



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

Family Investment Administration  
**ACTION TRANSMITTAL**

Control Number: #04-35

Effective Date: UPON RECEIPT

Issuance Date: May 3, 2004

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

**FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR**

**RE: RESIDENTS OF CERTAIN INSTITUTIONS**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM**

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

**SUMMARY:**

Recently we became aware of a change in federal regulations that we have not implemented. Section 100.7 of the Food Stamp Manual lists residents of housing for the elderly built under Section 202 of the housing Act of 1959 or Section 236 of the National Housing Act as eligible even when the institution provides a majority of the meals. The policy was changed to include federally subsidized housing for the elderly as an exception to the rule about institutions.

We are also providing information as reminders about the special eligibility rules for residents of some institutions and where to locate detailed information about the policy in the Food Stamp Manual.

**POLICY:**

Residents of institutions are ineligible for food stamps with some exceptions. A person is considered a resident of an institution when the institution provides them with a majority (over 50 percent of three meals a day) of their meals as part of its normal services. **The exceptions are as follows:**

- **Residents of federally subsidized housing for the elderly**  
Example: Ms. B lives in a Section 8 apartment building for the elderly. All her meals are provided. She is billed \$125 per month for this service in addition to her \$100 monthly rent. The case manager will allow Ms. B's \$100 rent. The monthly payment for food is not an allowable shelter cost.

- **Residents of public or private non-profit homeless shelters**  
Example: Mr. A is homeless. He stays in a homeless shelter run by a nonprofit agency. The shelter provides his breakfast and dinner. He also pays \$.50 a night when he has it. If otherwise eligible, he can get food stamps. He is also entitled to the \$143 homeless shelter deduction when he pays any amount for his shelter cost.
- **Residents of a facility or treatment center for the purpose of regular participation in drug or alcohol treatment and rehabilitation program.** This includes the children living with the individual in the facility, but does not include the spouse. The treatment center must be a non-profit facility or a publicly operated community mental health center. It must also be licensed as providing treatment by a health, mental health, or alcohol abuse agency of the State of Maryland, or be licensed by the Food and Nutrition Service (FNS) as a retailer. (See Food Stamp Manual Section 109.5)
- **Disabled or blind individuals who are residents of a group living arrangement.** A group living arrangement is a public or private nonprofit residential setting that serves no more than sixteen residents. The Department of Health and Mental Hygiene or the Department of Human Resources facility must certify the facility. (See Food Stamp Manual Section 109.2)
- **Women or women with their children** who are temporarily living in a shelter for battered women and children. A shelter for battered women and children is a public or private non-profit residential facility that serves battered women and their children. If the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (See Food Stamp Manual Section 103)

Reminder: There is an exception to the rule about duplicate participation for members of a household that are staying in a shelter for battered women and children.

**ACTION REQUIRED:**

There are no special CARES procedures.

**ACTION DUE:**

This policy is effective upon receipt for new applications.

**INQUIRIES:**

Please direct questions to Kay Finegan at 410-767-7939.

cc: FIA Management Staff    Constituent Services    DHR Help Desk