

NO FREE LUNCH: CONFLICT OVER FOOD STAMP ACCESS

As the economy sends ever more New Yorkers in search of a safety net, the city's welfare agency defends anti-fraud measures that advocates call counterproductive. > *By Chloe Tribich*

As New Yorkers continue to suffer in the economic downturn – the number of unemployed people citywide reached 376,000 in June, according to the state Department of Labor, up 30 percent just since January – more are becoming eligible for food stamps, now called Supplemental Nutritional Assistance Program benefits, or SNAP.

The state Office of Temporary Disability Assistance (OTDA) says access to SNAP has improved through such reforms as a new website and less burdensome face-to-face interview requirements. And city officials count an 88 percent increase in enrollees from 2002, when Mayor Bloomberg took office, to this June.

But advocates at the New York City Coalition Against Hunger (NYCCAH) say the “SNAP gap” – the number of eligible households signed up versus not enrolled – is increasing. According to NYCCAH, there were still at least 70,000 fewer people receiving food stamps in the city in May 2009 than at the peak in March of 1995. “It is deceptive to cite data from only when Bloomberg became mayor,” said Joel Berg, NYCCAH’s executive director, because the number had dipped so low before 2001.

Among those who are eligible but unenrolled, advocates say, are those deterred by the finger-imaging requirement (fingerprinting done by digital means) and those whose benefits were eliminated in the recent “marriage purge.”

Carlos Robles falls into the latter category. A mentally ill SRO resident whose monthly income is comprised of \$653 in disability benefits and \$515 in wages from his job in a grocery store, Robles also received \$84 in monthly SNAP benefits through this June. According to the Office of Administrative Hearings, Robles was cut off for misstating his marital status, which had resulted in an “overissuance of \$0” in benefits. As HRA acknowledges, Robles’ marital status did not affect his benefit amount, because the question about household size was answered correctly. (He never lived with his spouse in the course of their 18-month marriage.)

“They’re going after people for a misstatement even if it has nothing to do with eligibility,” says Tara Crean, the Urban Justice Center attorney who filed a class action complaint against OTDA and the city Human Resources Administration (HRA) on behalf of Robles and others in similar situations. Marital status, the complaint argues, has no bearing on eligibility and thus the “marriage purge” is “arbitrarily [denying] financially eligible individuals of food stamps to which they are entitled.” At least 18 states don’t even ask for marital status.

Though city representatives would not comment on a matter related to pending litigation, Lawrence Mead, professor of public policy at NYU and former consultant on welfare to Mayor Rudy Giuliani, surmised that the city could be checking marital status because it may affect other benefits, if not actually the SNAP benefit amount. “This seems to me to be a legitimate argument,” Mead said.

All plaintiffs in the Urban Justice Center’s case were legally married at the time that the paperwork in question was submitted. Their forms mistakenly indicated they were single, but their benefit amount was not impacted by the error. According to Jaclyn Kessel, a spokeswoman for the Urban Justice Center, some couldn’t afford a divorce but considered themselves single, others suffered from mental illness, and still others had failed to spot their social worker’s mistake.

The Urban Justice Center says HRA began matching SNAP documents against City Clerk marriage records in 2005, but because of the lag between clients’ recertification and cut-off, the effects of the new policy have only recently become apparent. In the year and a half between Jan. 1, 2008 and June 1, 2009, there were 329

hearings on “intentional program violations” due to marital status in New York City. Since SNAP beneficiaries can waive their right to a hearing, this may be an undercount of affected households.

Both OTDA, which could step in to halt the policy, and the city Law Department declined to comment. The Urban Justice Center’s next step is to appear in court on Sept. 8.

The “marriage purge” has joined finger-imaging on the list of city policies that advocates say limit SNAP access. Being fingerprinted adds a burden and a stigma to the process of applying, they say, thus deterring some people from pursuing the benefit. Despite renewed protests against the city’s policy, the administration isn’t budging.

Citing [data](#) from the nonpartisan Urban Institute asserting that finger-imaging can lead to as much as a 4.3 percent decline in food stamp receipt, NYCCA staff estimate that there are a half-million SNAP-eligible households not receiving benefits, and that 21,500 have not applied specifically because of the finger-imaging requirement – an issue they say has taken on new urgency as the economy has declined.

The city denies that finger-imaging deters deserving applicants and insists it is an important fraud-detection tool. “The city of New York has taken significant steps to expand access to food stamps for eligible New Yorkers while maintaining the integrity of the program through finger imaging and other proven fraud prevention measures,” said HRA Commissioner Robert Doar.

According to the city, in 2008, HRA used finger-imaging to take action on nearly 1,000 duplicative cases among people receiving only food stamp benefits, resulting in a \$2.6 million gross cost avoidance (primarily of funding the federal benefits themselves). However, this included duplications that resulted from the agency’s own administrative errors.

“Commissioner Doar testified to the City Council in November 2007 that the city detected only 31 cases of fraud through finger-imaging in 2006,” Berg said. “The city is spending \$800,000 of non-federal dollars to stop the potential waste of [about] \$46,000 in federal dollars.”

Advocates also point out that New York City is one of only four places in the country to require food stamp applicants to register their fingerprints, and the only municipality in New York state that has continued to do so after the state dropped the requirement in 2007. (Read [here](#) about another instance where the city’s food stamp policy stands alone.)

According to Bich Ha Pham, policy director for the Federation of Protestant Welfare Agencies, the Bloomberg administration is “stuck in a very partisan mold. They should be looking at the facts and looking at the need, and asking, ‘How can we deliver the services?’”

Even City Council Speaker Christine Quinn, known to be a strong supporter of Mayor Bloomberg, has disagreed with this administration’s policy for her whole tenure as speaker. “It’s a waste of money,” Quinn said of the imaging requirement. “I am myself mystified” by the continuation of the policy. “I’ve spoken to the mayor personally about it on a number of occasions,” she told *City Limits*.

The state could stop the city’s finger-imaging policy, but OTDA has allowed it to continue “as long as they were able to increase enrollment,” said OTDA spokesman Anthony Farmer, who maintained that finger-imaging was not a significant obstacle to access. Similarly, HRA spokeswoman Barbara Brancaccio says fingerprinting takes only “30 seconds of the entire food stamp process,” insisting: “It is not a deterrent.”

The requirement could also be eliminated at the federal level. In January, U.S. Rep. Anthony Weiner introduced a bill that would prohibit finger-imaging, though according to his staff, the timeline for the bill is uncertain.

Advocates hope the upcoming mayoral election will help spur change. “Some people forget there are two viable candidates for office, and one supports overturn of finger-imaging” said Berg. Mayoral candidate Comptroller Bill Thompson joined NYCCA at a July 18 City Hall rally to protest the finger imaging requirement. “This is yet another disturbing example of how the administration is making it difficult for families to get food when they need it most,” Thompson said.

On another point about food stamp access, advocates recently met with success. They won a legal challenge to

the state's method of computing group home residents' SNAP allocations – which used income source, not amount, to determine benefits. In July 2008, Gov. Paterson **announced** a new formula that would bring in an added \$150 million in federal SNAP benefits annually.

According to Peter Vollmer, co-counsel for the plaintiffs in *Graves v. Doar*, the Group Home Standardized Benefit Program (GHSBP) – ostensibly intended to simplify SNAP benefit allocation – had resulted in a total differential of \$2,304 worth of benefits between group home residents on SSI (Supplemental Security Income) and those on public assistance. The GHSBP was in use between Jan. 2005 and Sept. 2008.

Though group home residents receive free meals, some have dietary needs not met by typical institutional food. “Diabetics need fresh fruits and vegetables,” explained John Castellano, attorney-in-charge at Mercy Haven, a Long Island-based advocacy group. As a result of the increased SNAP benefits, residents “can now plan and shop for what they need. [It’s also an] incentive to...learn about nutrition.”

The legal fight is not over. Now, advocates are hoping to secure retroactive benefits for their clients. If they prevail on their equal protection claims, an additional \$54 million in retroactive SNAP benefits could be funneled to New York State. “Broken down to its simplest terms, [OTDA], at a time of financial downturn and limited resources, is fighting to prevent its own receipt of approximately \$54 million in additional federal benefits for distribution to 18,000 disabled group home residents,” attorney Vollmer wrote in an e-mail. Farmer from OTDA declined comment.

With local unemployment and home foreclosure rates expected to keep getting worse, more and more New Yorkers likely will continue to engage with the food stamp application process. Pham of FPWA hopes questions about the process will remain on the political radar.

“I’d hope the election will help flesh out where candidates stand,” she said. This “should be one of the top issues.”

- Chloe Tribich