

218-RICR-20-00-12

TITLE 218 - RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

CHAPTER 20 - INDIVIDUAL AND FAMILY SUPPORT PROGRAMS

SUBCHAPTER 00 - N/A

PART 12 - SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RULES AND REGULATIONS DUE TO COVID-19

12.1 Authority

12.1.1 COVID-19 Virus and the National State of Emergency

- A. Prior to the implementation of any new procedure under this regulation, the Director of the Department of Human Services has received Federal waivers and/or approval, as required, from the U.S. Department of Agriculture, Food and Nutrition Service (USDA FNS), which provides funding and oversight for this program. The Director has also considered any guidance by these Federal agencies, when available, when implementing these new procedures.
- B. The approved provisions, as reflected in this regulation, shall remain in effect until withdrawn, modified, or otherwise terminated by USDA FNS.

12.2 Student Eligibility Requirements (See 218-RICR-20-00-1 § 1.14.13)

12.2.1 Provisions for Impacted Students

- A. Due to ~~COVID-19~~ the Federally declared public health emergency resulting from COVID-19, the Consolidated Appropriations Act, 2021 (herein referred to as the Act) authorizes the DHS to temporarily allow for students who do not meet the work requirement criteria to be eligible for SNAP if:
 - 1. they are eligible for, but not required to participate in, a State or Federally financed work-study during the regular school year; or
 - 2. they are enrolled at least half-time in an institution of higher education and have an expected family contribution (EFC) of zero dollars (\$0) in the current academic year as determined in accordance with Part F of Title IV of the Higher Education Act of 1965.
- B. The Act further provides that these temporary student eligibility standards remain in effect until:

1. thirty (30) days after the [COVID-19 Federal](#) public health emergency is lifted for initial SNAP applications; and
2. the first recertification of a household beginning no earlier than thirty (30) days after the [COVID-19 Federal](#) public health emergency is lifted.

12.3 Excluded Income (See 218-RICR-20-00-1 § 1.5.3)

12.3.1 Pandemic Unemployment Compensation Exclusion from Income

In addition to the types of income which are excluded for SNAP purposes specified in the Food and Nutrition Act of 2008 (as amended through Pub. Law 116-94), Federal pandemic unemployment compensation payments authorized under Section 2104 of the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act; Pub. Law 116-136), shall not be counted as income in the month of receipt or in any of the nine (9) months following the month of receipt, when determining SNAP eligibility or SNAP benefit assistance amount. This exclusion of income was provided through this Act beginning on December 27, 2020 [and will continue until the week ending on September 4, 2021.](#)

12.4 Resources (See 218-RICR-20-00-1 § 1.5.5)

12.4.1 Pandemic Unemployment Compensation Exclusion from Resources

Through the Act, Federal pandemic unemployment compensation payments authorized under Section 2104 of the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act; Pub. Law 116-136), shall not be counted as a resource in the month of receipt or in any of the following nine (9) months when determining SNAP eligibility or SNAP benefit assistance amount. This exclusion of resources was provided through this Act beginning on December 27, 2020 [and will continue until the week ending on September 4, 2021.](#)

12.5 Benefit Over Issuances and Claims (See 218-RICR-20-00-1 § 1.17)

12.5.1 Client Overissuance Claims

- A. SNAP benefits overissued as a result of implementing increased benefit levels, as outlined in § 12.6.1 of this Part, must be excluded when calculating the amount of a claim against a household.
- B. This exclusion will apply to any additional amount of benefits issued to a household from January 1, 2021, through September 30, 2021, as amended under the America Rescue Plan Act 2021.

12.6 SNAP Assistance During a Declared Pandemic (P-SNAP) (See 218-RICR-20-00-1 § 1.20)

12.6.1 Value of SNAP Benefits

- A. Under the Act, and as authorized by FNS during Covid-19 the Federally declared public health emergency, the DHS may utilize additional program flexibilities to deliver pandemic SNAP (P-SNAP) benefits to certified eligible households including, but not limited to, temporarily increasing the allowable monthly SNAP allotments for household size.
- B. The Department temporarily increased the maximum SNAP allotment amounts to one hundred fifteen percent (115%) of the June 2020 value of the Thrifty Food Plan for each household size in each month of eligibility beginning January 1, 2021. This increase is in effect from January 1, 2021 through September 30, 2021, as amended under the American Rescue Plan Act 2021.

12.7 Pandemic Electronic Benefit Transfer (P-EBT) Benefits

- A. Under the Families First Coronavirus Response Act (Pub. Law 116-127) as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (Pub. Law 116-159), the Consolidated Appropriations Act, 2021 (Pub. Law (116-260), and the American Rescue Plan Act, 2021, the Department is authorized to continue temporary assistance for SNAP and non-SNAP families with school-age children who temporarily lost access to free or reduced-price meals due to pandemic-related school closures from the start of the school year 2020/2021 through September 30, 2021, provided a Federal public health emergency declaration is in effect.
- B. The DHS shall provide P-EBT temporary assistance to all children under the age of six (6) who receive SNAP benefits and are therefore deemed enrolled in a covered child care facility.
 - 1. DHS will use the operating status of the schools within the area of eligible child's residence to establish a standard monthly P-EBT benefit amount.
 - 2. Benefits will be issued retroactively to October 2020 for the first issuance only for all eligible children who are enrolled in SNAP at the time of issuance.
 - 3. P-EBT child care eligibility ends when a child's SNAP enrollment ends.
 - 4. P-EBT will remain available until September 30, 2021, provided a Federal public health emergency declaration is in effect and schools/facilities remain closed or operating at reduced attendance or hours.

- C. The household benefit allotment is determined by the USDA FNS and is the equivalent to the daily reimbursement for a breakfast, a lunch, and a snack for school year 2020-2021. The benefit is multiplied by the number of days that the eligible child's status makes them eligible for P-EBT benefits. In Rhode Island, the reimbursement rate is six dollars and eighty-two cents (\$6.82) per day for students attending virtual learning sessions every day that school is in session each month and seventy five dollars and two cents (\$75.02) per month for students in a hybrid (in-person and virtual) learning schedule.

12.7.1 P-EBT Eligibility

A. School Children

1. Households affected by this [Federal](#) public health emergency declaration are eligible for P-EBT when:
 - a. an eligible child, who if not for the closure or reduced attendance or hours of their school during the public health emergency due to concerns of a COVID-19 outbreak, would receive free or reduced-price school meals under the National School Lunch Program (NSLP); and
 - b. the child's school or district has been closed or has reduced the number of days or hours that the student attends school for at least five (5) consecutive days during a public health emergency declaration due to concerns over a COVID-19 outbreak.

B. Children in Childcare

1. Households with children under the age of six (6) affected by the public health emergency declaration are eligible for P-EBT if the following three conditions are met:
 - a. The child is a member of a household that is receiving SNAP benefits.
 - b. The child is enrolled in a covered childcare facility or lives in the area of a closed facility.
 - (1) Under the latest FFCRA amendment, the USDA shall deem all SNAP-eligible children under the age of six (6) to be enrolled in a covered child care facility.
 - c. The facility is closed or is operating with reduced attendance or hours for at least five (5) consecutive days, resulting in the child's inability to attend the facility; or one or more schools in the area of the child care facility, or in the area of the child's residence, is

closed or operating with reduced attendance or hours for at least five (5) consecutive days.

- (1) Consistent with the DHS's existing procedure approved by FNS for school age children, the agency will utilize a uniform hybrid benefit amount consisting of eleven (11) days of eligibility per month equal to seventy-five dollars and two cents (\$75.02) per month as virtual days based on the average amount of time a hybrid learning student is virtually learning across the state.

12.7.2 Verification of Eligibility

- A. Households containing school age children eligible for free or reduced-price school meals shall be identified utilizing Rhode Island's direct certification match conducted at the State level using data from the Rhode Island Department of Education's (RIDE) Student Database system and DHS's SNAP database.
- B. Households with children under the age of six (6) who are eligible for SNAP benefits shall be deemed enrolled in a covered child care facility and residing in an area where one or more schools have been operating at reduced attendance or hours since October 1, 2020, and utilizing a hybrid learning schedule as supported by the monthly school status data consistent in determining the benefit for school age children.

12.7.3 Issuance of P-EBT

- A. The DHS shall use data match information to issue P-EBT benefits on an Electronic Benefits Transfer (EBT) card for SNAP recipients and a P-EBT card for non-SNAP recipients.
- B. P-EBT benefits will automatically be added to the EBT card according to current processing methods, but in an allotment separate from the regular monthly issuance.
- C. P-EBT childcare benefits shall not be issued to any child after their SNAP enrollment ends.
- D. Any P-EBT benefits that remain unused on the EBT account for a period of one (1) year will be permanently removed from the account and returned to the FNS.

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