not picked up at the local offices. DSS does not mail benefits to the local offices.

DSS PROPOSED REGULATION #04-23

9032.6 Residency (Including Homelessness Definition)

[273.2(f)(1)(vi)]

The residency requirements of DSSM 9008 will be verified except in unusual cases where verification of residency cannot reasonably be accomplished. "Unusual cases" would include homeless households, some migrant farmworker households, or households newly arrived in a project area, where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residence as well.

Any documents or collateral contacts which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement will be established. An otherwise eligible household cannot be required to reside in a permanent dwelling or to have a fixed mailing address as a condition of eligibility.

"Homeless individual" means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized (applied to individuals released from institutions who still need supervision, not prisoners considered to be detained under a Federal or State law while in a halfway house);
- A temporary accommodation in the residence of another individual if the accommodation is for no more

- than 90 days.
- The 90-day period starts at application or when a change is reported.
 - The 90-day period starts over when a household moves from one residence to another.
 - If a homeless household leaves, for whatever reason, and returns to the same residence, the 90-day period will start over again.
 - If a household has a break in receiving food stamps, the 90-day period will not start over if the household remains in the same residence. The 90-day period will start over if the household moved to another residence.
 - A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

~~Use the following procedures to certify eligible homeless households:~~

~~Certify stable homeless households:~~

- ~~• Using the DSS local office address for a minimum of six (6) months;~~
- ~~• Using their own P. O. Box for a minimum of three (3) months.~~

~~Benefits not claimed by recipients will be cancelled. The case should be closed by authorization deadline for the coming month if there has been no contact from the client. (Per DSSM 9006.3, timely notice is not required when DSS has reason to believe that the household is no longer in the project area.)~~

8 DE Reg. 857 (12/01/04)