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United States
Department of
Agriculture

SUBJECT: Online Application Review Results and Action Items

Food and
Nutrition
Service

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

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This memorandum provides an overview of the results of a Food and Nutrition Service (FNS) review of State online applications for Supplemental Nutrition Assistance Program (SNAP) benefits. State online application efforts have increased program access and responded to the needs of SNAP clients who are increasingly more web savvy. While States have made commendable efforts at adopting new technology that encourages greater participation, online applications can pose barriers for applicants if not implemented correctly. Our analysis identifies major deficiencies found in these applications with regard to SNAP regulatory requirements and specifies corrective actions that State agencies must undertake. FNS conducted its own evaluation of online applications to determine if States were in compliance and facilitating client access. Our review did not address the issue of compliance with the Americans with Disabilities Act (ADA).

Our review focused on issues of client access, which are addressed by the following regulatory requirements and informational characteristics:

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| 1. Language requirement for online applications | 7CFR 272.4(b) & 273.2(c)(3) |
| 2. Ability to file with just name, address and signature | 7 CFR 273.2(c)(1) |
| 3. Notification of minimum information needed to file | 7 CFR 273.2(b)(1)(v) |
| 4. Expedited service screening | 7CFR 273.2(b)(1)(vi) & 273.2(i)(2) |
| 5. Social security number | 7CFR 273.2(b)(4) & 273.6 |
| 6. Space for authorized representative to sign | 7 CFR 273.2(b)(1)(iii),(iv) & (v) |
| 7. The application allows for electronic signature | (informational) |
| 8. Perjury Statement | 7 CFR 273.2(b)(1)(iii) |
| 9. Clear that an authorized representative can sign | 7 CFR 273.2 (b)(1)(iii) & (iv) |
| 10. Non-discrimination Statement | 7 CFR 273.2(b)(1)(viii) |
| 11. Use of IEVS | (Necessary to evaluate number 12) |
| 12. Client notification of IEVS matching | 7CFR 273.2(b)(2) |
| 13. Multi-program applications | (Necessary to evaluate number 14) |
| 14. Client notified of non-SNAP related questions | 7CFR 273.2(b)(1)(ix) |
| 15. Privacy Act Statement | 7 CFR 273.2(c)(5) |
| 16. Verification documents that may be required | 7 CFR 273.2(c)(5) |

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

For purposes of our review, online applications include only those that permit a client to apply directly with a State agency and do not include downloadable applications on a State's web site that the client must print and submit. We reviewed 26 applications from 25 different States that were functioning at the time of our review in April 2010. Since that time, additional State agencies have implemented online applications. Under separate cover, we will provide regions with a summary sheet of our findings, which shows each application's compliance with the above-mentioned regulatory requirements. Screen shots of each application as of April 2010 are also available to regional offices, upon request. We recognize that online applications are fairly adaptable systems and could have been modified since the April 2010 review. Regional offices should take this into account when reviewing State-specific summary sheets. In addition, regional offices will need to evaluate any new online applications implemented by their States.

General Observations

State online applications varied in compliance with SNAP application regulatory requirements. Although no State online application that we examined met all of the regulatory provisions, a few met most of the regulatory requirements. Online applications from Iowa, Illinois, and Utah are noteworthy in this regard, and we encourage regional staff to review these applications for examples of good online application efforts.

Some online applications allow applicants to file with minimal information, while others request more information than permissible under the regulations. It was difficult to apply some regulatory provisions at 7 CFR 273.2(b) regarding the SNAP application form to online applications because the provisions were originally intended to cover paper applications and the online application process differs significantly.

The design of many applications offers opportunities for improvement. Regulations require that the front page of the application include the SNAP expedited service provisions and a place where the applicant can enter their name and address and sign the application. Generally, State online applications provide several pages of notices or instructions before clients encounter the actual application questions. FNS recognizes that some instructions on how to navigate the application are necessary and registration is a normal part of the online application process. Necessary instructions and registration should not become so cumbersome, however, as to dissuade clients from initiating an application for SNAP benefits. States should review their applications with the goal of making them as user friendly as possible. This includes wording questions, instructions and notices in a client-friendly way, using appropriate vocabulary.

Due to the impact online application deficiencies can have on client access, States with deficiencies should correct their applications within 90 days of the date of this memorandum or provide FNS with a detailed corrective action plan.

Specific Findings

Here is a summary of the specific findings documented in our attached summary sheet:

Language Requirement for Online Applications (7 CFR 272.4(b) and 273.2(c)(3))

The regulations require the State agency to make application forms readily accessible to potentially eligible households and provide guidance on how States must determine its bilingual requirements based on the number of low-income households in which the adults are non-English speakers.

Finding: Less than half of the State online applications reviewed are available in the same languages that the State uses for its paper/downloadable applications. Most of the States reviewed (17 of the 25 States with online applications at the time of our review) are only required to make paper and downloadable applications available in Spanish and English or in English only. Of the applications reviewed, 14 did not provide applications in all languages used for their paper/downloadable application.

Action/Status: After consultation with the FNS Office of Civil Rights (OCR), it was determined that the applicability of the SNAP language requirement for applications on State websites at 7 CFR 273.2(c)(3) applies only to downloadable applications that must be printed and delivered via mail, fax, and in person to the State agency for processing. There is currently no requirement for States to make online applications, which are completed and transmitted via the internet, available in all languages required for their paper and downloadable applications. However, given the increasing reliance on online applications in some States, FNS is continuing to evaluate this issue in regard to its impact on client access. FNS encourages States to consider making their online application available in other languages as necessary to increase program access.

Ability to File with Just Name, Address, and Signature (7 CFR 273.2(c)(1), 273.2(b)(1)(v))

The regulations require that applicants be advised that they may submit an incomplete application as long as it contains their name and address and is signed by a responsible member of the household or the household's authorized representative.

Finding: Only 8 of the 26 online applications reviewed allow a household to submit the application with just name, address and electronic signature.

Action/Status: States whose online applications do not allow applicants to file with just name, address and signature must correct this deficiency as soon as

possible. Online applications must not require an applicant to provide additional information as a condition of filing the application. The right to file with just name, address and signature is both a statutory and regulatory requirement and has a significant impact on client benefits. State online applications must also clearly inform applicants that their benefits, if determined eligible, will be computed from the date they file their application. While we recognize a State's desire to obtain as much information as possible from the online application, this practice is not in compliance with the regulations and creates a barrier to households applying for SNAP benefits.

Expedited Service Screening (7 CFR 273.2(b)(1)(vi) & 273.2(i)(2))

The regulations require SNAP expedited service provisions to be described in plain and prominent language on or near the front page of the application. Also, the State agency must be able to identify households eligible for expedited service at the time the household requests assistance.

Finding: Thirteen of the 26 online applications reviewed describe the expedited service provisions, and only 6 list the expedited service provisions on the front page of the application.

Action/Status: This is another area where failure to meet SNAP regulatory requirements results in a material impairment to client access. States must correct online applications that fail to screen for expedited service eligibility or develop interim procedures that are approved by their FNS regional office to address this issue. For example, an interim procedure would be to have SNAP staff contact online applicants and prescreen them for potential eligibility for expedited service. This process would also assist States in determining how quickly to schedule the applicant interview.

Social Security Number (7 CFR 273.2(b)(4) & 273.6)

The regulations state that SNAP households must provide the social security number (SSN) of each household member or to apply for one before certification as a requirement of participation. Each application must contain a privacy act statement which notifies households that the collection of information, including the SSNs of household members, is authorized by the Food and Nutrition Act of 2008, as amended, and may be disclosed to other Federal and State agencies. It also states that although providing this information is voluntary, failure to provide SSNs will result in a denial of benefits.

Finding: Most online applications reviewed (23 of the 26 applications reviewed) are in compliance with statutory and regulatory requirements regarding social security numbers (SSNs) and do not require applicants to provide SSNs, though

some of these applications would persistently prompt an applicant to provide a SSN. However, only 69 percent of the online applications had the complete Privacy Act Statement required by the regulations. In addition, on September 21, 2000, the Department of Agriculture issued a joint memorandum with other Federal agencies providing policy guidance on inquiries into citizenship, immigration status, and SSNs in State applications. This memorandum, referred to as the “tri-agency guidance”, clarifies that States cannot require SSNs and citizenship-related information from applicants who are not applying for assistance without risking violation of Title VI of the Civil Rights Act.

Action/Status: Given Federal regulations and the tri-agency guidance, States whose online applications do not permit filing without SSNs must correct this deficiency. As a first step, State online applications should provide complete Privacy Act Statements and locate those Statements in immediate proximity to where the SSN is requested. This will ensure that applicants know that they do not have to provide a SSN if they are applying for other household members but understand the consequences of not providing the SSNs. Applications that persistently prompt an applicant for the SSNs of household members who are not applying for benefits are not acceptable, as they give the impression that they must provide a number to complete the application. Where a SSN is necessary the eligibility worker can follow-up during the interview.

Multi-Program Applications 7 CFR 273.2(b)(1)(ix)

SNAP regulations provide that multi-program applications should afford applicants the option of answering only those questions relevant to the program or programs for which they are applying.

Finding: Our review found that 23 applications were multi-program, but of these only 16 notified the applicant of the need to only answer questions for the programs for which they are applying.

Action/Status: States whose online applications are multi-program must ensure that SNAP applicants are advised that they need only answer the questions for SNAP. Questions should be marked in some way to indicate applicability to SNAP.

Non-Discrimination Statement 7 CFR 273.2(b)(1)(viii)

SNAP regulations require that applications include a specific non-discrimination statement. The non-discrimination statement language can be found at 7CFR 273.2(b)(1)(viii).

Finding: Twenty-two of the 26 State online applications reviewed had complete non-discrimination statements.

Action/Status: States with incomplete statements must correct this by including a complete statement as required by SNAP regulations.

Income Eligibility Verification System 7 CFR 273.2(b)(2)

If a State agency chooses to use an income and eligibility verification system (IEVS), the regulations require that at the time of application, it must notify applicants that information available through IEVS will be requested, used and may be verified through collateral contact when discrepancies are found and may affect the household's eligibility and benefit level. Furthermore, the State must notify all applicants on the application form that the alien status of household members may be subject to verification by US Citizenship and Immigration Services.

Finding: Less than half of the State applications (11 of 25 reviewed) referred to IEVS verification.

Action: States that use IEVS should notify applicants. Notifying applicants that their alien status may be verified through USCIS does not have to be on the application but should be on the State's website.

Prominent and Boldface Lettering 7 CFR 273.2(b)(1)

The regulations require that SNAP applications contain the following information in prominent, boldface lettering:

- Notice that information provided by the applicant is subject to verification, incorrect information may result in denial and knowingly providing incorrect information may result in criminal prosecution
- Description of civil and criminal provision and penalties for violations of the Food Stamp Act
- Perjury statement to be signed by one adult household member.

Finding/Action: Although FNS did not review applications for compliance with this regulation, States should review their online applications to ensure that this requirement is met where necessary.

On-line applications offer a tremendous opportunity to promote program access while potentially streamlining State administration. In order for these benefits to be realized, it is critical that on-line applications be implemented in accordance with SNAP policy. Given the range of findings, we request that each region carefully review the specific

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findings for each of their States' online applications and work closely with the States in monitoring the development of a corrective action plan. In addition, regional offices should consider the common deficiencies found in this review when working with States that are developing new online applications. Where a State's online application falls short in a regulatory area, such as the ability to file with just name, address and signature, the State must take action to correct the problem or provide their regional office with a detailed corrective action plan within 90 days. FNS headquarters will be in periodic contact with regional offices to keep abreast of the status of State corrective actions in this area.

A handwritten signature in black ink, reading "Lizbeth Silberman". The signature is written in a cursive style with a long, sweeping underline.

Lizbeth Silberman

Director

Program Development Division