

October 16, 2006

SUBJECT: On-Line Food Stamp Program Applications

TO: All Regional Directors
Food Stamp Program

In light of increasing use of technology, more and more States are implementing on-line application systems. While FNS strongly encourages States to implement these systems, we need to ensure that States are providing applicants the opportunity to submit an application which meets the minimum legal requirements and provides the required notices to applicants so they can make an informed decision.

The regulations at 7 CFR 273.2(c) state that a household may file an incomplete application form as long as the form contains the applicant's name, address and is signed by a responsible member of the household or the household's authorized representative. This rule applies to both paper and on-line applications. The purpose of the regulation is to provide households with access to the program by recognizing that some applicants will need assistance to complete forms. This longstanding regulatory requirement is embodied in the statute and is one of the few provisions where Congress did not authorize the Secretary to waive the law as part of a demonstration project.

In a memorandum issued in December 2004, our office provided guidance for State agencies regarding the regulatory notice and application requirements in the development of an on-line application system. In performing a review of current on-line application systems, we have discovered that several States have not complied with this guidance and the process for submitting an application violates program regulations. States must take action to modify the system or provide an alternative method for submitting an application that meets the minimum requirements.

We understand that this may be a complex and protracted task for States. However, we need to ensure that clients have the same access, notices and information on-line that they do in filing a paper application. In reviewing several State websites, it is apparent that States do not comply with the application and notice requirements on the paper forms that an applicant can download. However, if an applicant simply wants to apply on-line, they are unable to submit an application that meets the minimum regulatory requirements.

I. Application Filing Requirements

In our review, we discovered that several do not allow a household to file an application on-line that contains just a name, address and signature. These States need to modify their system so a household accessing the system receives notice that it can submit an application for the Food Stamp Program that contains just a name, address and signature. Other States need to be informed that all systems must at least put an applicant on notice that they may file an application using just a name, address and signature. A State may

explain to applicants that filling out as much information as they can provide will enable eligible applicants to get approved more quickly.

Our review did find that some States comply with this rule by providing an alternative method for completing the application process. In the State of Kansas, a household can file an application on-line using just their name and address. However, the State does not accept on-line signatures so provides the household with information about how to complete the application. This includes directions to print the signature page, sign it, and mail it within 10 days to the local office. Another State has a statement regarding the right to file a partial application with a hyperlink to a pdf. form that allows an applicant the opportunity to submit a partial application for benefits by filling out the form and allowing a household to submit the form to a local office in-person, by mail or by fax. This does not comply with Food Stamp Program rules that simply require a household to file an application with just a name, address and signature.

We understand that most of the on-line application systems are for several benefit programs that all have different rules. However, State agencies who wish to use these systems for the Food Stamp Program must have a way to allow households to submit a partial application for food stamp benefits. West Virginia distinguishes the application process for the Food Stamp Program using a radio button that allows a household to apply online for food stamp benefits only by submitting an incomplete application.¹ The other radio buttons are for applying for several benefit programs or filing a complete application. The radio button for the “food stamp only” application also notes that eligibility for food stamp benefits cannot be determined until a full application and interview are completed. Therefore, it encourages households to complete a full application while it also provides them with the opportunity to submit an application that contains at least a name, address and signature.

II. Notice Requirements

Additional rules that these on-line systems do not adhere to include notices that need to be placed in plain and prominent language on or near the front page of the application. First, several States do not adhere to the requirement at 7 CFR 273.2(b)(1)(v) that the form needs to provide notification of the household’s right to immediately file the application as long as it contains the applicant’s name, address and the signature.

Second, several States do not adhere to the requirement at 7 CFR 273.2(b)(1)(vii) that they must inform applicants that benefits begin from the date of the application. FNS has found States, like Florida, that do comply with this requirement who can be used as an example. On their website, Florida has a paragraph which states:

¹ A radio button creates a circular button on a web page that can be selected by the user. Radio buttons are used when there is a list of two or more options and the user must select one choice from the list to proceed.

We need at least your name, address, and a signature. However, please complete the entire application, providing as much information as you can, to help us determine your eligibility quickly. Processing begins the day we receive your application. Your application is dated the day you submit your application using the electronic signature or the next business day if submitted after hours or on a weekend or holiday.

Additionally, Virginia and Washington have statements that notify applicants that turning in the application get the process started and the benefits being from the date of the application.

Third, pursuant to 7 CFR 273.2(b)(1)(vi), in plain and prominent language on or near the front page of the application, the State must provide a description of the expedited service provisions

Fourth, pursuant to 7 CFR 273.2(i)(2), the State agency's application procedures shall be designed to identify households eligible for expedited service at the time the household requests assistance. Applications must be screened as they are filed or as individuals come into apply.

The on-line application system in Massachusetts screens applicants for expedited service and requires the applicant to abandon the system and report to the local office for expedited service. Although other States have this process on their web applications, it is not clearly stated in the beginning of the process that a household may qualify for such benefits and a method for processing such an application. The system needs to provide the same clarification on-line that participants are provided when they submit an application to the local office.

Fifth, several States have a system that requests citizenship information from non-applicants. Pursuant 7 CFR 273.2(f)(1), States must verify certain information prior to certifying a household initially applying. This includes verification of eligible aliens and citizens. However, such information is not required to be certified at the time the application is filed States need to provide applicants with an alternative means to submit an application for the Food Stamp Program.

III. Conclusion

States must comply with these regulatory requirements. Certification Policy Branch staff will be contacting you to discuss the States and issues requiring corrective action. We anticipate that Regional Offices will be working with these States to determine their intentions for complying with these requirements. We encourage States to communicate with FNS about the practices they use in developing these systems so we can pass along

Information to those who are in the process of developing such a system. Additionally, we encourage States to provide us with information about why their current system may not meet these regulatory requirements and what hurdles or obstacles may come in their way in the implementation of such changes. Also, it would be helpful for FNS to learn about the effectiveness of tools, like the radio button on the West Virginia website, that distinguish an application for the Food Stamp Program to ensure that such an application meets the minimum requirements. We encourage States to use technology in the application process. However, the use of such technology must meet the minimum regulatory requirements.

/s/

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