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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance

Program: State Agency Options for Standard Utility Allowances and Self-

Employment Income

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a revision of a currently approved collection. This information collection addresses the State agency reporting and recordkeeping burden associated with the following State agency options under the Supplemental Nutrition Assistance Program (SNAP): establishing and reviewing standard utility allowances (SUAs) and establishing methodology for offsetting cost of producing self-employment income.

DATES: Written comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Comments may be sent to: Kari Hardgrove, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via email at SNAPCPBRules@usda.gov. Comments will also be accepted through the Federal eRulemaking Portal. Go to

<http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Alexandra Schklair via email at SNAPCPBRules@usda.gov or by phone at 703-305-2022.

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Supplemental Nutrition Assistance Program: State Agency Options for Standard Utility Allowances and Self-Employment Income.

Form Number: N/A

OMB Control Number: 0584-0496

Expiration Date: July 31, 2026

Type of Request: Revision of a currently approved collection.

Abstract: The information collection addresses the mandatory State agency information and burden estimates associated with the following State agency options under SNAP: establishing a methodology for offsetting cost of producing self-employment income and establishing and reviewing SUAs.

SNAP regulations at 7 CFR 273.11(b) require State agencies to calculate a household's self-employment income by excluding the cost of producing such income. The regulations allow State agencies, with approval from FNS, to establish the methodology for offsetting the costs of producing self-employment income, as long as the procedure does not increase program costs. Once approved by FNS via email, States can use these methodologies to determine net self-employment income for SNAP eligibility purposes.

SNAP regulations at 7 CFR 273.9(d)(6)(iii) allow State agencies to establish SUAs in place of the actual utility costs incurred by a household. State agencies must review and adjust SUAs annually to reflect changes in the costs of utilities. The final rule titled, *Supplemental Nutrition Assistance Program: Standardization of Heating and Cooling Standard Utility Allowance* (the final rule), published November 18, 2024, revised SNAP regulations at 7 CFR 273.9(d)(6)(iii) to add the requirement that State agencies must submit for FNS approval their SUA methodologies at least every five years. Methodology submissions must incorporate any revisions necessary to demonstrate that the baseline expenditure data and underlying methodology reflect recent trends and changes. Additionally, State agencies' methodologies must:

- Reflect the entire state or geographic area the SUA covers;
- Use data sourced from utility providers or similarly reliable source;
- Reflect expenses incurred by low-income households; and
- Reflect residential utility expenses.

This revision incorporates the ongoing burden from the final rule, which is currently covered in OMB Control Number 0584-0651, expiration determined by final codification with the final rule. Following OMB approval of this revision, the Department plans to publish an additional notice in the Federal Register discontinuing 0584-0651 to reduce duplicative information collections since both capture SUA methodology burden.

Using FNS-388 and 388A (both approved under OMB Control Number 0584-0594, expiration date: 09/30/2026), States send aggregate level data on participation, benefits issued, and other basic program information to FNS using the Food Programs Reporting System (FPRS) at <https://fprs.fns.usda.gov>. This collection uses information submitted in these FNS approved forms as supplemental data. However, this collection is not seeking approval for burden hours associated with the use of these forms because the burden is already accounted for under OMB Control Number 0584-0594.

Reporting Estimate

Self-Employment Methodology

Based on information in the Sixteenth Edition of the SNAP State Options Report¹, 23 out

¹The 16th Edition of the SNAP State Options Report summarizes information related to State policy and administrative options and was published in June 2024. More recent editions of the State Options Report do not include information related to self-employment options, so this is the most recent data available. For

of 53 State agencies have already incorporated a methodology for determining the cost of doing business in self-employment cases, which was the basis of the previous burden estimate. Over the next three years this collection covers, FNS estimates that five (5) State agencies will establish a new methodology for offsetting the cost of producing self-employment income, either for the first time or as an update to their current methodology. This estimate is based on past consultations with three (3) FNS regional offices. FNS maintains its estimate from the previous renewal that each of these five (5) responses will require a response time of 10 hours, for a total annual burden of 50 hours (5 State agencies x 1 response x 10 hours per response).

Annual SUA Updates

In addition to the final rule's five-year methodology update requirement, program rules continue to require State agencies to review their SUAs annually and make adjustments to reflect changes in costs, such as by using sources like Consumer Price Index (CPI). This annual update reflects changes in cost in the interim years between State agencies' full methodology update. FNS asks State agencies to submit both preliminary and final annual update amounts so that FNS can plan for any significant changes in SUA amounts which may considerably impact SNAP benefits.

Therefore, FNS estimates that all 53 State agencies will submit two (2) responses at ten (10) hours each to update their SUAs annually. The estimated total burden for this provision is 1,060 hours (53 State agencies x 2 annual updates x 10 hours per response). This represents a decrease of 265 hours from the previous renewal's estimate for this

activity. This decrease is due to the final rule separating the baseline methodology update requirement from the annual update, which States previously combined.

SUA Methodology Updates Every Five Years

In addition to annual updates, State agencies must update their SUA baseline methodologies every five (5) years, in line with the final rule requirements. FNS estimates that all 53 State agencies will submit two (2) responses at 40 hours each. This includes burden to gather and analyze data sources, calculate SUAs, and submit both preliminary and final SUA methodology revisions to FNS. This estimate is based on FNS' recent experience evaluating annual SUA updates and providing technical assistance to State agencies, with additional time for State agencies to ensure data sources and methodology meet the criteria in the final rule. The estimated total burden for this provision is 4,240 hours (53 State agencies x 2 SUA methodology updates per State agency x 40 hours per request = 4,240 hours). Since FNS estimates State agencies will only incur this burden once every five (5) years, FNS annualized this burden by dividing the five-year costs by five. The average annual burden is 848 hours (4,240 hours over 5 years / 5 = 848 hours annually). This activity represents an increase of 848 annual burden hours compared to the previous renewal.

Given the methodology criteria required under the final rule, FNS anticipates that some State agencies will choose to solicit contractor support to identify data sources and revise SUA methodologies. FNS estimates that five (5) State agencies will solicit contractor support to make required updates to SUA baseline methodology every five (5) years. This estimate assumes that approximately one-fifth to one-quarter of the State agencies FNS

identified in the final rule as likely to make substantial revisions to their SUA methodology will solicit contractor support. FNS estimates that each State agency will spend approximately 160 hours soliciting, awarding, and managing such contracts. These estimates are based on FNS' experience with previous Federal and State agency contracts for data analysis. The estimated total burden for this provision is 800 hours (5 State agencies x 1 contract per State agency x 160 hours per request = 800 hours). Since FNS estimates State agencies will only incur this burden every five (5) years, FNS annualized this burden by dividing the five-year cost by five. The average annual burden is 160 hours (800 hours / 5 years = 160 hours annually). This activity represents an increase of 160 annual burden hours compared to the previous renewal.

Recordkeeping Estimate

All 53 State agencies are required to keep and maintain one record of the information gathered and submitted to FNS for the SUA and self-employment options. FNS estimates a response time of 0.25 hours per record, for an annual recordkeeping burden of 13.25 hours (53 State agencies x 1 record x 0.25 hours per record = 1,325 hours annually).

Total Burden Estimate

For both reporting and recordkeeping, FNS projects a total annual burden of 2,131.25 hours and 186.20 responses for this collection. This revision reflects an increase of 743 burden hours compared to previous collection due to the program changes associated with the final rule.

Reporting Burden

Affected Public: State, Local, or Tribal Governments

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 2.51

Estimated Total Annual Responses: 133.20

Estimated Time per Response: 15.90 hours

Estimated Total Annual Burden on Respondents: 2,118 hours

Recordkeeping Burden

Affected Public: State, Local, or Tribal Governments

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 1

Estimated Total Annual Responses: 53

Estimated Time per Response: 0.25 hours

Estimated Total Annual Burden on Respondents: 13.25 hours

See table below for estimated total annual burden for State agencies:

	CFR Citation	Type of Respondent	Description of Activity	Number of Respondents	Frequency of Response	Total Annual Responses	Hours Per Response	Annual Burden (hours)
Reporting Burden								
Annual	7 CFR 273.11(b)(3)	State/Local/Tribal Government	Review of Self-Employment Methodology	5.00	1.00	5.00	10.00	50.00
	7 CFR 273.9(d)(6)(iii)(B)	State/Local/Tribal Government	Update SUA for Annual Change in Cost	53.00	2.00	106.00	10.00	1,060.00
Every 5 Years	7 CFR 273.9(d)(6)(iii)(C)	State/Local/Tribal Government	Update SUA Baseline Methodology	53.00	2.00	106.00	40.00	4,240.00
	7 CFR 273.9(d)(6)(iii)(C)	State/Local/Tribal Government	Solicit and manage contract for updating SUA baseline methodology	5.00	1.00	5.00	160.00	800.00
Total Reporting Burden (Includes 1/5 of hours and costs incurred every 5 years)				53.00	2.51	133.20	15.90	2,118.00
Recordkeeping Burden								
Annual	7 CFR 273.11(b)(3) and 7 CFR 273.9(d)(6)(iii)(B)	State/Local/Tribal Government	Recordkeeping Requirements	53.00	1.00	53.00	0.25	13.25
Total Recordkeeping Burden				53.00	1.00	53.00	0.25	13.25
Total Reporting and Recordkeeping Burden								
Total Annual Burden				53.00	3.51	186.20	11.45	2,131.25

Patrick A. Penn,

Deputy Under Secretary,

Food, Nutrition and Consumer Services.

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