



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: February 27, 2024

TO: Department of Health and Social Services
Division of Social Services

FROM: Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: PROPOSED DHSS FOOD BENEFIT CERTIFICATION 9068, 27 DEL
REGISTER OF REGULATIONS 577 (FEBRUARY 1, 2024)

The State Council for Persons with Disabilities (SCPD) has reviewed the proposed changes to DHSS Benefit Certification.

SCPD has the following comments:

- In 2021, SNAP helped 12% of the state's population, approximately 115,500 Delaware residents¹:
 - more than 66% of SNAP participants are in families with children
 - **almost 38% are in families with members who are older adults or have disabilities**
 - almost 46% are in working families.
- A certification period requires the SNAP family to report certain changes in income, living arrangements and family composition. 7 C.F.R. § 273.10(f) addresses certification periods and states "State agencies must assign the longest certification period possible based on the predictability of the household's circumstances." Currently DHSS adheres to this policy by allowing 24-month recertification periods with a periodic review at month 12 for households where all members are elderly or disabled, and for 12- month certification periods with a periodic review at month 6 for other households based on their circumstances.

¹ Center on Budget and Policy Priorities (April 25, 2022), available at <https://www.cbpp.org/research/food-assistance/a-closer-look-at-who-benefits-from-snap-state-by-state-fact-sheets#> Delaware.

- Delaware's proposed changes will result in many eligible families losing SNAP benefits and runs counter to the federal government's stated policy goals of increasing enrollment by streamlining application and renewal processes and generally trying to reduce unnecessary churn (when a household exits SNAP and then re-enters the program within 4 months). See for example 87 Fed. Reg. 54760 (Sept. 7, 2022) (proposing multiple changes to simplify Medicaid applications and renewals).
- The Proposed rule will also increase the administrative burden on both SNAP recipients and the State by doubling the number of reviews that must be conducted.
- Making SNAP benefits more accessible is a racial justice issue. It is well established that families of color bear the brunt of hunger in America. Adopting policies that restrict or reduce eligibility will have a disproportionate effect on those families.
- Food insecurity plays an important role in physical and mental health. Delaware should not adopt policies that only worsen food insecurity. Indeed, a recent report, co-authored by Center for Law and Social Policy (CLASP) in collaboration with the Community Partnership Group (CPG) recommends longer certification periods. It also addresses the consequences of short certification periods: "These short certification periods add burden and create more opportunities for human error, causing families to lose their benefits. One year renewal periods - nothing less - should be the national standard."²
- SNAP is the nation's largest mechanism to fight hunger and is 100% federally funded.
- Delaware should be seeking to increase not decrease enrollment of eligible families. The proposed changes will do precisely the opposite.

SCPD opposes changes to the frequency of the review periods and recommends DHSS maintain 24-month certification/12-month certification periods as this change will negatively impact families with individuals with disabilities, seniors, and communities of color.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

cc: Ms. Marissa Band, Esquire CLASI, DLP
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

² Center for Law and Social Policy, "A Community-Driven Anti-Racist Vision for SNAP," (September 2022), available at <https://www.clasp.org/publications/report/brief/a-community-driven-anti-racist-vision-for-snap/>