

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

November 27, 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 Rule Making Regarding Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances –
RIN 0584-AE69

Submitted via Regulations.gov

Dear SNAP Certification Policy Branch:

Justice in Aging writes in opposition to USDA's proposed changes to the utility allowances as set out in USDA's Notice of Proposed Rule regarding Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances. According to the Department's own estimates, the proposed rule would result in a \$4.5 billion cut in SNAP benefits over five years. These changes would exacerbate the struggles many low-income seniors already have paying for the costs of both food and utilities, and would negatively impact their health and well-being.

Justice in Aging is a national nonprofit legal advocacy organization that fights senior poverty through law. We are committed to ensuring access to social safety net programs on which elderly populations rely, such as Medicare, Medicaid, Social Security, and Supplemental Security Income (SSI), as well as SNAP. Our work focuses especially on older adult populations that have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with disabilities. We regularly work to highlight and address the needs of low-income older adults.

SNAP plays a critical role in addressing hunger and food insecurity. Nationally, over 10 million older adults face the threat of hunger each year. SNAP is the largest national program to address food insecurity, with 4.8 million older adults across the country receiving SNAP benefits each month.

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In addition, over 4 million non-elderly people with disabilities receive SNAP, a number that increases to about 11 million when you count those with a disability who are not “officially” counted because they do not receive disability benefits.¹

Under current law, SNAP takes into account the utility expenses of each SNAP household. States adjust household benefits based on a state-specific Standard Utility Allowance (SUA) calculated by the state and approved by USDA. The current policy allows variances in SUAs to accommodate for differences in utility costs, and allows states flexibility in how they calculate those costs. The proposed rule would standardize and cap SUA calculations across the country based on survey data.

The proposed rule does not adequately explain USDA’s rationale for capping the largest of the SUA components by calibrating it to utility expense survey data for those no higher than the 80th percentile of low-income people. Nor does it adequately justify capping other SUA components. USDA’s own research has found that 22 states had SUAs that met or exceeded the 85th percentile estimates, indicating the need for higher SUAs in some states than would be allowed under the proposed rule.

Because of how SNAP benefits are calculated, a disproportionate number of older adults and people with disabilities will be affected by the proposed rule. These households can utilize the uncapped Excess Shelter Deduction; given the high shelter costs of living in certain states where older adults are more likely to reside, such as California and New York, these households will suffer greater benefit reductions, or the loss of SNAP eligibility all together, in greater rates than the overall population of SNAP households.

The Administration concedes that the proposed rule would cause 19 percent of SNAP households to get lower SNAP monthly benefits, would disproportionately impact elderly people and people with disabilities, and would cause a national net cut to SNAP benefits amounting to \$4.5 billion over five years.

Low-income older adults² and people with disabilities³ already face difficulties trying to afford the cost of food in addition to paying for their housing and utilities. Older adults are one of the few groups in recent years to see an increase in the number of people in

¹ Steven Carlson, Brynne Keith-Jennings, and Raheem Chaudhry, Center on Budget and Policy Priorities, “SNAP Provides Needed Food Assistance to Millions of People with Disabilities” (June 14, 2017), available at <https://www.cbpp.org/research/food-assistance/snap-provides-needed-food-assistance-to-millions-of-people-with>

² Hossein Estiri and Emilio Zagheni, Energy Research & Social Science, “Ageing and household energy demand in the United States” Vol. 55, September 2019.

³ Sophie Mitra, Ph.D., Michael Palmer, Ph.D., Hoolda Kim M.A., Daniel Mont, Ph.D., and Nora Groce, Ph.D., Disability and Health Journal, “Extra costs of living with a disability: A review and agenda for research,” Vol. 10, Issue 4, October 2017.

poverty.⁴ In addition, homelessness is increasing among elderly adults.⁵ The consequences of food insecurity are significant, and can lead to health declines and greater risk of hospitalization.⁶ When living on fixed incomes, older adults and people with disabilities find it more and more difficult to cover rising utility costs. They also may use devices or medical equipment, such as motorized wheelchairs, breathing apparatus, or other life-saving devices, that consume more energy than average. Older adults and people with disabilities also face an increased energy burden in rural communities. The median energy burden of rural elderly households is 44% higher than that of non-elderly rural households.⁷

USDA should be strengthening the positive impacts of SNAP benefits for the health, well-being, and economic activity of those who receive them, not making cuts to SNAP benefits that harm older adults and people with disabilities. Justice in Aging strongly opposes the proposed rule and requests that USDA withdraw it and work with states to improve their SUA's under the existing flexibility allowed by the existing regulations.

Sincerely,



Tracey Gronniger
Director, Economic Security

⁴ Ashley Edwards, Adam Bee, and Liana Fox, Census Blogs, "Outlying Older Americans: The Puzzle of Increasing Poverty among those 65 and Older," Sept. 12, 2017

⁵ M William Sermons and Meghan Henry, Homeless Research Institute, "Demographics of Homelessness Series: The Rising Elderly Population," April 2010.

⁶ Vibha Bhargava, Journal of Nutrition in Gerontology and Geriatrics, "Food Insecurity and Health Care Utilization Among Older Adults in the United States," Aug. 25, 2016

⁷ Lauren Ross, Ariel Drehobl, and Brian Stickles, "The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency," American Council for an Energy-Efficient Economy, July 2018.