



## **Brief on Temporary Assistance for Needy Families (TANF) and COVID-19**

### **Overview**

On March 24, 2020, the Office of Family Assistance (OFA) within the Office of the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) issued new program instruction guidance to state and territories administering TANF programs amidst the COVID-19 pandemic.<sup>1</sup> Prior to releasing this guidance, OFA heard increasing concerns from grantees about the implications of the COVID-19 pandemic for individuals receiving TANF benefits, given the negative health and economic consequences that states are facing due to COVID-19.<sup>2</sup> This new program instruction aims to address those concerns and includes guidance for states and tribal agencies administering TANF programs on how to help individuals impacted by COVID-19 through TANF.

### **Summary of Federal TANF COVID-19 Guidance**

#### **Helping Individuals Impacted by COVID-19 Through TANF**

- OFA's guidance clarifies that "TANF can be used to assist needy families with children, or those expecting a child, who are experiencing financial difficulties due to the COVID-19 emergency."<sup>3</sup>
- For example, a state or tribe can "assist needy families in which parents are unable to work due to contracting the disease, exposure to someone with the disease, because their children's school or child care provider has closed, or because their own work place has closed."<sup>4</sup>
- States and tribes can establish the criteria for "needy," including the income levels eligible for services.<sup>5</sup>
- Thus, families and individuals impacted by COVID-19, but not previously receiving TANF benefits, could now be eligible for TANF benefits, as long as they fall under the "needy" category criteria set by their state or tribe.

#### **Types of Activities that TANF Can Assist with in Response to COVID-19**

- OFA clarified that states and tribes can expand their services and their eligibility criteria.<sup>6</sup>
- For example, OFA indicates that states and tribes can offer a Non-Recurrent, Short-Term (NRST) benefit, which is a helpful option in an emergency that addresses a specific crisis and cannot be extended beyond four months.<sup>7</sup>
- OFA further clarifies that a state or tribe has flexibility in expanding the income threshold for an NRST benefit and can allow a higher income threshold for an NRST benefit compared to a traditional TANF cash assistance benefit.<sup>8</sup> NRST benefit payments can support families who lose their income due to

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<sup>1</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>2</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>3</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>4</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>5</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>6</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>7</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>8</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

COVID-19 and NRSTs do not require TANF's "60-month time limit for states, work requirements, child support assignments, and detailed data reporting."<sup>9</sup>

- OFA elaborated to provide examples of NRST benefits that can help support families impacted by COVID-19, including: "1) short-term benefits to make up for lost wages, 2) short-term rental or mortgage assistance, 3) utility and energy assistance, 4) housing search and placement services, 5) clothing allowances, 6) family support services to deal with stressful events, 7) financial and credit counseling, and 8) certain legal services."<sup>10</sup> These benefits can be provided through cash, vouchers, or direct services.<sup>11</sup>
- Thus, states and tribes can offer new, short-term, NRST benefits for families to help them meet their basic needs, without triggering TANF's traditional work and other requirements. These benefits can also be provided to additional families making higher incomes beyond their existing TANF criteria.

### Process for Making TANF Program Changes in Response to COVID-19

- States have 30 days to submit a plan amendment, but states do not need to "request approval or submit a plan amendment before making program changes."<sup>12</sup> Instead, OFA indicates that states should seek guidance from ACF on whether an action is allowed if the state has any questions.<sup>13</sup>

### Status of TANF Funding in Response to COVID-19

- No additional federal TANF funds have been provided to address COVID-19 needs as of March 30, 2020. States should use their existing allocations and unobligated funds to support COVID-19 activities.<sup>14</sup>

### Easing Overall Requirements for TANF Applicants and Recipients in Response to COVID-19

In order to support TANF applicants during the COVID-19 emergency, states have flexibility in easing requirements for applicants, including through the following activities:<sup>15</sup>

- Streamlining the application process and allowing online or telephonic applications;<sup>16</sup>
- "Granting good cause exemptions from work requirements for TANF participants who cannot go to work or training activities because, for example, they are ill, caring for a child whose school or day care is closed due to the pandemic, or because the work or training site is closed;"<sup>17</sup>
- Allowing participants to engage in work activities virtually, such as through online trainings, job search and work readiness;<sup>18</sup>
- Increasing the levels of cash benefits for TANF cash assistance recipients who have experienced a reduction in income due to the COVID-19 pandemic;<sup>19</sup>
- Providing case management by phone or virtually; and<sup>20</sup>

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<sup>9</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>10</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>11</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>12</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>13</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>14</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>15</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>16</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>17</sup> The TANF guidance provides additional clarity that: "states and tribes should make sound choices that consider the health and safety of TANF recipients and the public during the pandemic. They should establish and exercise good cause exemption criteria that take the current health situation into account and consider the advice of the Centers for Disease Control and Prevention (CDC), their relevant state, tribal, and local health officials." (<https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>)

<sup>18</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>19</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>20</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

- Allowing flexibility within the Income and Eligibility Verification System.<sup>21</sup>

### Changes to Work Participation Rate Requirements

- Given the national health and economic emergency, states should focus on addressing the crisis and protecting the TANF recipients they are serving to keep them safe.<sup>22</sup>
- While ACF does not have the authority to waive the work participation rate requirement itself, it can provide “relief from the resulting penalty in the face of natural disasters and other calamities.”<sup>23</sup> ACF indicates that they will work to exercise this authority to the maximum extent possible.<sup>24</sup>
- ACF will look closely at its authority to “grant reasonable cause exceptions to grantees that face a penalty for failing the FY 2020 work participation rates due to the COVID-19 emergency.”<sup>25</sup>
- Additionally, ACF has clarified that “no one’s health and safety should be put at risk because a state or tribe fears it will incur a financial penalty for not meeting its work participation rate.”<sup>26</sup>

### TANF Programs at MOMS Partnership® Sites

#### Connecticut

- As of April 17, 2020, the CT Governor has issued three executive orders that include new guidelines related to TANF, including the following:
  - Suspension of the 21-month Limit on Temporary Family Assistance: The CT Department of Social Services (DSS) is authorized to suspend the 21-month statutory limit on receiving Temporary Family Assistance from applying during all months of such assistance received during the public health and civil preparedness emergency.<sup>27</sup>
  - Suspension of Requirements that Public Assistance Eligibility Reinvestigations be Conducted at Least Every 12 or 24 Months: DSS has the “discretionary authority to suspend or extend the time frames for establishing eligibility reinvestigations for public assistance programs.”<sup>28</sup>
  - Waiver of Face-to-Face Interview Requirements for Temporary Family Assistance: DSS is authorized to: “1) waive prohibitions on temporary family assistance to applicants prior to an applicant’s attendance at an employment services interview or participation in development of an employment services plan, and 2) to consider the effects of a pandemic or the response to it as good cause when assessing compliance with any provision of Section 17b-688c.”<sup>29</sup>
- Additionally, DSS has automatically extended cash benefits that were subject to renewal in March and April for an additional three months without any additional action needed.<sup>30</sup> For example, if cash benefits were scheduled to end in March 2020, they will be automatically continued through June 2020.

#### Washington, DC

- On March 17, 2020 the Council of the District of Columbia (DC Council) enacted the COVID-19 Response Emergency Amendment Act of 2020 (legislation number B23-0718).<sup>31</sup>

<sup>21</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>22</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>23</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>24</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>25</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>26</sup> <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

<sup>27</sup> <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7N.pdf>

<sup>28</sup> <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7I.pdf>

<sup>29</sup> <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf>

<sup>30</sup> Based on April 3, 2020 phone conversation with CT DSS.

<sup>31</sup> <http://lims.dccouncil.us/Legislation/B23-0718>

- This emergency legislation includes Section 303, which grants the DC Mayor the authority to “extend the eligibility period for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program, including... Temporary Assistance for Needy Families... until 60 days after the end of a public health emergency declared by the Mayor[.]”<sup>32</sup>
- This bill ensures that those who receive TANF do not need to take any action at this time to continue receiving TANF support that otherwise would have expired on March 31 or April 30. Rather, their benefits will be automatically extended.<sup>33</sup>

## New York

- On March 20, 2020, the New York Office of Temporary and Disability Assistance provided guidance automatically extending certain Temporary Assistance Cash Benefits (TA) scheduled to expire in March, April, and May for a period of three months.<sup>34</sup>
- On April 6, 2020, the New York Office of Temporary and Disability Assistance issued new guidance related to COVID-19 Emergency Relief for families receiving TANF benefits, including the following:
  - “For Family Assistance (FA), Safety Net Assistance (SNA), Emergency Assistance to Needy Families with Children (EAF) and Emergency Safety Net Assistance (ESNA), any federally funded stimulus rebates paid directly to individuals related to the 2020 coronavirus pandemic must be excluded as income for initial and recurring TA eligibility determinations and benefit calculations.”<sup>35</sup>
  - “For example, if a household receives a payment in April 2020, the district must not count it as income or a resource for April and must exempt it as a countable resource for May and June. In July, if the household has remaining funds from the Payment(s), the district must count the remaining funds as a non-exempt resource.”<sup>36</sup>
  - “This resource exemption applies to all categories of assistance including emergency assistance. These income and resource exclusions apply to both federally and State/locally funded categories of Safety Net Assistance (SNA-FP and SNA-FNP), to Family Assistance (FA) and to all categories of emergency assistance including Emergency Assistance to Needy Families (EAF), Emergency Safety Net Assistance (ESNA) and Emergency Assistance for Adults (EAA).”<sup>37</sup>
- On April 10, 2020, the New York Office of Temporary and Disability Assistance released guidance allowing social services districts the ability to conduct temporary assistance eligibility interviews by telephone.<sup>38</sup>

## Kentucky and Vermont

Based on online research, Kentucky and Vermont do not appear to have taken legislative or policy action at the state level to amend or expand TANF benefits, pursuant to the new federal ACF guidance.

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<sup>32</sup> <http://lims.dccouncil.us/Download/44469/B23-0718-Introduction.pdf>

<sup>33</sup> <https://coronavirus.dc.gov/page/stay-home>

<sup>34</sup> <https://otda.ny.gov/policy/gis/2020/20DC019-Attachment-1.pdf>

<sup>35</sup> <https://otda.ny.gov/policy/gis/2020/20DC027.pdf>

<sup>36</sup> <https://otda.ny.gov/policy/gis/2020/20DC027.pdf>

<sup>37</sup> <https://otda.ny.gov/policy/gis/2020/20DC027.pdf>

<sup>38</sup> <https://otda.ny.gov/policy/gis/2020/20DC028.pdf>