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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

April 21, 2020

Mr. Charles Tobin, Regional Program Director
Supplemental Nutrition Assistance Program
Western Regional Office
Food and Nutrition Service
90 Seventh Street, Suite 10-100
San Francisco, CA 94103

**SUBJECT: CALIFORNIA RECIPIENT INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS)
AND FNS 209 WAIVER REQUEST**

Dear Mr. Tobin:

As you know, the State of California (the State) and the California Department of Social Services (CDSS) are working to respond swiftly and effectively to the Coronavirus Disease 2019 (COVID-19) emergency. Because statewide orders requiring social distancing and a statewide stay-at-home order remain in effect, CDSS is requesting waivers of certain Supplemental Nutrition Assistance Program (SNAP) regulations from the US Department of Agriculture (USDA) Food and Nutrition Service (FNS) to ensure that Californians can continue to access SNAP benefits (known in California as CalFresh).

In response to the COVID-19 pandemic, CDSS requests a waiver to temporarily suspend all Recipient Income and Eligibility Verification System (R-IEVS) match requirements, except data matches related to State Unemployment Insurance Benefits (UIB), and to temporarily suspend the processing timeframes on IEVS data matches that would require the County Welfare Department (CWD) to follow up or a client response. The CDSS requests this waiver be effective immediately through June 30, 2020. These suspensions will reduce backlogs and negative impacts on clients who might not be able to respond to a request for timely contact during the COVID-19 pandemic.

Additionally, CDSS requests a 90-day extension on submitting the FNS 209 Reports for Quarters 2 (January-March) and 3 (April-June) 2020 in order to allow CWDs time to process and accurately submit the reports once the state of emergency has passed.

We appreciate FNS' consideration of California's request and appreciate a prompt response so that we may issue necessary guidance and implement changes to our business processes and operating procedures. To expedite the review and decision process of CDSS' request, we are available for a conference call at your earliest convenience to discuss as necessary.

If you have any questions, please do not hesitate to contact me at alexis.fernandez@dss.ca.gov or 916-653-6162.

Sincerely,

Alexis Fernández
Chief, CalFresh and Nutrition Branch
California Department of Social Services

WAIVER REQUEST
Recipient-IEVS Processing Suspension
Due to Coronavirus Disease 2020 (COVID-19)

1. **Waiver Serial Number (if applicable):** N/A
2. **Type of request:** Initial
3. **Primary Regulatory Citation:** 7 Code of Federal Regulations (CFR) Sections 272.13; 272.14; 272.8; and 273.18
4. **Secondary Regulation Citation, if any:**
5. **State:** California
6. **Region:** Western Region
7. **Regulatory Requirements:**

7 CFR § 272.8(a)(1): Requires state agencies to maintain and use an income and eligibility verification system (IEVS) and contract with at a minimum the following provider agencies:

- The State Wage Information Collection Agency (SWICA), which maintains wage information;
- The Social Security Administration (SSA), which maintains information about net earnings from self-employment, wages, and payments of retirement income, and federal retirement, and survivors, disability, SSI and related benefits;
- The IRS, from which unearned income information is available pursuant to section 6103(1)(7)(B) of the Internal Revenue Code (IRC); and
- The agency administering Unemployment Insurance Benefits (UIB), which maintains claim information and any information in addition to information about wages and UIB available from the agency which is useful for verifying eligibility and benefits.

7 CFR § 273.2(f)(9): Requires state agencies to obtain information through IEVS in accordance with procedures specified in 7 CFR Section 272.8, verify the eligibility and benefit levels of applicants and recipient households, and act based on the information obtained through IEVS including providing proper noticing to households to discontinue, deny, or decrease benefits.

7 CFR § 272.13: Requires state agencies to establish a system to monitor and prevent individuals who are being held in any Federal, State, and/or local detention or correctional institutions for more than 30 days from being included in a SNAP household.

7 CFR § 272.14: Requires state agencies to establish a system to verify and ensure that benefits are not issued to individuals who are deceased.

7 CFR § 272.8(c)(2): Requires state agencies to initiate and pursue the actions on recipient households within 45 days of receipt of the information items. This means if a potential IEVS discrepancy is identified as specified in 7 CFR Section 273.2(f)(4)(iv), the county must send a request for contact within 45 days of receiving the IEVS information showing a potential discrepancy.

7 CFR § 273.18(d)(1): Requires state agency to establish a claim before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered.

7 CFR § 273.18(c)(1)(i): Requires state agencies to calculate a claim back to at least 12 months prior to discovery of overpayment, and not to exceed 6 years before you became aware of the overpayment. CDSS requires County Welfare Departments (CWDs) to calculate a claim back at least 3 years from discovery of an overpayment.

In California's approved Claims Establishment Plan, Recipient IEVS (R-IEVS) matches are processed by CWDs according to the date of discovery, defined as the date the CWD receives the match either by paper or electronically via their respective automation system. For R-IEVS matches received electronically, the date of discovery is defined as the run date or the date the CWD receives the match electronically in the consortia, and/or CWD-owned ancillary system. For R-IEVS matches received via paper, the date of discovery is defined as the date the CWD receives the match from the California Department of Social Services (CDSS) as stated on the Acknowledgement of Receipt form.

7 CFR § 275.2(a)(1)(ii): Requires state agencies to establish a continuing performance reporting system to monitor program administration and program operations. The components of the State agency's performance reporting system shall be analysis and evaluation of data from all sources.

7 CFR § 273.18(m): Requires state agencies to submit the FNS 209 report on a quarterly basis. The FNS 209 must be an accurate and supported report of outstanding balances and collections for established claims; and must produce summary reports of the funds collected, the amount submitted to FNS, the claims established and terminated, any delinquent claims processing charges, the uncollected balance, and the delinquency of the unpaid debt.

8. **Description of Alternative Procedures:**

California will temporarily suspend all R-IEVS match requirements, except data related to state unemployment insurance (UI), effective immediately through May

31, 2020. CWDs will not receive any R-IEVS data, with the exception of State UI, during the months of April and May 2020 reducing backlogs created by the direct workforce impacts of the state of emergency and shelter in place order.

Additionally, California will waive the processing timeframes at 7 CFR Sections 272.8(c)(2) and 273.18(d)(1) that require the state to follow up or receive client response through May 31, 2020. The suspension of the processing timeframes will reduce negative impacts on clients who might not be able to respond to a request for contact timely, resulting in a discontinuance of benefits. As well, the state will redirect personnel, allowing for the processing of more applications, while still utilizing the most valuable information to assess continued CalFresh eligibility during the COVID-19 pandemic.

The state will continue to run Applicant IEVS at the time of application to ensure the accurate determination of benefits.

California will implement a 90-day extension on submission of California's FNS 209 quarterly report. This will allow counties to process and submit information accurately once the state of emergency has passed. This extension will apply to the FNS 209 Report for Quarters 2 (January-March) and 3 (April-June) 2020.

When the suspension of R-IEVS match requirements ends and CWDs resume processing R-IEVS matches, CWDs will not find an error or establish an overissuance if they receive R-IEVS data concerning an event that occurred during the suspension period and which would have resulted in a decrease in a household's allotment had the R-IEVS match not been suspended. This does not include data that is the subject of mandatory reporting. The receipt of such data which a household failed to report will be considered an error.

9. Justification for Request:

As the number of COVID-19 cases continues to grow exponentially across California, extensive public health warnings have been issued statewide to reduce exposure. On March 19, 2020, the Governor of California issued a statewide "stay-at-home" order that is in effect until further notice. These restrictions may be in place for weeks or even months to come. As a result of the COVID-19 emergency, applications for unemployment and CalFresh benefits have increased. The California Employment Development Department (EDD) has experienced an influx of over 1.6 million filed claims for UI benefits. To comply with the statewide "stay-at-home" order and to help slow the effects of COVID-19, all CWDs are limiting face-to-face interactions with clients. In turn, CWDs have implemented work-at-home policies for many eligibility workers who are securely and safely completing CalFresh application processing from home. While secure access to the eligibility system has been established for eligibility workers working from home, not all eligibility system features are available from home in all counties, including the ability to receive and process timely R-IEVS

matches. More importantly, CWD staff are not authorized to process certain R-IEVS matches outside of county offices, and some R-IEVS matches are distributed to CWDs by paper only. Due to the required security protocols related to Federal Tax Information and personally identifiable information (PII), CWD employees are prohibited from processing these paper matches outside of designated CWD offices.

Additionally, CWD staff normally tasked with processing R-IEVS have been redirected to help process the influx of new applications. With more people out of work due to the COVID-19 crisis, more applicants and recipients are receiving UI as their only source of income. For this reason, CDSS views UI as the most valuable information to maintain program integrity during the COVID-19 pandemic.

10. Anticipated Impact on Households and State Agency Operations:

California does not anticipate any negative impact on overall agency operations. The requested changes require no system updates and can be implemented temporarily through manual workarounds. California will continue to use Applicant IEVS as its source for information in processing new applications.

California's most needy households will continue to receive benefits without risk of a decrease or discontinuance of their case. This will also increase California's capacity to dedicate limited resources and staffing to application processing, allowing for greater flexibility in access to food and drastically improved outcomes for California households facing food insecurity during this public health crisis.

11. Caseload information, including percent, characteristics, and quality control error

rate for affection portion (if applicable):

Not applicable.

12. Anticipated implementation date and time period for which waiver is needed:

California requests that this waiver be effective immediately and through May 30, 2020, upon approval by FNS to align with other waiver requests and with the option to extend if COVID-19 continues to be the cause of a state of emergency for the nation, California, or its local counties.

13. Proposed quality control review procedures:

QC will not review any R-IEVS matches except for data related to state unemployment insurance (UI) for the cases sampled in these months. QC will continue to run A-IEVS on all cases. Cases in sample months April and May 2020 would not be subject to any QC errors if this waiver is approved.

14. **State agency submitting waiver request and State contact person:**

California Department of Social Services
CalFresh & Nutrition Branch

Contact Name: Alexis Fernández
CalFresh & Nutrition Branch Chief
916-653-6162 | alexis.fernandez@dss.ca.gov

15. **Signature and title of requesting official:**



Alexis Fernández
Chief, CalFresh & Nutrition Branch
916-653-6162 | alexis.fernandez@dss.ca.gov

16. **Date of request:** April 21, 2020

17. **State agency staff contact (name/email/telephone):**

Kristina Meza
Acting Bureau Chief, CalFresh Policy & Employment Bureau
916-653-1493 | kristina.meza@dss.ca.gov

Jessica Lopez
Bureau Chief, Program Integrity Bureau
916-653-1828 | jessica.lopez@dss.ca.gov

18. **Regional office contact person (to be completed by FNS regional office):**