

---

# Temporary Assistance for Needy Families Program Instruction

---

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Family Assistance  
Washington, DC 20201

No. TANF-ACF-PI-2020-01

Date: March 24, 2020

---

**TO:** State and territorial agencies (hereafter, states) and tribal agencies administering the Temporary Assistance for Needy Families (TANF) Program.

**SUBJECT:** Questions and answers about TANF and the Coronavirus Disease 2019 (COVID-19) pandemic

**REFERENCES:** Title IV-A of the Social Security Act and implementing regulations in 45 CFR Parts 260-265 and 286, and TANF-ACF-PI-2007-08 (Using Federal TANF and State Maintenance-of-Effort (MOE) Funds for Families in Areas Covered by a Federal or State Disaster Declaration).

**PURPOSE:** To summarize the flexibilities in the TANF program to respond to the COVID-19 pandemic.

## **BACKGROUND:**

As a consequence of the Coronavirus Disease 2019 (COVID-19) pandemic, the United States is experiencing a nationwide emergency, implicating both public health and the economy. Secretary Azar declared a nationwide public health emergency on January 31, 2020, and President Trump declared a national emergency on March 13, 2020.

We have heard from several grantees expressing concerns about the implications of the COVID-19 pandemic for the TANF program and are fielding many questions about how TANF can help support people affected by it. Our top priority is the public health and safety of all those operating our program and receiving its services. Given the latest news on the disease, we anticipate an increased need in many states for basic assistance and other financial benefits. With that in mind, this program instruction includes questions and answers about how state and tribal grantees might use TANF to help those in need. It also addresses TANF's administrative flexibilities for both states and tribes.

## **QUESTIONS AND ANSWERS:**

1. **Question:** How can states and tribes use TANF to help anyone affected by the COVID-19 emergency?

**Answer:** TANF can be used to assist needy families with children (or expecting a child) who are experiencing financial difficulties due to the COVID-19 emergency. States and tribes set the criteria for "needy," and can set different income levels for different services. A state or tribe could 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.

2. **Question:** What can TANF help with in the immediate crisis?

**Answer:** TANF is a very flexible program that can fund a wide range of services and benefits. Because many affected families could have multiple needs, states and tribes may consider expanding their services and broadening their eligibility criteria. One particularly useful option in an emergency or time of crisis is a non-recurrent, short-term benefit (NRST). A NRST: (1) is designed to deal with a specific crisis situation or episode of need; (2) is not intended to meet recurrent or ongoing needs; and (3) will not extend beyond four months. 45 CFR §§ 260.31(b); 286.10(b). A state or tribe has the flexibility to set a higher income standard for an NRST than for regular TANF cash assistance. For example, a state or tribe could provide benefits to impacted families with incomes up to 200 percent of poverty. An NRST payment could help a family that is without income due to COVID-19 meet basic needs.

NRSTs are outside TANF's definition of "assistance" and therefore do not trigger TANF requirements associated with "assistance," such as the 60-month time limit for states, work requirements, child support assignment, and detailed data reporting. As a result, NRSTs may be less administratively burdensome for grantees. Examples of NRST benefits that might be helpful with the impact of COVID-19 include: short-term benefits to make up for lost wages; short-term rental or mortgage assistance; utility and energy assistance; housing search and placement services; clothing allowances; family support services to deal with stressful events; financial and credit counseling; certain legal services (see <https://www.acf.hhs.gov/ofa/resource/q-a-use-of-funds> questions 19 and 20); and administrative costs associated with any of these activities. These benefits could come in the form of cash, vouchers, or direct services.

We remind states that they cannot use federal TANF funds for medical expenditures.

3. **Question:** Does a grantee need to request approval or submit a plan amendment before making program changes to respond to COVID-19?

**Answer:** The rules for states and tribes with respect to TANF plan amendments are modestly different. A state has 30 days to submit a plan amendment and, thus, a state does not need to request approval or submit a plan amendment before making program changes, but it should seek guidance from ACF on whether a particular action is allowable under program requirements if the state has any questions. Under 45 CFR § 286.165(b), a tribe should submit an amendment at least 30 days prior to approval; however, we want tribes to make choices that protect the health and safety of their TANF beneficiaries. In the event that a tribe proceeds with implementing activities that require a plan amendment, tribes must seek preliminary approval from ACF. Tribes may do so by sending an e-mail to their regional point of contact. ACF will provide preliminary approval in a reply e-mail, if appropriate. We ask that tribes do not ask for a change in work participation rates through this process, but rather address any difficulties meeting the work participation rate through the process outlined in question 7. ACF will grant retroactive approval of the plan amendment for any changes that received preliminary approval.

4. **Question:** Are there additional funds in TANF to help with this?

**Answer:** At present, there are no additional federal TANF funds available for states to address COVID-19 needs. That means any support states and tribes provide using federal TANF funds must come from their existing allocations and unobligated funds, and must meet the requirements and restrictions that apply to the use of TANF funds. In fact, many grantees have significant unobligated TANF dollars saved as “rainy day” funds to use in situations such as the current emergency.

5. **Question:** Are there ways that states and tribes can alter benefits or ease requirements on TANF applicants or recipients during the emergency?

**Answer:** Yes, grantees could use current TANF flexibility in a range of ways, including:

- Streamlining the application process to expedite eligibility and payment determinations, and offering online or telephonic applications to minimize face-to-face contact;
- 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;
- Providing online approaches for participants to engage in work activities virtually, such as online trainings, job search and work readiness to keep them engaged without needing to go to a training site. We view this as a promising alternative that states should consider, so that participants are able to continue advancing their goals through the duration of this emergency;
- Increasing cash benefit levels for TANF cash assistance recipients who have reduced income or increased needs related to the COVID-19 pandemic;
- Providing case management by phone or other virtual/electronic communication platforms; and
- Exercising flexibility within the Income and Eligibility Verification System (IEVS) requirement for states as set forth in TANF-ACF-PI-2007-08.

Ultimately, grantees are responsible for ensuring that they are providing benefits only to families eligible for those benefits, but we understand that it may not be possible to verify or collect documentation in the same time period that they normally would.

6. **Question:** What should a state or tribe do if participants cannot meet work requirements because of the COVID-19 pandemic?

**Answer:** 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. The CDC has information on mitigation strategies, including when it is important to adopt social distancing and to cancel gatherings; we encourage states and tribes to review these resources, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

7. **Question:** Will states and tribes still be held accountable for the work participation rates during the emergency?

**Answer:** We are facing a national public health and economic emergency of unprecedented proportions. We want grantees to keep their focus on addressing the crisis and protecting the health and safety of the people they serve and the public at large. To help states and tribes do this, we have looked closely at our 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. A reasonable cause exception means the grantee would not face a financial penalty. While ACF has no authority to waive the work participation rate requirement itself, it does have authority to grant relief from the resulting penalty in the face of natural disasters and other calamities. ACF will exercise this authority to the maximum extent possible. For more information, grantees should refer to 45 CFR §§ 262.5 and 286.225 for the regulations on reasonable cause applicable to states and tribes, respectively.

8. **Question:** What should a state or tribe do if it is currently operating under a corrective compliance plan (CCP) for its work participation rate and thinks the pandemic will affect its ability to meet that CCP?

**Answer:** As with a new failure of the work participation requirement, a state or tribe that does not achieve full compliance with its CCP may request that we reduce the penalty if its failure to comply with the CCP was due to a natural disaster or regional recession. As we noted in the answer above, ACF will exercise this authority in this area to the maximum extent possible.

9. **Question:** Will states or tribes be able to expand what counts for work participation during the COVID-19 pandemic? For example, will ACF allow more excused hours to count than under current regulations?

**Answer:** Rather than revise what counts toward the work participation rate, which is specified in statute and regulation for states and in TANF plans for tribes, we will address issues of work participation rate failures, due in whole or in part to the COVID-19 pandemic, through the penalty relief process. Where there is a demonstrable connection between the grantee's failure to meet the work participation rate and the COVID-19 emergency, we expect to exercise our authority to grant penalty relief. Grantees are again encouraged to make sound choices that consider the health and safety of recipients and the public during the pandemic. 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.

**INQUIRIES:** Please direct inquiries to the TANF Program Manager in your region.

-s-

Clarence H. Carter  
Director  
Office of Family Assistance