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

March 26, 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 WAIVER REQUEST IN SUPPORT OF TIMELY APPLICATION AND ENSURING ACCESS TO FOOD

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 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 can continue to access SNAP benefits (known in California as CalFresh.)

Please find attached our second waiver request in response to the COVID-19 pandemic. This request seeks a temporary waiver of the initial certification interview for certain households, allowances for worker attestation of signature when other electronic signature methods are not available exclusion of unearned income in the form of emergency cash assistance or payments provided as part of COVID-19 response efforts, a temporary waiver of college student eligibility rules, and a temporary expansion of eligibility for the Restaurant Meals Program to all households.

The CDSS requests that this waiver be effective through June 30, 2020 upon approval by FNS for alignment 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.

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. 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 alexis.fernandez@dss.ca.gov or 916-653-6162.

Sincerely,

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

WAIVER REQUEST
Process New Applications Timely and Ensure Access to Food
Due to Coronavirus Disease 2019 (COVID-19)

1. **Waiver Serial Number (if applicable):** N/A
2. **Type of request:** Initial
3. **Primary Regulatory Citation:** Families First Coronavirus Response Act; 7 Code of Federal Regulations (CFR) §273.2; 7 CFR §273.9; 7 CFR §273.5; and 7 CFR §274.7
4. **Secondary Regulation Citation, if any:**
5. **State:** California
6. **Region:** Western Region
7. **Regulatory Requirements:**

7 CFR §273.2(e)(1): Requires that households have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter, except for households certified longer than 12 months.

7 CFR §273.2(e)(2): Allows a state agency to use a telephone interview instead of a face-to-face interview as required in paragraph (e)(1) for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship.

7 CFR Section 273.2(c)(7)(iii): Allows State agency to decide whether unwritten signatures are generally acceptable. A State agency that does not select this option must still accept unwritten signatures when necessary to comply with civil rights laws. These may include electronic signature techniques, recorded telephonic signatures, or recorded gestured signatures. A State agency is not required to obtain a written signature in addition to an unwritten signature.

7 CFR §273.9(b)(2)(i): Identifies as unearned income, assistance payments from federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs); or other assistance programs based on need. Such assistance is considered unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income.

7 CFR §273.9(b)(2)(v): Identifies as unearned income, payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

7 CFR §273.5: An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for at least one exemption.

7 CFR §274.7(g): Allows homeless, disabled, and elderly persons (age 60 and over) and their spouses to purchase prepared meals at FNS-approved retailers.

8. Description of Alternative Procedures:

For SNAP households who either (1) have no earned income or (2) have earned income and provide all required verifications, temporarily waive the interview requirement at initial certification. California's local human service agencies (HSAs) will complete the SNAP application process without requiring an interview when a household reports no earned income on the application or when a household reports earned income and provides all required verifications. If any information on the initial application is questionable, CWDs retain the option to interview the household as necessary and may do so by telephone if feasible.

For all SNAP households completing an initial application over the telephone, when electronic signature capabilities are not available, temporarily allow eligibility worker attestation via adequate case narration in place of a wet or electronic signature. When an initial application is accepted over the telephone and that application is not able to be signed remotely using electronic signature capabilities, including telephonic signature, PIN signature, or other similar methods, the eligibility worker may self-attest that the client has provided the appropriate consent through verbal authorization. In counties where telephonic or other electronic signature methods are available and uninterrupted as a result of local or statewide public safety mandates, there would be no change to business operations and existing signature methods would be used as usual.

All other signature collection requirements applied over the phone, such as ensuring that the client is aware of their rights and responsibilities before completing the electronic signature, will continue to be employed.

For all SNAP households, temporarily exclude unearned income from consideration when received in the form of emergency cash assistance, including housing assistance, as a result of a county, or other local municipality, state, or federally funded response to the COVID-19 pandemic. This income exclusion will apply, through the length the approved waiver, when the unearned income is reported at application, periodic report, recertification or if the household reports the unearned income during the certification period. This income exclusion will apply regardless of the frequency of the payment. For all SNAP households, temporarily waive the student eligibility rule for college students. The HSAs will continue to identify individual applicants or recipients as college students and will determine if the student meets an existing exemption from the student eligibility rule but will not determine the student ineligible for benefits if the criteria for an exemption is not met.

For all SNAP households, temporarily allow participation in the RMP in order to purchase prepared meals at FNS authorized restaurants, regardless of age, disability, or whether the individual is experiencing homelessness. Additionally, allow RMP purchases to include take-out, to-go, and delivery options.

9. Justification for Request:

California has experienced a rapid increase in the spread of COVID-19. As the number of California coronavirus cases tops 1,700, extensive public health warnings have been

issued statewide to reduce exposure, including orders to implement social distancing when conducting essential business, eliminate group gatherings, and to require home isolation for vulnerable populations, including all people aged 65 years of age or older. On March 19, 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 and months to come.

Many non-essential businesses have temporarily closed or reduced staffing, resulting in significant and immediate job loss across the state. The economic impacts of COVID-19 have hit hourly workers and the self-employed especially hard as working from home is not an option for many. Many workers will not continue to get paid as demand slows, businesses close, shifts are canceled, and workers are laid off. For instance, hourly paid employees, who make up over half of all wage and salary workers, constitute more than two-thirds of the retail trade and leisure and hospitality workforce nationwide, which are among those hardest hit by the current economic crisis. Many SNAP recipients have lost essential earned income and many Californians, who were not previously SNAP-eligible, are now turning to SNAP for critical food assistance.

During this time, California is experiencing significant increases in new SNAP applications and growing challenges accessing food under these current public health restrictions. It is critical, given current health and safety risks facing our clients, that California process new SNAP applications as expeditiously as possible and has the flexibility to provide SNAP benefits and access to food to all qualifying Californians impacted by COVID 19.

In order to ensure the timeliness of application processing, California is requesting a waiver of the initial certification interview requirement for certain households. Given the circumstances and almost immediate economic impacts of the pandemic, a significant number of newly eligible households are applying for SNAP with no earned income. These households are very likely eligible and often provide enough information on the application, along with required verifications, to accurately complete the eligibility determination without the required interview. Waiving the interview requirement for certain households not only prevents households from having to consider coming in to their local office to apply or complete the interview but also provides much needed workload relief in support of timely and accurate processing as HSAs face unrepresented operational challenges.

To further support the timeliness of application processing, California is requesting to allow for eligibility worker attestation of client signature when an application is completed over the phone and another electronic signature method is not available. Limiting face-to-face interactions is a commonsense approach that has been embraced by all counties across the state. In turn, more and more eligibility workers are teleworking and securely completing SNAP application processing from home. While secure access to the eligibility system has been stood up, not all features are available from home in all counties, including the ability to record a telephonic signature. Temporarily allowing eligibility worker attestation via adequate case narration when another electronic signature method is not available will allow counties to process more SNAP applications over the phone.

To reduce the economic impact of COVID-19, California is requesting the temporary exclusion of unearned cash assistance received as part of COVID 19 relief efforts from

consideration when determining SNAP eligibility. This will ensure that households who are struggling to pay bills and meet their basic needs because of COVID-19 have access to food without exhausting their emergency cash assistance.

Because a significant number of college campuses have closed in response to the outbreak of COVID-19, many students have had to leave campus housing and/or have experienced significant changes in their circumstances, such as loss of work study or other paid employment. As a result, California is requesting to temporarily waive the student eligibility rule. Currently, students must meet an exemption from the student eligibility rule in order to be eligible for SNAP. Two common exemptions from this rule are applied when a student is working at least 20 hours per week or participating in federal work study. In the current state of emergency, students are unable to meet these requirements as many have experienced a loss or disruption of employment in response to the COVID-19 outbreak. Additionally, many students have returned home to reside with their families who may be receiving SNAP benefits. When the student returns to their family's home, the addition of SNAP benefits for the student will help the entire family meet their food needs as opposed to the student's return creating additional food insecurity.

To improve access to food under current public health restrictions, California is requesting flexibility to expand RMP eligibility. Allowing all SNAP recipients to access and participate in the RMP will ensure that at times of potential food shortages at local grocery stores and markets, SNAP recipients have equitable access to food at RMP approved restaurants across the state. Allowing all SNAP recipients to participate in the RMP will also provide flexibility to SNAP recipients who are essential workers struggling to access food while working extended hours and to sick SNAP recipients struggling to cook for themselves and/or their children amid school closures. Further, restaurants have been requested, and in some counties required, to close their dining facilities but have been allowed to keep their drive-thru, take-out, and delivery services available. California is requesting, as an additional RMP flexibility, to allow SNAP recipients to use take-out, to-go, and delivery options, ensuring SNAP recipients adhere to current public health practices recommended by the state and federal public health administrators, including but not limited to, avoiding contact with others while sick and avoiding public areas unless performing essential work or meeting an essential need.

10. **Anticipated Impact on Households and State Agency Operations:**
California does not anticipate the waiver will have any negative impact on overall agency operations. The requested changes require limited system updates and can be implemented temporarily through work arounds, manual adjustments, and adequate case narration.


Increasing California's capacity to dedicate limited resources and staffing to application processing and allowing for greater flexibility in access to food will result in 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 through May 31, 2020 upon approval by FNS to align with other waiver requests and with the option to extend if the 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:**
The requested waiver does not require any special quality control review procedures.
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:** March 26, 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

Kathy Yang
Section Chief, CalFresh Policy Section
916-651-3319 | kat.yang@dss.ca.gov
18. **Regional office contact person (to be completed by FNS regional office):**