



Food and
Nutrition
Service

MAY 27 2014

Park Office
Center

3101 Park
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Alexandria
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SUBJECT: SNAP – Impact of the Defense of Marriage Act on SNAP Eligibility – Revised

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

This memorandum provides guidance on the household status of same-sex married couples in light of the United States Supreme Court's June 26, 2013, decision in *United States v. Windsor* (*Windsor*) for purposes of Supplemental Nutrition Assistance Program (SNAP) eligibility.

In a May 6, 2005, memorandum on the impact of the Defense of Marriage Act (DOMA) on SNAP, Food and Nutrition Service (FNS) clarified that for SNAP purposes, "spouse" only applied to opposite-sex couples as required by DOMA. In *Windsor*, the Supreme Court held that Section 3 of DOMA, which defines "marriage" as a legal union between one man and one woman as husband and wife and "spouse" as a person of the opposite sex who is a husband or wife, is unconstitutional.

As a result of *Windsor*, the previous guidance in FNS' 2005 memorandum no longer applies. Section 3(m)(2) of the Food and Nutrition Act of 2008, as amended by the Agricultural Act of 2014, requires that, in determining household status and benefit levels, spouses who live together shall be treated as individuals who purchase their food and prepare their meals together even if they do not do so. Consistent with *Windsor* and effective after 60 days from the date of this notice, same-sex spouses must be considered to be married and part of the same household for SNAP eligibility purposes if their marriage is recognized in the jurisdiction where the marriage was celebrated.

If you have any questions, please feel free to contact Elizabeth Weber at elizabeth.weber@fns.usda.gov.

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