



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

April 27, 2020

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Perdue,

On March 25, 2020 Pennsylvania submitted a request to the Food and Nutrition Services (FNS) to waive certain regulatory requirements to provide flexibilities for the commonwealth's administration of SNAP and allow for eased access and increased benefits for families that rely on this important program. I write today to highlight the importance of our requests and ask for your reconsideration of certain denials that we, along with other states, received from FNS on April 10. While the commonwealth appreciates FNS's approval of certain waivers, like the emergency allotments to current SNAP households, more action must be taken to ensure our constituents have enough food throughout the COVID-19 crisis.

Support for the SNAP program is needed now more than ever. SNAP benefits take pressure off the charitable food system, which has been under great stress trying to fill the gap for many Pennsylvanians now experiencing extremely challenging economic circumstances. Maximizing the buying power of SNAP benefits also supports Pennsylvania's farmers and food processors by ensuring all Pennsylvanians can shop for food at grocery stores and retailers. SNAP gives some stability to these local businesses who are undoubtedly feeling the economic challenges created by this pandemic.

My administration understands that FNS denied certain requests outlined below, due in part to the United States Department of Agriculture's (USDA) interpretation of lack of authority granted under the Coronavirus Aid, Relief, and Economic Security Act (CARES) and the Families First Coronavirus Response Act (FFCRA). Today, I sent a separate letter to Pennsylvania's Congressional Delegation requesting immediate congressional action related to food security needs during the COVID-19 pandemic, specific to funding and flexibilities for SNAP, as 1.8 million Pennsylvanians rely on SNAP benefits now more than ever to keep food on their tables and feed their families during this crisis.

Student SNAP Eligibility

On Friday, April 10, FNS issued blanket denials of certain waivers that were requested by multiple states, including Pennsylvania. The first waiver denied pertains to SNAP eligibility for college students.



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

Under SNAP eligibility rules, college students enrolled more than half-time in an institution of higher education must meet an exception to potentially qualify for SNAP. The exception that most students meet is working at least 20 hours per week. Many students have meal plans on campus and while these plans do not cover all the nutritional needs for students, they are no longer available since colleges have transitioned to distance learning and low-income students have returned home or no longer have access to campus.

Under current federal rules at 7 C.F.R. 273.5, college students cannot be counted towards a household's SNAP allotment. SNAP households may be supporting more people without additional benefits to meet this need, leaving many of these families, who were already struggling, trying to feed an additional family member without additional financial support. FNS denied this waiver stating that the FFCRA allows them to adjust SNAP issuance methods and application and reporting requirements, but not to adjust SNAP eligibility requirements.

To address this interpretation, I urged Congress to enact legislation which provides states flexibility to adjust these eligibility requirements so that families may access enough benefits to meet the feeding needs of their whole family and deem students eligible for SNAP given that they cannot work due to the COVID crisis.

SNAP Emergency Allotment

The second waiver denial is related to the interpretation of FFCRA as it pertains to the issuance of the SNAP emergency allotment. While FNS has approved all states to provide an emergency SNAP allotment up to the maximum amount for the household size, many states, food security stakeholders, and advocates understood the language at Section 2302, *Additional SNAP Flexibilities in A Public Health Emergency*, to permit additional SNAP payments to all enrolled households.

FNS interpreted the language to mean that if a SNAP household received less than the maximum amount in the previous month, they would be eligible for the difference between what they received previously and the maximum amount in the subsequent month. FNS' interpretation means families that received the maximum SNAP payment for their household size, about 40 percent of the cases in Pennsylvania, received no additional funding and, therefore, are unable to fill their pantries as recommended. To deliver necessary support to Pennsylvania households at this time of increased economic uncertainty, the commonwealth has proceeded with the issuance of the emergency allotment based on FNS' interpretation and began issuing those payments on April 11. Additionally, my administration appreciates that on April 21, FNS approved states to continue issuing SNAP emergency allotment benefits each month through the duration of the public health emergency declaration. Despite these actions, we do not think that this ensures all SNAP households have the resources they need to adequately social distance and weather economic challenges created by the public health crisis.

The emergency food system is experiencing an unprecedented growth in demand, and the economic impact of the current disaster is likely to endure beyond the present crisis. Feeding America reports that every one of their 200-member food banks reported a significant increase in



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

the need for food assistance in their communities, with an average 60 percent increase in demand. I requested that Congress legislate, in any future coronavirus and economic response bill, an increase to the SNAP grant for all households in the amount of 15 percent, or approximately \$25 more per person per month. As well as supporting households with their feeding needs, this modest increase could shift demand off the emergency food system and into grocery stores, directly supporting Pennsylvania's struggling retail and agriculture economy.

Verification

The third waiver denial pertains to Pennsylvania's ability to waive the requirements to verify gross non-exempt income at 7 C.F.R. 273.2(f)(1)(i) and 273.2(f)(8)(i). This waiver would have allowed the department to accept self-attestation for reductions in income due to the COVID-19 health emergency.

FNS issued guidance in April, permitting states to use "Stay at Home" or "Shelter in Place" orders as proper verification of job loss, but provides no similar guidance in the event an individual has a loss of earned income. Given that lack of guidance and direct rejection of a waiver of income verification, states must continue to complete verification where there is not outright job loss through routine verification procedures. This presents an unnecessary burden to current SNAP recipients and applicants. For the same reason that a "Stay at Home" or "Shelter in Place" order constitutes the best available information to determine that a recipient or applicant has experienced a loss of income due to a COVID-19 related job loss, these same orders constitute the best available information to determine that an individual has experienced a COVID-19 related reduction in hours or pay.

My administration requests that FNS issue guidance allowing individuals to self-attest for any reductions in earned income during to COVID-19. This guidance would align with the FNS guidance for verification of job loss, reducing consumers for individuals and easing the burden for families trying to obtain adequate SNAP benefits during this crisis.

Unemployment Compensation

In this period of economic uncertainty and hardship, I request that states are granted maximum flexibility and permitted to exclude Pandemic Unemployment Compensation from the SNAP grant benefit calculation. In 7 C.F.R. 273.9(a)(19), states are afforded the ability to disregard income from SNAP that is disregarded for TANF cash assistance with limited exceptions including regular payments from a government source. Due to the extraordinary circumstance of the President's COVID-19 disaster declaration and subsequent enactment of the CARES Act, time-limited Pandemic Unemployment Compensation is not a "regular" payment and should not be classified as such for SNAP purposes.

Requiring states to count this income and precluding SNAP's alignment with TANF and Medicaid is an unnecessary increased verification burden at a time when support to low-income households is crucial to maintaining the economic stability of the Commonwealth of Pennsylvania and the nation. It also creates an administrative burden to close cases due to the increase in income, only to reopen them when the payments end at the end of July. Finally, it



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

causes confusion for households that may have received SNAP while they were working, only to have the benefit closed when they lose their jobs. Families will not understand why some benefits continue while others close while the income they have is the same.

According to Feeding America, for every meal provided by their food banks, SNAP provides nine meals. SNAP increases food security and stimulates local economies, while supporting farmers and food processors by increasing the buying power of eligible Pennsylvanians. Pennsylvania supports Feeding America's request for additional SNAP and TEFAP funding, as well as increasing the minimum monthly SNAP benefit from \$16 to \$30.

Again, my administration appreciates that the USDA granted certain Pennsylvania waiver requests and that Congress acted swiftly to pass the FFCRA, providing additional SNAP funding and flexibilities for states to provide emergency and increased benefit allotments to Pennsylvania households, but more must be done. I am hopeful you will reconsider our requests for additional direction and action related to student SNAP eligibility, SNAP grant amounts, and verification flexibilities and support any Congressional action related to these requests.

Thank you for all that you do to protect Pennsylvanians and address food security for families during this crisis. I look forward to working with you, your colleagues, and Congress as we continue to provide assistance throughout the Commonwealth during the COVID-19 pandemic.

Sincerely,

A handwritten signature in blue ink that reads "Tom Wolf".

TOM WOLF
Governor

cc: Teresa Miller, Secretary, Pennsylvania Department of Human Services
Russell C. Redding, Secretary, Pennsylvania Department of Agriculture