



Food and
Nutrition
Service

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Center

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OCT 04 2017

SUBJECT: Clarification of Treatment of Households Receiving
Puerto Rico's NAP Who Apply for SNAP

TO: All Regional Directors
Supplemental Nutrition Assistance Program (SNAP)

The Food and Nutrition Service (FNS) is issuing this clarification to provide State agencies with context and additional guidance for the September 29, 2017, FNS policy memo (9/29 memo) to State agencies serving individuals who were receiving benefits under Puerto Rico's Nutrition Assistance Program (NAP), but, because of Hurricanes Irma and Maria, have been displaced to States or Territories that operate the SNAP.

NAP and SNAP are separate Federal nutrition assistance programs authorized under the Food and Nutrition Act of 2008 (the Act). The intent of the Act was that individuals would receive assistance under only one program at a time. Because NAP benefits are not accessible outside of Puerto Rico and in regular circumstances households would not be in a situation to receive benefits from both programs in the same month, FNS has previously instructed States to not count NAP benefits when determining eligibility and benefits for SNAP in the case of households moving from Puerto Rico to another State or Territory.

FNS recognizes that the current situation is unique as Puerto Rico residents are facing extraordinary circumstances from the effects of Hurricanes Irma and Maria. Additionally, it is possible that some temporarily displaced individuals could be able to participate in both Federal nutrition assistance programs simultaneously. Therefore, FNS is requiring all displaced NAP households applying for SNAP to attest that the applicant understands no member of the household may receive benefits from both NAP and SNAP simultaneously, and that the household will close its NAP case as soon as possible. This will ensure that no household receives two full months of the maximum SNAP allotment during October and November and then returns to Puerto Rico with October and November NAP benefits on their NAP EBT card.

In recognition of the challenges presented by these circumstances and the immediate need of many displaced NAP households for food assistance, FNS issued the 9/29 memo to help State agencies determine how to serve individuals that were temporarily residing in their State due to the disaster. In response to operational concerns from State agencies, FNS is clarifying and modifying the procedures outlined to serve temporarily displaced NAP households in the 9/29 memo.

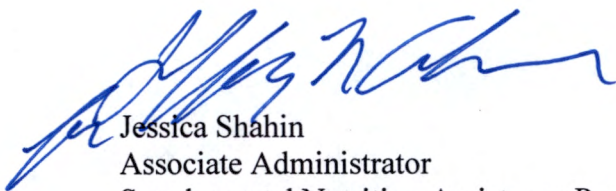
State agencies processing SNAP applications from temporarily displaced NAP households in accordance with the 9/29 memo are required to: 1) provide two months of benefits at the maximum allotment for their household size; 2) follow regular SNAP application processing rules, including expedited procedures as appropriate, 3) treat the displaced NAP household as a separate household from any non-displaced persons sheltering them, even if the household purchases and prepares meals with others; 4) submit weekly reports on the number of NAP households served under the 9/29 memo; and 5) have the displaced NAP households attest that they understand no member of the household may receive benefits from both NAP and SNAP simultaneously and that the household will close its NAP case file as soon as possible.

The 9/29 memo, as outlined above, provides one recommended option that State agencies could use to serve temporarily displaced NAP households. However, due to the extraordinary circumstances of the disaster, State agencies have discretion in serving these individuals and FNS encourages State agencies to use existing program options and flexibilities to best serve displaced NAP households.

State agencies may choose to serve displaced NAP households through regular SNAP rules, including expedited service procedures for eligible households. Additional information is provided in the attached questions and answers.

Please distribute this guidance to your State agencies and advise them to contact their respective FNS Regional Offices with any questions. FNS Regional Offices should contact Lizbeth Silberman at Lizbeth.Silberman@fns.usda.gov with any question concerning this memorandum or the attached questions and answers.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica Shahin', is positioned above the printed name and title.

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Enclosure: Questions and Answers

Questions Associated with Households Affected by the Policy Issued September 29, 2017

Q1. What options are available to State agencies to serve residents of Puerto Rico displaced due to the effects of the recent hurricanes?

A1. FNS strongly encourages State agencies to consider the circumstances of each displaced household—whether the household is in the State temporarily, is unsure of its length of stay, or is permanently moving to the State—in order to determine how to serve these households. Due to the extraordinary circumstances of the disaster, FNS encourages State agencies to use their flexibility and options to best serve these households. States may use the option provided in the 9/29 memo for temporarily displaced NAP households or may choose to apply regular program rules (including expedited service procedures for eligible households), depending on the individual circumstances of each household's displacement.

Q2. Under the option provided in the 9/29 memo, are State agencies required to issue two full months of benefits to eligible households?

A2. Yes. In the case of a temporarily displaced NAP household that a State agency chooses to serve under the 9/29 memo, the household will receive two months of benefits at the maximum allotment for their household size.

Q3. Are State agencies required to have NAP households sign an affidavit or provide a verbal attestation?

A3. Yes. Every temporarily displaced NAP household, whether served under the regular SNAP program rules or under the 9/29 memo, must attest orally or in writing that the applicant understands that no member of the household may receive benefits from both NAP and SNAP simultaneously, and that the household will close its NAP case as soon as possible. If a State agency elects to use verbal attestations, eligibility workers may read the affidavit statement aloud and indicate in the case notes that the household made a verbal attestation.

Q4. What happens when the 2-month period ends?

A4. Once the 2-month period ends, households served under the 9/29 memo that wish to continue receiving SNAP should be served under the regular program.

Q5. Are States required to report to FNS the number of NAP recipients served under this policy?

A5. Yes. Consistent with the 2017 evacuee policies, each State that serves displaced NAP households under the 9/29 memo must submit to FNS a weekly report including the following:

- the total number of SNAP applications submitted by displaced NAP households;
- the total number of displaced NAP households approved for SNAP;

- the total number of persons from displaced NAP households approved for SNAP;
- the total amount of benefits issued to displaced NAP households;
- the average amount of benefits per displaced NAP household; and
- a statement that the State has on file a signed affidavit or documented verbal attestation for every displaced NAP household approved for SNAP under the policy.

Q6. How long is the policy effective?

A6. The 9/29 memo is effective through October 31, 2017. Should Puerto Rico have challenges closing NAP cases, FNS may revisit an extension of this policy.

Q7. If a household indicates that they intend to remain in the State and not return to Puerto Rico, may the State assign a normal certification period?

A7. Yes. The 9/29 memo was written to address the circumstances of displaced NAP households who were staying temporarily or were unsure of how long they would stay. State agencies have flexibility in determining how best to serve each displaced NAP household based on information gathered in their eligibility interview.

Q8. How should State agencies identify displaced NAP households?

A8. The State should inquire about whether displaced households were receiving NAP to ensure that affidavits/attestations are properly obtained.

Q9. Does the 9/29 memo conflict with SNAP regulations at 7 CFR 273.3(a) that prohibit State agencies from imposing durational residency requirements and at 7 CFR 273.2(a)(1) that prohibit State agencies from imposing, as a condition of eligibility, additional application or application processing requirements?

A9. No. The 9/29 memo addresses the extraordinary circumstances faced by Puerto Rico residents due to the effects of Hurricanes Irma and Maria by ensuring that those temporarily displaced to States or Territories operating SNAP are able to receive timely nutrition assistance despite the current connectivity issues of the NAP eligibility system, which may prevent immediate closure of NAP cases. Displaced individuals not receiving NAP do not need to sign the affidavit.