



Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

Date: April 10, 2020

RE: Supplemental Nutrition Assistance Program (SNAP) – Denial of Certain
Requests to Adjust SNAP Regulations

Dear Requesting State Agencies:

This letter transmits the Food and Nutrition Service's (FNS) denial of certain requests to adjust Supplemental Nutrition Assistance Program (SNAP) regulations that do not meet the requirements for approval provided under the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127).

FNS recognizes the difficulty placed on States as they work to process increased caseloads to ensure that all Americans have access to food during this difficult time. To-date, FNS has approved nearly 500 individual state waivers and processed more than 900 actions of States' opting into flexibilities granted nationwide. FNS will continue working diligently to provide all appropriate flexibilities as States present requests.

We are working across the Federal government to implement new authorities and flexibilities provided by Congress and signed into law by the President in FFCRA and the Coronavirus Aid, Relief, and Economic Security (CARES) Act that will better serve the most vulnerable Americans during this time. For example, as a result of the CARES Act, the Department of the Treasury will be swiftly issuing checks in the amount of \$1,200 per adult and \$500 per dependent child to most Americans, providing additional resources to those we serve. From allowing the Summer Food Service Program to serve kids through non-congregate sites wherever they are needed, ensuring USDA Foods are available for those in need at food banks, to waiving the physical presence requirement in WIC, to helping States stand up P-EBT programs, issue maximum SNAP benefit supplements, and extending SNAP certification periods, FNS continues to be dedicated to ensuring our partners can serve those in need.

To allow States to better serve those in need, section 2302 of the FFCRA allows the U.S. Department of Agriculture (USDA), at the request of State agencies, to adjust SNAP issuance methods and application and reporting requirements under the Food and Nutrition Act of 2008. The FFCRA provided USDA discretion in approving adjustment requests, and USDA has taken into consideration the factors outlined in FFCRA when evaluating requests.

With this letter, FNS is denying the below requests that seek to adjust SNAP eligibility requirements by:

- Waiving restrictions on students' eligibility at 7 CFR 273.5(a); or
- Providing emergency allotments that exceed the maximum benefit for a household's size.

FNS is also denying certain requests that seek to adjust SNAP application processing or reporting requirements by:

- Waiving the State agency's responsibility to reduce or terminate benefits when a household's circumstances change or the household is found to be ineligible;
- Treating all applications as if they are eligible for expedited processing under 7 CFR 273.2(i);
- Waiving requirements at 7 CFR 273.2(f)(4) to use documentary evidence as the primary source of verification for all items except residency and household size; or
- Waiving requirements to verify gross non-exempt income at 7 CFR 273.2(f)(1)(i) and 273.2(f)(8)(i).

When needed, State agencies should consider requesting other adjustments that are allowable under the statute to best serve their clients. FNS guidance for States in response to COVID-19 is available at <https://www.fns.usda.gov/coronavirus>. Waiver requests, approvals, and denials will also be posted to this webpage.

FNS continues to provide technical assistance to State agencies as they seek to maintain operations and serve applicants and participants during the current Public Health Emergency. FNS Regional Offices continue to be available to help States evaluate available flexibilities and evolving best practices during this time. If you have any questions or need additional information, please contact your respective Regional Office representative.

Sincerely,

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program