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TEXAS HEALTH AND HUMAN SERVICES COMMISSION SUED FOR FAILURE TO MEET FEDERAL FOOD STAMP TIMELINESS GUIDELINES

Austin, Texas—On Friday, July 31, 2009, the Texas Legal Services Center (TSLC) and the National Center for Law and Economic Justice (NCLEJ) filed a class action complaint in U.S. District Court against the Texas Health and Human Services Commission (HHSC) for failure to process Food Stamp applications within the timeframes required by federal law.

Federal law requires the state to render a decision on all Food Stamp applications within 30 days, and within seven days for “expedited” or emergency Food Stamps applications from families without money for food or rent. Texas has failed to meet these standards for more than three years. In July 2009 alone, the state processed more than one-third of all Food Stamp applications late, delaying critical nutrition assistance to more than 45,000 families across the state.

The Center for Public Policy Priorities (CPPPP) has urged the state to fix this problem for several years and hopes legal action will bring about needed fixes. CPPPP provided technical assistance to plaintiffs’ lawyers on how the state’s system works and the problems plaguing it.

“We hope this lawsuit has three results. First, we hope it spurs HHSC to hire new staff recently authorized by the legislature. Second, we hope the lawsuit will focus the new HHSC commissioner on solving the problem. Third, we hope the lawsuit proves to the legislature that the new commissioner needs additional resources to solve the problem,” CPPPP Senior Policy Analyst Celia Hagert said.

The current HHSC commissioner is retiring at the end of August, and the governor will appoint a new commissioner soon.

The Problem: Texas Hurts Low-Income Families, Charities and Taxpayers by Failing to Meet Federal Timeliness Guidelines

When the state fails to take timely action on an eligible family’s Food Stamp application, the family suffers. Food Stamps are the nation’s most important defense against hunger, helping families weather crises and make ends meet when earnings alone are not enough. Delays in Food Stamp application processing also place a strain on our local food pantries and other charities, who struggle to fill the gap when needy families are delayed benefits.

While the lawsuit is about Food Stamps, the same problems plague Medicaid for Texas children, pregnant women, the elderly, and disabled. Both programs help vulnerable Texans and bring federal dollars to Texas. And, if Texas processed applications and renewals in a timely way, our state would receive additional federal funding. Food Stamp benefits are 100-percent federally funded.

Texas’ Timeliness Problems Started Long Before Recession

While families’ need for Food Stamps is particularly acute during this economic recession, the state’s problem with timeliness existed well before the current downturn. Over the last 10 years, the Texas Legislature has cut the number of eligibility staff at

HHSC by more than a third, despite a 50-percent increase in number of clients served by the system. As a result workload has more than doubled and client services have suffered.

This spring the Legislature took some steps to address the problem. It provided some additional funding for new staff if needed to meet federal performance standards. HHSC should hire these increased staff as quickly as possible. Even with these additional staff, though, it is unlikely that the system will be timely. Texas needs to reform its eligibility rules, staffing policies, and technology systems to ensure timely enrollment in these critical public services.

Who Gets Food Stamps?

The vast majority of Texas families receiving Food Stamps include a provider who recently lost a job or whose wages fell. More than half of Food Stamp recipients in Texas are children, who need good nutrition to stay healthy, succeed in school, and grow into productive adults.

The Lawsuit

The case is styled *Howard and Thornberg, on behalf of themselves and all others similar situated, versus Albert Hawkins, in his official capacity as Executive Commissioner of the Texas Health and Human Services Commission*, United States District Court, Western District of Texas, Austin Division, Civil Action No. AO9CA577 SS.

“Who Do I Call?”

Texans whose Food Stamps applications or renewals have been delayed should contact Bruce Bowen at Texas Legal Services Center at (800) 622-2520.

The Center for Public Policy Priorities (CPPP) is a nonprofit, nonpartisan policy institute dedicated to improving public policies to better the economic and social conditions of low- and moderate-income Texans. You can learn more about CPPP at

<http://www.cppp.org>.

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