

Honorable Jim McGovern, Chair  
Committee on Rules  
370 Cannon House Office Building  
Washington, DC 20515

March 30, 2022

Dear Chairman McGovern and Members of the House Committee on Rules:

Thank you for visiting Massachusetts on March 4, 2022 and meeting with a wide range of community groups – healthcare, anti-hunger, legal services, academics – to learn about the challenges and innovations Massachusetts can bring to the federal level to help address and hopefully eliminate food insecurity in the nation. On behalf of the Massachusetts Law Reform Institute (MLRI), we appreciate the opportunity to be invited to speak. SNAP has been the most significant anti-hunger tool during the pandemic for Massachusetts families – but despite the success of the program in connecting with families, there continue to be significant participation gaps, and the benefit amount often does not meet real food needs for a full month. As you work on the 2023 Farm Bill and the White House Conference on Food, Nutrition, Hunger and Health, please accept our testimony highlighting a new initiative in Massachusetts to “close the SNAP Gap” and additional recommendations to strengthen SNAP.

Founded in 1968, the Massachusetts Law Reform Institute (MLRI) is a statewide poverty law center. In addition to focusing on substantive law areas in housing, immigration, healthcare, employment, domestic violence, income maintenance and child welfare, we pay particular attention to federal nutrition programs because of their critical role in reducing the hunger and food insecurity suffered by low-income Massachusetts households. MLRI works closely with our key SNAP and child nutrition state agencies and anti-hunger community partners to improve access to key federal nutrition programs. In addition to providing legal support and technical assistance to legal services advocates and community partners, MLRI has coordinated the Massachusetts SNAP Coalition since 2002– a coalition including hundreds of food banks and food pantries, homeless shelters, social work and healthcare providers, community action agencies, councils on aging, and legal services colleagues.

MLRI and key members of the SNAP Coalition also work closely with a number of state agencies including the Department of Transitional Assistance which administers SNAP; the Department of Early and Secondary Education which oversees the child nutrition programs; and the Department of Higher Education on addressing the basic needs of college students. In addition to working with the SNAP state agency on robustly pursuing federal waivers and flexibilities during the pandemic to maximize the federal nutrition dollars to low-income Massachusetts households,<sup>1</sup> in recent years MLRI successfully advocated with USDA to allow direct certification of children with disabilities getting SSI in free school meals, and worked with Project Bread to secure passage of state legislation to both increase school district enrollment in the Community Eligibility Provision and bar school district “meal shaming” practices.<sup>2</sup> In partnership with the Greater Boston Food Bank, Food

<sup>1</sup> USDA Food and Nutrition Service COVID-19 Waivers by State, Massachusetts  
<https://www.fns.usda.gov/disaster/pandemic/covid-19/massachusetts#snap>

<sup>2</sup> Chapter 62 of the Acts of 2021, An Act Promoting School Nutrition  
<https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter62>

Bank of Western Mass, and Central West Justice Center, the Massachusetts Legislature agreed to allocate American Rescue Plan Act (ARPA) funding<sup>1</sup> to address food insecurity on campus, and we are continuing our Hunger Free Campus legislation that will ensure all public colleges identify and address food insecurity of their students. Access to the federal nutrition benefits which Chairman McGovern and members of the Rules Committee have fought to protect is essential to the success of all these state-level initiatives.

**Before sharing some of our recent, promising initiatives and recommendations, we wish to profusely thank you!**

First, thank you Chairman McGovern for inviting members of the Rules Committee to Massachusetts and for recognizing the truly Herculean work of the non-profit organizations that have been providing emergency help and community coordination during COVID. This includes the Greater Boston, Western Mass and Worcester County Food Banks, Project Bread, Community Servings, Central West Justice Center, and so many others who have worked tirelessly on the ground to get food to low-income families and communities - especially low-income communities of color that have faced significantly higher food insecurity rates during the pandemic.

Thank you and the members of the Rules Committee for pushing back against the former administration's proposed rules that sought to slash SNAP benefits to some of our most vulnerable residents, by preventing waivers of the time limit for unemployed and underemployed adults, restricting the impact of high utility costs on the SNAP benefit amount, and slashing eligibility for working families. And thank you to Chairman McGovern for standing with the advocacy community in opposition to these harmful proposals and for your many powerful speeches on the House floor to #EndHungerNow. We deeply appreciate and are energized by your passion and commitment to ensure all Americans are food secure.

### **1. Food Insecurity and the impact of SNAP benefits in Massachusetts:**

As the Committee is aware, SNAP remains the most effective anti-hunger program we have in the United States. During the pandemic, SNAP has responded efficiently and effectively to the food needs for many low-income households.

In just the past two years since the onset of COVID, Massachusetts has robustly pursued federal options to maximize SNAP and Pandemic EBT (P-EBT) for eligible households.<sup>3</sup> The SNAP caseload has increased 36 percent since the onset of the pandemic – currently nearly 600,000 households.<sup>4</sup> This increase is due to the ongoing economic impact of the pandemic on low-income families – including continued challenges accessing childcare.<sup>5</sup> It is also because the Massachusetts SNAP agency is a national model for access and ensuring continuity of benefits for eligible households during the pandemic.

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<sup>3</sup> USDA Covid-19 Waivers and Flexibilities, Emergency Allotment waivers

<https://www.fns.usda.gov/disaster/pandemic/covid-19/massachusetts#snap>

<sup>4</sup> Department of Transitional Assistance data provided to MLRI. In early March 2020, there were 439,157 SNAP households in MA. As of early March 2022, that number had increased by 36 percent to 596,168 households.

<sup>5</sup> The Boston Globe, "Parents pay a small fortune for child care. So why are so many providers struggling?"

<https://www.bostonglobe.com/2021/10/26/magazine/parents-pay-small-fortune-child-care-so-why-are-so-many-providers-struggling/>

SNAP Emergency Allotments have been significant in meeting the nutritional needs of one in seven Massachusetts residents – nearly 1 million people. Emergency Allotments currently provide nearly \$90 million per month of federal nutrition dollars.<sup>6</sup>

Despite this, during the height of the pandemic in 2020 Massachusetts was facing the highest increase in food insecurity in the nation.<sup>7</sup> Federal aid, including SNAP and the advance monthly Child Tax Credit payments, caused food insecurity rates to decrease. However, as those programs have sunset an increasing number of families with children are facing food insecurity again. As of February 2022, an estimated 1 in 5 households with children are facing food insecurity.<sup>8</sup> Furthermore, despite the caseload increase in Massachusetts, hundreds of thousands of families are eligible for but not receiving the benefit, or are ineligible due to harmful immigrant restrictions – and the SNAP benefit amount is too low for families to put nutritious food on the table for a full month.

The economic repercussions of the pandemic have been disproportionately borne by low-income, Black, Latinx, and immigrant communities in the Commonwealth. Households of color are recovering from the pandemic significantly slower than white households. For example, in the last 6 months (September 2021 - February 2022), 1 in 8 (14.5%) white households with children compared to more than 1 in 3 (33.3%) Black households with children and 1 in 4 (26.7%) Latinx households with children were food insecure.<sup>9</sup> Economic challenges are continuing for low-income households despite widespread vaccination rates and lifting of COVID restrictions. SNAP and child nutrition programs are a key part of meaningful ongoing COVID relief and directly reduce health care costs. Federal nutrition programs also generate significant and essential economic stimulus to states and local economies.

As the Committee is aware, the detrimental and lifelong consequences of childhood poverty and resulting hunger are well documented. The toxic stress of living in poverty has negative, life-long impacts on a child’s brain development. When children live in poverty, they endure hardships that impair their ability to thrive,<sup>10</sup> and it impacts their capacity to learn, develop, and thrive as children and throughout their lives.<sup>11</sup> Children are less likely to succeed in school and at home, and poverty increases the likelihood that childhood impairments will result in adult dependency on safety net services.<sup>12</sup> Ultimately, poverty damages a child’s chance for economic security as an adult and fuels

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<sup>6</sup> USDA Covid-19 Waivers and Flexibilities, see Massachusetts monthly Emergency Allotment approved waivers. March 2022 extension approved. <https://www.fns.usda.gov/disaster/pandemic/covid-19/massachusetts#snap>

<sup>7</sup> Feeding America, The Impact of the Coronavirus on Food Insecurity in 2020, October 2020.

[https://www.feedingamerica.org/sites/default/files/2020-10/Brief\\_Local%20Impact\\_10.2020\\_0.pdf](https://www.feedingamerica.org/sites/default/files/2020-10/Brief_Local%20Impact_10.2020_0.pdf)

<sup>8</sup> Summary of US Census Household Pulse Survey data from Project Bread: <https://www.projectbread.org/hunger-by-the-numbers>.

<sup>9</sup> Ibid.

<sup>10</sup> “Family Poverty, Welfare Reform, and Child Development.” Greg J. Duncan and Jeanne Brooks-Gunn Source: Child Development, Vol. 71, No. 1 (Jan. - Feb., 2000), pp. 188-196. <http://www.jstor.org/stable/1132232>.

<sup>11</sup> Duncan, G and Magnuson, K. 2011. The Long Reach of Childhood Poverty.

[http://www.stanford.edu/group/scspi/ media/pdf/pathways/winter\\_2011/PathwaysWinter11\\_Duncan.pdf](http://www.stanford.edu/group/scspi/ media/pdf/pathways/winter_2011/PathwaysWinter11_Duncan.pdf).

<sup>12</sup> Barton, Paul E, and Richard J Coley. *The Family: America's Smallest School. Policy Information Report*, Princeton: Educational Testing Service, 2007, and Berliner, David C. *Poverty and Potential: Out-of-School Factors and School Success*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit, 2009.

an intergenerational cycle of poverty: children who are born in poverty are three times as likely to be poor at age 40 than children not born in poverty.<sup>13</sup>

Thanks to the Biden Administration increasing the value of the SNAP benefit through adjusting the Thrifty Food Plan (TFP), SNAP experienced one of the most meaningful increases in benefit amounts in decades. In October 2021, the SNAP benefit increased by 21 percent due to USDA's long overdue and evidence-based revision to the Thrifty Food Plan.<sup>14</sup> This is a significant improvement. However, we must build on the success of the TFP revision by ensuring the SNAP benefit amount is further increased to mirror current food costs and the reality of food preparation for low-income families.<sup>15</sup>

The current average SNAP benefit per meal does not meet the average cost of a meal in any Massachusetts county. Most Massachusetts counties have meal costs 20 to 38 percent higher than the SNAP benefit.<sup>16</sup> In addition to building on the improved TFP, the calculation of the SNAP benefit amounts desperately need to be revised in an equitable way that meets the real needs of working families, as recommended below.

## 2. Massachusetts takes a huge step toward closing the “SNAP Gap”

Since the implementation of the Affordable Care Act, states like Massachusetts experienced what could be considered an “unintended consequence” of ACA, notably the siloed splintering of eligibility processing due to the unique requirements of the healthcare versus nutrition programs. While our health insurance rates have successfully increased, hundreds of thousands of low-income residents are eligible for but are not enrolled in SNAP. Massachusetts administers its healthcare/Medicaid program separately from SNAP and cash assistance – two different state agencies separately take applications, receive paperwork from applicants, and process eligibility.

In Massachusetts, approximately 600,000 Massachusetts residents enrolled in Medicaid (MassHealth) with gross income below 150% of the Federal Poverty Level (FPL) are likely eligible for but not enrolled in SNAP.<sup>17</sup> Over the past few years, MLRI, in partnership with the National Association of Social workers of Massachusetts and key community partners around the state, has led advocacy to close this gap through a single application for both programs.

In the Fiscal Year 2021 and 2022 State Annual Appropriations packages, the Massachusetts General Court directed the Baker Administration to allow all healthcare applicants the option to apply for SNAP through their Medicaid and Medicare Savings Program applications and renewals, and seamlessly transfer those applications and verifications provided to the state's SNAP agency. In July

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<sup>13</sup> Cuddy, E., Venator, J. and Reeves, R. 2015. *In a land of dollars: Deep poverty and its consequences*. Brookings Institution. <https://www.brookings.edu/research/in-a-land-of-dollars-deep-poverty-and-itsconsequences/>.

<sup>14</sup> USDA, SNAP and the Thrifty Food Plan. <https://www.fns.usda.gov/snap/thriftyfoodplan>

<sup>15</sup> Inflation has hit low-income households particularly hard. Food prices in the US are up 7.9% over last year in February 2022. Forbes, “Food Inflation Will Hit Millions Hard” <https://www.forbes.com/sites/eriksherman/2022/03/29/food-inflation-will-hit-millions-hard/?sh=708d13aa32d6>

<sup>16</sup> The Urban Institute, *Does SNAP Cover the Cost of a Meal in Your County?* Updated November 18, 2021. <https://www.urban.org/features/does-snap-cover-cost-meal-your-county>

<sup>17</sup> 2021 data from the Massachusetts SNAP and Medicaid agencies. For more detail, see report written by MLRI, HealthLeads, and NASW-MA, “SNAP Gap and Social Vulnerability Index Who's Losing Out on Federal Nutrition Benefits and How Do We Close the SNAP Gap?” <https://healthleadsusa.org/resources/snap-gap-and-social-vulnerability-index/>

of 2021, the Baker Administration added a SNAP application – a simple Yes/No SNAP “checkbox” – to the paper MassHealth and Medicare Savings Program application and renewal forms.

In February 2022, in response to the Massachusetts Legislature’s directive, the Baker Administration announced they will add the SNAP application option to the online MassHealth Connector, reaching thousands more families as they apply for or renew their health coverage.<sup>18</sup> The number of SNAP applications now coming in from even the paper application has been significant and implementing this policy with the online MassHealth Connector will be a game changer.

Massachusetts is taking a significant step towards improving SNAP access for low-income households connected to health care, which also translates into more children qualifying for free school meals under the National School Lunch Program, as well as the state’s Healthy Incentives Program (HIP) for benefits to purchase fresh fruits and vegetables at farmers markets and CSAs. In breaking down barriers, Massachusetts is taking a leadership role consistent with President Biden’s December 13, 2021 Executive Order 14058 on “*Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*” - by improving customer service, access to public benefits, and pursuing a true “no wrong door” approach.<sup>19</sup> We hope this can be a model for other states on how to de-silo government and improve participation.

### 3. Recommendations for strengthening SNAP in Massachusetts and the Nation

Finally, as we look forward to both the 2023 Farm Bill Deliberations and the upcoming White House Conference, we urge you to consider the following recommendations in shaping the nations response to food insecurity and hunger in the nation:

- A. **Center the voices of SNAP households and people with low incomes** by ensuring individuals with lived experience are involved with all phases of the White House Conference and in developing initiatives included in the 2023 Farm Bill.
  
- B. **Provide support to states to work toward a “no wrong door” approach for accessing federal benefit programs.** By encouraging states to develop common applications for healthcare, SNAP, NLSP, WIC and other key nutrition benefits, significant access barriers can be removed. This is consistent with President Biden’s Executive Order 14058 to rebuild trust in government and ensure our lowest income households more seamlessly access the benefits they need.<sup>20</sup> States need IT and administrative resources to develop secure application portals that allow households to seamlessly to apply for key means-tested federally-funded benefits - including Medicaid and the Medicare Savings Program, SNAP, WIC, TANF and LIHEAP - at the same time; programs that frequently require the same financial and other eligibility information and verifications from the applicant family.

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<sup>18</sup> Application Change Would Link Health Enrollees to Food Aid, February 15, 2022.

<https://www.statehousenews.com/email/a/2022311?key=107cac0>

<sup>19</sup> Executive Order 14058 of December 13, 2021, <https://www.federalregister.gov/documents/2021/12/16/2021-27380/transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government> and <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/13/fact-sheet-putting-the-public-first-improving-customer-experience-and-service-delivery-for-the-american-people/>

<sup>20</sup> Ibid.

- C. Maximize the value of SNAP benefits to recognize the steep cost of food**, by adopting the core provisions of Representative Alma Adams and Senator Kristen Gillibrand’s legislation, *Close the Meal Gap Act*, H.R. 4077 and S. 2192. This includes:
- a. Allowing all households to claim actual shelter costs to determine the amount of the monthly SNAP benefit, improving SNAP benefit adequacy for working families.<sup>21</sup>
  - b. Simplifying and strengthening SNAP for older adults and persons with disabilities with a Standard Medical Expense Deduction in all states (currently states need to pursue a waiver from USDA to do a standard deduction for medical costs).
  - c. Aligning the SNAP monthly benefit amount with modern day food costs by tying SNAP to, minimally, the USDA Low-Cost Food Plan. This builds on the success of USDA improvements to the Thrifty Food Plan.
- D. Eliminate punitive rules that deny SNAP to vulnerable adults**, including provisions of Representative Barbara Lee’s legislation, *Improving Access to Nutrition Act* (H.R. 1753) and Representative Alma Adams and Senator Kristen Gillibrand’s *Closing the Meal Gap Act* (H.R. 4077 and S. 2192). These bills call for the elimination of the three-month time limit imposed on “Able Bodied Adults Without Dependents” (ABAWDs). Exempt individuals are often unable to prove they are not subject to the rule, harming vulnerable people including homeless adults, those with undiagnosed impairments, and those caring for disabled family members. The time limit also harms gig economy workers and those who struggle to access consistent work, and disproportionately harms people of color.
- E. Expand SNAP eligibility for low-income college students** struggling to finish their education by eliminating harmful restrictions that deny SNAP to many college students, including: passage of Representative Gomez and Senator Kristen Gillibrand’s legislation, *Enhance Access To SNAP Act of 2021 or the EATS Act of 2021*, (H.R. 1919/S.2515), passage of Senator Warren’s legislation, the *Student Food Security Act of 2021* ( S.1569) and Representative Jahana Hayes legislation, *Closing the College Hunger Gap Act of 2021* (H.5222). Each of these bills recognize the flaws in the current federal law and punitive nature of the 20 hour per week SNAP work requirements, rules that cause delay and disruption in student course work and completion and exacerbate student food insecurity.

The current SNAP student exemptions are difficult for state agencies to administer, confusing for students to understand and increase access barriers. The Government

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<sup>21</sup> Current federal law severely limits how much working families can claim for shelter by placing a “cap” on the amount of shelter costs that impact the SNAP math - currently \$597/month. The shelter cap does not apply to households with seniors (60 or older) or persons with disabilities. The shelter cap results in monthly SNAP benefit amounts that do not meet the real needs of many working families – because the SNAP benefit doesn’t fully reflect actual housing costs. This is particularly true in high cost of living states like Massachusetts, where nearly half of low-income families do not live in public or subsidized housing.

Massachusetts is the third most expensive state in the United States in terms of income needed to afford a 2 bedroom rental. See: National Low Income Housing Coalition, *Out of Reach 2020*. <https://reports.nlihc.org/oor>. The shelter cap is also a racial justice issue. Nationally and in Massachusetts, rental costs for Black and Latinx/Hispanic households are higher than costs for White households. For example, in Massachusetts, 57% of Black households, 55% of Hispanic households and 49% of Asian households face a moderate to severe rental cost burden (30% to more than 50% of income on rent), compared to 44% of White households. See: Joint Center for Housing Studies of Harvard University. *Renter Cost Burdens by Race and Ethnicity*. [https://www.jchs.harvard.edu/ARH\\_2017\\_cost\\_burdens\\_by\\_race](https://www.jchs.harvard.edu/ARH_2017_cost_burdens_by_race)

Accountability Office estimated in 2018 – well before the pandemic -- that 57 percent of college student who were likely food insecure and potentially income-eligible for SNAP (representing more than 1.8 million students) do not receive benefits.<sup>22</sup> COVID has only exacerbated food insecurity and financial debt for thousands of students across the nation.

**F. Eliminate policies that disproportionately harm immigrant communities,** including passage of the Lift the Bar Act (H.R 5227) which would make a number of important changes:

- a. removal of the 5-year waiting period for Lawful Permanent Resident adults, including victims of violence and those granted humanitarian parole, such as the newly entering immigrants from Ukraine,
- b. expand the scope of legally-present immigrants eligible for federal means-tested benefits who have been excluded from eligibility since the passage of the 1996 Welfare Reform Law, including DACA/Dreamers, U Visa victims of violence, Temporary Protected Status and asylum applicants.

**G. Improve and expand child nutrition programs to ensure no student is hungry,** including legislative and budget vehicles that will:

- a. Ensure universal free school meals, both breakfast and lunch, for all K-12 school-age children in the nation.
- b. Extend the National School Lunch Program to low-income community college students, ensuring access to school meals while getting a college degree.
- c. Pursue funding to boost the value of federal reimbursement to school districts for school breakfasts and lunch, summer meals, and after school programs to allow nutrition quality to reflect evidence-based standards.
- d. Expand the scope of children who can qualify for direct certification for free school meal status through other means-tested programs beyond SNAP and TANF.
- e. Provide universal access to WIC to increase access to breastfeeding support and healthy foods during the critical prenatal through early childhood period.

Thank you again for giving MLRI the opportunity to provide testimony to the Rules Committee. We look forward to working with you to further all of these important initiatives across the nation.

Sincerely,

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<sup>22</sup> Food Insecurity: Better Information Could Help Eligible College Students Access Federal Food Assistance Benefits, Government Accounting Office, GAO-19-95 December 2018 <https://www.gao.gov/products/gao-19-95>