



Food and
Nutrition
Service

DATE: November 3, 2017
SUBJECT: Electronic Notice Waivers and Options
TO: All Regional Directors
Supplemental Nutrition Assistance Program

Park Office
Center

3101 Park
Center Drive
Alexandria,
VA 22302

The Food and Nutrition Service (FNS) has recently been reviewing its Supplemental Nutrition Assistance Program (SNAP) waiver processes and procedures. As part of this effort, FNS has reexamined its electronic notice (e-notice) waivers, which allow States to provide designated notices to households through an online account on a secure website or portal instead of mailing paper notices to physical addresses. Under this waiver, SNAP households opting to receive their notices electronically receive both an email and a paper confirmation notice that explains how to retrieve their e-notices. Each time an e-notice is issued and available for viewing, households receive an email prompting them to visit their online account. States currently approved for this waiver use e-notices to inform households of a variety of case-related actions, such as the notice of missed interview, eligibility, denial, pending status, expiration, and required verification.

FNS first began approving e-notice waivers in Fiscal Year 2011 in response to State agency requests. At that time, FNS' interpretation of the SNAP regulations, including 273.13(a) which requires that the notice of adverse action be 'mailed' to the household was based on the traditional paper process. As a result, States were required to submit and be approved for waivers of the regulations in order to deviate from this process and utilize electronic methods of notice issuance. In the years since the first e-notice waivers were approved, stakeholders including State agencies, SNAP households, and advocacy groups, have reported that e-notices may provide several administrative and customer service related benefits. These include reduced printing and mailing costs, faster receipt of notices, fewer lost notices and easier access to them within the portal, and decreases in returned mail for households who lack a fixed permanent address.

With its review of the positive data reported from currently approved e-notice waivers and a re-evaluation of the regulations regarding notice issuance in light of current technology, FNS no longer believes a waiver is necessary for a State agency to provide client notices electronically. This memo serves to notify SNAP State agencies that sending e-notices and informing clients that they have a new notice via email is now a state option provided the following conditions are met:

- The State must receive the household's consent in order to provide e-notices and must establish security procedures to protect confidential client information sent electronically;
- E-notices must contain the same information as their corresponding paper notices;
- Households that opt to receive e-notices must be provided an initial email and paper confirmation notice that explains how to retrieve their e-notices;
- When any new e-notice is available, the State must send an email to the household to make them aware of its availability;
- The State must provide the household the opportunity to opt-out and go back to paper notices at any time;
- If the State finds the household's email address is invalid or inactive, the State must automatically resume providing the household with paper notices;
- The State must provide paper copy notices to households electing to receive electronic notices upon request;
- E-notices must be accessible in the State's eligibility system to both Federal and State Quality Control Reviewers;
- The State may issue any type of notice electronically, except for the household notification of referral to the Treasury Offset Program (TOP) (7 CFR 273.16(n)(2)); and
- The State agency must notify its FNS Regional Office upon adopting e-notices and a list of the notices that will be offered electronically. The State agency should also include this information in its State Plan.

Any State which is currently awaiting response from FNS to an e-notice waiver request may move forward with implementation of the new e-notice option, provided its process will align with the conditions outlined above.

Some States have proposed incorporating text messaging into e-notice waivers. Sending text messages in addition to emails to inform SNAP households of the availability of a new notice is allowable under the option; sending a text message alone is not. Text messages may be another valuable way to reach some SNAP households who prefer to be contacted that way and who lack regular email access and FNS is interested in exploring how providing the option to receive information about a new notice via text or email may impact program administration, efficiency, and access. Text messages differ from email and mail correspondence in important ways, the most important of which is that the sender does not get feedback (returned mail or undeliverable email) indicating if the recipient did not receive the information that was sent. For this reason, States wishing to utilize text message alone (without a corresponding email) as a way to inform clients of a new notice, must continue to request waiver approval and include appropriate plans to evaluate the impact of the proposed alternative procedure.

USDA is an Equal Opportunity Provider, Employer and Lender

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

FNS looks forward to reviewing these requests and working with State agencies on continued technology modernization efforts to improve efficiency in program operations and better serve SNAP households.

Please distribute this guidance to your State agencies and advise them to contact their respective FNS Regional Offices points of contact with any questions and for technical assistance. FNS Regional Offices should contact Sasha Gersten-Paal at (703) 305-2507 with any questions concerning this policy memorandum.

/S/ Lizbeth Silbermann

Lizbeth Silbermann

Director

Program Development Division