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Congress of the United States House of Representatives

October 29, 2018

The Honorable Scott Walker
Governor
State of Wisconsin
PO Box 7863
Madison, WI 53707

Dear Governor Walker,

I am writing to urge you to take immediate action to help ensure that seniors and persons with disabilities who receive FoodShare are getting the full benefit that they deserve under federal law. Without swift action, I am concerned that tens of thousands of seniors and persons with disabilities statewide will continue to be adversely impacted and denied needed food resources that are available through the Supplemental Nutrition Assistance Program (SNAP).

FoodShare, which is known federally as SNAP, is a vital program that helps supplement the food budgets of participating Wisconsin families and individuals who are food insecure or at risk for hunger. While half of all FoodShare recipients are under 23 years old, 25% of FoodShare recipients are elderly, blind, or disabled.

As you may know, earlier this summer, an Administrative Law Judge (ALJ) ruled that the Department of Health Services (DHS) was failing to comply with federal regulations by not providing seniors living in subsidized housing with a proper utility credit. Specifically, the ALJ ruled that FoodShare policy incorrectly excluded air condition surcharges as a utility expense that is deducted from an individual's or household's income. This followed a similar decision earlier in the year by a Milwaukee County Circuit Court judge who ruled "that DHS adopted and implemented an unreasonable interpretation of the applicable federal law," and through this flawed interpretation, "DHS has eviscerated the Food Stamp Act and thwarted the legislative goal of enhancing the ability of low-income households to buy nutritionally adequate food."

For seniors on fixed incomes, any additional food dollars that are denied by the State's flawed application of federal law are important. Though you may not be aware, food insecurity has harmful consequences for seniors because it is linked with a range of adverse health outcomes. For instance, food insecure seniors are 65 percent more likely to be diabetic, twice as likely to report fair or poor general health, 2.3 times more likely to suffer from depression, over 30 percent more likely to report at least one ADL [Activities of Daily Living] limitation, 19 percent more likely to have high blood pressure, 57 percent more likely to have congestive heart failure, 66 percent more likely to have

experienced a heart attack, twice as likely to report having gum disease, and 91 percent more likely to have asthma¹.

While relief was ordered by the ALJ for the affected individual in that particular case, the adverse impact of this incorrect policy is much broader, potentially affecting tens of thousands statewide.

Had DHS correctly followed federal law and regulations, affected seniors and persons with disabilities would have likely seen an increased monthly food benefit and had more resources available to provide for themselves. Instead, the State's policy has improperly denied seniors and those with disabilities resources to maintain an adequate and nutritious diet, which is critically important to their health and well-being.

In a September 2018 letter, the U.S. Department of Agriculture, which administers SNAP, wrote to DHS to make clear that "Households in public housing that incur an out-of-pocket expense for heating or cooling that is other than an expense for excess usage are entitled to use of the appropriate" utility deduction. That letter went on to state, "The households in question are charged in order to use air conditioning and not for excess usage. Therefore, these households are eligible to receive the appropriate SUA [Standard Utility Allowance] for their household circumstances."

This hardship is of your own making. You now have an opportunity to again act to ensure that seniors can keep food on the table and I urge you not to miss it. It is critical that you order state officials to proactively identify vulnerable seniors statewide who may be impacted by this flawed policy, swiftly correct the error in benefit calculations to ensure seniors receive the amount they are legally entitled to under federal law, and provide retroactive relief in the form of supplemental benefits for the many months in which the state denied their rightful food benefit.

Again, you have the opportunity to correct this injustice and to help put additional dollars into the food budgets of needy seniors and persons with disabilities at little cost to the State. I urge you to seize it.

Sincerely,



Gwen Moore
MEMBER OF CONGRESS

¹ The Health Consequences of Senior Hunger in the United States, August 2017; Professor James P. Ziliak and Professor Craig Gundersen.
<https://www.feedingamerica.org/sites/default/files/research/senior-hunger-research/senior-health-consequences-2014.pdf>