



Food and
Nutrition
Service

Retailer Policy and Management Division, SNAP
RPMD Policy Memorandum 2020-09

1320
Braddock
Place
Alexandria
VA 22314

Subject: **Retailer Eligibility- Application of 6 Month Waiting Period**

Legislation: Food and Nutrition Act of 2008, Section 9(d)

Regulations: [7 CFR 278.1\(b\)\(1\)\(ii\)\(A\)](#), 278.1(k)(2), 278.1(m),
278.1(n)

Supersedes: Policy Memo 2003-05, “Application of 6 Month Waiting Period
for Failing to Meet Authorization Criteria A or B”

Implementation: Upon Publication

OVERVIEW: This memorandum clarifies the use of the 6 month waiting period for failing to meet Supplemental Nutrition Assistance Program (SNAP) eligibility requirements under Criterion A or B of program regulations. Section 9(c) of the Food and Nutrition Act and section 278.1(k) of program regulations require firms failing to meet eligibility requirements under Criterion A or B wait a minimum of 6 months before reapplying for SNAP authorization. This requirement is intended to prevent ineligible firms from restocking their shelves to meet minimum requirements and reapplying for program participation within a short period of time. The 6-month waiting period would also apply to firms who refuse a store visit. However, the 6-month waiting period does not apply to firms that are not open for business at the time of a store visit or to firms that fail to respond to correspondence from the Food and Nutrition Service. These stores must be withdrawn or denied for non-response, and can reapply at any time.

CLARIFICATION: When an establishment is not open for business at the time of a store visit, FNS shall attempt to contact the firm owner initially by phone for explanation for store closure and to confirm store hours of operation to determine if the store visit can be rescheduled. If FNS is unable to contact firm owner by phone, FNS will then send correspondence in writing as follows:

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

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- FNS will send the firm owner(s) notification using a method of delivery that provides evidence of delivery to request an explanation for the store being closed at the time of the visit and to confirm the store's hours of operation. The notice must advise the owner(s) that failure to respond within 10 days of receiving the letter could result in the withdrawal or denial of the store's application or authorization.
- If no response is received from the owner within the 10-day period, FNS will:
 - Withdraw the application if a new authorization; or
 - Involuntary withdraw the firm under 7 CFR 278.1(m) and (n) for failure to respond, if a reauthorization.

Firms whose applications or authorizations are withdrawn as a result of not responding to a request for a store visit are not required to wait a minimum of 6 months and can reapply at any time.

Any questions regarding this policy should be directed to: SM.FN.RPMDHQ-WEB@usda.gov.

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Supplemental Nutrition Assistance Program