



Food and  
Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

DATE: April 13, 2020

RE: Supplemental Nutrition Assistance Program (SNAP) – Temporary  
Waiver of Time Frames for Fair Hearings Due to Novel Coronavirus  
(COVID-19) – Blanket Approval

Dear SNAP State Agencies:

As authorized by SNAP regulations at 7 CFR 272.3(c)(1)(i), the Food and Nutrition Service (FNS) will allow State agencies flexibility in the time frames for fair hearings in SNAP regulations at 7 CFR 273.15(c) and (j)(2).

Under the authority of 7 CFR 272.3(c)(1)(i), FNS may authorize temporary waivers to deviate from specific regulatory provisions when they cannot be implemented due to extraordinary temporary situations. FNS has received multiple requests from State agencies for these flexibilities and has determined that approval is appropriate due to the COVID-19 Public Health Emergency.

FNS encourages States to use existing flexibility to conduct hearings by alternate means, such as telephone or video conference, when possible, to meet the standard required time frames. As needed, State agencies may extend the fair hearings process up to 120 days from receipt of the request for fair hearings that were already in process or for which requests are received from March 1 through May 31, 2020. The time frame for sending notices confirming oral withdrawal requests may be extended up to 30 days from receipt of the request for such requests received during this same time period. This waiver is contingent upon a State agency's compliance with the conditions, including prioritizing completion of the fair hearing process for any household whose process was delayed due to this flexibility, and evaluation requirements detailed in the attached enclosures, which are due 45 days after expiration (July 15, 2020).

If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State responses will be relayed to the FNS State Administration Branch.

SNAP State Agencies  
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FNS is ready to provide technical assistance to State agencies as they seek to maintain operations and serve clients during the current Public Health Emergency. If you have any questions or need additional information, please contact your respective Regional Office representative.

Sincerely,

4/13/2020

X Ronald K. Ward

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Ronald K. Ward  
Director, Program Accountability and Administrati...  
Signed by: Department of Agriculture

Enclosure

## FLEXIBILITY ON TIME FRAME FOR FAIR HEARINGS

1. **Regulatory citation:** 7 CFR 273.15(c) and 273.15(j)(2)
2. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.15(c) require that within 60 days of receipt of a request for a fair hearing the State agency must conduct a State level hearing, reach a decision and notify the household and local agency of the decision. Similarly, a State agency has 45 days from receipt of a request to conduct a hearing and reach a decision that is reflected in the SNAP benefit amount.

SNAP regulations at 7 CFR 273.15(j)(2) require those State agencies electing to accept oral expressions to withdraw hearing requests to respond to an oral expression from a household to withdraw a fair hearing request within 10 days with written notice confirming the withdrawal request and providing the household with an opportunity to request a hearing.

3. **Description of alternative procedures:** The Food and Nutrition Service (FNS) encourages States to use existing flexibility to conduct hearings by alternate means, such as telephone or video conference, when possible, to meet the standard required time frames. State agencies may extend the fair hearings process up to 120 days from receipt of the request for fair hearings that were already in process or for which requests are received from March 1 through May 31, 2020. The time frame for sending notices confirming oral withdrawal requests may be extended up to 30 days from receipt of the request for such requests received during this same time period.
4. **Action and reason for approval or denial:** Under the authority of 7 CFR 272.3(c)(1)(i), FNS may authorize temporary waivers to deviate from specific regulatory provisions when they cannot be implemented due to extraordinary temporary situations. FNS has determined that approval of these flexibilities is appropriate due to the COVID-19 Public Health Emergency. FNS is approving these flexibilities for a period of 3 months, effective March 1, 2020, through May 31, 2020.
5. **Conditions of approval:** FNS is approving this flexibility subject to the following conditions:
  - State agencies will notify households affected by this flexibility.
  - The State agency will prioritize completing the fair hearing process for any household whose process was delayed due to this flexibility, while also ensuring that the process for requests received after the expiration of this flexibility period meet the required time frames.
  - All rights of households and other responsibilities of the State agency to ensure full due process as described in the regulations around fair hearings remain in place regardless of a potential delay in the proceedings.
  - If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State responses will be relayed to the FNS State Administration Branch.

- 6. Evaluation Data Requirements:** The State agency must provide to FNS the data and analysis listed below required for evaluation of this flexibility:

  - The number of households affected by each of these flexibilities and the average length of the delays.
- 7. Expiration date:** May 31, 2020
- 8. Quality control procedures:** Allowing flexibility in hearings time frames should have no impact on quality control procedures.