

June 3, 2024

Catrina Kamau  
Chief, Certification Policy Branch  
Program Development Division  
Food and Nutrition Service  
1320 Braddock Place  
Alexandria, VA 22314

RE: Proposed Rule on SNAP: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023

Dear Ms. Kamau,

The American Public Human Services Association (APHSA), as the bipartisan membership association for state, county, and city human services agencies, including those that administer SNAP, is writing today to express our overall support for the proposed rule on implementing the changes made to SNAP from the Fiscal Responsibility Act. Following the passage of the legislation, FNS engaged in multiple conversations with APHSA members via our American Association of SNAP Directors (AASD) to address their concerns and needs for implementation before releasing interim guidance. We greatly appreciate this communication, and the guidance provided was well-received by our members. Generally speaking, the proposed rule continues to reflect the concerns raised by our members regarding the need for flexibility and alignment across programs. Below we outline our members' appreciation of proposed rule's provisions related to (a) new work requirement and time limit exceptions and (b) screening and assigning countable months; we also provide a few specific recommendations related to each to equip the state agencies up to deliver positive customer experiences to SNAP applicants and recipients.

### **New Exceptions**

APHSA supports the proposed rule's efforts to provide states with flexibility in using broad, but defined, definitions for the new exceptions from the ABAWD work requirement and time limit. However, we are submitting the following recommendations to best support state agencies in implementing the rule.

- *For individuals experiencing homelessness:* We endorse the expanded definitions for a "homeless individual" to include those who will imminently lose their nighttime residence. However, we recommend providing a more specific and tangible definition of "imminently losing a nighttime residence" to ensure the correct application of this exception by states.
  - **Recommendation:** Provide best practices and specific scenarios to apply this expanded definition in the final rule, as well as provide additional clarity in guidance related to how the new definition for SNAP may now differ from other programs that may share eligibility systems and how to properly support impacted households.
- *For individuals who are veterans:* We also endorse the expansion of the term "veteran" to include commissioned officers of the Public Health Service, Environmental Scientific Services Administration, or the National Oceanic and Atmospheric Administration.
  - **Recommendation:** Offer specific guidance on how states might collect this information and identify the best data sources for verification.

- *For individuals who were in foster care:* We appreciate the expanded clarification regarding who is eligible for the foster care exception, including those who were in the Unaccompanied Refugee Minors Program.

### Screening and Assigning Countable Months

APHSA appreciates FNS's commitment to this proposed rule to reduce the burden on customers in verifying their exceptions to the time limit. Many states have already implemented measures to streamline data collection and verification for these new requirements and are continuing to explore ways to do so effectively. We also commend FNS for not mandating new data-sharing agreements and instead entrusting states with determining the best approach to minimize the burden for customers. Furthermore, we support the prohibition of adverse action against any households during their certification period for not responding and allowing states to postpone verification until the next certification if necessary. While this will set states on the right path to provide a fair screening process for customers, we are providing the following recommendations to promote a fair and just process.

- **Recommendation:** FNS should codify in the final rule that states can only apply countable months to an individual after the date on which the exception was verified to be no longer in effect and provide further clarification on FNS's June 2015 ABAWD guidance that aligns with these changes.<sup>1</sup> This would mean that states will not need to retroactively apply countable months or use discretionary exemptions if the individual was found to have lost an exception during their past certification period but was not previously verified.
- **Recommendation:** Relatedly, if during the eligibility process for an expedited determination the state agency is unable to determine work registrant status or the individual is unable to provide sufficient verification within the expedited time frames, we recommend that the Department allow a state to issue expedited benefits and treat the individual as not subject to the time limit for the period that those expedited benefits cover.

APHSA understands that certain pieces of this proposed rule are required by legislation and do not allow FNS much flexibility, such as the updated program purpose and the changes to carrying over discretionary exemptions (DEs). However, given that the carry-over for DEs will now be more limited in only allowing for one year of roll-over, APHSA recommends the following.

- **Recommendation:** FNS should explore modifying the annual calculation for DEs for states' waiver requests to be as up-to-date as possible and thus include a more accurate estimate of potential customer needs in that state; specifically, we recommend FNS clarify that the calculation date of June 30<sup>th</sup> only apply to the first three factors in the DE calculation formula and not apply to the fourth factor detailing what percentage of the state's caseload is geographically waived. This change would ensure the amount of DEs a state is assigned will be more likely to reflect their state's current customer need.

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<sup>1</sup> *Supplemental Nutrition Assistance Program – Able-Bodied Adults without Dependents (ABAWD) Questions and Answers – June 2015*, Food and Nutrition Service, June 26, 2015, pp. 2-3, retrieved from: <https://fns-prod.azureedge.us/sites/default/files/resource-files/ABAWD-Questions-and-Answers-June%202015.pdf>



Thank you for your continued efforts to collaborate with SNAP agencies as you work to implement these changes. For further questions or discussions, please feel free to reach out to Chloe Green, Manager, Food and Nutrition Services at [cgreen@aphsa.org](mailto:cgreen@aphsa.org).

Sincerely,



**Chloe Green**

Manager, Food & Nutrition Services

American Public Human Services Association



**Linda Schroeder**

Chair, American Association of SNAP Directors  
(AASD)

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