



Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

Date: April 11, 2020

Subject: Supplemental Nutrition Assistance Program – Questions and Answers, COVID-19, Set #1

To: All State Agency Directors
Supplemental Nutrition Assistance Program (SNAP)

On March 18, 2020, President Donald J. Trump signed into law the Families First Coronavirus Response Act. This legislation contains several provisions related to Supplemental Nutrition Assistance Program (SNAP) participants and program administration in response to the COVID-19 public health emergency.

The Food and Nutrition Service (FNS) is grateful for your continued partnership in responding to this emergency and ensuring SNAP households receive the assistance they need. Attached is the first set of questions and answers for SNAP State agencies in response to questions received about this legislation and flexibilities available for program administration during this time.

State agencies should contact their respective FNS Regional Offices with any questions.

Sincerely,

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Enclosure

Enclosure

A. Treatment of payments under the Coronavirus Aid, Relief, and Economic Security (CARES) Act

1. How are individual rebates authorized under section 2201(a) of the CARES Act treated for the purposes SNAP?

Pursuant to 26 U.S.C. § 6409, these rebates are excluded from consideration as income in the month of receipt and as an asset for 12 months following receipt for SNAP purposes. A household would not be considered to have exceeded the income limit due to these payments because they are excluded, but receipt of these payments could affect a household's eligibility after 12 months if the payments cause the household to exceed the resource limit.

2. How are pandemic unemployment assistance, pandemic unemployment compensation, and pandemic emergency unemployment payments authorized under the CARES Act treated for the purposes of SNAP?

Pandemic unemployment assistance payments, pandemic unemployment compensation, and pandemic emergency unemployment compensation authorized under CARES Act are considered unearned income for the purposes of determining a household's SNAP eligibility and benefit amount. These payments are treated consistently with non-pandemic unemployment benefits and not excluded from income for SNAP purposes.

FNS has received questions regarding if these payments may be treated the same as disaster unemployment assistance payments, which are available to individuals who are unemployed as a result of a major disaster and not receiving any other unemployment compensation. Disaster unemployment assistance is considered Federal major disaster and emergency assistance under the Robert T. Stafford Disaster Relief Act, which is excluded from income and not counted as a resource for SNAP purposes. The pandemic unemployment payments authorized under the CARES Act do not meet the same criteria and are not excluded from income by law, and therefore must be counted as income for SNAP.

B. Emergency Allotments

1. What are emergency allotments?

The emergency allotments authorized under Sec. 2302 of the Families First Coronavirus Response Act (FFCRA) are supplements to a household's SNAP benefits, similar to supplements authorized during disasters under Sec. 5(h)(3)(A) of the Food and Nutrition Act of 2008 (FNA). These supplements address temporary food needs and are added on to a household's monthly benefit so the

total household benefit amount may equal the maximum benefit amount for their household size. Households that already receive the maximum benefit for their household size may not receive an additional emergency allotment.

3. When can States begin to issue emergency allotments?

This provision is effective as of March 18, 2020. States may begin issuing emergency allotments as soon as they receive approval from FNS. The earliest benefit month in which approved plans could begin to issue emergency allotment was March.

4. How can States get approval to issue emergency allotments?

FNS provided a template for States to request approval on March 20, 2020, (also available at the USDA website here: <https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAP-COVID-EmergencyAllotmentsGuidance.pdf>)

The information needed for approval includes:

- When supplements will be issued for the initial month (all at once, over a series of days, staggered) and for the following month if different from the State's normal staggered issuance schedule;
- The number of households receiving the emergency allotment;
- The total value of emergency allotment benefits issued for one month; and
- Anticipated implementation date.

5. How long can States issue emergency allotments?

FNS will approve plans to issue emergency allotments for up to 2 months due to funding constraints. Any possibility for extensions will be communicated to State agencies as more information is available.

6. Do States need to send a special notice to all households receiving emergency allotments?

These supplements are to be treated as a mass change under 7 CFR 273.12(e), and mailing notices to households is an option, but not a requirement. States must publicize the mass change, but have various options to do so, including using news media.

7. When a household stops receiving an emergency allotment and their benefit amount decreases, would they receive a Notice of Adverse Action (NOAA)?

Since these supplements are considered a mass change, a NOAA is not required when a household stops receiving them and benefits are due to decrease.

8. How are emergency allotment amounts calculated?

Emergency allotments, combined with the household's monthly SNAP benefit, would equal up to the maximum benefit amount for their household size based on the number of eligible household members in the household. This is to be calculated in the same way that States calculate supplements during a disaster. All types of households would have their emergency allotment calculated in the same manner, with no exceptions.

9. When a State is issuing emergency allotments under this authority, must they calculate benefit amounts for new households even though they will receive the maximum benefit for their household size with emergency allotments?

Yes, States must still calculate a household's benefit amount based on their household circumstances. The emergency allotment acts as a supplement to that amount and does not change how eligibility and benefit amounts are normally determined. States must retain the benefit amount the household would have received without the supplement in their eligibility system/household's casefile and must have the ability to adjust a household's benefit level back to its normal amount once the emergency allotment period ends.

C. Adjustments and Flexibilities

1. What types of adjustments may be approved by FNS under the Families First Coronavirus Response Act?

Sec. 2302 of the FFCRA allows USDA to approve certain adjustments of program procedures when a public health emergency is declared and a State issues an emergency or disaster declaration based on a COVID-19 outbreak. These adjustments are limited to issuance methods, application, and reporting requirements under the FNA, and must be consistent with what is practicable in each affected area.

2. Do States need to resubmit adjustment requests for any of the three adjustment types mentioned above using a certain template?

No. States that have already submitted requests for adjustments for these provisions (i.e., issuance methods, application, and reporting requirements) do not need to resubmit their requests. States that wish to begin operating adjustments that fall under a blanket approval must notify the Regional Office and comply with the criteria of the blanket approval.

3. If a State has certification period lengths less than the statutory limit, do they need a waiver to extend them?

No, under 7 CFR 273.10(f)(5) State agencies may lengthen a household's current certification period once it is established, as long as the total months of the certification period do not exceed 24 months for households in which all adult members are elderly or disabled, or 12 months for other households. If the State agency extends a household's certification period, it must advise the household of the new certification ending date with a notice containing the same information as the notice of eligibility.

The State agency may wish to implement an adjustment of periodic reporting requirements if they extend certification periods. A household subject to simplified reporting requirements certified for 6 months that has their certification period extended to 12 months, for example, would need to submit a periodic report in lieu of completing a recertification by their 6th month, unless an adjustment has been approved of the periodic report requirement.

4. How will States know what kinds of requests FNS is approving?

All incoming requests will be posted to the FNS website within 10 days of receipt. Responses will be sent to State agencies, disseminated by Regional Offices, and posted to the FNS website within 10 days of issuance. Blanket approvals issued by FNS for adjustments under FFCRA will also be posted to the FNS website within 10 days.

D. Operational Questions

1. What flexibilities can States enact without an adjustment?

State agencies have the flexibility under existing SNAP rules to: allow applications online (including via mobile app), by mail, or telephone; accept telephonic signatures; extend certification periods to the maximum available; exempt individuals from certain work requirements due to medical or physical unfitness, including those related to COVID-19; and consider factors related to COVID-19 in determinations of whether an individual has good cause for failure to comply with a SNAP work requirement. State agencies do not need FNS approval to close local offices for health and safety procedures, however, they should inform their Regional Offices of any closures or COVID-related staffing impacts.

Additional examples of available flexibilities may be found in the SNAP Pandemic Planning Guidance available on the FNS website and linked here: <https://fns-prod.azureedge.net/sites/default/files/media/file/SNAP-Pandemic-Planning.pdf>.

2. If a business has recently closed due in part to a COVID-19 outbreak, how can State agencies verify a recently terminated applicant's income?

Per 7 CFR 273.2(f)(1)(i), in the event that income verification cannot be completed through routine verification procedures, such as contacting the employer, State agencies shall determine an amount to be used for certification purposes based on the best available information. Examples of how State agencies may do this include:

- Using readily available data matches to verify household-reported information;
- or
- Use of collateral contacts.

E. Verification of Job Loss

1. Can a State or local “Stay at Home”, “Shelter in Place”, or comparable order be used to verify job loss?

In the event attempts to verify income have been unsuccessful because the person or organization providing the income has failed to cooperate, per 7 CFR 273.2(f)(1)(i), State agencies have flexibility to determine the amount based on the best available information, including using collateral contacts. For SNAP, State and local “Stay at Home”, “Shelter in Place”, or comparable orders may be used as a collateral contact to verify an individual has lost their job and thereby experienced a loss of income due to COVID-19 related business closures.

Generally, these orders require the closure of non-essential business. This flexibility allows States to use this information as a collateral contact to verify a household member is no longer employed at a non-essential business. State agencies are in the best position to determine which businesses are considered non-essential and impacted by these orders in their State. If employment status remains questionable (such as the individual is employed by a hospital and claiming loss of job due to COVID-19), the State would follow routine procedures for verifying questionable information under 7 CFR 273.2(f)(2).

F. Outreach

1. If staff at a State SNAP Outreach provider are unable to work and provide any outreach services due to COVID-19, can the State agency still pay for salaries and fringe benefits of the outreach workers?

The State agency should review its agreement(s) with affected community partners to determine what, if any, latitude for performance delays or unscheduled disruptions are available and whether continued payment of salaries and fringe benefits are appropriate. States are encouraged to be in close communication with community partners during this time to set expectations and develop a plan.

Salaries and benefits of personnel involved in outreach and administrative support are allowable costs. For more information on allowable outreach costs, please see pp. 23-24 of the “Supplemental Nutrition Assistance Program (SNAP): State Outreach Plan

Guidance” (State Outreach Plan Guidance), available at: https://fns-prod.azureedge.net/sites/default/files/snap/Outreach_Plan_Guidance.pdf

2. Can SNAP outreach partners accept SNAP applications by phone if it isn't included in their current contract?

A contract with a community partner is not required in order for the community partner to perform certain services such as taking applications over the phone; however, the State may only reimburse community partners with Federal funds when a formal agreement is in place. As described in the State Outreach Plan Guidance, the State’s outreach plan must include the activities of community partners, and States that choose to start activities without FNS approval risk not receiving reimbursement for those activities.

States may revise their outreach plans to include additional requests for Federal reimbursement, such as community partners taking applications by phone. Revisions should be submitted to the Regional Office. In order to expedite approval of Plan amendments, States should consult the State Outreach Plan Guidance and utilize the templates included to ensure that all necessary information is included, available on the FNS website: https://fns-prod.azureedge.net/sites/default/files/snap/Outreach_Plan_Guidance.pdf.