



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

Family Investment Administration  
**ACTION TRANSMITTAL**

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

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

**RE: HOMELESS HOUSEHOLDS AND RESIDENTS OF DRUG AND  
ALCOHOLIC TREATMENT PROGRAMS**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM**

**ORIGINATING OFFICE: OFFICE OF PROGRAMS**

Recently, advocates, federal legislators and the Food and Nutrition Service have raised questions about how we handle applicants and recipients who live in housing for drug addicts and alcoholics, when the center is not certified or licensed by the Department of Health and Mental Hygiene. Many of these facilities provide supportive services for individuals in treatment. Although we cannot consider these facilities as drug addiction and alcoholic (DAA) treatment centers, we can consider many of them as shelters for homeless persons.

Additionally, in researching how local departments are handling these cases, we found instances of residents in certified DAA treatment centers who do not have an authorized representative. This action transmittal is to review the policy for residents of homeless shelters and DAA treatment centers.

## **I. Residents of Treatment Centers for Drug Addiction and Alcoholism**

### **A. Verification of Facility Status**

1. Prior to certifying any residents for food stamps, the local office must verify that the treatment center:
  - a. Is authorized by FNS as a retailer if the center wishes to use the food stamp allotment through a wholesaler, or
  - b. If not authorized by FNS as a retailer, is a publicly operated or private non-profit DAA treatment and rehabilitation center licensed by the Alcohol and Drug Abuse Administration (ADAA) of the Department of Health and Mental Hygiene.

2. State law requires that treatment centers be licensed/certified in order to provide drug addiction or alcoholic treatment. To find out if a treatment center is certified or licensed by the ADAA, go to the website [www.maryland-adaa.org/resource/](http://www.maryland-adaa.org/resource/)
  - Type in the name of the center you are inquiring about:
    - ✓ If the center is approved you will receive a listing with the center's information
    - ✓ If the center is not approved you will receive a message that states, "no results match that criteria," or
  - Type in the jurisdiction you are inquiring about:
    - ✓ All of the approved centers in that jurisdiction will appear, or
  - Click on Search:
    - ✓ You will receive a listing of all approved centers statewide grouped according to jurisdiction.

#### B. Eligible Persons

1. Persons who are narcotic addicts or alcoholics who reside at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program are eligible. This includes the children who live with them in the facility.
2. The local department will base the eligibility of residents of DAA treatment centers as one-person households or, when children are living with parents at a treatment center, the household will also include the children.

#### C. Authorized Representatives

1. DAA treatment centers must designate an employee of the center to act as the authorized representative for residents who are participating in the Food Stamp Program.
2. The authorized representative must complete the application process, receive and spend the food stamp benefits for food prepared by and/or served to the participating residents of the center.

#### D. Resident Rights

Resident households are entitled to the same rights to notices of adverse action, to administrative hearings, and to lost benefits, as are all other food stamp households.

## E. Budgeting

Consider the entire payment made by the resident to the treatment center as a shelter expense.

## F. Responsibilities of Treatment Centers

1. Treatment and rehabilitation centers are required to provide local offices with a list of currently participating residents. The list should:
  - a. Include a statement signed by a responsible center official attesting to the validity of the list.
  - b. Be submitted on a monthly or semimonthly basis to the local department.
2. The treatment center must notify the local department of changes in the household's income or other household circumstances.
3. The treatment center must notify the local department when a resident of the center leaves.
4. When a household leaves the facility, the center must give the ex-resident his/her Independence Card and allow the household to receive any remaining benefits.
5. The household is entitled to the full allotment if benefits have been issued and the facility has spent nothing on behalf of the individual household. This applies at any time during the month.
6. The household is entitled to one-half of his/her allotment if the facility has spent any portion and the household leaves prior to the 16<sup>th</sup> day of the month.
7. The household is not entitled to any portion of the allotment if he/she leaves on or after the 16<sup>th</sup> day of the month and the facility has spent any portion of his/her allotment.
8. If possible, the center should provide the household with a change report form and advise him/her to complete and return it to the local office within 10 days.
9. Once the household leaves the treatment center, the center can no longer act as that household's authorized representative.

## G. Treatment Center Responsibility and Liability

As the authorized representative, the treatment center employee must be knowledgeable about the household's circumstances and should carefully review the information with residents prior to applying on their behalf.

Treatment centers are:

1. Responsible for any misrepresentation or intentional program violation it knowingly commits in the certification of center residents;
2. Liable for all losses or misuse of food allotments held on behalf of resident households;
3. Liable for all overissuances occurring while households are residents of the facility; and
4. Responsible for any misrepresentation or fraud, which it knowingly commits while representing residents in the certification process.

## **II. Residents of Homeless Shelters**

Sometimes food stamp applicants and recipients live in supportive housing situations while participating in drug or alcoholic treatment. These facilities are not certified by ADAA as drug addiction and alcoholic treatment centers, but may be halfway houses, transitional housing, homeless shelters or recovery centers. Case managers should consider whether these living arrangements meet homeless shelter policy.

- A. A homeless person is someone who lacks a fixed and regular nighttime residence or a person whose primary nighttime residence is a:
  1. Supervised shelter that provides temporary accommodations, such as a welfare hotel or congregate shelter;
  2. Halfway house or similar institution that provides temporary accommodations for people intended to be institutionalized;
  3. Temporary accommodation in the residence of another person for no more than 90 days; or
  4. Place not designed for, or ordinarily used as regular sleeping accommodations such as a hallway, a bus station, a lobby, a car, an abandoned building or any similar place.
- B. Persons in homeless shelters are entitled to apply for and, if eligible, receive food stamps.
- C. The homeless shelter cannot require a homeless food stamp recipient to surrender any of their food stamp benefits to the shelter even when the shelter provides the recipient's meals.
- D. The use of food stamp benefits to purchase prepared meals from public or private nonprofit homeless meal providers must be voluntary on the part of recipients.
- E. The amount the homeless meal provider requests from food stamp recipients for meals cannot exceed the average cost of the food contained in a meal served to individual.
- F. The homeless meal provider must give food stamp recipients the same options in

paying for meals as given to persons who do not receive food stamps. For example, if others have the option of eating free or making monetary donations, the homeless meal provider must give recipients the option of eating free, donating money or donating food stamp benefits.

G. Even if the shelter is authorized by USDA to receive food stamp benefits, turning over any or all of their food stamp benefits is voluntary on the part of the resident of the shelter.

H. Homeless meal providers cannot act as authorized representatives for homeless food stamp recipients.

Following is a synopsis of the differences in policy:

Type of Facility	Eligible for Food Stamps	Verification of Facility Status	Authorized Rep. Required	Required Reporting from Facility	Can Require use of FS
Drug and Alcoholic Treatment Center	Yes	Yes	Yes – must be an employee of facility	Yes – list of residents monthly or semimonthly. Must notify the LDSS of changes in circumstances	Yes
Shelter for Homeless, includes Transitional housing, Halfway Houses, recovery centers	Yes	No	No – Homeless meal provider cannot be auth. rep	None	No - Voluntary

**Action Required**

Applicants and recipients who live in DAA treatment centers must apply with an authorized representative who is an employee of the treatment center. They cannot apply on their own. The case manager must check the ADAA website to determine if the treatment center is listed. If listed, consider the facility as a DAA treatment center. Local departments must request a monthly list of current residents who receive food stamps and inform the centers of the possibility of random checks.

If the applicants or recipient lives in a facility that is not licensed by the ADAA (not listed on the website) the case manager must determine if the facility is a homeless shelter, transitional housing or a halfway house. Residents of these facilities are not required to have an authorized representative.

## **CARES Coding**

### **Homeless Shelter Deduction**

- During the interview or change process code the “Living Arrgmt” field on the DEM1 screen as “HL” – Homeless, when a person meets the definition of homeless.
- To give the \$143.00 Homeless shelter deduction, enter the following on the CARE screen in the customer does not have earnings:
  - Provider field - enter “Homeless”
  - ID field - enter “Homeless”
  - Type field - enter “C”
  - Freq field – enter “AC”
  - AMT field – enter \$143.00
- Document thoroughly.

### **AREP Screen**

When a customer lives in a certified drug addiction and alcoholic treatment center, the representative of the facility becomes the customers authorized representative.

- Access the ADDR screen and enter a “Y” in the Authorized Rep field
- Enter the name of the facility on Address Line 1
- Enter the facility address, City, state and zip
- Access the AREP screen that corresponds to the Food Stamp STAT screen
- Enter the following:
  - Rep Type field – enter “F1”
  - Relationship field – enter “OU”
  - Name field – enter the name of the facility representative
  - Address Line 1 – enter the facility address, City, State and zip.

## **INQUIRIES:**

Please direct food stamp policy questions to Kay Finegan at 410-767-7939 or Rick McClendon at 410-767-7307, and CARES procedures to Fern Parson at 410-767-7064.

cc: FIA Management Staff  
Constituent Services  
DHR Help Desk