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Policy Memorandum 93-1
WIC Income Eligibility and Natural Disasters

Regional Directors
Supplemental Food Programs
All Regions

In the wake of the recent natural disasters experienced by several States, a number of questions have been presented to this office regarding WIC's role in providing assistance to disaster victims. This memorandum is intended to clarify some of the issues that surfaced pertaining to these occurrences.

Generally, the most common questions centered around whether or not it is appropriate for FNS to approve waivers to existing WIC Program regulations in order to provide assistance to disaster victims. Current policies allow sufficient flexibility within the parameters of the regulations to enable State agencies to be responsive to these situations. Several options are described in this memo as reminders of the latitude already available to States in responding to the needs of dispossessed disaster victims who are current or potential WIC participants.

1. The easiest option is to invoke the existing adjunct income eligibility provisions of Public Law 101-147 (implemented in WIC regulations February 1, 1990). Recipients of food stamp benefits are automatically considered income eligible for the WIC Program, and no distinction is made in either law or regulation between regular food stamp eligibility and food stamp benefits received based on special disaster provisions.

2. FNS Instruction 803-3, Revision 1, gives State agencies the latitude to consider temporary loss of income in one of two ways: current or annualized, depending upon the nature of the income loss and its probable duration. For example, the family whose only source of income is from a factory whose workers go on strike should have its income determined on a current (based on the previous month) basis, but the income of someone who is on an extended vacation but who has every expectation of returning to work at the same income as before should be annualized (i.e., calculated on a 12-month basis). We would encourage the State and local agencies to make these income eligibility determinations on a

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case by case basis, depending on the particular circumstances of each applicant. Someone whose place of employment was completely destroyed by the hurricane is much more likely to be out of work for an extended period of time than someone who works at a grocery store that sustained only water damage and a temporary power outage.

3. State and local agencies have always had the option of certifying eligible recipients for shorter periods of time, e.g., two or three months, rather than the "regular" six months or duration of pregnancy cited in the regulations. Situations in which a participant is temporarily disadvantaged but has a reasonable expectation of resuming a more normal existence in the relatively near future lend themselves logically to short-term certifications. Natural disasters (such as hurricanes and resultant storms or tornadoes) could logically be considered to be in this group.

Regional offices have already been requested to advise their State agencies that they cannot implement the provisions of Public Law 102-342 making homelessness and migrancy predisposing nutritional risk criteria for WIC until final regulations have been promulgated. The current rules addressing the participation of homeless individuals in the Program are very clear that homeless applicants must be otherwise (and fully) eligible to receive WIC benefits. While the temporary shelters and tent cities in which many disaster victims are having to stay clearly meet the definition of "homeless facility," residence in such facilities does not in and of itself render such persons eligible for WIC.

States should also keep in mind that as a primarily retail-driven system, adjustments may be necessary in the routine process used to issue WIC food instruments because the area grocery stores may not be set up to accept the checks or vouchers right away, or may not have sufficient stock to provide the full food package at one visit. In the latter instance, it may be appropriate to issue more food instruments for smaller amounts of food than is usually done. State and local agencies have been encouraged to work closely with their counterparts from other agencies and programs in the areas affected by natural disasters in minimizing the barriers to assistance their victims must overcome. It is not necessary, however, to waive the existing WIC program regulations to do so, because they already provide a great deal of flexibility.

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We hope these clarifications will be helpful to you as further questions arise, or in the event of future natural disasters. If you have any questions regarding the Agency's position on this issue, please do not hesitate to contact Donna Hines in the Policy Section, at (703) 305-2730.



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cc: Barbara Hallman
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