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DIRECTOR

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

March 20, 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 REQUEST TO WAIVE PERIODIC REPORT AND  
RECERTIFICATION REQUIREMENT**

Dear Mr. Tobin,

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. As statewide orders for social distancing and stay-at-home are 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 continue to receive SNAP benefits (known in California as CalFresh).

California has already experienced the following circumstances that may negatively impact California's SNAP administration as a result of COVID-19:

- an influx of new applicants from households who have lost income as a result of a significant number of businesses' closures and reduced economic activity;
- reduction in availability of county staff who can process case actions such as SNAP/CalFresh applications, recertifications, and periodic reports; and
- strict limits on face-to-face interactions resulting in significant operational challenges and increased traffic to call centers.

Please find attached our first waiver request in response to the COVID-19 pandemic to retroactively waive periodic reporting and recertification requirements for SNAP/CalFresh recipients whose periodic report or recertification are due March, April, May, or June 2020.

We appreciate FNS' consideration of California's request and appreciate a prompt response so that we may begin making necessary changes to our system, business process, and operating procedures. In addition, to expedite the review and decision process for CDSS' request, we are available for a conference call at your earliest convenience to discuss our request.

Currently, although we are open to discussion, CDSS does not see any alternatives to this request and we do not want our residents to experience a significant lapse in access to essential health and nutrition resources during this pandemic crisis facing our nation.

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

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

## WAIVER REQUEST

### Waive Periodic Reporting and Recertification Requirements

**1. Waiver serial number (if request is extension):** N/A

**2. Type of request:** Initial/Retroactive

**3. Primary regulation citation:** 7 CFR §§ 273.12(a)(5)(iii), 273.12(a)(5)(iv), 273.14, 273.28, Title 7 of the US Code §§ 2012(f), 2015(c), and 2020(e)(4).

**4. Secondary regulation citation, if any:**

**5. State:** California

**6. Region:** WRO

**7. Regulatory requirements:**

**7 CFR § 273.12(a)(5)(iii)(B).** Requires non-exempt households certified longer than 6 months to file a periodic report between 4 months and 6 months and those households certified between 13 and 24 months to file a periodic report once a year. The regulations require States to select a due date for the reports that allows the State sufficient time to process the reports so that households with reported changes that reduce/terminate benefit will receive adequate notice in the first month of the new reporting period.

**7 CFR § 273.12(a)(5)(iii)(D).** If a household files a periodic report resulting in a reduction/termination of benefits, an adequate notice must be sent by the State.

**7 CFR § 273.12(a)(5)(iii)(E).** If a household fails to file a periodic report by the due date, the State must send a reminder notice. If the household fails to reply to the reminder notice, the household's participation shall be terminated.

**7 CFR § 273.12(a)(5)(iv).** Requires the State Agency select a due date for the periodic report that allows the State sufficient time to process the reports so that households receive adequate notice of action on the report in the first month of the new reporting period. Requires the State agency to provide the household a reasonable period after the end of the last month covered by the report in which to return the report and benefits should be issued in accordance with the household's normal issuance cycle if a complete report was filed timely.

**7 CFR § 273.14.** Indicates that no households shall participate beyond the expiration of its assigned certification period without a determination of eligibility for a new period. This section outlines application, verification, interview, notice, and processing requirements for the recertification process.

**7 CFR § 273.28.** Outlines the procedures for recertifications of households receiving transitional SNAP benefits.

**7 USC § 2012(f).** Defines that a certification period cannot exceed 12 months except for households in which all adults are elderly or disabled. Requires the State to have at least 1 contact with each certified household every 12 months.

**7 USC § 2015(c).** Requires households to provide necessary information and states that a reporting period may be no longer than 6 months.

**7 USC § 2020(e)(4).** Requires that States ensure each participating household to receive a notice of expiration which notifies the household an application must be submitted to renew eligibility and, if filed 15 days prior to the end of the certification period, will receive an allotment no later than one month after the receipt of the last allotment issued.

**8. Proposed alternative procedures:** California requests to waive the periodic report and recertification requirement for all households with a periodic report or recertification due March, April, May, or June 2020. Households whose periodic report or recertification is waived will continue receiving benefits at the allotment amount they are eligible for the month the periodic report or recertification was due. Households must continue to complete mandatory reports during the certification period, including a report of gross income received over the Income Reporting Threshold.

For households whose periodic report is waived, the household will be required to complete all mandatory reports during the remainder of the certification period and the household will complete a recertification at the end of the certification period, as usual.

For households whose recertification is waived, the household will be assigned a new certification period, based on the maximum allowable certification period for the household type. During the new certification period, the household will be required to complete a periodic report(s) and all mandatory reports during the certification period, as usual.

**9. Justification for request:** The Governor of California declared a State of Emergency on March 4, 2020 to reduce the spread of the Coronavirus Disease 2019 (COVID-19). Extensive public health warnings have been issued statewide to reduce exposure, including orders to implement social distancing, eliminate large group gatherings, and to require home isolation for vulnerable populations, including all people aged 65 years of age or older. Additionally, Governor Newsom issued a statewide “stay-at-home” order. These restrictions may be in place for weeks and months to come.

As a result, many County Welfare Departments (CWDs), the primary providers of services to SNAP customers, have experienced significant workforce reductions due to an increased number of eligibility workers calling out from work for medical reasons, out of an abundance of caution, or to take care of children whose schools have closed. State and county operations have also been severely limited due to modified procedures to limit person-to-person contact in accordance with county, state, and federal public health guidance.

At the same time, a record number of CalFresh applications have been submitted statewide. This influx of new applications is driven primarily by the significant loss of income experienced by households statewide as a result of business closures and reduced economic activity.

For our workforce to continue processing new applications timely and provide Californians with much needed food assistance, California is requesting a temporary waiver of the periodic report and recertification requirements for our ongoing caseload.

A waiver of periodic reporting and recertification requirements will provide much needed workload relief for a workforce that is already stretched thin. This will allow limited staff resources to be directed to new applications. Additionally, this waiver will prevent ongoing households from coming into the local office to conduct CalFresh business. Due to the national pandemic emergency as well as rigorous statewide prevention measures, many of our

customers who normally come into the local office are less likely, unable to, or should not come to the office. Lastly, in this economic climate, the likelihood that households eligible for CalFresh before the pandemic, do not continue to be eligible for CalFresh during the pandemic is low. The waiver will allow likely eligible ongoing households to maintain benefits without risk of interruption or an undue delay in benefits.

California is requesting this approval retroactive to March 1, 2020 to ensure that households already impacted by COVID-19 are not further impacted by the operational challenges currently facing SNAP administrators statewide. Similarly, such a waiver will ensure that all households reporting in the month of March are treated equitably, regardless of when in the month they submitted their recertification applications or semi-annual reports.

California is committed to ensuring all eligible SNAP applicants and recipients in need of food assistance during this unprecedented time can put food on the table for their families. With that said, the state is experiencing unprecedented operational impacts and application volume – without relief we risk a failure to meet the most basic needs of our residents.

**10. Anticipated impact on households and State agency operations:** If approved, this waiver will ensure California SNAP recipients continue to receive vital food benefits. New applicants will be more likely to receive benefits timely and ongoing households will be more likely to continue receiving the benefits they are eligible for.

**11. Caseload information, including percent, characteristics, and quality control error rate for affected portion:**

The waiver will impact all on-going SNAP customers with a periodic report or recertification due in March, April, May, and June of 2020.

For January 2020 there were 77,541 periodic report/recertifications disposed statewide. Of these, 74,082 were determined to be continuing eligible and 3,459 were determined ineligible.

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

Retroactive Implementation date: March 1, 2020

Time Period: March 1 to June 30, 2020 (with option to extend)

**13. Proposed quality control review procedures:**

California Quality Control will continue to review cases in accordance with current Quality Control procedures outlined in the FNS-310 Handbook.

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



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Alexis Fernández, Chief

**15. Date of request:** March 20, 2020