

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
9032.6 Residency (Including Homelessness Definition)
Statutory Authority: 31 Delaware Code, Chapter 5, Section 512 (31 Del.C. Ch.5, §512)

FINAL

ORDER

Nature of the Proceedings

Delaware Health and Social Services (“Department”) / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) as it relates to the Food Stamp Program 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. The Department’s proceedings to amend its regulations were initiated pursuant to *29 Delaware Code* Section 10114 and its authority as prescribed by *31 Delaware Code* Section 512.

The Department published its notice of proposed regulation changes pursuant to *29 Delaware Code* Section 10115 in the December 2004 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2004 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

Summary of Proposed Changes

Removes old language certifying homeless households for 3 or 6 months. Homeless households are subject to simplified reporting. DSS automatically gives 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.

Summary of Comments Received with Agency Response

The State Council for Persons with Disabilities (SCPD) offered the following summarized recommendations:

One of the examples of a “homeless individual” is someone whose primary nighttime residence is a halfway house or similar institution... This description is problematic since 1) a halfway house is typically not an institution; and 2) a halfway house is not typically provided “for individual intended to be institutionalized”. Therefore, SCPD recommends the following substitute: A halfway house or similar supervised transitional setting that provides temporary residence to individuals (applied to individuals leaving institutions to community-based settings with staff support, not prisoners considered to be detained under a Federal or State law while in a halfway house).

In summary, SCPD endorses the overall regulation subject to amending the above “halfway house” reference.

Agency Response: The sentence describing homelessness, “A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized,” comes from the Federal regulation. In the Federal regulation, the term “institution” means any program or facility where people live and are fed a majority of their meals each day. Institutions can include, but are not limited to, correctional facilities, hospitals, halfway houses, drug and alcohol treatment facilities, federally subsidized housing for the elderly, group living arrangements, shelter for battered women and children, and nonprofit shelters for homeless persons.

Individuals must be considered residents of an institution when the institution provides them with the majority of their meals as part of the institution's normal services. Residents of institutions where over 50% of the meals are provided do not get food stamps except under certain circumstances per regulations.

The sentence will not be revised.

Findings of Fact

The Department finds that the proposed changes as set forth in the December 2004 Register of Regulations

should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Food Stamp Program regarding the Certification Period Length is adopted and shall be final effective February 10, 2005.

Vincent P. Meconi, Secretary, DHSS, January 13, 2005

DSS FINAL ORDER REGULATION #05-02

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 1153 (2/1/05)