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SNAP Policy Update #1 16-17'

DATE: July 14, 2016

RE: Standard Utility Allowance (SUA) Changes Final Policy from the 2014 Farm Bill

This policy update provides information on the policy changes for determining the Standard Utility Allowance (SUA) that were included in the 2014 Farm Bill. The information in this policy update reflects the final regulations from the United States Department of Agriculture (USDA) and replaces the “Initial Draft” policy provided by the Office of Temporary and Disability Assistance (OTDA) back in June of 2014. This information was provided by OTDA through [16-ADM-07](#).

Included in this policy update is the following:

- Background Information
- Determining the Correct SUA Level
- Verification for SUA Eligibility

Background Information

SNAP households in NYS may receive one of three possible SUA Levels depending on their type of housing and where they live. In all cases, the standardized allowance is used, rather than the household’s actual utility expenses – even if the household’s actual expenses are higher than the standard.

The 2014 Farm Bill put in place new conditions and limitations on the use of HEAP benefits to allow a SNAP household a Level 1 SUA when determining the household’s eligibility for SNAP and its monthly benefit amount.

The 2014 Farm Bill ended the use of “anticipated receipt of HEAP” as an indicator for receiving the Level 1 SUA. Beginning in March, 2014, in order to receive a Level 1 SUA, SNAP households need to either own their own home, incur a heating/air conditioning cost, or be in receipt of a HEAP payment of at least \$21 in the last 12 months or in the current month. Households ineligible for the Level 1 SUA should still be evaluated to see if they are eligible for Level 2 or Level 3 SUA.

The USDA has provided additional guidance on how to determine SUA levels when a household moves, or when there is a shared living arrangement. USDA has also clarified the definition of “current month,” in the context of determining when a HEAP payment has been made. These clarifications can be found in the sections below.

Determining the Correct SUA Level

At the time of application, recertification, or when a SNAP household reports a change in address or shelter expenses, the SNAP office must make a determination about which SUA level to assign to the household. Using the wrong SUA in SNAP budgeting can result in a large miscalculation of the benefit allotment.

Level 1 SUA

Households are eligible for Level 1 if they meet one of the following:

1. Own their own home (including co-op apartments and condominiums)
2. Responsible for separately paying for heating and/or air conditioning costs either to a utility provider or landlord
 - This includes households that are not currently paying or are unable to pay the separate cost or bill, regardless of whether or not the bill for the separate expense is in their name.
3. Received HEAP benefits of greater than \$20 in the last 12 months or in the current month
 - At application: the “current month” is defined as the calendar month in which the household is applying. However, if the determination for ongoing benefits occurs in the month the HEAP benefit is received, the household will be re-budgeted to reflect the Level 1 SUA for the month it is received.
 - At recertification: the “current month” is defined as any month from the time the recertification is submitted (but no earlier than two months prior to the end of the certification period) to the time that it is processed and eligibility is determined to continue. SNAP offices are advised to use the month most advantageous to the SNAP household and that would result in a determination for using the Level 1 SUA in the budgeting process.
 - The only exception to the above rules occurs when it is known that a SNAP household will receive a HEAP benefit later in the “current month.” In that instance, a SNAP household will be entitled to receive the Level 1 SUA.
 - In the instance of shared living arrangements:
 - ✓ If there are multiple SNAP households occupying the same HEAP-eligible dwelling, **only** the SNAP household that received the HEAP benefit is eligible to receive the Level 1 SUA. All other households in the dwelling will need to be separately evaluated to determine their SUA level.

If a family is not eligible for Level 1 SUA due to the new guidelines, then follow-up questions need to be asked to determine the correct SUA level.

Level 2 SUA

Households are eligible for Level 2 if they pay for any utilities separate from their rent, including incurring costs for:

- Electricity
- Cooking fuel
- Sewage

- Trash collection
- Water fees
- Fuel for heating water
- Propane gas and/or rental fee for a propane tank used for cooking or as fuel for the hot water tank. However, if the propane tank is used for the primary heating source, the household will receive the Level 1 SUA.

Level 3 SUA

All households are granted the Level 3 SUA if they are not eligible for a Level 1 or Level 2 SUA. Any use of phone (including pay phones, landline or cell phone, use of another person's phone, etc.) entitles a household to the Level 3 SUA.

Households that are receiving the standard homeless deduction are not entitled to any SUA deduction.

Verification for SUA Eligibility

Application and Recertification

At application and recertification, a determination of the correct SUA is made for each participating household. Unless questionable, information regarding heating and/or cooling costs provided and attested to during the application or recertification will be considered acceptable verification. This includes information provided on the application/recertification forms or during the interview process. No further documentation needs to be provided unless the information is questionable.

The responsibility to determine if a SNAP household has received a HEAP payment resides with the SNAP office. SNAP offices are able to look within the Welfare Management System (WMS) to determine when a household last received a HEAP benefit.

Households receiving a HEAP benefit of \$21 or more will continue to receive the Level 1 SUA until the next recertification period. This includes households that have moved since receiving the HEAP benefit into a dwelling or living arrangement that is not HEAP-eligible. These households remain eligible for the Level 1 SUA until their next recertification. Since March of 2014, the minimum SNAP benefit has been \$21; therefore, all SNAP households that have received a HEAP benefit meet the \$21 criteria.

If a SNAP household is paying for recurring cooling costs (i.e. air conditioning) then it will be eligible to receive the Level 1 SUA. This is true even when the charge only occurs for a few months out of the year. The household remains eligible for the entire year in which it reports the air conditioning costs.

During the Certification Period

Simplified "six-month" reporters and NYSNIP participants who are currently eligible for a Level 1 SUA should not need to have the SUA re-determined or adjusted during the certification process. This is true in all cases except for the following:

- If the SNAP household reports a change of address, the SNAP worker must verify that the new housing continues to be a HEAP-eligible housing type.
- If the SNAP household was receiving the Level 1 SUA solely because they incurred heating/cooling costs and they report that they no longer have heating/cooling costs.

Households that are simplified “six-month” reporters, and NYSNIP participants, who are not eligible for the Level 1 SUA will have their eligibility for Level 1 SUA reviewed at the time of the periodic or interim report to see if they are eligible for a higher SUA. In addition, a household currently receiving a Level 2 SUA (utilities) will have its SUA reviewed and adjusted if it reports a move or no longer pays separate utility costs.

SNAP households that need to follow the “10 day” change reporting rules are required to report changes in shelter costs, including changes to heating, air conditioning and utility costs, by the tenth day following the month that the change occurs. As at application and recertification, attestation of a reported change is acceptable verification.

Links:

- [16-ADM-07](#) - Change to Standard Utility Allowance (SUA) Policy mandated by Section 4006 of the Agriculture Act of 2014 – Final Policy
- [GIS 14 TA/DC023](#)- Farm Bill Changes to SNAP Standard Utility Allowance (SUA) Policy- Initial Draft Guidance
- HSNY [SNAP Prescreening Guide](#) pgs. 42 and 43

Help for Your Clients

There are Nutrition Outreach and Education Program (NOEP) Coordinators in many communities across NYS. NOEP Coordinators are available to help potentially eligible individuals and families apply for SNAP benefits by:

- conducting confidential pre-screenings to see if a family may be eligible for SNAP,
- assisting with completing the application, including the online version,
- answering any questions, and/or
- working with current recipients around recertification or other issues with their SNAP case.

NOEP Coordinators can also come to your community site to help your clients.

To find out if there is a NOEP Coordinator in your community, go to: <http://www.foodhelpny.org>.

Visit <http://otda.ny.gov/workingfamilies/dss.asp> for a listing of SNAP offices and contact information outside of NYC or call 1-800-342-3009.

Visit http://www.nyc.gov/html/hra/html/services/snap_centers.shtml for a listing of SNAP offices in New York City or call 311.

For More Information

If you have any questions about this SNAP update or SNAP in general, please contact Dawn Secor via phone at (518) 436-8757 ext. 112, or by e-mailing dawn.secor@hungersolutionsny.org