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United States
Department of
Agriculture

Food and
Nutrition
Service

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SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Simplified Reporting Provisions in the FSRIA Final Rule

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

As you know, the final rule, Food Stamp Program: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 (FSRIA), was published in the Federal Register on January 29, 2010. Although most provisions in the final rule are effective on April 1, 2010, State agencies have until August 1, 2010 to be in compliance with new regulatory provisions or those that involve discretionary provisions. Simplified reporting (SR) provisions in the final rule fall into this category. This memorandum describes the new SR provisions and explains how the Food and Nutrition Service (FNS) will handle current SR waivers that permit State agencies to act on all changes that are reported by SR households or otherwise become known.

New SR Provisions

Relocation and Expansion – 7 CFR 273.12(a)(5)

SR provisions are moved from 7 CFR 273.12(a)(1)(vii) to 7 CFR 273.12(a)(5) and are expanded to include requirements on notifying households about SR requirements, providing certain information on periodic report forms, and assisting households complete and file periodic reports. State agencies opting to use SR as a client reporting system must indicate this in their State plans of operation and describe the types of households subject to SR. The final rule also permits State agencies to act on all changes that become known without a waiver.

Included households – 7 CFR 273.12(a)(5)(i)

The final rule provisions clarify that any household certified for at least 4 months may be assigned to SR. Outdated regulatory text that limited SR to households with earned income is removed. This provision reflects current FNS guidance on the inclusion of any household and establishes a minimum certification period for SR households.

Notification requirements – 7 CFR 273.12(a)(5)(ii)

State agencies are required to notify households of SR requirements at initial certification, recertification and when switched from another client reporting system to SR. State agencies must explain verbally and in writing:

- How SR works;
- Information that must be reported and verified;
- When the periodic report is due;
- How to get help completing the periodic report form; and
- The consequences of failing to submit a periodic report.

In addition, State agencies must assist households in completing or filing the periodic reports, including those in which all adult members are mentally or physically disabled, do not speak English, or lack the reading and writing skills to complete and file the periodic reports. State agencies must also provide a toll-free telephone number or accept collect calls from households with questions or needing help in completing the periodic reports.

Periodic reports – 7 CFR 273.12(a)(5)(iii)

The final rule specifies new requirements for periodic reports, which were previously called “interim reports”. The new provisions, as discussed in the following paragraphs, explain who must file a periodic report and require that certain information must be included on periodic report forms.

When periodic reports are due – 7 CFR 273.12(a)(5)(iii)(A)

With one important exception, the final rule retains the requirement that households certified for longer than 6 months must submit a periodic report at least once every 6 months. The exception is for households in which all adult members are elderly or disabled with no earned income. The Food and Nutrition Act of 2008 (FNA) restricts the frequency of periodic reporting by these households (see Section 6(c)(1)(A)(iii) of the FNA) to once a year.

Requirements for periodic report forms – 7 CFR 273.12(b)(2)

The final rule specifies what information must be provided on the periodic report forms that State agencies provide to households. The new requirements for SR periodic forms are the same as those for the quarterly reporting forms, which must:

- Be written in clear, simple language;
- Meet bilingual requirements of 7 CFR 272.4(b);
- Specify the date the form is due to the State agency;
- Specify the consequences of submitting a late or incomplete form, including whether the State agency will delay payment if the form is late;
- Specify the verification the household must submit with the form;
- Inform the household where to call for help in completing the form;
- Include a statement for the household to sign that indicates understanding that the information provided on the form may result in a reduction or termination of benefits;
- Briefly describe the penalties for committing fraud against SNAP;
- If the State agency has chosen the option in 7 CFR 273.12(c) to disregard certain changes in deductions, identify the deductions and explain that the changes will not be made until the next recertification; and
- Explain the State agency’s authority to require Social Security numbers (SSNs), the purpose for requiring SSNs, and the effect of not providing SSNs (this requirement may be provided on an attachment or on the periodic form itself).

Changes that households must report on the periodic report forms – 7 CFR 273.12(a)(1)(i)-(vii) and 273.12(a)(5)(iii)(E)

The final rule adds the requirement that able-bodied adults without dependents (ABAWDs), subject to the provisions of 7 CFR 273.24, must report when their weekly work hours fall below the 20 hour weekly average. The periodic report form must be the sole reporting requirement for SR households except for two items: when ABAWDs work hours fall below the 20-hour weekly average and when a household's gross income exceeds 130 percent.

State agency action on changes reported on the periodic report – 7 CFR 273.12(a)(5)(iii)(D)

This provision describes State agency action in response to information reported by a household on periodic reports or when the periodic reports are not submitted or incomplete. An adequate notice, as defined in 7 CFR 271.2, is sufficient for notifying the household that its benefits will be reduced or terminated due to information reported on the periodic report. The State agency must send a notice of missing or incomplete information within 10 days from the date the report was due. The notice of missing or incomplete reports may be combined with the adequate notice of termination.

Reporting when gross income exceeds 130 percent of poverty – 7 CFR 273.12(a)(5)(v)

The final rule clarifies that for purposes of reporting changes in gross income in excess of the gross monthly income standard, State agencies must use the monthly gross income limit for the household size that existed at the time of the most recent certification or recertification, regardless of any changes that may have occurred to household size.

State agency action on changes reported outside of a periodic report (interim changes) – 7 CFR 273.12(a)(5)(vi)

The final rule provides State agencies with some new options in terms of acting on interim changes that households report during the certification period or otherwise become known to the State agency. (Note the use of the term, "interim changes", which is being used to distinguish changes reported outside of the periodic report from changes that must be included on the periodic report.) These new options allow State agencies to:

- Disregard reported changes required for another public assistance program which do not affect the other program but would decrease the household's SNAP allotment; and
- Act on all reported changes.

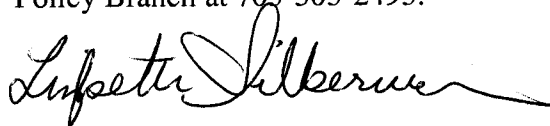
All other current regulatory provisions which are described at 273.12(a)(5)(vi) for State agency action on reported changes remain in effect.

Waivers to Act on All Changes

One of the most significant changes made to SR policy by the final rule is the provision that allows State agencies to act on all changes without a waiver. Currently, 34 State agencies have a waiver to act on all changes. These waivers will expire on August 1, 2010. Any State agency that has a currently approved waiver to act on all changes should review its waiver to determine whether it is in compliance with all SNAP regulations in force as of April 1, 2010. If a State agency's "act on all changes" waiver contains approval to waive any other SNAP provisions and if the State agency wishes to continue to waive these other SNAP provisions, it will need to submit a waiver modification request prior to the August 1, 2010 expiration date. If possible, a State agency should submit its waiver modification request to its respective FNS regional office by June 1, 2010. If a State agency's "act on all changes waiver" does not contain any other waived SNAP provisions, it need not take any other action with regard to its waiver. The waiver will expire on August 1, 2010, and the State agency may continue to act on all changes in SR households as it had been doing under the waiver.

As State agencies review their policy with regard to acting on interim changes for SR households, FNS encourages them to take a proactive view to consider whether there may be other modifications outside of the mandatory reporting requirements that could assist in case management. For example, a State may want to act only on interim changes that result in a change in the household's Medicaid status or on changes that are reported by the household. FNS will consider approving waivers that improve State agency administrative efficiency and uphold the principles of simplified reporting to minimize household reporting requirements. We do not plan to approve any waivers to avoid acting on interim changes where the regulations require all States to act (such as income over the gross income limit, changed PA grant levels, changes that are verified upon receipt, and requests for case closure).

State agencies that have questions regarding this memorandum should contact their respective Regional Office Representative. Regional Office Representatives who have questions regarding this memorandum should contact Angela Kline, Chief, Certification Policy Branch at 703-305-2495.



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