



Food and Nutrition Service

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SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Extension of SNAP COVID-19 Administrative Flexibilities January 2022 and Beyond

TO: All SNAP State Agencies
All Regions

Issuing Agency/Office:	FNS/SNAP
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Summary:	Provides information on how States can request to implement or extend certain COVID-19 administrative flexibilities beginning on January 1, 2022.

Since the onset of the novel coronavirus pandemic, the Food and Nutrition Service (FNS) has approved flexibilities to assist States in ensuring access to the Supplemental Nutrition Assistance Program (SNAP) is maintained despite rising caseloads and challenges associated with social distancing and remote operations. On April 30, 2021, SNAP issued guidance, [Extension of COVID-19 Administrative Flexibilities May 2021 and Beyond](#), to support States in their planning for the expiration of the public health emergency. That guidance provides States with the opportunity to request SNAP flexibilities for implementation until December 31, 2021. Given the ongoing impacts of the COVID-19 pandemic, FNS understands that some States continue to rely heavily on these administrative flexibilities to manage high caseloads and staffing limitations.

However, these flexibilities are temporary and FNS expects States to actively prepare to operate under normal program rules in the future, especially with regard to interviews and certification periods. Many flexibilities, particularly adjustments that waive interviews for certain households or extend certification periods, reduce opportunities for State agencies to understand households’ circumstances and adjust their cases to meet their current needs.

Resuming regular operations will require thoughtful planning, especially for States that have used certain adjustments for extended periods, and FNS is prepared to provide technical assistance. FNS does not expect to approve these COVID-19 flexibilities beyond the duration of the Federal public health emergency. This guidance does not signal or confirm when the Federal public health emergency declaration will end.

This guidance provides information on how States can request to extend or implement certain COVID-19 flexibilities beginning on January 1, 2022 through the end of the month subsequent to the month in which the public health emergency declaration related to the COVID-19 pandemic is lifted by the Secretary of Health and Human Services. FNS will continue to evaluate whether it is appropriate to approve requests to use COVID-19 flexibilities and may revise this guidance in the future.

This memo addresses two subsets of COVID-19 flexibilities: adjustments issued under the authority of the Families First Coronavirus Response Act (FFCRA) and waivers issued under 7 CFR 272.3(c)(1)(i). Please refer to Enclosure 2 for a full list of the flexibilities covered in this guidance.

Requesting COVID-19 Flexibilities for Implementation Beginning January 1, 2022

FNS will continue to approve COVID-19 flexibilities, including adjustment requests using authority granted by FFCRA and waivers using authority granted by 7 CFR 272.3(c)(1)(i), where appropriate. Beginning December 1, 2021, FNS will start to review requests to extend current flexibilities beyond December 31, 2021. States may continue to submit initial requests for flexibilities at any time.

FNS is expanding upon the guidance issued on April 30, 2021, [*Extension of COVID-19 Administrative Flexibilities May 2021 and Beyond*](#). The changes apply to initial and extension requests for flexibilities with implementation on or after January 1, 2022.

Requesting FFCRA Adjustments

States should provide justification for the FFCRA adjustment and information on how the State plans to transition off use of the flexibility and resume regulatory compliant operations. Please see below for further information on what this justification should include. FNS strongly recommends that States consider how to tailor use of adjustments to support their transition to regulatory compliance. Please see Enclosure 1, which reiterates the recommendations for States shared in the guidance issued on April 30, 2021.

Also, for administrative consistency and ease, approval for FFCRA adjustments will generally last for 3 months. FNS will now approve requests for flexibilities for up to 3-calendar-month intervals beyond the month in which the State submits a request and attests to the presence of a State emergency or disaster declaration at the time of the request.

In addition, no FFCRA adjustments may continue beyond the end of the month subsequent to the month in which the public health emergency declaration related to COVID-19 is lifted by the Secretary of Health and Human Services.

Additionally, the option to use periodic reporting procedures to recertify households is a temporary State option under the Continuing Appropriations Act, 2021 (PL 116-159) (CR) through December 31, 2021. FNS will approve requests to use this flexibility as initial FFCRA adjustments for implementation on or after January 1, 2022.

Requesting Waivers Under 7 CFR 272.3(c)(1)(i):

As a reminder, States must provide justification for why the State requests to use the waiver and information on how the State plans to transition off use of the flexibility and resume regulatory compliant operations. Please see below for further information on what this justification should include. FNS strongly recommends that States consider how to tailor use of adjustments and waivers to support their transition to regulatory compliance. Please see Enclosure 1, which reiterates the recommendations for States shared in the guidance issued on April 30, 2021.

Also, for administrative consistency and ease, approval for these waivers will generally last for 3 months. FNS does not expect to approve these waivers for use beyond the end of the public health emergency.

Process for Requesting Flexibilities, for Implementation Beginning January 1, 2022

States must submit all requests through the SNAP Waiver Information Management System (WIMS¹). States must submit a separate request for each flexibility they would like to implement or extend. Please refer to the WIMS State User Manual for detailed instructions on how to request both initial waiver and extensions in WIMS.

States requesting FFCRA adjustments must attest that there is a State emergency declaration in place at the time of its request. FNS will approve the flexibilities for up to 3-calendar-month intervals. If a State would like to continue using a flexibility for longer than 3 months, the State may submit an extension request in the third month of implementation.

¹ Information collection under the SNAP Waiver Information Management System (WIMS) is covered under OMB approval #0584-0083.

States may request to implement or extend these flexibilities under standardized terms and conditions. The terms and conditions have been updated since April 30, 2021 to reflect the new approval periods. The terms and conditions for using periodic report procedures to recertify households has been updated since this would now be approved under FFCRA, instead of provided as a CR option. Additionally, the terms and conditions for the adjustment to extend certification periods for up to 6 months and adjust periodic reports now clarify that State agencies may only extend certification periods for up to 6 months from the initial expiration date assigned at the last certification or recertification. FNS recognizes this condition may have been unclear in previous guidance. However, it is important to ensure that States do not extend certification periods consecutively, leading to extensions of longer than 6 months from the initial expiration date assigned at the last certification or recertification. As mentioned, back-to-back extensions of certification periods of over 6 months reduce the opportunity for a State to obtain a full understanding of a household's circumstances and make necessary adjustments. The effects of back-to-back extensions of over 6 months may exceed the authority provided by FFCRA, which is limited to adjustments to issuance methods, application and reporting requirements.

Although States will not need to upload an initial or extension request letter, States will be asked to submit justification for the request, as described below. States wishing to request any modifications to the standardized terms and conditions must submit requests through WIMS using a traditional waiver request process, including a signed waiver request letter. Justification for the request should include:

- Why the State requests to continue the adjustment or waiver. This may include projected impacts of continuing to use the adjustment or waiver on SNAP households and on the State. The State may also include information on COVID-19 transmission rates, office closures, SNAP caseloads, and other evidence that helps illustrate the need².
- How the State plans to transition to regulatory compliance. This may include an explanation of how the State will apply the adjustment or waiver and how the State can mitigate potential unintended consequences on program access and payment accuracy, etc. States should also consider the strategies outlined under the heading, "Recommendations to States on Use of COVID-19 Flexibilities".

As part of the initial waiver terms and conditions, States agreed to submit evaluation data about the waivers' impact within 45 days of the end of the waiver period. States may submit relevant interim evaluation data about the waivers' impacts thus far as part of the justification for waiver extension.

² Section 2302(a)(2) of FFCRA directs FNS to consider, "the availability of offices and personnel in State agencies, any conditions that make reliance on electronic benefit transfer systems described in section 7(h) of the Food and Nutrition Act of 2008 impracticable, any disruptions of transportation and communication facilities, and any health considerations that warrant alternative approaches."

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States will still be required to submit final evaluation data for each waiver, as outlined in the corresponding terms and conditions document, within 45 days of the end of the waiver period.

State agencies with questions should contact their respective Regional Office representatives.

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Enclosure 1

Recommendations to States on Use of COVID-19 Flexibilities

FNS is reiterating the recommendations for States shared in the guidance issued on April 30, 2021, guidance. State agencies are encouraged to review the COVID-19 related flexibilities they currently use as local conditions evolve. States may no longer need to utilize all of the flexibilities they have been granted, while others may be useful to extend. While FNS understands that COVID-19 continues to affect SNAP households and State agency operations, States are highly encouraged to begin planning for an eventual transition to regulatory compliance and regular operations.

With this goal in mind, FNS strongly recommends that States consider how to tailor use of adjustments and waivers to support their transition to regulatory compliance. Re-establishing regular contact with households – through activities like interviews, recertifications, and periodic reports – is critical for ensuring that eligible households receive the correct benefits and maintain program access. Many adjustments, particularly adjustments that waive interviews for certain households or extend certification periods, reduce opportunities for State agencies to understand households' circumstances and adjust their cases to meet their current needs. Other adjustments, such as the adjustment not to offer a face-to-face interview upon request, limit the ways the household can share information with the State. In addition, States will need to consider how to best balance ongoing utilization of these flexibilities with payment accuracy.

FNS highly encourages State agencies to use one or more of the following strategies to support a transition to regular application processing and administrative procedures. FNS stands ready to provide States with any needed technical assistance for an eventual transition to regulatory compliance and regular operations.

This list is not exhaustive and State agencies may wish to use additional strategies. Applying a flexibility to a portion of the State's caseload, which could be done in any of following ways:

- Applying a flexibility to no more than half of the State's caseload;
- Applying a flexibility to recertifications only, not initial applications;
- Restricting flexibilities to only those cases that have not already been affected by the adjustment or waiver (please note, the adjustment extending certification periods may only be applied to a case for up to 6 months from the initial expiration date assigned at the last certification or recertification); or
- Applying the flexibility to limited geographic areas within the State to address workload problems in a targeted manner.

- Transitioning the caseload off the flexibility by reducing the number of households affected by the flexibility each month.
- If adjusting certification periods, staggering the extensions across a six-month period in order to unwind any casework bubbles.
- Applying adjustments of the interview only to specific populations (such as elderly and disabled households with easily verified unearned income from Social Security or Supplemental Security Income (SSI)).

Enclosure 2

Types of FFCRA Adjustments

FNS began issuing adjustments of application processing procedures in March 2020, using authority granted by the Families First Coronavirus Response Act (FFCRA). Use of these adjustments would be subject to the original terms and conditions. Adjustments approved under FFCRA include:

1. Telephonic Signature;
2. Extend SSN Good Cause Period;
3. Suspend the Use of Income and Eligibility Verification System (IEVS) for ongoing households;
4. Suspend In-Person Application and Verification Submissions; and
5. Revise Authorized Representative Requirements.
6. Extend certification periods for up to 6 months and adjust periodic reports.
7. Waive initial and recertification interviews in the following ways:
 - a. By not requiring an interview at application, provided identity has been verified and all other mandatory verifications at 7 CFR 273.2(f)(1) have been completed.
 - b. By not offering a face-to-face interview when requested.
 - c. By not requiring households eligible for expedited service to complete an interview prior to approval, provided identity has been verified and an attempt was made to contact the household for an interview.
8. Use periodic reporting procedures to recertify households

Types of 7 CFR 272.3(c)(1)(i) Waivers

FNS began issuing waivers of other State administrative procedures in March 2020, using authority granted by 7 CFR 272.3(c)(1)(i). Use of these waivers would be subject to the original terms and conditions. Waivers approved under 7 CFR 272.3(c)(1)(i) include:

9. Temporary Suspension of Claims Activity;
10. Waiver of Fair Hearing Timeframes;
11. Extension of Administrative Disqualification Hearing (ADH) Timeframes;