



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

August 12, 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: REQUEST TO EXTEND INITIAL CERTIFICATION AND RECERTIFICATION
INTERVIEW WAIVER (COV-127)**

Dear Mr. Tobin:

Per FNS' request as a follow-up to California's adjustment extension request submitted to FNS on August 10, 2020, enclosed is California's reformatted request for an extension of the Initial Certification and Recertification Interview Waiver (COV-127), which is currently set to expire on August 31, 2020.

Currently, regulations at 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3) require state agencies to interview at initial certification and recertification. Under this waiver, state agencies will not be required to complete an interview at initial application or recertification, provided that certain criteria are met.

The CDSS requests the extension of this waiver for the month of September 2020, with the option to extend.

Thank you for your consideration. If you have any questions, please feel free to contact me directly at (916) 653-6162 or Alexis.Fernandez@dss.ca.gov.

Sincerely,

Alexis Fernández, Chief
CalFresh and Nutrition Branch

Attachment

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** Adjustment of the Initial Certification and Recertification Interview (COV-127)
2. **Type of request:** Extension
3. **Regulatory citation:** 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3)
4. **State:** California
5. **Region:** Western Region
6. **Regulatory requirements:**
 - Supplemental Nutrition Assistance Program (SNAP) regulations at 7 C.F.R. 273.2(a)(2) requires that the application process include an interview.
 - Regulations at 7 C.F.R. 273.2(e) requires that the State agency interview households for eligibility before certifying.
 - Regulations at 7 C.F.R. 273.14(b)(3) requires that State agencies interview households as part of the recertification process
7. **Proposed alternative procedures:** California will not be required to interview a household at initial application or recertification, provided that the applicant's identity has been verified and all other mandatory verifications in 7 C.F.R. 273.2(f)(1) have been completed. California will be required to contact the household if any information on the application is questionable and cannot be verified. California will make every attempt to verify household circumstances through data matching and mailing or uploading verifications to the State system.
8. **Justification for request:** California continues to have a statewide active emergency order that requires social distancing and major disruptions to daily life. California is experiencing a surge of new COVID-19 cases. As of August 11th, California has had 574,411 reported COVID-19 cases and 10,468 deaths. As the number of new COVID-19 cases increases and the economic downturn continues, food insecurity also increases. More households are newly eligible and enrolling in SNAP. In June, California's CalFresh caseload reached a historic high of 2,639,252 households, or 4,840,876 people, and it continues to grow.

To continue to meet these challenges and to ensure that Californians can access SNAP benefits in an efficient and responsible manner, CDSS is requesting continuance of this waiver adjustment that was previously approved by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and is currently set to expire on August 31st

9. **Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** This waiver will impact both

initial certifications and recertifications that require an interview. While COVID related application volume seems to have peaked in March and April 2020, application volume remains high. During the month of July 2020, California received a total of approximately 184,000 applications statewide. Just over 50,000 applications were received during the first week of August 2020. This number is expected to increase throughout the month of August and into September 2020 as federal unemployment benefits are reduced and more California families may be eligible for and in need of nutrition benefits.

Because of COVID related adjustments implemented in March, April and May, California anticipates a 181% increase in combined recertification cases and periodic reports in September 2020 when compared to September 2019. California anticipates completing 194,925 recertifications during September 2020.

- 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 benefits they are eligible for.
- 11. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):** California proposes that the requested waiver be approved for the month of September 2020, with the option to extend.
- 12. Proposed quality control review procedures:**
No special Quality Control (QC) procedures are required for cases subject to the provisions of this adjustment. Cases will be reviewed using standard review procedures contained in the FNS Handbook 310.
- 13. Name, title, and email of requesting official:**
Name: Alexis Fernández

Title: CalFresh & Nutrition Branch Chief

Email: Alexis.Fernandez@dss.ca.gov
- 14. Date of request:** August 10, 2020
- 15. State agency staff contact:**
Name: Yazmin Saenz

Title: Acting CalFresh Policy & Employment Bureau Chief

Email: Yazmin.Saenz@dss.ca.gov
- 16. Regional Office contact person (to be completed by FNS regional office):**



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

August 10, 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 ADJUSTMENT EXTENSION REQUEST IN SUPPORT OF
TIMELY APPLICATION AND ENSURING ACCESS TO FOOD FOR SEPTEMBER
2020**

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 continuing Coronavirus Disease 2019 (COVID-19) emergency. California continues to have a statewide active emergency order that requires social distancing and major disruptions to daily life. California is experiencing a surge of new COVID-19 cases. As of August 9th, California has had more than 561,911 reported COVID-19 cases and 10,359 deaths.¹ As the number of new COVID-19 cases increases and the economic downturn continues, food insecurity also increases. More households are newly eligible and enrolling in the Supplemental Nutrition Assistance Program (SNAP), known as CalFresh in California, than ever before. In June, California's CalFresh caseload reached a historic high of 2,639,252 households, or 4,840,876 people, and it continues to grow.

To continue to meet these challenges and to ensure that Californians can access SNAP benefits in an efficient and responsible manner, CDSS is requesting continuance of three adjustments of certain SNAP regulations, currently set to expire on August 31st and previously approved by the US Department of Agriculture (USDA) Food and Nutrition Service (FNS).

California requests an extension of these three adjustments through at least September 30, 2020, with the option to extend as circumstances warrant. These adjustments are essential to ensuring benefit access while addressing the State's increased caseload,
Mr. Tobin

¹ *California Department of Public Health Data Dashboard*, accessed August 10, 2020:
<https://update.covid19.ca.gov/#top>.

increased workload, and the impacts of current public health precautions on county eligibility staff. The three adjustments include:

- (1) adjustment of initial certification and recertification interview;
- (2) adjustment of the face-to-face interview requirement; and
- (3) recording of telephonic signatures adjustment.

To ensure that FNS and CDSS both understand the adjustments requested above and the applicable conditions of approval, CDSS has enclosed copies of the guidance for each of these adjustments currently available on the USDA website.²

On August 3, 2020, FNS provided guidance via email, entitled “Workload Management Best Practices for States” (Workload guidance) which offers states additional adjustment options that can be requested and approved for multiple months. However, it does not clearly state whether it is meant to simply supplement or fully supplant the existing adjustment procedures. Further, the Workload guidance provides states with one week to prepare and submit a plan based on a list of adjustments, waivers, demonstration projects, and other practices that can be sought for the months of September through December 2020. FNS states that timely submitted plans will be approved by August 15th, giving states two weeks to implement their new plans.

The Workload guidance includes a limited number of new adjustments in direct response to the unique conditions of the current pandemic emergency but lacks the level of detail necessary for states to effectively consider implementation of these new adjustments. Notably, one adjustment, entitled “Core Verification and Interview Adjustment”, would allow for states to waive a certain percentage of their recertification interviews each month, beginning with a percentage less than 50% and continuing with a progressively lower percentage of interviews waived in each of the following months. The Workload guidance does not discuss how states should determine which households are interviewed and which are not, nor does it provide guidance on how to ensure that a higher percentage of households will be interviewed each month. While this limited instruction would suggest that it is up to each state to develop a more detailed plan for approval and implementation, the provided Workload guidance template for submitting a new state plan, entitled “SNAP COVID Adjustment Template for USDA” (Template), limits the length of the complete plan, including justification, to one page.

This one-page Template must include: a comprehensive list of requested adjustments, waivers, demonstration projects, and other practices; data in support of these requests; and “a detailed plan that shows how and when the State will return to its ‘new normal’”.
Mr. Tobin

This limits what information FNS will be required to consider when approving or denying requests and does not allow states the ability to adequately explain the nature of the adjustments they are requesting. This type of limitation may lead to implementation challenges, as states and FNS will not have properly documented the details of each requested and approved adjustment.

Additionally, while FNS sought to assist states by identifying additional options for adjustments, waivers, demonstration projects, and other practices available under current regulations through inclusion in the Workload guidance, California already implements many of the highlighted options. For example, CDSS has already implemented longer certification periods for households with only elderly and/or disabled members and no earned income and a standard medical deduction. It is not feasible to operationalize many of the remaining options within the September to December timeframe under the ongoing pandemic circumstances and given increased budget constraints.

As stated in FNS' original adjustment request guidance, published on the USDA website, the interview adjustment extension that CDSS is requesting is "consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency."³ California's county eligibility workers are unable to return to traditional working conditions given the continued public health concerns for both employees and clients. Additionally, California anticipates a 181% increase in combined recertification cases and periodic reports in September 2020 when compared to September 2019. Anticipated workload for the months of October and November 2020 in comparison to October and November 2019 are provided as an attachment to this letter. It is for these reasons that CDSS requests an extension of its current three adjustments for at least one month with the option to extend as circumstances warrant.

CDSS and the State acknowledge the efforts of FNS in administering the FFCRA allowable adjustments during these challenging times. This is why CDSS previously adapted to the informal transition to the tiered method of adjustment requests and the continued guidance provided via email. However, these changes led to several misunderstandings. The recent Workload guidance does not provide sufficient detail or time to effectively consider implementation nor the flexibility needed to meet the continuing needs of our clients and our workforce during this crisis.

CDSS would appreciate the opportunity to provide additional input on the current challenges faced by California's eligibility workers and clients in order to help FNS develop a detailed and practical approach to achieving all necessary adjustments for the coming year. CDSS and the State agree that the current adjustments implemented Mr. Tobin

³ <https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAP-COVID19-AdjustInterviewRequirements.pdf>

Page Four

by California are not enough to sustain an effective long-term response to the pandemic emergency. Adjustment options offered must reflect the reality of the continued circumstances caused by the pandemic emergency and must address client access and workforce challenges. The process for requesting these adjustments must also reflect the ever-changing nature of this pandemic emergency and the need for clear, yet flexible, policies. CDSS is ready and able to engage with FNS in determining a more effective path forward.

In the meantime, we respectfully submit and request FNS' consideration of California's request as outlined above and appreciate a prompt response so that we may issue necessary guidance to California's County Welfare Departments. 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.

If you have any questions, please do not hesitate to contact me at 916-261-3080 or alexis.fernandez@dss.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ALEXIS FERNANDEZ', written in a cursive style.

ALEXIS FERNÁNDEZ
Branch Chief
CalFresh and Nutrition Branch

Attachments

1. SNAP COVID 19 Adjust Interview Blanket Approval
2. SNAP COVID 19 Adjust Telephonic Signature Approval
3. Workload Comparison 2019 vs. 2020
4. California Emergency Declaration



Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

Date: March 26, 2020

RE: Supplemental Nutrition Assistance Program (SNAP) – Adjusting
Interview Requirements Due to Novel Coronavirus (COVID-19) –
Blanket Approval

Dear SNAP State agencies,

As authorized by section 2302 of the Families First Coronavirus Response Act (P.L. 116-127), FNS will allow State agencies to adjust:

- SNAP regulations at 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3) by not requiring a household to complete an interview prior to approval, provided the applicant's identity has been verified and all other mandatory verifications in 7 C.F.R. 273.2(f)(1) have been completed.¹
- SNAP regulations at 7 C.F.R. 273.2(e)(2)(i) by not offering a face-to-face interview or granting a request for a face-to-face interview to any household at application or recertification.
- SNAP regulations at 7 C.F.R. 273.2(i)(3)(iii) and 7 C.F.R. 273.2(i)(4)(iii)(A) and (B) by not requiring households that are eligible for expedited service to complete an interview prior to approval, provided that an applicant's identity has been identified and an attempt has been made to contact the household for an interview.

Under the authority of Section 2302(a)(2), FNS has determined these adjustments to be consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency.

These flexibilities are available for all applications and recertifications requiring an interview through May 2020 and contingent upon a State agency's compliance with the conditions and evaluation requirements detailed in the attached enclosures, which are due 45 days after expiration (July 15, 2020).

If the State agency elects to implement any or all of these adjustments, it must make a request to its respective FNS Regional Office and identify which ones the State agency intends to use. Any State responses will be relayed to the FNS Certification Policy Branch.

¹ If State agencies have questions regarding other regulatory references to the interview requirement, please contact FNS.

All State Agency Directors

Page 2

FNS is ready to provide technical assistance to State agencies as they seek to maintain operations and serve clients during the current Public Health Emergency. If you have any questions or need additional information, please contact your respective Regional Office representative.

Sincerely,

Sasha Gersten-Paal
Director
Program Development Division
Supplemental Nutrition Assistance Program

Enclosures

ADJUSTMENT OF INITIAL CERTIFICATION AND RECERTIFICATION INTERVIEW RESPONSE

- 1. Regulatory citation:** 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3)²
- 2. Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 C.F.R. 273.2(a)(2) requires that the application process include an interview.

Regulations at 7 C.F.R. 273.2(e) requires that the State agency interview households for eligibility before certifying.

Regulations at 7 C.F.R. 273.14(b)(3) requires that State agencies interview households as part of the recertification process

- 3. Description of alternative procedures:** The State will not be required to interview a household at initial application or recertification, provided that the applicant's identity has been verified and all other mandatory verifications in 7 C.F.R. 273.2(f)(1) have been completed. The State will be required to contact the household if any information on the application is questionable and cannot be verified. The State will make every attempt to verify household circumstances through data matching and mailing or uploading verifications to the State system.

4. Action and reason for approval or denial: The Food and Nutrition Service (FNS) recognizes the need for adjustments due to the COVID-19 Public Health Emergency. As authorized by section 2302 of the Families First Coronavirus Response Act (P.L. 116-127), FNS' approval of this adjustment is based on the determination that the adjustment is consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency. FNS is approving the adjustment for all applications and recertifications requiring an interview through May 31, 2020.

- 5. Conditions of approval:** FNS is approving this adjustment subject to the following conditions:

- The adjustment is limited to those households for which mandatory verifications have been completed and the applicant's identity has been verified;
- The State agency will ensure that sufficient controls in their policy and automation are in place to implement the terms of this adjustment correctly;
- The State agency will contact the household if information in the application that is required to be verified under 273.2(f)(1) is questionable and cannot be verified through a data match;
- The State agency has the capacity to provide to FNS the data required for evaluation of the caseload for which the State agency has adjusted the interview requirements.

² If State agencies have questions regarding other regulatory references to the interview requirement, please contact FNS.

6. **Evaluation Data Requirements:** The State agency must provide to FNS the data and analysis listed below required for evaluation of this adjustment:
 - Estimated number of households affected by this adjustment;
 - A narrative on the effect of the adjustment on program access and client satisfaction, including an analysis of any client or advocate complaints received related to the adjustment procedure;
 - A narrative on the effect of the adjustment on the provision of timely and accurate benefits; and
 - A narrative on the effect of the adjustment on any other aspects of the eligibility process including the ability to manage staff caseload growth and the impact on administrative efficiency.
7. **Expiration date:** May 31, 2020
8. **Quality control procedures:** No special Quality Control (QC) procedures are required for cases subject to the provisions of this adjustment. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

ADJUSTMENT OF FACE TO FACE INTERVIEW REQUIREMENTS

1. **Regulatory citation:** 7 C.F.R. 273.2(e)(2)(i)
2. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 C.F.R. 273.2(e)(2)(i) require that the State agency offer a face-to-face interview or grant a request for a face-to-face interview to any household at application or recertification, in lieu of a telephonic interview.
3. **Description of alternative procedures:** The State agency may require households to complete a telephonic interview during application and recertification. The State agency will use its existing interview procedures to allow clients to complete an interview by telephone. If requested, the State agency will schedule an interview to be conducted by telephone.
4. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) recognizes the need for adjustments due to the COVID-19 pandemic. As authorized by section 2302 of the Families First Coronavirus Response Act (P.L. 116-127), FNS' approval of this adjustment is based on the determination that the adjustment is consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency. FNS is approving the adjustment for all applications and recertifications requiring an interview through May 31, 2020.
5. **Conditions of approval:** FNS is approving this adjustment contingent upon the following conditions. The State agency must:
 - Inform clients that the State agency will schedule the interview;
 - Screen all applications for expedited service and instruct households found eligible for expedited service to complete the interview within 7 days from the date of application. The State will also be required to cold call households eligible for expedited service to attempt an interview. Nothing in this adjustment approval will absolve the State from meeting the expedited service processing standards in 7 C.F.R. §273.2(i) that require benefits to be made available to eligible households by the seventh calendar day after their application;
 - Provide households with clear, written instructions for completing the interview and the date by which the household should complete the interview requirement (calendar day);
 - Provide households eligible for expedited service that do not complete their interview by the 7th day after application, a Notice of Missed Interview (NOMI);
 - Provide households not eligible for expedited service that do not complete their interview by the 10th day after application, a NOMI;
 - Repeat instructions for completing the interview in the NOMI and inform applicants of the date on which their application will be denied or benefits terminated if the interview is not completed;

- Ensure that recipient households that are sent a NOMI during recertification and are subsequently denied have until the end of their certification period to complete the interview without having to submit a new application form;
 - Ensure that sufficient administrative and automation controls are in place so the terms of this adjustment are implemented efficiently. Phone system performance including dropped calls, wait times, call completion times, and staff adequacy must be monitored and adjusted to adequately serve incoming calls; and
 - Ensure that the adjustment does not negatively impact program access or customer service.
- 6. Evaluation Data Requirements:** The State agency must provide to FNS the data and analysis listed below required for evaluation of this adjustment:
- Estimated number of households affected by this adjustment;
 - A narrative on the effect of the adjustment on program access and client satisfaction, including an analysis of any client or advocate complaints received related to the adjustment procedure;
 - A narrative on the effect of the adjustment on the provision of timely and accurate benefits; and
 - A narrative on the effect of the adjustment on any other aspects of the eligibility process including the ability to manage staff caseload growth and the impact on administrative efficiency.
- 7. Expiration date:** May 31, 2020.
- 8. Quality control procedures:** No special Quality Control (QC) procedures are required for cases subject to the provisions of this adjustment. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

ADJUSTMENT OF EXPEDITED SERVICE INTERVIEW REQUIREMENTS

- 1. Regulatory citation:** 7 C.F.R. 273.2(i)(3)(iii) and 273.2(i)(4)(iii)(A) and(B)
- 2. Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 C.F.R. 273.2(i)(3)(iii) require the State agency to conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards.

SNAP regulations at 7 C.F.R. 273.2(i)(4)(iii)(A) require that for households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation.

SNAP regulations at 7 C.F.R. 273.2(i)(4)(iii)(B) require that for households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe.

When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.

- 3. Description of alternative procedures:** The State will postpone the interview for certain households eligible for expedited service, provided that an applicant's identity has been verified and the State agency has attempted to contact the household for an interview. This will allow the State agency to provide benefits within 7 days for those expedited service eligible households. In these cases, the interview would be treated similar to other verification and could be postponed during the initial one- or two-month period. Therefore, households that apply on or before the 15th of the month would complete the interview, provide necessary verification, and have their applications processed by the end of the month of application in order to continue receiving ongoing benefits. Households that apply after the 15th of the month would complete the interview, provide necessary verification, and have their applications processed prior to the end of the month following application in order to continue receiving ongoing benefits.
- 4. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) recognizes the need for adjustments due to the COVID-19 pandemic. As authorized by section 2302 of the Families First Coronavirus Response Act (P.L. 116-127), FNS' approval of this adjustment is based on the determination that the adjustment is consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency. FNS is approving the adjustment for all applications and recertifications requiring an interview through May 31, 2020.
- 5. Conditions of approval:** FNS is approving this adjustment subject to the following conditions:

- The adjustment is limited to those households who meet the criteria for expedited service in 7 C.F.R. 273.2(i)(1);
- The State agency will ensure that sufficient controls in their policy and automation are in place to implement the terms of this adjustment correctly;
- The State agency will make efforts to complete the required interview within the 7 day time-period and will attempt to contact applicants in order to interview them prior to postponing the interview;
- The adjustment only applies to those applicants whose identity can be verified;
- The adjustment only applies to the above households at initial application;
- The State agency will assign expedited service households subject to this adjustment the normal certification periods pursuant to the following procedural requirements:
 - For households that apply on or before the 15th of the month, the State agency may postpone the interview and any required verification through the end of the month. If the household fails to participate in an interview or to provide needed verification by the end of the month, then the case will be closed. In addition, under these adjustment procedures, households that apply on or before the 15th of the month must have the opportunity to be interviewed by the last day of the month and be allowed 10 days to provide any required verification documents that may arise from the interview. Thus, interviews should be scheduled such that households would be able to provide any required documentation in time to avoid a delay in the issuance of their second month's benefits;
 - For households that apply after the 15th of the month, the State agency may postpone the interview and any required verification no later than the month subsequent to the month of application after which the case is closed if the household fails to participate in an interview or fails to provide needed verification; and
 - The notice of eligibility must clearly advise households subject to this adjustment of the postponed interview requirement and provide a specific interview appointment. In addition, the notice must clearly advise households of the closure of their case should they not participate in the postponed interview.
- If the household does not satisfy the postponed verification requirements and does not participate in the postponed interview, the State agency is not required to contact the household again and the case would be closed. The State agency would process any subsequent application(s) from the household under normal processing standards in accordance with 7 C.F.R. 273.2(i)(4)(iv);
- Households whose identities cannot be determined by the State agency do not qualify for the adjustment and must be processed under normal SNAP application processing procedures;

- and
- The State agency has the capacity to provide to FNS the data required for evaluation of the expedited service caseload for which the interview adjustment has been made.

6. Evaluation Data Requirements

The State agency must provide to FNS the data and analysis listed below required for evaluation of this adjustment:

- Estimated number of households affected by this adjustment;
- A narrative on the effect of program access and client satisfaction, including an analysis of any client or advocate complaints received related to the adjustment procedure;
- A narrative on the effect of providing timely and accurate benefits; and
- A narrative on the effect of any other aspects of the eligibility process, including the ability to manage staff caseload growth and the impact on administrative efficiency

7. Expiration date: May 31, 2020.

8. Quality control procedures: No special Quality Control (QC) procedures are required for cases subject to the provisions of this adjustment. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.



Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

March 27, 2020

Alexis Fernández
Chief, CalFresh & Nutrition Branch
California Department of Social Services
744 P Street, MS 8-17-11
Sacramento, California 95814

RE: Supplemental Nutrition Assistance Program (SNAP) – California Adjustment
Request for Recording of Telephonic Signature –Due to Novel Coronavirus
(COVID-19) Approval

Dear Ms. Fernández:

This letter transmits the approval of the California Department of Social Services (DSS) request to adjust SNAP regulations at 7 CFR 273.2(c)(7)(viii)(A), 7 CFR 273.2(c)(7)(viii)(B), and 7 CFR 273.2(e)(7)(viii)(C), which require an audio recording of a telephonic signature. Separate notification will be made for the other items that were contained within DSS' waiver request.

Under this adjustment (COV-050) the State can document in the case file that a client verbally attested to the information provided on the application. The State must document the client's name, date and time of application, a summary of the information to which the client verbally assents, and the client's responses indicating agreement or disagreement. Such documentation will fulfill the requirements for a signed application for households who submit an application over the phone or who have submitted an application without a signature.

The Food and Nutrition Service (FNS) is approving this adjustment under authorization of the Families First Coronavirus Response Act (P.L. 116-127) for a period of 3 months, effective March 1, 2020 through May 31, 2020. FNS has determined this adjustment to be consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency.

The approval is contingent upon the State agency's compliance with the conditions and data reporting components in item 11 of Enclosure 1 and are due 45 days after expiration (July 15, 2020). The detailed waiver response is enclosed.

Please note that this approval may differ from the State's request. If you have questions or need additional information regarding this adjustment, please contact your respective Regional office representative.

COV-050

Page 2

Sincerely,

Sasha Gersten-Paal

Director

Program Development Division

Supplemental Nutrition Assistance Program

Enclosure

**RECORDING OF TELEPHONIC SIGNATURES ADJUSTMENT
RESPONSE**

1. **Waiver serial number:** COV-050
2. **Type of request:** Initial
3. **Regulatory citation:** 7 CFR 273.2(c)(7)(viii)(A), 7 CFR 273.2(c)(7)(viii)(B), 7 CFR 273.2(e)(7)(viii)(C)
4. **State:** California
5. **Region:** Western
6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(c)(7)(viii)(A) require State agencies that choose the option to accept telephonic signatures to specify in their State plans of operation that they have taken the option.

Regulations at 7 CFR 273.2(c)(7)(viii)(B) require that to constitute a valid telephonic signature, the State agency's telephonic signature system must make an audio recording of the household's verbal assent and a summary of the information to which the household assents. An example of a telephonic signature is a recording of "Yes" or "No", "I agree" or "I do not agree", or otherwise clearly indicating agreement or disagreement during an interview over the telephone.

Regulations at 7 CFR 273.2(c)(7)(viii)(C) require that a telephonic signature system must provide for linkage from the audio file of the recorded verbal assent to the application so that the State agency has ready access to the household's entire case file.

7. **Description of alternative procedures:** The State will not be required to create an audio recording of the client attestation or link that recording to the client case file. The State will summarize the information to which the household assents and allow a verbal signature from the client that is documented by the State. The documentation will include a case note in the State's eligibility system to demonstrate that the client has signed the application. The information the State documents in the case file must include the client's name, date and time of application, a summary of the information to which the client verbally assents, and the client's responses indicating agreement or disagreement. If a client submits an application without a signature and the State is able to connect with the client over the phone, the State will also note on the application that verbal attestation of

the signature was given. The State is not required to amend its State Plan of Operation to indicate it is taking the telephonic signature option.

8. Action and reason for approval or denial: The Food and Nutrition Service (FNS) recognizes the need for adjustments due to the COVID-19 Public Health Emergency. As authorized by the Families First Coronavirus Response Act (P.L. 116-127), FNS' approval of this adjustment is based on the determination that the adjustment is consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency. FNS is approving the State's request for a period of 3 months, effective March 1, 2020, through May 31, 2020.

9. Conditions and reasons: FNS is approving this adjustment subject to the following conditions:

- The adjustment is limited to those households who submit an application over the phone or who have submitted a paper application without a signature;
- Households will still be permitted to submit an application over the telephone with only name, address and signature to establish a filing date;
- The State will continue to accept paper applications with signatures and online applications with electronic signatures (if available in the State);
- The State will ensure that sufficient controls in their policy and automation are in place to implement the terms of this waiver correctly, including a sufficient number of lines to accept calls and any necessary staffing changes to accept applications through the telephone;
- The State will continue to comply with all other applicable interview and signature requirements;
- The State will not accept an application without a signature, in accordance with 7 CFR 273.2(c)(7)(i);
- The State will consult with their legal counsel to determine if this alternate approach constitutes a valid legal signature in their State; and
- The State agency has the capacity to provide to FNS the data required for evaluation of the caseload.

10. Evaluation Data Requirements

The State agency must provide to FNS the data and analysis listed below required for evaluation of this adjustment.

- Estimated number of households affected by this adjustment;
- A narrative on the effect of program access and client satisfaction, including an analysis of any client or advocate complaints received related to the adjustment procedure;
- A narrative on the effect of providing timely and accurate benefits; and

- A narrative on the effect of any other aspects of the eligibility process including the ability to manage staff caseload growth and the impact on administrative efficiency.

11. Expiration date: May 31, 2020

12. Quality control procedures: No special Quality Control (QC) procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

13. Anticipated implementation date (*notify FNS if actual date differs*):
Upon receipt of approval.

**California Anticipated Periodic Report and Recertification
Workload for September, October, and November
2019 vs. 2020**

Periodic Report Workload 2019 vs. 2020			
	2019	2020	Year Over Year Growth
September Periodic Reports	134,573	280,534	208%
October Periodic Reports	134,394	268,379	200%
November Period Reports	132,678	232,364	175%

Recertification Workload 2019 vs. 2020			
	2019	2020	Year Over Year Growth
September Recertifications	128,610	194,925	152%
October Recertifications	117,074	229,074	196%
November Recertifications	109,068	230,405	211%

Periodic Report & Recertification Combined Workload 2019 vs. 2020			
	2019	2020	Year Over Year Growth
September Periodic Reports & Recertifications	263,183	475,459	181%
October Periodic Reports & Recertifications	251,468	497,453	198%
November Periodic Reports & Recertifications	241,746	462,769	191%

Source: Ad hoc data report produced by California's Statewide Automated Welfare System

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.


7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.
14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State