



Food and
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Braddock
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SUBJECT: Ensuring Language Access for Limited English Proficient (LEP) Individuals and Effective Communication for Individuals with Disabilities In Consideration of the Recent Unwinding of the Supplemental Nutrition Assistance Program (SNAP) Emergency Allotments (EA) and Upcoming Unwinding of COVID-19-Program Flexibilities

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All States

Issuing Agency/Office:	FNS Civil Rights Division
Title of Document:	Ensuring Language Access for Limited English Proficient (LEP) Individuals and Effective Communication for Individuals with Disabilities In Consideration of the Recent Unwinding of the Supplemental Nutrition Assistance Program (SNAP) Emergency Allotments (EA) and Upcoming Unwinding of COVID-19 Program Flexibilities.
Date of Issuance:	May 30, 2023
Summary:	This memorandum is a reminder that State agencies must take appropriate steps to ensure language access for limited English proficient (LEP) individuals and to ensure effective communication for individuals with disabilities as required to be in compliance with anti-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI), The Food Stamp Act of 1977 (7 USC § 2011); Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-12134), as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Pub. L. 110-325, 122 Stat. 3553 (2008)).

The United States Department of Agriculture’s (USDA) Food and Nutrition Service (FNS) Civil Rights Division issues this memorandum to remind State agencies, their subrecipients, and program operators of their obligation to provide language access for limited English proficient (LEP) individuals and effective communication for individuals with disabilities in consideration of the recent unwinding of the Supplemental Nutrition Assistance Program (SNAP) emergency allotments (EA) and the upcoming unwinding of temporary COVID-19 adjustments and other administrative flexibilities extended to support the response to COVID-19. A list of additional resources and guidance on COVID-19 adjustments and program flexibilities is available on the FNS website: [Supplemental Nutrition Assistance Program \(SNAP\) – Resource Materials and Policy Memos to Support the End of the COVID-19 Public Health Emergency \(PHE\)](#).

This memo is consistent with [Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), which calls for government agencies to address any barriers that may limit full and equal participation for underserved communities and individuals seeking access to Federal benefits, services or programs. According to recent census data, approximately 68 million people in the United States speak a language other than English at home, and up to 1 in 4 adults have some type of disability.¹ Notably, those impacted by the unwinding of EA allotments and upcoming unwinding of COVID-19 program flexibilities include individuals who belong to underserved communities, such as individuals with disabilities and LEP individuals. Therefore, it is imperative that states carefully consider their obligations toward these vulnerable communities.

Background:

In March 2020, Congress passed a law allowing the USDA Food and Nutrition Service (FNS) to provide EA to all SNAP households to help them navigate the initial hardships of the COVID-19 pandemic. At the end of December 2022, Congress passed another law that ended EA nationwide after the February 2023 issuance, meaning that benefits have returned to pre-COVID levels as of March 2023.

The March 2020 law also provided States with flexibilities in program administration and temporarily changed certain eligibility criteria. With the lifting of the COVID-19 Federal PHE declaration on May 11, 2023, States will begin to unwind these flexibilities including waivers of SNAP regulations, adjustments of the Food and Nutrition Act of 2008, and temporary changes to eligibility criteria for able-bodied adults without dependents (ABAWDs) and college students.

More than 41 million Americans receive nutrition assistance benefits through SNAP. Households participating in SNAP rely on these benefits to feed their families. The unwinding of SNAP EA and COVID-19 flexibilities are significant program changes likely to have a substantial impact on participating families. For example, States unwinding from flexibilities may need to reestablish regular contact with households through activities like interviews, recertifications and periodic reports, which are critical for ensuring that eligible households receive the correct

¹ Sandy Dietrich & Erik Hernandez, Nearly 68 Million People Spoke a Language Other Than English at Home in 2019, U.S. Census Bureau (Dec. 8, 2022), [“What Languages Do We Speak in the United States?”](#) 3 Centers for Disease Control & Prevention (CDC), U.S. Dep’t of Health & Human Servs., [Disability Impacts All of Us](#), (last visited March 1, 2023).

benefits. FNS stresses the importance of States' responsibility to effectively communicate significant program changes to potentially eligible applicants and participants about updates to program benefits so households can better prepare for changes and plan accordingly for themselves and their families.

Guidance:

FNS is writing this letter to remind States of their obligations under Federal civil rights laws to ensure individuals and families have equal access to SNAP benefits as States return to normal benefit amounts and resume normal operating procedures. States must be prepared to take appropriate steps to ensure changes are effectively communicated to individuals with disabilities, including providing necessary auxiliary aids and services. States must also be prepared to provide appropriate translation and interpretation services to ensure meaningful access to LEP individuals. As a reminder, State agencies operating SNAP must process complaints of prohibited program discrimination in accordance with the system described in their State operating plan, and within the timeframes established by Departmental regulations and agreements. Complaint processing requirements can be found in the Code of Federal Regulations at 7 C.F.R. § 272.6 and in FNS Instruction 113-1, "Civil Rights Compliance and Enforcement". FNS will notify State agencies as requirements are updated.

States Must Provide Effective Communication to Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973 prohibits recipients of Federal financial assistance from discriminating on the basis of disability. Title II of the ADA prohibits State and local governments from discriminating on the basis of disability. These laws require that recipients of Federal Financial Assistance communicate with individuals with disabilities in a manner that is as effective as communication with individuals without disabilities. Effective communication for individuals with disabilities may require providing auxiliary aids and services, such as Braille, large print, captioning, plain-language explanations, qualified sign language interpreters, qualified readers, qualified speech-to-speech translators, and accessible public-facing websites. These services shall be provided at no cost to the individual with a disability.

States Must Provide Appropriate Language Services to Ensure Meaningful Access to LEP Individuals

[Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency \(August 16, 2000\)](#) requires Federal agencies to examine the services they provide, to identify any need for services to those with LEP, and to develop and implement a system to provide language assistance services for LEP individuals. USDA's LEP guidance indicates that State agencies shall take reasonable steps to ensure meaningful access to program benefits for LEP individuals. See [Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency](#) (2014). This includes assessing LEP populations served and providing appropriate translation and interpretation services, as consistent with SNAP regulatory requirements in 7 CFR 272.4(b). Translation and interpretation services must be provided free of charge and in a timely manner, using qualified and competent translators and interpreters. State agencies must

provide translation or interpretation services from appropriate and competent individuals and may not rely on or ask children to provide translation or interpretation for their parents.

Best Practices

States should develop, review, or update plans for the provision of services, including how people will be informed of such plans and services. FNS encourages States to take proactive steps to help ensure meaningful access and effective communication which include:

- Understanding the needs of communities served through language needs assessment and planning.
- Adequately funding and staffing call centers to ensure they are accessible without prolonged delays. LEP and individuals with disabilities may have limited access to internet access, or limited transportation to apply for services in person, and therefore may rely more on call centers.
- Ensuring that eligibility and call center staff know how to obtain interpreter services, including sign language interpreters, and other auxiliary aids and services. Individuals serving as interpreters, including sign language interpreters, and translators should be qualified to do so.
- Ensuring that websites, information kiosks, and other information and communication technologies are accessible to individuals with disabilities.
- Providing notices and other vital documents (such as applications, renewals, and supplemental forms) pertaining to unwinding in the top 15 non-English languages spoken by LEP individuals in your state.
- Avoiding complex language on essential forms or notices, so that persons with low literacy skills, who are disproportionately represented in protected classes of persons, or who have cognitive disabilities are not left without this important information. This may include providing plain language writing as well as use of images in a way that is easy to understand in website and beneficiary or potential beneficiary notices.
- Posting videos in sign language on websites that provide information about upcoming deadlines or other changes that require action on a beneficiary or potential beneficiary. Videos should be in a conspicuous location on the websites.
- Providing notices informing individuals of the availability of language assistance services and auxiliary aids and services, that they will be provided free of charge, and how to request those services.
- Ensuring that eligibility and call center staff know how to obtain interpreter services, including sign language interpreters, and other auxiliary aids and services.
- Ensuring that individuals serving as interpreters, including sign language interpreters, and translators are qualified to do so. Interpreters utilized for unwinding should understand and be trained on key SNAP program requirements and terminology.
- Having translated materials drafted, reviewed, proofread, and edited by qualified translators rather than machine translation applications or software, as automated translations reduce the accuracy of information and may not detect tables or image text requiring translation.

- Engaging with local communities or partner with community-based organizations to hold townhall discussions and virtual information sessions about the unwinding period, and do so in physically accessible locations on or near major transportation routes (where available) with language assistance and appropriate auxiliary aids and services.

States should encourage impacted SNAP households with disabilities and LEP individuals to take advantage of other FNS programs they may be eligible for that can help meet their overall nutrition needs. For example, eligible individuals can participate in SNAP and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC provides nutritious supplemental foods, a cash-value benefit for fruits and vegetables, and nutrition education and referrals to health and social services. FNS also provides support through school meals, summer meal programs, the Emergency Food Assistance Program (TEFAP), the Senior Farmers' Market Nutrition Program (SFMNP), and more.

States agencies may refer any specific questions regarding services for LEP individuals or individuals with disabilities to the appropriate [FNS Regional Civil Rights Officer](#).

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