



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	19-ADM-12
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	December 30, 2019
<b>Subject:</b>	United States Department of Agriculture (USDA) SNAP Civil Rights Requirements
<b>Suggested Distribution:</b>	SNAP Directors and TA Directors; Finance, Legal Affairs and Local Systems Directors
<b>Contact Person(s):</b>	SNAP Policy Liaison (518) 473-1469
<b>Attachments:</b>	<a href="#">Attachment 1: USDA-FNS Non-Discrimination Statement</a> <a href="#">Attachment 2: USDA Sample Civil Rights Assurance Statement</a>
<b>Attachment Available Online:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06-ADM-05 02-LCM-07 03-LCM-03 04-LCM-07 15-LCM-09 17-INF-14		303 348.3 351.1 351.26 355.1 355.2 356.3 357.1 387.2	SSL 136 and 331(3) 29 USC 794 and 504 42 USC 608(d) 42 USC 2000(d) et seq. 42 USC 8625(a) 45 CFR 80 and 84 7 CFR 272.4(b) and 272.6	SNAP Source Book sections 3,4 and 9	FNS 113-1

## Section 2

### I. Summary

The United States Department of Agriculture (USDA) Office of Civil Rights (OCR) conducted a Civil Rights Limited English Proficiency (LEP) Compliance Review of the Supplemental Nutrition Assistance Program (SNAP) in New York State. The 2016 review focused on language access and included an on-site review of the language access policy and procedures employed in two local social services districts (districts). While the review was quite favorable, there were some findings resulting from the review that require the New York State Office of Temporary and Disability Assistance (OTDA) to provide direction to districts.

One finding, based on USDA staff's review of several, district public-facing websites as they pertained to information about SNAP, noted that "[m]any County web pages... do not include the appropriate Non-discrimination Statement (NDS) and, generally, do not ensure or facilitate meaningful access as information is not available in other [than English] languages or readily translatable." As a required corrective action, OTDA was directed to require districts to take reasonable steps to ensure meaningful access to SNAP and SNAP-related programs and services in accordance with USDA Civil Rights and LEP guidance.

Lastly, USDA reviewed select State and district contracts and formal agreements for the provision of SNAP services. They found that certain civil rights "assurance" language was not included in all contracts and formal agreements supported by federal SNAP funding.

### II. Purpose

To inform districts of USDA FNS SNAP Civil Rights requirements regarding the provision of meaningful LEP access to SNAP information and the posting of the attached federally approved NDS on district websites, and to inform districts about the requirement to include SNAP Civil Rights "assurance" language in all contracts and formal agreements for the provisions of SNAP-related services, supported in whole or in part by federal SNAP funding.

### III. Background

FNS Instruction 113-1 (Civil Rights Compliance and Enforcement – Nutrition Programs and Activities) sets forth policies and other instructions regarding compliance requirements and federal enforcement actions concerning the prohibition of discrimination in all FNS nutrition programs and activities, funded in whole or in part, with federal funds. For SNAP, the federally-protected classes are: race, color, religious creed, national origin, age, sex, disability, political belief or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. SNAP language access and civil rights requirements and protections against discrimination, as described in federal regulations 7 CFR Parts 272.4(b) and 272.6, respectively, apply to both states and districts responsible for administering SNAP. Additionally, federal civil rights non-discrimination requirements extend to organizations and their sub-recipients, supported in whole or in part with federal SNAP funding, under agreement with OTDA and/or districts (e.g., contractual, memoranda of understanding) to perform approved SNAP activities.

New York State Human Rights law guarantees for the protection of the public welfare, health and peace of the people of this State, and in fulfillment of the provisions of the constitution of this State, concerning civil rights and non-discrimination. In addition to the federally protected categories described above, with respect to public accommodations, NYS law affords class protection based on gender identity, transgender status, gender dysphoria, sexual orientation, marital status, and military status.

The USDA Office of Civil Rights conducted Civil Rights Reviews in New York, at the State or district level, in 2013, 2015 and 2016. As a result of these reviews, additional measures have been taken to enhance State and district SNAP civil rights compliance: all district, State and contracted staff involved in administering SNAP attend mandatory annual Civil Rights training and all State training programs have been updated to comply with federal civil rights requirements.

Through the annual, federally-required SNAP Management Evaluation (ME) process, OTDA monitors compliance, and supports districts in attaining and maintaining compliance with SNAP Civil Rights requirements.

## **IV. Program Implications**

### *Limited English Proficiency (LEP)*

Districts are reminded of the requirement to take reasonable steps to provide meaningful access to SNAP and other programs and services for their limited English proficiency (LEP) population, in accordance with [06-ADM-05](#), Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP). Districts also are reminded of the federal requirements to provide meaningful access to SNAP and SNAP-related programs and services consistent with federal regulations 7 CFR 272.4(b) and 272.6, and with USDA LEP guidance provided in the publication FNS 113-1, particularly at Sections VII, IX, and X.

As a commonly used public source of information, district websites also must comply with civil rights non-discrimination requirements and must provide access to LEP individuals and households to all SNAP information posted.

USDA has provided a Non-Discrimination Statement (Attachment 1) to which OTDA has included the additional New York State protected classes. OTDA's public-facing website contains the required NDS at: <http://otda.ny.gov/programs/snap/>. This statement must not be altered.

### *SNAP Contract / Agreement Civil Rights Assurance Language*

As specified in FNS 113-1, Section X, all SNAP non-discrimination and civil rights requirements extend to organizations who perform SNAP services under contract or other agreement, funded in whole or in part with federal SNAP funding. Federal rules require such contracts or agreements to contain certain civil rights assurances.

USDA has provided sample Civil Rights Assurance statement language (Attachment 2). Other similar language may also meet the requirement.

## **V. Required Action**

### *LEP Access and Non-Discrimination Statement*

If SNAP information on the district website is available in English only, districts must take action to provide meaningful access to this information for LEP populations. Suggested corrective actions include the following:

- adding a "translate" tool on the district website (e.g., Google translate),
- providing links on the district's website to the SNAP information translated into other languages, or
- providing a link to OTDA's website, which includes the Google translate tool.

In its review, USDA noted that some district websites did provide links to translated information, but the directions for how to access that translated information were only in English. Consequently, USDA recommends that if this last option is used, that there be a simple explanation in other languages that the provided link will take the user to translated SNAP information.

Districts also must have the current NDS on their website. As an interim step, districts may provide a link to NYS OTDA website SNAP pages: <http://otda.ny.gov/programs/snap/> with an explanation that users may follow this link to read information about their rights and how to file a complaint if they feel they have been discriminated against.

### *SNAP Civil Rights Assurances*

To meet USDA FNS civil rights assurance requirements regarding non-discrimination in the treatment or servicing of applicants and participants for federal programs and services (Title VI of the Civil Rights Laws of 1964), entities under contracts and agreements to perform SNAP-related services must be held to the provisions outlined in the approved USDA sample assurance statement.

This statement, or alternative language that specifies the same assurances provided in the sample statement, must be included prospectively in all State and district contracts or agreements, as approved by district legal and contract departments. Additionally, USDA has recommended that assurance language be included in any new contract or agreement procurement requests (e.g., Requests for Proposals (RFP) and supporting documentation).

The requirement to include SNAP civil rights assurance language in all new SNAP contracts, agreements or procurements for SNAP-related activities, supported in whole or part by federal funding, is effective immediately.

## **VI. Systems Implications**

N/A

## **VII. Effective Date**

Immediately

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### **Issued By**

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