



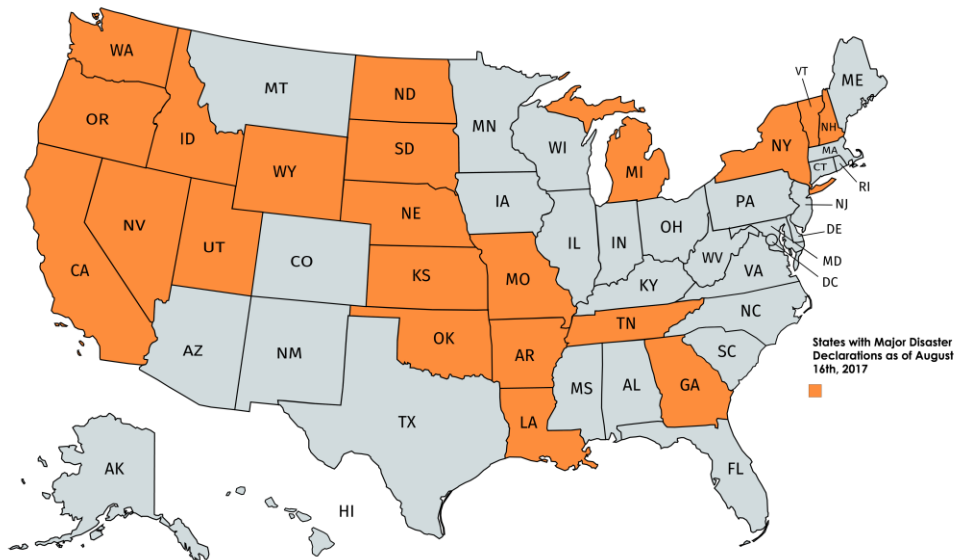
## NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

### Emergency Food Assistance

#### Overview

In 2017, the Federal Emergency Management Agency (FEMA) declared [37 major disasters](#) for severe storms across the country.<sup>i</sup> These severe storms caused flooding, landslides, tornadoes and resulted in severe property damage, food and water shortages, energy outages, and worst of all, loss of life. During these emergencies, it is critical that disaster victims have sufficient access to food, water and shelter, and that the groups that serve them are properly resourced to do their job.



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Several disaster food assistance programs are available through the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS). The Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and the Child and Adult Care Food Program (CACFP) are a few of USDA's traditional nutrition programs. During a disaster, states can utilize a temporary version of these programs to quickly provide food to families and individuals. USDA also operates The Emergency Food Assistance Program (TEFAP) in partnership with food banks to support mass feeding sites or direct food distributions to homes. Depending on the severity of the disaster, state agencies can decide which program best suits their needs.

#### What is D-SNAP?

The Disaster Supplemental Nutrition Assistance Program (D-SNAP) is an emergency response program from the USDA Food and Nutrition Service. The program is meant to extend benefits to households that typically would not be eligible for food assistance, but have a sudden need because of a disaster. D-SNAP is available after a federally declared disaster, where individual assistance has been



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authorized by the executive branch of the U.S. government. In general, D-SNAP's structure is like SNAP but with key differences to make the program more fast-moving and localized.

Typically, D-SNAP starts within two weeks of a presidential disaster declaration and applications are accepted for one week. During this application period, a qualified household can receive up to one month's worth of benefits within 48 hours, as opposed to the thirty-day waiting period for regular SNAP benefits. Benefits come pre-loaded on an Electronic Benefit Transfer (EBT) card. To qualify for D-SNAP, applicants provide a "Disaster Gross Income" or DGI, rather than their normal gross income. DGI deducts disaster related damages and lost wages from their total income, which expands eligibility and allows for more participants. This critical guideline is what makes D-SNAP more responsive to the needs of disaster victims.

### **What is TEFAP?**

The Emergency Food Assistance Program (TEFAP) is another federal program that provides supplemental nutrition for low-income people. Through TEFAP, the USDA distributes nutritious food to State Distribution Agencies who then pass along the food to local agencies such as food banks and the Red Cross. These local agencies will either distribute food themselves or provide direct service to soup kitchens and food pantries. Unlike D-SNAP, TEFAP can be used without a disaster declaration, even though the term "emergency" is in its title. When a disaster strikes, food that is meant for TEFAP is made available for disaster food distribution to households or direct service groups, depending on the severity of the disaster. TEFAP benefits can be used to support mass feeding sites and direct food distribution to homes. Households may not receive both D-SNAP benefits and disaster food distribution, as the programs are meant to fill different needs. D-SNAP is reliant upon food retailers still being operational during a disaster. If grocery stores or restaurants are closed due to power outages, food distribution from TEFAP is the alternative.

### **Four State Examples**

Louisiana	California
<p>In February 2017, <a href="#">six tornadoes</a> touched down in Southeast Louisiana, reaching wind speeds of 136 to 165 miles per hour. Nearly 600 homes and 40 businesses suffered damages. Governor Jon Bel Edwards requested individual assistance from FEMA and received permission from USDA to offer D-SNAP to impacted residents.</p> <p><b>Highlight:</b> Louisiana offers <a href="#">pre-registration</a> for D-SNAP. In the event of a disaster or evacuation, families might not be able to access their financial information. Having that information programmed with the Department</p>	<p>California experienced heavy rains, flooding, and power outages during the 2017 winter months. Every year, <a href="#">wildfires</a> ravage parts of California through the summer and fall. Disaster CalFresh, which is California's version of D-SNAP, helps victims with food assistance during these times. California developed a D-SNAP plan through the Department of Social Services.</p> <p><b>Highlight:</b> Legislation in the California (AB 607 - Community Resiliency and Disaster Preparedness Act of 2017) could require the Department of Social Services to apply for D-SNAP when a presidential</p>



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<p>of Child and Family Services can expedite the process when applying for D-SNAP.</p> <p><b>Louisiana D-SNAP <a href="#">Plan</a></b></p>	<p>disaster declaration is made. It passed the 1<sup>st</sup> chamber.</p> <p><b>California D-SNAP <a href="#">Plan</a></b></p>
<p><b>North Carolina</b></p>	<p><b>New York</b></p>
<p>In October 2016, <a href="#">Hurricane Matthew</a> struck Eastern and Southeastern North Carolina, flooding 10,000 structures and causing \$1.5 billion in damages. D-SNAP operations were approved for 18 counties three weeks after the presidential disaster declaration was made. Congregate feeding sites were also offered in Wilmington, Fayetteville and Elizabeth City.</p> <p><b>Highlight:</b> Legislation introduced in North Carolina (SB 151 – Inaccessible Liquid Resources/S-SNAP) could require the Department of Health and Human Services to waive household liquid resources (i.e. cash, uncashed checks, etc.) that are inaccessible at the time of application.</p> <p><b>North Carolina D-SNAP <a href="#">Plan</a></b></p>	<p>In October 2012, <a href="#">Hurricane Sandy</a> caused \$75 billion in damages across the Caribbean and Mid-Atlantic regions of the U.S. New York utilized D-SNAP and TEFAP to support victims with food assistance. New York developed a D-SNAP plan through its Office of Temporary and Disability Assistance.</p> <p><b>Highlight:</b> New York has operated <a href="#">D-SNAP</a> since the Fall of 2001, after the attacks on the World Trade Center. D-SNAP was also utilized during the Summer of 2006 for severe flooding in upstate New York and during the Summer of 2011 in response to Hurricane Irene and Tropical Storm Lee.</p> <p><b>New York D-SNAP <a href="#">Plan</a></b></p>

**State Legislative Support**

While many of these programs are managed under state agencies, or by the federal government in more severe cases, state legislators can bolster disaster feeding programs through policy and good-faith action.

Policy options include:

1. Allocating funds to a state agency to develop a D-SNAP State Outreach Plan (if they don't already have one).
2. Providing incentives for charitable food donations through tax credits or tax deductions.

Non-policy options include:

1. Recognizing and supporting food banks and other direct service organizations before, during and after an emergency.
2. Supporting federal nutrition programs overall (SNAP, WIC, CACFP, School Meals, etc.).



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### **Developing a D-SNAP Outreach Plan**

Under federal SNAP regulation, every state is required to have a D-SNAP plan, which must be reviewed on an annual basis. While D-SNAP is separate from the traditional SNAP program, it can still be included in a state's regular SNAP outreach plan.<sup>ii</sup> For example, Louisiana's SNAP outreach plan includes pre-enrollment for D-SNAP both online and in person. While pre-enrollment does not guarantee benefits, it can help expedite the application process during a federally declared disaster.<sup>iii</sup>

State legislators can support similar efforts by ensuring state funds are allocated to cover D-SNAP administrative costs. States are required to match 50 percent of SNAP administrative costs, while the federal government covers 100 percent of D-SNAP benefits. FNS developed a [toolkit](#) to assist state agencies as they develop their D-SNAP plans before an emergency.

### **Utilizing state and federal tax credits and deductions to encourage charitable food donations**

If stores and food retailers are closed during a disaster, D-SNAP cannot be utilized. In that case, food banks and first response groups, like the Red Cross, play an integral role in providing food assistance to those in need. Offering tax credits or tax deductions for charitable food donations is an effective way to support these groups in their emergency feeding efforts.

The federal [PATH Act of 2015 \(section 170\)](#) encourages food donations by offering several types of federal tax deductions, depending on the taxpayer's status. Under this act, federal deductions for charitable food donations are based off of the "adjust tax basis" (ATB) or the "fair market value" (FMV) of the food. Feeding America, a leading hunger-relief organization in the U.S., [summarized](#) updates to the PATH Act to provide more information on current and prospective food donors. State tax credits for food donations are available in California, Colorado, the District of Columbia, Iowa, Kentucky, Missouri, Oregon, South Carolina and Virginia.<sup>iv</sup> Arizona offers a state tax deduction for food donations. This leaves 41 states with an opportunity to support similar tax incentives for charitable giving.

These tax incentives could support food banks and service organizations all year, not just when a disaster strikes. Hunger is a persistent issue for 42 million Americans and food banks act as a buffer for families that exhaust their SNAP benefits before the end of the month, or don't receive them at all.<sup>v</sup> Legislative support for these tax incentives would encourage more food donations, which help during disaster and non-disaster periods.

### **Recognition and Support of Responders**

FEMA designated September as National Preparedness Month with the slogan, "Disasters Don't Plan Ahead. You Can."<sup>vi</sup> This month is a great opportunity to formally recognize the state agencies, food banks, faith based groups, and other stakeholders that assist victims during a disaster. Social media platforms like Facebook and Twitter can also be used to recognize their efforts and to encourage people to donate goods, and volunteer with relief efforts. Visiting a congregate feeding site or volunteering to distribute food is also a strong statement of support during a disaster, or at any point in the year. Those who serve during a disaster don't do it for special treatment or recognition, but for encouragement, especially from their elected leaders, which can keep morale high during tough times.



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### Supporting Federal Nutrition Programs Overall

The flexible structure of SNAP, TEFAP, and other hunger-relief programs enable states to expedite applications and deploy resources quickly to disaster victims. Whether a disaster is declared or a family exhausts their SNAP benefits before the end of the month, children and families need to eat. States have a unique role in executing federal nutrition programs that serve vulnerable residents and can exercise creativity through pilot programs or best practices, for both emergency and year-round assistance. The National School Breakfast and Lunch Programs, which can also be utilized during a disaster, can be enhanced through [Breakfast After the Bell](#) strategies or [Farm-to-School initiatives](#). West Virginia has the highest school breakfast participation rate at 83.9 percent and serving breakfast in the classroom made that possible.<sup>vii</sup> In 2017, USDA granted \$5 million in total to schools, state agencies, tribal groups, and non-profits to include local produce with the meals they serve children.<sup>viii</sup> SNAP dollars can be maximized at farmer's markets through the [Market Match](#) program, where benefits are doubled when spent on fresh produce. These programs are innovative, reduce hunger, and ultimately lay the foundation for disaster feeding programs to be possible.

### Additional resources from NCSL's Hunger Partnership:

- A Guide for State Policy Makers: <http://www.ncsl.org/Portals/1/Documents/cyf/FeedingHungryChildren.pdf>
- SNAP LegisBrief: <http://www.ncsl.org/research/human-services/improving-the-supplemental-nutrition-assistance-program.aspx>
- More information: <http://www.ncsl.org/hunger>

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<sup>i</sup> The states include Nebraska, Tennessee, Kansas, Arkansas, Missouri, New Hampshire, Oklahoma, Mississippi, Idaho, the Resighini Rancheria (native tribe), Utah, Washington, California, Wyoming, Nevada, the Hoopa Valley Tribe, Louisiana, South Dakota, Georgia and Oregon.

<sup>ii</sup> Supplemental Nutrition Assistance Program: State Outreach Plan Guidance. July 2017, Page 11.

[https://www.fns.usda.gov/sites/default/files/snap/Outreach\\_Plan\\_Guidance.pdf](https://www.fns.usda.gov/sites/default/files/snap/Outreach_Plan_Guidance.pdf)

<sup>iii</sup> Disaster Supplemental Nutrition Assistance Program – Louisiana.

<http://www.dcf.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=360>

<sup>iv</sup> Leib, Emily B., Rice, Christina. *Don't Waste, Donate: Enhancing Food Donations Through Federal Policy*. March 2017. [http://www.chlpi.org/wp-content/uploads/2013/12/Dont-Waste-Donate\\_-March-2017.pdf](http://www.chlpi.org/wp-content/uploads/2013/12/Dont-Waste-Donate_-March-2017.pdf)

<sup>v</sup> Poverty and Hunger Fact Sheet. Feeding America. May 2017. <http://www.feedingamerica.org/assets/pdfs/fact-sheets/poverty-and-hunger-fact-sheet.pdf>

<sup>vi</sup> National Preparedness Month - <https://www.ready.gov/september>

<sup>vii</sup> FRAC – School Breakfast Score Card - <http://frac.org/wp-content/uploads/school-breakfast-scorecard-sy-2015-2016.pdf>

<sup>viii</sup> USDA announce farm to school grant awards; project nationwide chosen -

<https://www.fns.usda.gov/pressrelease/2017/005617>