



Food and  
Nutrition  
Service

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Date: April 13, 2020

Subject: Supplemental Nutrition Assistance Program – Questions and Answers,  
COVID-19, Set #3

To: All State Agency Directors  
Supplemental Nutrition Assistance Program

The Food and Nutrition Service (FNS) is issuing the attached set of questions and answers for Supplemental Nutrition Assistance Program (SNAP) State agencies to address inquiries received about program administration in response to the COVID-19 public health emergency.

The contents of this 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. All of the flexibilities and changes discussed in this document apply only during the public health emergency, unless a different time period is specified.

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

Sincerely,

Jessica Shahin  
Associate Administrator  
Supplemental Nutrition Assistance Program

Enclosure

## Enclosure

### A. Waivers and Flexibilities

- 1. If a State has an adjustment approval to extend certification periods, can it be applied to all types of households?**

All active SNAP households may have their certification periods extended under this adjustment. This includes households participating in a demonstration project and households receiving transitional benefits assistance.

- 2. A State submitted a waiver request and received an adjustment approval. Why is FNS approving certain requests as adjustments and not waivers?**

The Families First Coronavirus Response Act (FFCRA) grants FNS the authority to adjust SNAP issuance methods, applications, and reporting requirements when a public health emergency is declared and a State issues an emergency or disaster declaration based on a COVID-19 outbreak. When granting flexibilities under this authority, FNS is approving them as an adjustment of these procedures and not an administrative waiver.

Additionally, FNS is approving some State requests as waivers under the authority of 7 CFR 272.3(c)(1)(i), which allows FNS to authorize temporary waivers to deviate from specific regulatory provisions when they cannot be implemented due to extraordinary temporary situations. Some of the waivers granted under this authority include those related to fair hearings and claims processes. If a State has a question about any approvals they have received, they should contact their Regional Office.

### B. Operational Questions

- 1. How should individuals who are convicted of a drug-related felony be treated when they are no longer able to meet a condition of their State's modified disqualification for drug-related felonies because drug counseling or treatment programs are inactive due to COVID-19 precautions?**

Some States have modified the ban on individuals convicted of a drug-related felony to allow individuals to participate in SNAP as long as they are participating in drug counseling or drug treatment programs. In the event drug counseling or drug treatment programs are inactive due to COVID-19 precautions, States have discretion to determine if individuals are still complying with conditions of the State's drug-felony modification and eligible to participate in SNAP. State modifications to this ban mean requirements may vary from State to State and each State is in the best position to make a determination for its clients. FNS expects States to treat similar households consistently, and for each State agency to consider constraints that individuals are experiencing because of the COVID-19 public health emergency.

## C. Outreach

### 1. What is allowable in terms of promoting SNAP and SNAP outreach during the COVID-19 Pandemic?

States may revise their outreach plans to include additional requests for Federal reimbursement in order to expand outreach efforts during this time. Such revisions to increase Federal reimbursements must be submitted to the FNS Regional Office prior to implementation. In order to expedite approval of Plan amendments, States should consult the Outreach Plan Guidance and utilize the templates provided there to ensure that all necessary information is included. States that choose to start activities without FNS approval risk not receiving reimbursement for those activities.

Allowable outreach activities include eligibility pre-screening, application assistance, and informational websites and other social media sites that provide factual information that is not intended to persuade an individual to apply for SNAP. Unallowable outreach activities include recruitment activities designed to persuade an individual to apply for SNAP benefits, and radio, television, and billboard advertisements that promote SNAP benefits and enrollment. More information on allowable and unallowable activities can be found on pp.15-20 of the Outreach Plan Guidance: ([https://fns-prod.azureedge.net/sites/default/files/snap/Outreach\\_Plan\\_Guidance.pdf](https://fns-prod.azureedge.net/sites/default/files/snap/Outreach_Plan_Guidance.pdf)).

## D. ABAWDs (Able Bodied Adults Without Dependents)

### 1. An ABAWD was in his or her last month of receiving benefits while not meeting the ABAWD work requirement in March 2020. Would the ABAWD continue to be eligible for benefits in April 2020?

Yes. Section 2301 of the Families First Corona Virus Relief Act (FFCRA) suspends the time limit for participation in SNAP under section 6(o) of Food and Nutrition Act of 2008 (FNA) for certain ABAWDs. FNS' March 20 Memo (available at: <https://www.fns.usda.gov/snap/ffcra-impact-time-limit-abawds>) clarifies that:

State agencies are prohibited from limiting ABAWDs' eligibility under section 6(o)(2) of the FNA unless the individual is not complying with a work program or workfare program offered by the State that meets the standards of section 6(o)(2)(B) or (C).

Accordingly, States are prohibited from limiting an individual's eligibility based on the ABAWD time limit, unless the individual is not complying with a work program or workfare program offered by the State. This provision applies through the month after the month in which the public health emergency ends.

**2. If a time limited ABAWD was previously disqualified from an active household due to receiving their 3 countable months, can a State agency automatically include them back into the SNAP household?**

No. The State cannot automatically add the ABAWD back into the household. The State must first confirm the household's circumstances and establish eligibility under applicable requirements. For example, States should determine whether the ABAWD still resides in the household and, if so, whether the ABAWD earns income. The State could obtain this information through regularly scheduled contacts or through contacts from the household to initiate the exchange.

While not required, the State could also proactively contact the household, in addition to the regularly scheduled contacts. Through that contact, the State could inform the household that the ABAWD time limit has been temporarily lifted in certain situations<sup>1</sup> and that the ABAWD member(s), if they are still in the household and otherwise eligible, could be added back to the SNAP household.

**E. Claims**

**1. Can State agencies use emergency allotments to offset a SNAP overpayment claim?**

Federal regulations do not require State agencies to reduce emergency allotments to offset a SNAP overpayment claim, provided they follow the requirements at 7 CFR 273.18(g). Emergency allotments received under section 2302(a)(1) of FFCRA should be treated in the same manner as D-SNAP payments or supplemental payments.

**F. Quality Control Review**

**1. Are the emergency benefits authorized in FFCRA subject to quality control review?**

No. USDA has determined that the Pandemic EBT benefits and emergency allotments authorized by the FFCRA are disaster benefits and, accordingly, are not subject to review for quality control purposes in both the active and negative case frames under SNAP regulations at 7 CFR 275.11(f)(1)(ii) and 7 CFR 275.11(f)(2)(ii). Accordingly, States should code emergency allotments differently than ongoing benefits to allow the State to differentiate between the emergency allotments that are not subject to review and the ongoing benefits that are subject to sampling and review. In the event that an allotment, which is not subject to review, is inadvertently included in the State sample, please refer to the procedures at Section 330 and 333 of the FNS Handbook 310 to properly code the case.

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<sup>1</sup> Section 2301 of Families First Coronavirus Relief Act suspends the ABAWD time limit in certain situations. Please see <https://fns-prod.azureedge.net/sites/default/files/resource-files/FFCRA-Impact-on-ABAWD-TimeLimit.pdf> for more information.