

Know Your Rights: SNAP & Nutrition Safety Net

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TENNESSEE
JUSTICE
CENTER



INTRODUCTION

TJC NUTRITION TEAM

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TJC ANTI-HUNGER ADVOCACY

End hunger in Tennessee by protecting and strengthening the federal nutrition programs: **SNAP, WIC, Child Nutrition Programs**

- Improve access and remove barriers to programs
- Advocate for solutions to systemic issues
- Educate and inform
- Provide policy expertise
- Direct client work



WEBINAR GOALS

- Understand the rights people have when accessing SNAP & the Nutrition Safety Net programs
- Explain program rules & increase understanding
- Provide knowledge for partner orgs & clients to advocate for themselves



AGENDA

- **INTRODUCTIONS**
- **FEDERAL PROGRAMS OVERVIEW**
- **PARTNER SPEAKERS**
- **ACTION ITEMS & NEXT STEPS**
- **RESOURCES**
- **DISCUSSION**



FEDERAL PROGRAMS

But first, a quick quiz...

DISABILITY ACCESS

“Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.” [-USDA Food & Nutrition Services \(FNS\)](#)

SNAP

Overview

Supplemental Nutrition Assistance Program (SNAP)

- Provides money for low-income families to buy food
- Largest federal nutrition assistance program in U.S.
- **40,892,510 people** across **21,689,223 households** in the U.S. participate as of November 2023 (latest available data)
- In TN: **753,214 people** across **390,049 households** as of September 2023 (latest available data)



SNAP

Eligibility Basics

- Must be below gross and net income thresholds
- 130% and 100% of FPL, respectively
- Net includes medical deductions, housing costs, etc.
- Number of people in household



SNAP

Application:

- DHS has **30 days** from date of application to approve or deny
- Certain people are entitled to a **7-day “expedited” process**
 - <\$150 income & <\$100 assets on hand
 - Shelter costs (rent, utilities, etc.) exceed income
 - Some migrant and seasonal workers

[Source: TDHS](#)

SNAP

60+ & Disabled:

- Can apply medical expenses, which can raise benefits by up to \$100
- All shelter costs may be deducted if one household member is in this category
- **Elderly Simplified Application Project (ESAP)**
 - 24-month recertification in TN (36 in most states)
 - cross-compatibility with SSI and VA benefits

SNAP

Citizenship:

- Non-citizens (with few exceptions) are not eligible
- LPR's must wait five years after naturalization (a.k.a. receiving "green card")
 - "5-Year Bar"
 - Not true for asylees/refugees and immigrants from certain countries, OR for those under 18
- **Mixed-Eligibility Households** can still apply if even one member qualifies

SNAP

Felonies:

- In **TN**, only **Class-A Drug Felonies** create a permanent ban to SNAP
- **Class B-E Drug Felonies** require proof of completion of an approved drug rehabilitation program
- Federal Regulation [7 CFR 273.2\(f\)\(5\)\(i\)](#): applicants have the right to self-attest as a last resort form of verification
- No other barriers to SNAP in TN for justice-involved individuals
- Most states have done away with this altogether

SNAP

Work Requirements & Time Limits:

- Many people (called “ABAWDS”) must meet hourly work requirements to stay on SNAP longer than 3 months out of a 36-month period
- Applies to 18–52-year-olds with no other exemptions
- Many categories of people are exempt, including:
 - homeless
 - veterans
 - caregivers of children
 - [and many more...](#)

SNAP

- **Verification Documents**

- Basics to have on hand when applying:
 - ID (DL, Passport, Birth Certificate, etc.)
 - Proof of Income (Paystubs, Letter of Support)
 - Rent & Utilities
 - Resources (Bank statements, screenshots, ATM slip, etc.)
- Caseworkers are required to assist clients with finding these
- You may self-attest as a last resort

SNAP

- **Verification Documents**

- Keep records of all submissions in case something happens
 - If sending mail, send it certified
 - Ask for receipts when submitting in person
 - Take screenshots of submissions online
- These will be useful if wrongfully denied or if you need to appeal

SNAP

- **Miscellaneous:**

- You may request an in-office interview if you don't have access to a phone
- You may report childcare costs and child support payments as expenses



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**Immigrant
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Spring Miller

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Immigrant Access to Nutrition Programs



TENNESSEE
**Immigrant
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COALITION

Last updated: March 2024

Title VI

Title VI of the 1964 Civil Rights Act prohibits recipients of federal funding from discriminating on the basis of race, color, or national origin in their programs or activities.



Title VI Protections Against National Origin Discrimination

- Covered entities - such as the TN Department of Health and Department of Human Services - must take reasonable steps to ensure that their programs and activities are available to all individuals, regardless of those individuals' national origin or language ability.
- They may not ask for information about immigration status when immigration status is not relevant to an individual's eligibility for the program.



Title VI Language Access Obligations

- Covered entities must take reasonable steps to ensure that limited English proficient (LEP) individuals have meaningful access to their programs and activities. They should consider the following factors when developing a language access plan to comply with Title VI:
 - The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
 - The frequency with which LEP [persons] come in contact with the program;
 - The nature and importance of the program, activity, or service provided by the program to its beneficiaries, and
 - The resources available to the grantee/recipient and costs of interpretation/translation services



Best Practices for Agency Compliance with Title VI LEP Access Obligations

- Have a Language Access Plan
- Ensure vital documents are translated into commonly encountered languages
- Include Babel notices on critical documents (eg, decision notices with appeal deadlines)
- Engagement of qualified multilingual staff and/or qualified interpreters (eg, language line contractors)
- Keep data on LEP individuals' interactions with program



How are Title VI Language Access Protections Enforced?

One common way to address a possible Title VI violation is to file a complaint with the federal funding agency, for example, USDA or HHS. Typically, anyone can file these complaints, not just a person who suffered discrimination. These are administrative complaints, not lawsuits, and you don't need a lawyer to file one (though a lawyer could be helpful in the process). Many agencies have deadlines for filing administrative complaints about a Title VI violation, usually 180 days from the last act of discrimination.

The federal agency investigates the complaint. This process can take a long time. It can result in the federal agency requiring the local entity to change its discriminatory policies and practices or risk losing federal funding.

Community leaders and advocates can promote compliance with Title VI in other ways as well. For example, they can ask local entities to share with them their Title VI and LEP plans. They can document challenges immigrant community members face accessing federally-funded programs. They can share information about those challenges with the covered entities to promote compliance without using the formal complaint system.





Allison Jones

Staff Attorney, Nashville Health & Benefits
**Legal Aid Society of Middle Tennessee &
The Cumberlandands**



How to Appeal a SNAP decision?

- You can appeal:
 - Online at OneDHS.tn.gov/csp
 - In writing using the [Appeal Request Form](#)
 - Send to the DHS Appeals Clerk's Office by mail, fax, or email
 - Form is available in English, Spanish, Arabic, and Somali
 - Keep proof of submission!
 - By phone

SNAP Appeal Deadlines

- **10 days** from date on adverse action letter to request continuation of benefits while appeal is pending
 - Note: If you lose your appeal, you may have to pay those benefits back.
- **90 days** from date on adverse action to appeal without continuing benefits

SNAP Hearing Nuts and Bolts

- Hearings can be in-person or by phone.
 - You have the right to an in-person hearing if you want one.
- Hearings are scheduled in blocks.
 - For example, your hearing could be anytime between 9 a.m. and 12 p.m. You will need to wait by the phone and be sure to answer when called.
- Administrative Judges run the hearing and issue a decision after the hearing.
- You will receive a packet in the mail or by email before the hearing with a description of the reason for the appeal and evidence from DHS's records.

What happens at a SNAP hearing?

- All witnesses will be sworn in at the start of the hearing.
- The judge will ask if you all agree on the reason for the appeal.
- You can make opening and closing statements.
- A witness for DHS will testify first and review the evidence.
- You will have a chance to testify, and you can have other people testify on your behalf.
- You can have a lawyer, an advocate, or any trusted person represent you at your hearing.
- You should send the Appeal Clerk any documents, witness lists before the hearing if you can.

What happens after the hearing?

- The Administrative Judge will issue an “Initial Order.”
 - An Initial Order becomes a Final Order after 15 calendar days.
 - That means if the Initial Order is favorable (gives you what you wanted), you may need to wait 15 days for DHS fix their mistake.

What if I think the Initial Order is wrong?

- You can **request reconsideration** within 15 days.
 - You are asking the same Administrative Judge to change the order.
 - The judge can change the order, refuse to change the order, or do nothing within 20 days.
- You can **appeal** to the Commissioner's Designee.
 - You are asking someone else at DHS to review the Administrative Judge's order.
 - You have 15 days from the Initial Order, or 15 days from the reconsideration decision.
- You can **request judicial review** in Chancery Court.
 - You have 60 days to file this request.

WIC

Overview

Special Supplemental Nutrition Assistance Program for Women, Infants, & Children (WIC)

- Provides food, formula, and nutrition/breastfeeding counseling
- Proven to improve health outcomes for birthing parents AND their children
- Only 37% of eligible TN residents are participating



WIC

Eligibility

Income

- 185% of Federal Poverty Level (FPL)

Categorical

- Pregnant, breastfeeding, post-partum, or child under 5

Residence

- Must live in the county in which you apply

Nutritional Risk



WIC

Eligibility:

- **NO CITIZENSHIP OR IMMIGRATION REQUIREMENTS!**
- **Birthing parent:**
 - Pregnant and Post-Partum up to 6 months
 - Up to one year if breastfeeding
- **Child:**
 - Until fifth birthday
- **No custody requirement**
 - Primary caregivers can apply on behalf of children they care for if the child primarily resides with them

SUMMER EBT

Overview

- Permanent program to help feed children during summers when school meals aren't available
- Modeled after **Summer P-EBT**
- Families on **SNAP**, **TANF ("Families First")**, and **Medicaid ("TennCare")** are automatically enrolled
 - "Direct Certification" in **NSLP ("School Meals")**
 - All others must complete an application
- Formal appeal process is coming



ACTION ITEMS & NEXT STEPS



WORKING GROUPS

- WIC Champions
 - Second Thursdays at 9:00am CT
- SNAP Access
 - Third Thursdays at 10:00am CT
- Healthy Meals Healthy Kids TN
 - First Thursdays at 1:00pm CT
- College Hunger Quarterly Call
 - Next call: 6/15/24 @ 1:00pm CT
- Summer EBT Partner Group Call
 - Third Wednesdays at 3:00pm CT



NUTRITION NOTE

- **Join Nutrition Note!**
 - Our monthly anti-hunger newsletter
 - Updates on changes and news
 - Sign up [HERE](#)



RESOURCES

- [FNS LEP Know Your Rights](#)
- [FNS Elderly and Disabled FAQ](#)
- [SNAP Eligibility FAQ](#)
- [TN SNAP Statistical Information](#)
- [TJC Nutrition Legislation Tracker](#)
- [SNAP Fact Sheet \(English & Espanol\)](#)
- [WIC Fact Sheet \(English & Espanol\)](#)
- [WIC Fact Sheet \(English & عربي\)](#)
- [SNAP Application Assistance Flyer](#)
- [SNAP 3-Month Time Limits in TN](#)
- [TN WIC Referral Form](#)
- [CBPP SNAP Facts Sheet 2/13/2023](#)

Share
your
resources
in the
chat!

DISCUSSION

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