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Policy Levers for State Human Service Agencies in Response to COVID-19

This is a working document for state human service agencies to consider policy options in response to COVID-19 impacts in their communities. Policy options are organized by both **policy domain** (SNAP, TANF, Child Care, and Child Welfare) and **action needed** (federal approval not required, waiver or state plan approval needed, Congressional authorization needed).

As this is a working document, APHSA will be actively editing and adding new options and clarifications on existing ones. The specific options do not necessarily reflect an endorsement by APHSA and should be considered by states based on their specific needs. States should also consider impacts of state-specific regulatory or legislative mandates when considering the viability of each policy option. For questions or to contribute to additions to this working document, please contact Matthew Lyons at mlyons@aphsa.org.

Last Updated March 26, 2020

Potential Actions that do not Require Federal Approval

| Policy Domain | Action | Description / Citation |
|---|--|--|
| Supplemental Nutrition Assistance Program | Waive the ABAWD Work Requirement | Families First Coronavirus Act – Title 3, Section 2301 |
| | Waive SNAP QC Face-to-Face Interview Requirement | USDA FNS Blanket Waiver |
| | Extend Certification Periods to Maximum Allowable Periods | 7 CFR §273.10(f) – 12 month limit except for 24 months in which all household members are elderly or disabled or residing on a reservation |
| Temporary Assistance for Needy Families | Grant Good Cause for Cash Assistance Recipients that do not Meet Work Requirements | TANF-ACF-PI-2020-01 |
| | Switch from In Person to Telephonic Interviews | TANF-ACF-PI-2020-01 |
| | Continue Payments for Federal Work Study and Subsidized Employment | States can opt to continue issuing payments for Federal Work Study participants and those in subsidized employment while unable to participate due to closures |

The American Public Human Services Association advances the well-being of all people by influencing modern approaches to sound policy, building the capacity of public agencies to enable healthy families and communities, and connecting leaders to accelerate learning and generate practical solutions together.

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|---------------|--|--|
| | Establish or Expand On Emergency Assistance Benefits | TANF-ACF-PI-2020-01 – Nonrecurrent, short-term benefits designed to deal with a specific crisis situation are excluded from the TANF definition of “assistance” |
| | Increase Cash Assistance Benefits | TANF-ACF-PI-2020-01 – For TANF recipients that have reduced income or increased needs due to COVID-19 |
| | Waive IEVS Timeline Requirements | TANF-ACF-PI-2007-08 – IEVS requirement should not prevent States from adopting streamlined application process during a disaster or emergency declaration |
| Child Care | Use CCDF Quality Dollars for Families not on CCDF (Including Essential Workers) | 45 CFR §98.53(a)(4) – Provide immediate assistance based on need to retain child care supply. May require State Plan amendment. |
| | Continue Providing Assistance to Families Experiencing Temporary Job Loss | 45 CFR §98.21 – Agencies may not terminate assistance due to temporary job loss or change in participation in training/education. Parents with non-temporary loss of job may remain eligible through end of redetermination period or qualify under “protective services” definition |
| | Waive Families’ Co-Payments if Affected by COVID-19 | CCDF rule allows copayments to be waived for families whose incomes are at or below the poverty level for children in protective services or other criteria established by the Lead Agency |
| Child Welfare | Expand Allowance for Child Personal Incidents within Foster Care Maintenance Payments | CWPM 8.3B.1#9 – Agencies may amend allowance for child’s personal incidents, including over-the-counter medications, infant and toddler supplies, and special dietary foods. Payment may be part of or separate from basic maintenance payment |
| | Waive Non-Safety-Related Licensing Requirements for Foster Placements of Children with Relatives | CWPM 8.3A.8.c #1 – Requirements must be waived on a case-by-case basis |
| | Alternative Procedures for Obtaining Judicial Determinations | Title IV-E agencies may establish alternative procedures for obtaining judicial determinations regarding contrary to the welfare and reasonable |

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| | | efforts, including reasonable efforts to achieve permanency, as there is no Federal requirement that these determinations be made at a court hearing. |
| | Delay in Conducting Case Review Requirements | If unable to, periodic reviews and permanency hearings can be delayed, as these activities will not adversely affect a child's eligibility for title IV-E. |

Potential Actions that Require Waiver or State Plan Approval

| Policy Domain | Action | Description / Citation |
|---|---|--|
| Supplemental Nutrition Assistance Program | Substitute Telephone Interviews for Face-to-Face Interviews | 7 CFR §273.2(e)(2) – State agencies that routinely choose to interview households by telephone in lieu of face-to-face interviews must specify this choice in its State Plan |
| | Permit States to Waive Interview Requirements Entirely During a Public Health Emergency | 7 CFR §273.2 – Waive requirement for interview if State is able to verify information through other methods |
| | Provide a Short-Term Extension of Certification Periods Concluding During a Public Health Emergency | 7 CFR §273.10(f) – Waiver approval required if extension lengthens certification period beyond maximum limits |
| | Permit Expedited Applications with Verification Performed to the Extent Practical | 7 USC 2020(e)(9)(A-C) – With USDA discretion given in HR6201, permit states to include new SNAP applicants expedited processing during public health emergency with verification performed to the extent practical |
| | Allow for Alternative Methods of Verification if Electronic Interfaces Become Unavailable | 7 CFR §273.2 – If states are unable to access automated verification tools, permit temporary use of alternative methods of verification, including self-attestation if needed |
| | Exempt College Students from Work Requirements | 7 CFR § 273.5 – Waiver approval required to exempt eligible college students from 20-hour per week work requirement |
| | Temporarily Suspend Collections and Repayment of SNAP Benefits | 7 CFR §273.18(e) – Waiver approval required to suspend pre-established cost-effectiveness plans for collecting overpayments and classifying repayments as delinquent |

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|---------------|---|--|
| | Permit Flexibility in Fair Hearings Timeframes | 7 CFR §273.15 – Grant flexibility in timelines for state and local hearings during public health emergency |
| | Issue Temporary Benefits to Eligible Students for FRPMs During Extended School Closures | Families First Coronavirus Act – Title 1, Section 1101 – Requires states to submit Plans for implementation to USDA and school closures for at least 5 consecutive days |
| | Issue Emergency Allotments to SNAP Recipients Up to the Maximum Monthly Allotment | Families First Coronavirus Act – Title 3, Section 2302 – Requires emergency or disaster declaration by state and request to be sent to USDA |
| | Early Issuance of SNAP Benefits | 7 CFR §274.2 – State-by-state or blanket waiver needed for changes to issuance schedule |
| | Permit Purchase of Hot Foods | 7 CFR §271.2 – Waiver needed to amend definition of “eligible foods” to include “hot foods and hot food products prepared for immediate consumption” |
| | Hold Harmless for QC Error Reviews | 7 CFR §275.12 – Hold harmless during QC reviews any verification requirements waived as a result of flexibilities authorized for COVID-19 response |
| | Hold Harmless Reduction in Benefits Due to Change Reporting in QC Error Rate | 7 CFR §273.12 – Permit states to opt to not reduce benefits during change reporting while a public health emergency designation is in effect, and exclude from QC error rate the suspension of such reductions |
| | Delay Processing and Transmission of QC Review Reports | 7 CFR §275.21 – Waiver needed to extend 115-day limit to complete and dispose of individual cases and exempt submission of individual late reports |
| | Permit Providing Meals through SNAP-Ed Contracts | 7 CFR §272.2 – Expand use of funds to permit handing out meals for SNAP-eligible households |
| | Permit Providing Meals through SNAP Outreach Contracts | SNAP State Outreach Plan Guidance Section B Item 1 – Allowable Activities |
| | Permit Expedited Online Purchasing using EBT | Implementation of Expedited Online Purchasing Option for SNAP due to COVID-19 and the National |

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|---|--|--|
| | | Emergency declared on March 13, 2020 |
| Temporary Assistance for Needy Families | Continue Issuing TANF Payments to Closed Child Care Vendors Based on Enrollment, Not Participation | Consistent with guidance issued for CCDF payments |
| | Request Reasonable Cause for Relief from Work Participation Rate Non-Compliance | TANF-ACF-PI-2020-01 – ACF will exercise its authority to the extent possible for COVID-19-related issues with WPR compliance |
| Child Care | Maintain Payments to Child Care Providers During Closures | 45 CFR 98.16.bb – Change payment practices based on enrollment, not participation |
| | Waive Specific Requirements within the Child Care Development Fund | CCDF-ACF-IM-2017-02 – Broad flexibility for temporary suspension of CCDF provisions and sanctions |
| | Broaden Eligibility or Priority Criteria for Uninterrupted Child Care | 45 CFR §98.16 – Broaden definition of “working” when defining eligibility |
| | Waive Income Eligibility and Work Requirement for Children In Need of Protective Services Due to Emergency | CCDF-ACF-IM-2017-02 – Children affected by federal or state declared emergency can be waived from income eligibility and work requirement when defined as in need of “protective services” |
| | Waive Disaster Relief and Other Temporary Forms of Assistance from Income | CCDF-ACF-IM-2017-02 |
| | Enroll Temporary Unlicensed Child Care Providers to Meet Additional Need, Including Waiving Health and Background Check Requirements | 45 CFR §98.19 – Agencies may apply for temporary waivers for extraordinary circumstances in response to emergency situations |
| | Extend Certification Beyond 12-Month Minimum | 45 CFR §98.21 – May require State Plan approval to extend |

Potential Actions that Require Congressional Authorization

| Policy Domain | Action | Description / Citation |
|---|--|---|
| Supplemental Nutrition Assistance Program | Exclude Stimulus Payments from Consideration in Countable Income | 7 CFR §273.9 – Exclude stimulus payments in response to COVID-19 from countable unearned income |
| | Temporary Increase in SNAP Benefits | For reference – ARRA package used 113.6% of Thrifty Food Plan |

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|---|---|---|
| Temporary Assistance for Needy Families | Establish TANF Emergency Fund | ARRA package created Emergency Fund to reimburse 80% of state's increased TANF or MOE spending on basic assistance, short-term, non-recurrent benefits, and subsidized employment |
| Child Welfare | Increase Funding for Kinship Navigator Programs to Help Support Family Connections and Access to Resources During COVID-19 Response | ACYF-CB-PI-19-01 – Congressional appropriation of \$20 million in FY 2019 for Kinship Navigator Programs could be expanded upon |
| | Waive Spending Limit on Housing for Youth Aged Out of Foster Care | 42 USC 677(b)(3) – Waive requirement that no more than 30% of John H. Chafee Foster Care Program allocations be spent for housing or youth aged out of foster care |
| | Waive Work and Education Requirement for Older Youth in Extended Care Beyond Age 18 | 42 USC 675(8)(B)(iv) – Waive the IV-E requirement for older youth in extended care that requires enrollment in secondary education program, enrollment in vocational education and 80 hours employment per month. |