



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

August 6, 2024

Sent via email to: JCAR@legislature.mi.gov

Joint Committee on Administrative Rules (JCAR)
Boji Tower, 3rd Floor
124 W. Allegan St.
P.O. Box 30036
Lansing, MI 48909-7536

Re: Session Day Waiver Request

Dear Chairperson Wojno, Alternate Chairperson Haadsma, and JCAR Committee Members:

As the Regulatory Affairs Officer for the Department of Health and Human Services (Department), I respectfully request that the JCAR waive the remaining session days under the authority provided in the Administrative Procedures Act of 1969, MCL 24.245a(1)(d), for the review of the following rule set:

Food Assistance Program, Mich Admin Code R 400.3001 to R 400.3015. (MOAHR No. 2023-41 HS) filed with JCAR on June 21, 2024, with an effective date of October 1, 2024.

The rules are being amended to remove the child support cooperation requirement as a condition of the client receiving food assistance. Michigan is only one of six states that continues to require cooperation in child support as a condition of receiving food assistance. This correlation between applying for food stamps and child support cooperation has been found to be a flawed presumption that the so-called punitive policy is effective. This has not been proven. See *"Child Support Cooperation Requirements in SNAP Are Unproven, Costly, and Put Families at Risk"*, Center on Budget and Policy Priorities (February 5, 2020).

Full benefits will be restored to the family once the grantee is moved out of non-cooperation, which allows more funds for food purchases and better living conditions for families. There are currently 14,560 grantees currently in non-cooperation status who would have benefits restored. This will result in businesses seeing an increase in sales as, statistically, every \$1 in new SNAP benefits issued can increase gross domestic product by \$1.54. Child support services will remain available to all applicants who desire them.

The Department held a public hearing on the proposed rules on June 12, 2024. The notice of the public hearing was properly published in three statewide newspapers with an extension of any written comments to be provided to the Department by June 14, 2024. There were no appearances at the public hearing, no written comments were received via the department's specific administrative rule email box, MDHHS-Adminrules@michigan.gov, or by mail.

As indicated above, the effective date of the rules is October 1, 2024. The waiver is being requested due to the uncertainty of whether the 15 session days would be met before October 1, 2024. There are system changes that need to be made with both the child support system, MiCSES and the public assistance system, Bridges, in addition to having those 14,000+ grantees removed from non-cooperation and preventing current grantees from going into non-cooperation without the legal authority of the October 1, 2024 effective date.

For these reasons, the Department respectfully asks that the committee waive the balance of the session days in the review period in order for the Department to meet the effective date of the rule set for the start of this new fiscal year.

Thank you for your consideration of this request.

Sincerely,



Mary E. Brennan
Regulatory Affairs Officer
BrennanM@michigan.gov

Copies to:

Timothy Reeves and Rachel Hughart, Legal Counsel, JCAR
Katherine Wienczewski, Director, Michigan Office of Administrative Hearings
and Rules
Chardae Burton, Director, MDHHS Legislative Affairs
Administrative Rules Division, MOAHR-Rules@michigan.gov
Dwayne Haywood, Senior Deputy Director, MDHHS Economic Stability
Administration
Erin Frisch, Director, MDHHS Office of Child Support