



# LEGAL AID SOCIETY OF HAWAI'I



## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM “SNAP” (Formerly – “Food Stamps”) General Information and Application Process

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This brochure was created  
through the AmeriCorps  
Project Laulima at the  
Legal Aid Society of Hawaii



## What is SNAP?

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**SNAP** provides food for low-income families. The benefits are placed on an Electronic Benefit Transfer (**EBT**) card and can be used to buy certain food items. They cannot be used for alcoholic beverages, tobacco, pet food, soap, paper products or other non-food items. Usually, they cannot be used to purchase prepared food. They can be used at any grocery store and for services like meals-on-wheels.

Many people qualify for **SNAP**- including: working people, some legal aliens, boarders with their landlords, roomers, some students, people who live in battered women's shelters, community mental health centers, drug and alcohol treatment centers, and homeless shelters. If you wish to qualify for **SNAP** in Hawaii you must be a resident of the island.

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### There are two types of SNAP applications:

#### 1. General Applications:

Almost anyone who meets federal limits on resources and income can get **SNAP** within thirty (**30**) days of filing an application.

You apply for SNAP as a **HOUSEHOLD**. A household can be (**1**) person living alone, or, (**2**) a group of people living together (whether or not they are related) who buy and prepare meals together. More than one household can live under one roof and share living space.

With some exceptions, you **MAY NOT** get SNAP if you:

- 1) are on strike;
- 2) are an undocumented immigrant;
- 3) are a documented immigrant who is not qualified (see "SNAP Restoration for Some Legal Immigrants" brochure);
- 4) live in a boarding house, a jail or other kind of institution that serves meals;
- 5) have been disqualified because you broke SNAP program rules on purpose; or
- 6) are sanctioned for the month because
  - (a) You quit a job without good reason, or
  - (b) For not complying with SNAP work requirements.

#### 2.) Emergency Applications:

If you qualify for emergency **SNAP**, the Department of Human Services (DHS) office must get you your SNAP benefits within *seven* working days of the date you apply. This is called "expedited service".

You can get **SNAP** benefits within seven days if you are eligible for SNAP AND if:

- 1) You have \$100 or less in cash and you have less than \$150 in gross monthly income;

- 2) Your combined gross income and liquid resources are less than your monthly rent or mortgage plus utilities; or
- 3) You are a migrant or seasonal farm worker with liquid assets of less than \$100.

To get emergency SNAP benefits, you must show the DHS office some form of identification or find someone for them to talk to who can confirm who you are. You do not need any other verification to get the first month's SNAP benefits through expedited service.

If you are denied expedited SNAP benefits, you have the right to request a conference with a supervisor and/or a fair hearing. The conference must be held within 2 workdays; the hearing must be held within 60 days. At the same time you can also file an application for regular SNAP.

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## **II: How do I get SNAP?**

- ✓ You must apply.
- ✓ Every adult in the SNAP household must sign the application disclosing citizenship status.
- ✓ All members of the SNAP household (including children) must supply DHS with their Social Security numbers. If a household member does not have one, he/she will need to apply for one. Apply for a Social Security number at either of the two Social Security offices in Honolulu at 300 Ala Moana Boulevard or in Kapolei at 563 Farrington Highway, Ste. 201. If you have any questions regarding your Social Security number, you may call the Social Security Administration toll-free at 1-800-772-1213.
- ✓ If someone in your household does not want to report his/her immigration status or SSN to the Department of Human Services, he/she can be designated a non-applicant. He/she will not have to report immigration status or SSN but his/her income and assets will be counted as available to the SNAP household.
- ✓ You must report changes in any facts about your household that may affect your eligibility or the amount of SNAP you can receive.
- ✓ You must register for work unless you are exempt. You may be exempt if you are under 16, over 60, physically or mentally handicapped, or taking care of young children. You may also be exempt for other reasons.
- ✓ You must reapply again at the end of your certification (usually a year).

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## **III: The Application Process**

**You apply for SNAP by:**

- 1) **Filling out** and **filing** the application with Department of Human Services (DHS);
- 2) Having an **interview** with a worker from the DHS office ; and
- 3) **Proving** (“verifying”) some facts.

### ✓ **Application**

The DHS office must give you an application form and let you turn it in on the same day. You may call the DHS office and ask them to send you an application.

You can turn in your application form in person, send it in through the mail, have a friend or family member take it in to the DHS office for you, or fax it to the DHS office. The DHS office must accept any application that has: your name, your address, date and signature. You do not have to fill in anything else to file the application, but you will need to give the office all the other required information as soon as possible. **YOU MUST FILE YOUR APPLICATION AS SOON AS POSSIBLE BECAUSE IF YOU ARE ELIGIBLE, YOU WILL GET SNAP BENEFITS DATING BACK TO THE DAY YOU FILED YOUR APPLICATION.**

**Make a copy of your application before filing it.** When you file your application, ask the office to “date-stamp” your copy. Keep your date-stamped copy. That is your record of the date you filed your application.

When you turn in your application, you will be told of the time for your interview. At the same time, you should be given a list of documents you must bring to your interview. If you are not given an interview time and a list of documents, ask for them.

### ✓ **Interview**

At the interview, the DHS worker will go over the entire application with you to make sure that the information is complete. The interview is usually held at the DHS office nearest to your address. If you ask DHS to conduct the interview by telephone, they may do so if you are unable to come in because of age (over 65 years old) or handicap, if you do not have reliable transportation, or if you have no friends or family members who can go in for you.

### ✓ **Verification**

The DHS office will ask you for proof or verification of some of the facts you give them about your household including:

- Gross income (before taxes and deductions);
- Status with Immigration and Naturalization Service (INS);
- Where you live;
- Utility expenses;
- Other expenses that you may be able to deduct from your income and any disability checks you may be getting;
- Any other facts that affect whether you qualify for SNAP or the amount of SNAP you may receive (such as resources and household composition); and
- The Social Security number of **everyone** in your household.

For example, they will ask for your pay stubs, Social Security award letters, utility bills, rent receipts, and driver’s license. The DHS office also might get proof by talking to someone outside your household. **VERIFICATION IS THE NUMBER ONE REASON PEOPLE ARE DENIED BENEFITS, SO IT IS IMPORTANT THAT**

## **YOU UNDERSTAND WHAT YOU HAVE TO PROVIDE AND WHEN YOU HAVE TO PROVIDE IT.**

The worker will take copies of all the documents you bring to the interview. Do not let DHS have your original documents. Be sure to get a receipt for the copies they take, or ask for a “date-stamped” copy of each. Sometimes DHS loses documents and applicants can’t prove they already turned them in.

Although DHS clients are told they can send documentation in by mail, it is best to take in your papers personally and get a receipt or “date-stamped” copy. If you cannot take things into DHS in person, keep a record of the things you mail. Write down what you sent and when you sent it.

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### **IV. What you must do *once* you get SNAP**

DHS must notify you in writing of whether you are eligible for SNAP. DHS must give you a written denial or provide SNAP benefits within 30 days of the date you applied using a general application or within seven days of filing an emergency application.

If you receive SNAP benefits and you or someone else in your household is earning money, you will be required to file a “six month report” with the DHS office. A “six month report” is a form you fill out twice a year to tell DHS about any changes in the household, income, assets, or number of people living in the household.

You have to attach written proof to the report (for instance, copies of pay stubs.) It is best to turn this in personally and get a receipt, but if you have to mail it in make a note on your calendar of when you sent it.

DHS will recertify your household annually. This means that you have to fill out a new application every year, and verify information at the worker’s request.

If you are granted SNAP benefits, but DHS decides to reduce the amount or stop your benefits, they must first send you written notice.

If your application is denied, DHS will write on the denial notice the law that they used to decide you were not eligible.

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### **V. What are your Appeal Rights?**

You should ask for a fair hearing in writing if you disagree with any action the DHS office has taken. If your SNAP award has been (1) **denied**, (2) **terminated**, or (3) **reduced**, you should ask for a hearing right away.

**YOU MUST ASK FOR THE FAIR HEARING WITHIN 90 DAYS OF WHEN THE DHS OFFICE DID WHAT YOU THINK WAS WRONG.**

If you file for a hearing within 10 days of the date your SNAP benefits were terminated or reduced, your benefits will continue uninterrupted. **CAUTION:** if you lose the hearing, those benefits are considered an overpayment and will have to be repaid.

You should also reapply for benefits. People can get SNAP benefits on their new application before their hearing date is set.

Once you have requested a fair hearing in writing, DHS will set up the hearing, but the time, place, and date must be good for you. They must tell you in writing, at least 10 days in advance, when and where your hearing will be. If you cannot make the hearing, you should ask them to change the date.

Before any appeal hearing, you have the right to look at your DHS file, which is where all the papers in your case are kept, and to get copies of documents that are in it. It is a good idea to look at your file, because although the hearing office will have documents from the file, the documents are prepared by an eligibility worker, so it may not contain the documents that would help you prove your case. Get copies of all documents that help your case and bring them to the hearing.

An administrative law judge will conduct the hearing. At the hearing, you have the right to bring witnesses, to submit documents and to be represented, whether by another member of your household, a friend, relative, or by a lawyer or other advocate. You have the right to state your side of the story and to make an argument to the judge.

The hearing and decision occur within 60 days of the appeal you filed. If you lose your hearing, you have appeal rights, which you should read carefully; they are on the last page of your hearing decision.

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## **VI: Additional Rights of Homeless People and Battered Women**

Homeless people can use SNAP benefits to buy meals from soup kitchens, and battered women can buy meals from approved shelters, but no one can make you give SNAP in exchange for these meals. You must be allowed to eat there free if you want to.

**BATTERED WOMEN WHO LEFT HOME WITHOUT THEIR EBT CARD AND RESIDE IN A SHELTER ARE ENTITLED TO GET A SECOND SET FOR THEMSELVES AND THEIR CHILDREN ON AN EMERGENCY BASIS.**

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## **VII: Overpayment**

An overpayment is an amount of benefits you received but that DHS later decided you were not entitled to. There are **three types** of overpayment: agency error (DHS made the mistake), household error (you accidentally made the mistake), and intentional program violation (IPV—you broke federal laws on purpose.) An IPV is also known as fraud.

DHS charges you with the overpayment by way of a **Notice of Overpayment**. The notice contains a section for you to fill out and return; it asks you to choose a repayment method.

If you have any disagreement about the overpayment, you should not agree to any kind of repayment. Instead, you should request a hearing immediately and fill out a Request for Fair Hearing. **FOR MORE INFORMATION ABOUT OVERPAYMENTS, PLEASE SEE THE “OVERPAYMENT OF GOVERNMENT BENEFITS” BROCHURE.**

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**Legal Aid Society of Hawai‘i**

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Honolulu, HI 96813

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

**Legal Aid’s Hotline:**

**O‘ahu:** 808.536.4302  
**Neighbor Islands:** 1.800.499.4302

**REMEMBER:**

**This brochure is meant to provide general information, and does not provide specific legal advice about your individual case. The law often changes. Each case is different.**