

September 7, 2005

You may find your state hosting evacuees from the regions affected by Hurricane Katrina in the upcoming weeks. Since many of these evacuees will qualify for food-aid programs, we have summarized the guidance available from USDA to date, and compiled the relevant memos.

Food Stamp Program:

Evacuee Policy : Until October 15th, state agencies are to certify evacuees under expedited service rules for 3 full months, plus the month of application, using liberalized household composition rules that allows the evacuated household to be a separate food stamp unit. Evacuees are temporarily exempt from the work rules and the ABAWD requirements. FNS will hold the State agency harmless from QC errors for such certifications.

Refugees:

- Evacuees from a disaster area to another State that is operating a disaster program, may receive benefits under that State's disaster provisions.
- When a person is evacuated, or self-evacuates, to a State that has no disaster program, the refugee may receive expedited food stamps in the new state. FNS will hold the State agency harmless from QC errors for such certifications.
- Refugees Who Are Current FSP Participants in another State — the eligibility worker should assure the person that he/she can use his/her current EBT card in local stores, and assist the refugee in getting a new EBT card, if necessary. If the refugee believes he/she will be residing in the new state, the eligibility worker should offer to close the refugee's current case in the disaster area, and take an application for a new certification in the local project area.

Hot foods: authorized retail food stores in the State of Mississippi, 25 Louisiana parishes, 6 Alabama counties and 34 Florida counties can accept Food Stamp/EBT benefits for hot foods through October 31, 2005. The purchases are NOT subject to sales tax.

Key-entered EBT transactions: displaced residents of Louisiana and Mississippi do not need to have their card present in order to conduct a key entered transaction through September 17.

Child Nutrition Programs

Summer food/school meals: During the month of September, in affected areas State agencies (SAs) may waive sponsor or site application requirements, including area eligibility requirements, and permit “appropriate flexibility” in meeting the meal pattern requirements. After September 30, 2005, in any area where schools remain closed due to Hurricane Katrina, the SA may permit sponsors to operate an emergency SFSP with the same flexibility. The deadline for submitting August claims is extended to December 31, 2005 for Sponsors in affected areas.

School Meals: Schools in the disaster area that are unable to maintain standard recordkeeping procedures may serve all meals free to attending children through September 30, 2005. Meal pattern flexibility is allowable. Households certified for emergency food stamps are automatically eligible for free school meals. School officials in areas with large numbers of homeless families and children may keep a list to document free meal eligibility, in lieu of individual applications. Doubled up evacuees may be considered homeless and consequently automatically eligible for free meals (their host families may apply for benefits for their children and may include the evacuees on the application as household members if they also include their income). School officials may complete the application on behalf of the evacuee children based on the best available knowledge of the household's economic circumstances.

WIC: Income documentation requirements do not apply to an individual for whom the necessary documentation is not available and the State agency may authorize the certification of applicants when no proof of residency or identity exists. In these cases, the State or local agency must require the applicant to confirm in writing his/her residency and/or identity. Length of residency cannot be a prerequisite to receiving WIC benefits. There are special provisions in place for accepting vouchers from the affected states if displaced families have them.

CACFP

- **Emergency Shelters:** State agencies (SAs) may designate any appropriate facility as an emergency shelter, and may waive institution application requirements in these situations. All children through age 18 and some adults in those shelters may receive up to three free meals per day. Applies also to schools providing educational services and also housing displaced persons eligible for CACFP.
- **At-Risk Snack Programs in the CACFP** All locations in affected areas are considered “area eligible”. SA may approve sites without regard to the requirement to provide “enrichment or educational” activities.
- **Other Child and Adult Care Facilities (Homes and Centers) Participating in CACFP:** relaxed administrative and documentation requirements affected areas.

Attached please find:
(These documents are also available at FNS' website at
<http://www.fns.usda.gov/disasters/disaster.htm>)

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National Refugee Policy

This policy applies to refugees from areas devastated by Hurricane Katrina. Those include counties in the Gulf Coast region in Alabama, Louisiana, and Mississippi. Normally, when we talk about refugees, we are referring to immigrants to the United States, who have fled problems in other parts of the world. However, the unprecedented damage from Hurricane Katrina has made it necessary for people to be evacuated, not only from the project area where they are live, but even from the entire State. These people are not just residents of emergency shelters; they are truly refugees.

Refugees in Nearby Disaster States: When a person is evacuated, or self-evacuates from the State where he/she was living when the disaster occurred to another State that is also authorized to operate a disaster program, the food stamp office for the area in which the person is now living may certify the person for food stamp benefits under that State's disaster provisions.

Refugees in States That Have Not Been Authorized To Run a Disaster Program: When a person is evacuated, or self-evacuates, to a State that has not been authorized to run a disaster program, the State where the refugee is now living may certify the person under expedited service rules. The eligibility worker in this case must:

- Treat the application as a priority;
- Verify that the refugee was living in an area affected by Hurricane Katrina when the hurricane struck; and
- Check with the refugee that he/she is not currently certified to receive food stamp benefits in that area, or any other area.

FNS will hold the State agency harmless from QC errors for such certifications.

Refugees Who Are Currently Certified: When a person who is currently certified in an area affected by Hurricane Katrina visits a certification office in another State to ask about disaster benefits, the eligibility worker should take the following actions:

- Assure the person that he/she can use his/her current EBT card in local stores, and that he/she may continue to use food stamp benefits during his/her certification period; and
- Assist the refugee in getting a new EBT card, if his/her current card has been lost or left behind in the area affected by Hurricane Katrina.

If the refugee believes he/she will be residing in the local area permanently, or for the foreseeable future, the eligibility worker should offer to close the refugee's current case in the disaster area, and take an application for a new certification in the local project area.

Attachment: List of Affected Area

List of Areas Affected by Hurricane Katrina

Alabama

Baldwin, Clarke, Choctaw, Mobile, Sumter, and Washington Counties

Louisiana

The parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana

Mississippi

Amite, Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Pearl River, Perry, Pike, Stone, Walthall, and Wilkinson Counties

We will provide EBT contact numbers for the affected areas at a later date.

Expanded Disaster Evacuee Policy

FNS is setting forth expanded criteria to enable State agencies to better serve people who have evacuated Hurricane Katrina disaster areas and are applying for food stamp benefits in areas where the Disaster Food Stamp Program is not operating. Applications may be accepted under these policies through October 15, 2005.

- State agencies are to certify evacuees from areas affected by the disaster under expedited service rules.
- The applicant and his/her family may be certified as a household separate from anyone they are living and purchasing and preparing food with. If the household has split up, the separate parts of the original household may be certified as separate households.
- We are granting temporary exemption from the work rules at 7 CFR 273.7 (work registration and E&T rules) and the ABAWD requirements at 7 CFR 273.24 for victims of the disaster.

Applicants are eligible under this policy for 3 full months, plus the month of application. FNS will hold the State agency harmless from QC errors for such certifications.

These policies are based on authority in Section 5 (h) (1) of the Food Stamp Act. [7 U.S.C. 20149h)], which gives the Secretary authority to “establish temporary emergency standards of eligibility for the duration of the emergency....”

DATE: September 2, 2005

SUBJECT: CACFP Policy # 04-2005: Emergency Feeding in the Child and Adult Care Food Program (CACFP) in Areas Affected by Hurricane Katrina

TO: Special Nutrition Programs
All Regions
State Agencies
Child Nutrition Programs
All States

This memorandum is to announce the Food and Nutrition Service's (FNS) policy for the feeding of eligible children and adults in the CACFP in areas affected by Hurricane Katrina.

The waivers discussed in this memorandum are in effect through September 30, 2005. We will continue to monitor the situation in these areas and provide updates and extensions, as appropriate.

Emergency Shelters in CACFP

- Where significant numbers of persons displaced by Hurricane Katrina are being temporarily housed, State agencies (SAs) may designate any appropriate facility as an emergency shelter, and may waive institution application requirements in these situations.
- When SAs have designated a facility as an emergency shelter, all children through age 18, and any adults normally eligible to receive benefits in the adult day care segment of CACFP, may receive up to three free meals (breakfast, lunch, and supper, or two meals and a snack) per day.
- If a school is providing educational services, and is also housing displaced persons eligible for CACFP, the school may sign an agreement with the CACFP SA and serve up to three meals per day without charge to such persons, as described above. The SA may waive institution application requirements.

At-Risk Snack Programs in the CACFP

- In those areas devastated by Hurricane Katrina, all locations are considered "area eligible".

- In those areas devastated by Hurricane Katrina, and in other areas where there are significant numbers of persons displaced by the disaster, the SA may approve sites to serve at-risk after school snacks, including on holidays and weekends, without regard to the requirement to provide “enrichment or educational” activities.

Other Child and Adult Care Facilities (Homes and Centers) Participating in CACFP:

- In areas devastated by Hurricane Katrina, any independent child or adult care center or any child or adult care facility still operating, but unable to maintain normal accountability systems, will be allowed to serve all meals free (or, in family day care homes, at the tier I rate) to all attending children.
- In areas devastated by Hurricane Katrina, and in other areas where there are significant numbers of persons displaced by the disaster, to the extent that enrollment and income eligibility forms cannot be obtained from displaced persons, center officials or the day care home provider may document free meal eligibility for displaced participants being served by compiling and retaining a list (roster) of such persons.
- In areas devastated by Hurricane Katrina, and in other areas where there are significant numbers of persons displaced by the disaster, to the extent that enrollment and income eligibility forms can be obtained from displaced persons:
 - Households certified for emergency food stamps are automatically eligible for free meals in centers or tier I meals in family day care homes;
 - Displaced individuals may be considered homeless, and automatically eligible for free meals in centers and tier I meals in family day care homes, even if they are temporarily residing with another family. However, the host family would have to provide a revised application (and can include those displaced by the disaster as long as any income provided to the host family is also included on the application) in order for the host family’s children to be eligible for free or reduced price meal benefits;
 - If an income eligibility statement cannot be obtained from a displaced household, a center official or the family day care provider may complete an application on behalf of the displaced participant, based on the best available knowledge of the household’s economic circumstances.

- Center officials, or the family day care provider, should review eligibility determinations made under these crisis procedures within 45 days.

Deadlines for Submission of Paperwork

- For sponsors or independent centers located in disaster areas, or for sponsors serving a significant number of facilities located in disaster areas, the SA may postpone normal deadlines for renewal of institution applications, information updates (for institutions on a three-year application renewal cycle), and day care home tiering determinations until November 1, 2005.
- For any facility or institution in an area devastated by Katrina, August claims can be submitted by December 31, 2005, without a request for waiver of the 60-day deadline due to good cause.

In all components of CACFP

- In areas devastated by Hurricane Katrina, and in any area where Hurricane Katrina has disrupted the normal availability of foods and it is not possible to follow the meal pattern, SAs may permit appropriate flexibility to facilities and institutions in meeting the meal pattern requirements.

If there are any questions concerning this policy, State agencies should contact their Regional office.

STANLEY C. GARNETT
Director
Child Nutrition Division

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United States
Department of
Agriculture



Food and
Nutrition
Service

3101 Park
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Alexandria, VA
22302-1500

DATE: September 2, 2005

SUBJECT: SFSP Policy # 01-2005: Emergency Feeding in the Summer Food Service Program (SFSP) in Areas Affected by Hurricane Katrina

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This memorandum is to announce the Child Nutrition Division's policy for SFSP operations in area affected by Hurricane Katrina. It applies to all operations under the SFSP, including the simplified SFSP and the seamless summer operation component of the National School Lunch Program. We will continue to monitor the situation in these areas, and provide updates and extensions as appropriate.

During the month of September, in areas devastated by Katrina, or where significant numbers of persons displaced by the disaster are being housed, State agencies (SAs) may waive, for any individual facility serving displaced children, any sponsor or site application requirements, including area eligibility requirements. In addition, in areas devastated by Katrina, and in any area where the disaster has disrupted the normal availability of foods and it is not possible to follow the meal pattern, SAs may permit appropriate flexibility to sponsors and sites in meeting the meal pattern requirements.

After September 30, 2005, in any area where schools remain closed due to Hurricane Katrina, the SA may permit sponsors to operate an emergency SFSP in non-school sites. If, however, a school is the only public building that could operate effectively as a site in a particular area, the SA may waive the statutory limitation of this provision. In accordance with current regulations, the SA may waive any sponsor or site application requirements. In addition, in these areas, where the disaster has disrupted the normal availability of foods and it is not possible to follow the meal pattern, SAs may permit appropriate flexibility to sponsors and sites in meeting the meal pattern requirements.

Finally, for any sponsor operating sites during August 2005 in an area devastated by Hurricane Katrina, August claims can be submitted by December 31, 2005, without a request for waiver of the 60-day deadline due to good cause.

If there are any questions concerning this policy, State agencies should contact their Regional office.

STANLEY C. GARNETT
Director
Child Nutrition Division



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
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Alexandria, VA
22302-1500

DATE: August 31, 2005

SUBJECT: Emergency Feeding of School Children in Areas
Devastated by Hurricane Katrina

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This memorandum is to announce the Food and Nutrition Services (FNS) policy for the feeding of school children in areas recently devastated by Hurricane Katrina. The agency will continually monitor the situation and provide updates as appropriate.

- Schools in the disaster area unable to maintain normal accountability systems and which are able to operate will be allowed to serve all meals free to attending children. This waiver is valid through September 30, 2005.
- Meal pattern flexibility is allowable. Schools may be exempt from the milk and other component requirements. In addition, flexibility is allowed as to time of meal service and offer versus serve.
- Households certified for emergency food stamps are automatically eligible for free school meals.
- When there are large numbers of homeless families and children because of property loss or damage, school officials may keep a list to document free meal eligibility, in lieu of individual applications (this is current policy for homeless children).
- In cases where a household from a designated disaster area moves in with another household the displaced individuals may be considered homeless and consequently automatically eligible for free meals. However, the host family would have to provide a revised application (and can include those displaced by the disaster as long as any income provided to the host family is also included on the application) in order to be eligible for free or reduced price meal benefits.

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Regional Directors

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- For those areas not immediately affected by the hurricane, but which have individuals displaced by the disaster, if a free and reduced price meal application cannot be obtained from the household, school officials may complete the application on behalf of the child based on the best available knowledge of the household's economic circumstances;

School officials should review eligibility determinations made under these crisis procedures after 45 days to evaluate the household's circumstances. If there are any questions concerning this policy, State agencies should contact their Regional office.

STANLEY C. GARNETT

Director

Child Nutrition Division

[USDA/FNS Communication]

Greetings,

Many of you may be fielding questions from your State agencies regarding accommodations that can be made to WIC requirements in response to Hurricane Katrina. These questions relate to documentation of income, residency and identification, as well as food package adjustments for persons relocating from affected States to locations in other States. Our response to these issues is as follows:

Documentation of income, residency and identification:

Per §246.7(d)(2)(v)(C) of WIC regulations, the income documentation requirement does not apply to an individual for whom the necessary documentation is not available or an individual such as a homeless woman or child for whom the agency determines the income documentation requirement would present an unreasonable barrier to participation. When using these exceptions, the State or local agency must require the applicant to sign a statement specifying why he/she cannot provide documentation of income. Such a statement is not required when there is no income.

Per §246.7(1)(2) of WIC regulations, the State agency may authorize the certification of applicants when no proof of residency or identity exists (such as when an applicant or an applicant's parent is a victim of theft, loss, or disaster, a homeless individual, or a migrant farm worker). In these cases, the State or local agency must require the applicant to confirm in writing his/her residency and/or identity. Also, please keep in mind that there is no durational requirement. That is, length of residency cannot be a prerequisite to receiving WIC benefits.

Medical Documentation for exempt WIC formulas and medical foods

Section 246.10(c)(1)(v)(B) of the WIC regulations specifies the technical requirements for medical documentation. The medical documentation can be provided as an original written document, electronically, or by facsimile. Medical documentation also may be provided by telephone to a competent professional authority who must promptly document the information which must be kept on file at the local clinic. However, this method may only be used until written confirmation is received and only when absolutely necessary on an individual participant basis to prevent undue hardship to a participant or to prevent a delay in the provision of infant formula that would place the participant at increased nutritional risk. The local clinic must obtain written documentation of the medical documentation within a reasonable amount of time (i.e., one or two weeks' time) after accepting the initial medical documentation by telephone. The written documentation must be kept on file with the initial telephone documentation. No further accommodations may be made to the medical documentation requirements.

Shorter Certification Periods

Section 246.7(g)(2) of the WIC regulations allows the establishment of shorter certification periods on a case-by-case basis. State agencies may want to consider this option for persons who may be temporarily residing within their jurisdiction.

Summary

We recognize that many individuals have been severely impacted by Hurricane Katrina. However, WIC is not structured or funded to meet the basic nutritional needs of disaster victims who would not otherwise be eligible for the program. Persons who are not eligible for WIC should be referred to the Food Stamp Program and the commodity programs which are designed to be the primary food assistance resources to meet the immediate needs of disaster victims.

Please note that there are important ways that WIC State agency personnel can contribute to a disaster relief effort. These functions include, where possible, continued benefit delivery to participants and outreach to potentially eligible individuals, including refugees from impacted areas. In addition, WIC local agency staff may need to pay special attention to counseling participants on food preparation and safety concerns under disaster conditions. WIC staff should also be prepared to refer participants to other emergency programs such as congregate feeding sites.

Please refer to WIC Policy Memoranda 95-9A and 95-9 for further guidance on WIC disaster policy and coordination.

Debra R. Whitford

Debra R. Whitford, Chief

Policy & Program Development Branch

Supplemental Food Programs Division

[USDA/FNS Guidance]

In an effort to address the immediate needs of WIC participants who have relocated to other States as a result of Hurricane Katrina, we are authorizing the Louisiana and Alabama WIC State agencies to implement the following food instrument policies:

1. The State agency may allow any authorized vendor in another State(s), as designated by the State agency, to accept its valid food instrument through the end of September 2005.
2. The WIC State office in the “designated” States must inform its authorized vendors that Louisiana and/or Alabama food instruments may be accepted.
3. Any store that accepts the out-of-State food instrument must inform the participant that she/he must contact the WIC office in that State to get certified and receive new food instruments if she/he plans to remain in that State after September 2005.
4. If at all possible, the participant should receive the contract brand infant formula specified on the food instrument.
5. The issuing State agency (Louisiana or Alabama) is responsible for the cost of the food instrument. The out-of-State vendor would deposit the food instrument in its bank account which would charge the amount against the issuing State agency’s bank account.

Debra R. Whitford

Debra R. Whitford, Chief

Policy & Program Development Branch

Supplemental Food Programs Division

Relaxed procedures for key-entered EBT transactions:

For the next two weeks, through September 17, the Food and Nutrition Service is relaxing the requirements for key-entered EBT transactions. Because many food stamp recipients have been displaced without their EBT cards, they can no longer access their food stamp benefits. Though the EBT card is normally required to be present in order to conduct a key-entered transaction -- where the card number and PIN are manually entered -- we are relaxing that requirement **for displaced residents of Louisiana and Mississippi**. These recipients do not need to have their card present in order to conduct a key-entered transaction for this interim period only.

- Louisiana recipients who have lost their card and do not know their EBT card number should call the Louisiana State office at 1-866-344-8304 or the JPMorgan toll-free number for Louisiana at 1-888-997-1117.
- Mississippi residents who have lost their card and do not know their EBT card number should call 1-866-449-9488.

SPECIAL DISASTER RULES FOR ACCEPTING FOOD STAMP/EBT BENEFITS FOR HOT FOOD PURCHASES

Starting immediately, authorized retail food stores in the areas listed below can accept Food Stamp/EBT benefits from Food Stamp customers in exchange for hot foods. If hot foods are purchased with EBT benefits during the approval period, the purchases are NOT subject to sales tax, as the hot foods are considered food stamp eligible.

- State of Mississippi
- 25 Louisiana parishes -- ASCENSION, ASSUMPTION, EAST BATON ROUGE, EAST FELICIANA, IBERIA, IBERVILLE, JEFFERSON, LAFOURCHE, LIVINGSTON, ORLEANS, PLAQUEMINES, POINTE COUPEE, ST. BERNARD, ST. CHARLES, ST. HELENA, ST. JAMES, ST. JOHN, ST. MARY, ST. MARTIN, ST. TAMMANY, TANGIPAHOA, TERREBONNE, WASHINGTON, WEST BATON ROUGE, WEST FELICIANA.
- 6 Alabama counties -- BALDWIN, CHOCTAW, CLARKE, MOBILE, SUMTER, WASHINGTON
- 34 Florida counties -- ALACHUA, BAKER, BAY, BRADFORD, CALHOUN, CLAY, COLUMBIA, DIXIE, DUVAL, ESCAMBIA, FRANKLIN, GADSDEN, GILCHRIST, GULF, HAMILTON, HOLMES, JACKSON, JEFFERSON, LAFAYETTE, LEON, LEVY, LIBERTY, MADISON, NASSAU, OKALOOSA, PUTNAM, ST. JOHNS, SANTA ROSA, SUWANNEE, TAYLOR, UNION, WAKULLA, WALTON, AND WASHINGTON

THESE SPECIAL RULES ARE IN EFFECT ONLY THROUGH OCTOBER 31, 2005

We urge all Food Stamp authorized retail food stores to post a special notice in the store letting Food Stamp customers know that they can use their Food Stamp/EBT card to purchase hot foods through October 31, 2005.

Thank you for helping us in aiding the victims of Hurricane Katrina.

September 2005

Information Numbers

This notice provides numbers to call for information on persons' certification status and for obtaining replacement EBT cards.

Mississippi:

To obtain information on a client's FSP certification status call 1-800-948-4060.
For help in obtaining a replacement EBT card call 1-866-449-9488.

Anyone needing to check on the FSP certification status of Mississippi clients or anyone needing help with getting a replacement EBT card for a Mississippi client can send an email request to:

mdhsdisaster@mdhs.state.ms.us

Alabama:

To obtain information on a client's FSP certification status or for help in obtaining a replacement EBT card call 1-866-465-2285.

Anyone needing to check on the FSP certification status of Alabama clients or anyone needing help with getting a replacement EBT card for an Alabama client can send an email request to:

fs@dhr.state.al.us

Louisiana:

Contact information will be posted at a later date.