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December 2, 2019



SNAP Certification Policy Branch
Program Development Division
Food and Nutrition Services
3101 Park Center Drive
U.S. Department of Agriculture
Alexandria, VA 22302

Re: Notice of Proposed Rulemaking Regarding Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances (RIN 0584-AE69)

Dear SNAP Certification Policy Branch:

The Leadership Conference Education Fund appreciates the opportunity to comment on the U.S. Department of Agriculture's (USDA) Notice of Proposed Rulemaking (NPRM) regarding Supplemental Assistance Nutrition Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances (SUAs). The Leadership Conference Education Fund is the research and education arm of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. We are deeply concerned by attempts to further restrict food assistance to low-income individuals. This proposed rule would standardize SUA methodology across states in a harmful way, exacerbating hunger and economic instability for low-income individuals facing resource-related hardships. The Leadership Conference Education Fund opposes this proposed rule, which would increase food insecurity and harm millions of low-income people who rely on SNAP to get food on the table.

The right to food, recognized in Article 25 of the 1948 Universal Declaration of Human Rights,¹ guarantees freedom from hunger and access to safe and nutritious food. SNAP plays a critical role in addressing hunger and food insecurity in the communities that we represent, and it is the first line of defense against hunger for many low-income individuals. In 2018, SNAP helped on average more than 38 million people in the United States put food on the table every month.² SNAP has also played a significant role in reducing poverty: the program has moved 8.4 million people out of poverty, reducing the poverty rate from 15.4 percent to

¹ United Nations. "Universal Declaration of Human Rights." <http://www.un.org/en/universal-declaration-human-rights/>.

² SNAP Data Tables. *United States Department of Agriculture*. <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>.



12.8 percent.³ In its Regulatory Impact Analysis, USDA concedes that this proposed rule will cause 19 percent of SNAP households to receive lower monthly SNAP benefits, and will result in \$4.5 billion in cuts to the program over five years.⁴ USDA's proposed changes will ultimately force low-income families to make difficult choices between putting food on the table or keeping their utilities on.

The Leadership Conference Education Fund strongly opposes any changes that would result in taking away nutrition assistance from some of the most vulnerable people in our country. Policymakers recognize that household resources needed to pay for basics such as shelter, utility costs, and childcare are resources that are not available to purchase food. Under current law, SNAP considers the utility expenses of each SNAP household. States then adjust household benefits based on a state-specific SUA calculated by the state and approved by USDA. The current policy allows variances in SUAs to accommodate for differences in utility costs and rates and provides states flexibility in how they calculate those costs.

Under the proposed rule, USDA would standardize and cap SUA calculations across the country based on survey data. The proposed rule does not adequately explain why states' current method for calculating SUAs, which USDA approves annually, needs to be changed. USDA also neglects to explain why in setting the Heating and Cooling SUAs (HCSUA), the largest of the state SUA components, they propose to disregard utility costs of low-income households in a state if they exceed those of the 80th percentile in the state, rather than a higher level. The proposed rule also does not sufficiently explain the rationale for arbitrarily setting caps on the other components of the SUAs such as Limited Utility Allowances (LUAs) and individual standards. It is particularly concerning that under this proposal, states would have no opportunity to appeal the decision to standardize SUA methodology or to provide more accurate state data in an effort to best support their SNAP recipients.

Moreover, this NPRM blatantly disregards the will of Congress. SNAP's statutory purpose, as declared by Congress, is "to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households. Congress finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households...[t]o alleviate such hunger and malnutrition, a supplemental nutrition assistance program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation." In fact, Congress reviewed SNAP policy during consideration of the 2018 Farm Bill and the President's FY 2020 Budget request and chose to maintain state options that may produce differences in SNAP eligibility benefit amounts from state to state. Standardizing benefit amounts in a way that reduces benefits for large numbers of participants also undermines the statutory purpose of the SNAP program.

³ Wheaton, Laura and Tran, Victoria. "The Antipoverty Effects of the Supplemental Nutrition Assistance Program." *The Urban Institute*. February 2018. <https://www.urban.org/research/publication/antipoverty-effects-supplemental-nutrition-assistance-program>.

⁴ Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances, 84 FR 52809 (proposed October 3, 2019), to be codified at 7 CFR part 273.

The SUA is a crucial consideration that provides states the flexibility to help low-income people continue to put food on the table while still paying for basic needs like high utility costs. USDA's proposed changes would make it more difficult for people who need food assistance the most to access it, which would have harmful implications for communities that already experience high rates of food insecurity across the country:

- **People with Disabilities and Seniors:** Older adults and people with disabilities stand to be disparately impacted by the proposed rule. SNAP plays an important role in supporting the food security, nutrition, and health of older adults, allowing them to maintain their independence while also reducing their health care utilization and costs. People with disabilities are at higher risk of food insecurity, making SNAP a critical support for this vulnerable population as well. The proposed rule disproportionately impacts elderly people and people with disabilities as these groups are not subject to limits on shelter costs (rents/mortgages/etc. and utilities) above 50 percent of their net income. Should this rule be finalized, seven million people in three million households will face cuts to their benefits. Of those people, 29 percent will be people with disabilities and 20 percent will be seniors. Eight thousand people would lose their benefits entirely.
- **Women and Children:** SNAP serves a diverse group of women and families, with 24 percent of nonelderly women and 35 percent of women of color relying on the program to access nutritious food.⁵ Because most adult SNAP recipients are women, they are likely to be disproportionately impacted by the proposed rule, which will make it harder for women to pay for both utility costs for their homes as well as food to feed their families. This is especially critical for women in the low wage workforce, where women of color are disproportionately represented. SNAP is a critical support for low wage working women, helping them feed themselves and their families and helping to meet other basic needs such as childcare, housing, and health care.

Of the more than 7 million people who would experience a benefit cut under this proposed rule, 68 percent are in households with children.⁶ Beyond its role in fighting food insecurity, SNAP significantly reduces child poverty, breaking the cycle of generational poverty as it helps struggling families make ends meet. Monthly SNAP benefits help struggling families make ends meet, and without SNAP 1.4 million additional children (13.7 percent) would have lived under the poverty line in 2018 alone.⁷ These families would experience an average benefit loss of \$28 per month. Taking food away from children negatively impacts their health, well-being, development, and future success.

⁵ National Women's Law Center, calculations based on U.S. Census Bureau, 2018 Current Population Survey using Sarah Flood et al., Integrated Public Use Microdata Series (IPUMS): Version 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018) (hereinafter "IPUMS 2018").

⁶ Conquist, Katherine and Lauffer, Sarah. "Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2017." *U.S. Department of Agriculture Food and Nutrition Service*. February 2019.

⁷ Fox, Liana. "The Supplemental Poverty Measure: 2018." *U.S. Census Bureau*. October 2018.



- **LGBTQ Individuals:** Because same-sex couples are substantially more likely to experience poverty and food insecurity than different-sex couples,⁸ LGBTQ people are particularly vulnerable to the harmful impacts of this proposed rule. LGBTQ people are also more likely to depend on SNAP: 2017 data from the Center for American Progress indicates that LGBTQ people and their families were 2.3 times more likely to participate in SNAP than were non-LGBTQ people, with 22.7 percent of respondents reporting SNAP usage.⁹ SNAP participation rates were even more disproportionate among LGBTQ people of color, LGBTQ women, and LGBTQ people with disabilities.¹⁰ Cutting SNAP benefits will deprive many LGBTQ people of this critical support.

The Leadership Conference strongly opposes this proposed rule because it would cut food benefits, decrease food security, and harm the communities that we represent. USDA should be strengthening SNAP and building on the program's positive impacts for health, well-being, and economic security, not making cuts to SNAP benefits. We urge USDA to withdraw this rule and to instead focus on increasing access to SNAP for the individuals who rely on this critical program to survive. If you have any questions, please contact Arielle Atherley, policy analyst, at atherley@civilrights.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanita Gupta".

Vanita Gupta
President & CEO

8 Badgett, M.V. Lee, et al. "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community." *Williams Institute*. June 2013. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

9 Rooney, Caitlin, et al. "Protecting Basic Living Standards for LGBTQ People." *Center for American Progress*. August 2018. <https://cdn.americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>.

10 Ibid.