



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

March 21, 2020

Mr. Kurt Messner
Regional Administrator
USDA, Food and Nutrition Service
Northeast Regional Office
10 Causeway Street
Boston, MA 02222

Dear Mr. Messner:

Enclosed, please find New York State's waiver request to extend the certification periods for Supplemental Nutrition Assistance Program (SNAP) cases with certification period end dates of 3/31/20, 4/30/20, 5/31/20 and 6/30/20 and to suspend certain reporting requirements, in accordance with the terms of the enclosed waiver request.

These waiver requests are necessary for the continuity of SNAP operations in New York State amid the extraordinary circumstances and conditions resulting from the current COVID-19 public health emergency.

Sincerely,

A handwritten signature in cursive script that reads "Barbara C. Guinn".

Barbara C. Guinn
Executive Deputy Commissioner

Enclosure

cc: Bonnie Brathwaite, USDA-FNS
Alonso Rodriguez, USDA-FNS
Kevin Pasquaretta, USDA-FNS
Matt Henschel, USDA-FNS
Jeff Gaskell
Tom Gosh
Tom Hedderman

WAIVER REQUEST

1. **Type of Request:** Initial
2. **Regulatory citations to be waived:**
 - a. 7 CFR 273.10 Determining household eligibility and benefit levels
 - b. 7 CFR 273.10(f) Certification periods
 - c. 7 CFR 273.14(a) Recertification requirements
 - d. 7 CFR 273.10 (f)(3) Certification period length
 - e. 7 CFR 273.10 Determining household eligibility and benefit levels
 - f. 7 CFR 273.12 (a)(5)(iii)(B) Simplified and Periodic Reporting requirements
 - g. 7 CFR 275.1 Quality Control Review Process and Good Cause
 - h. 7 CFR 282.1 Demonstration Project authority and requirements
3. **State:** New York
4. **Region:** Northeast (NERO)
5. **Regulatory Requirements:**
 - a. 7 CFR 273.10 holds State agencies responsible for determining, at application, recertification and, according to operative reporting requirements, if households are eligible and receiving the correct allotment of SNAP benefits. The determination of whether the household received the correct allotment is made by comparing eligibility data gathered during the application, recertification and reporting process against the amount authorized by the local District.
 - b. 7 CFR 273.10(f) for states that administer SNAP benefits at the county or municipality level, such as New York State, the local social services district (District) office must certify each eligible household for a definite period of time; they must assign the longest certification period possible, commensurate with the household's circumstances.
 - c. 7 CFR 273.10 (f)(3) states that the certification period shall not exceed 12 months, unless all household members are elderly or disabled, in which instance the certification period may be up to 24 months.
 - d. 7 CFR 273.14(a) forbids the household from participating beyond the expiration of the certification period assigned without a recertification for eligibility.
 - e. 7 CFR 273.18 holds State agencies responsible for establishing claims on overpayments made to recipient households.
 - f. 7 CFR 275.1 Describes the requirements for the State agency to have a Quality Control Review process for assessing and assigning both an "active" (overpayment/underpayment) error rate and Case and Procedural Error Rate (CAPER).

- g. 7 CFR 282.1 Describes the authority of the Secretary to approve demonstration projects and the requirements for doing so. Under demonstration project authority, New York State operates a Supplemental Security Income Combined Application Project (CAP) with the Social Security Administration (SSA) called the New York State Nutrition Improvement Project (NYSNIP). SNAP cases participating in NYSNIP may have certification periods up to 48 months and are required to respond to an Interim Contact (a periodic report) 24 months from the end of their certification period.

6. Justification for Request:

On March 7, 2020 Governor Cuomo declared a State disaster emergency to enable New York to more quickly and effectively contain the spread of COVID-19. As a result of the current public health emergency, several statewide measures have been instituted to reduce the spread of COVID-19 including the closure of schools, the closure of in-office personnel functions for non-essential businesses, and other measures. The delivery of essential services continues, such as health care services and the critical delivery of SNAP benefits, public assistance, and a range of emergency assistance. District SNAP offices are diligently working to meet the needs of New York residents at a time when the need for assistance is rising and offices must manage personnel reductions. Personnel reductions are largely the result of school and child care closures as well as employees personally affected by COVID-19. Staffing at district offices is likely to soon be subject to further reductions. SNAP application rates are increasing rapidly, with daily totals for the past week increasing between 200% and 300% over the previous week's applications. Approval of the alternative procedures described below is imperative to managing current and anticipated administrative burdens related to the coronavirus pandemic to ensure the continued effective delivery of SNAP benefits.

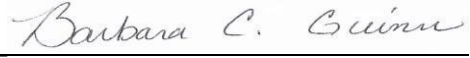
7. **Alternative Procedures:** The State agency is requesting federal approval for the addition of three months to the certification period of all SNAP households with certification end dates between 4/30/2020 and 6/30/2020, and the addition of three months to the certification periods of SNAP cases with 3/31/20 recertification periods for which a recertification has not already been completed. This includes extension of certification periods beyond the currently allowed maximum certification periods, including those approved for NYSNIP under demonstration project authority.

The State is requesting a waiver to periodic reporting requirements for both regular SNAP and NYSNIP cases through June 30, 2020. These reports are centrally-produced and mailed on a monthly schedule by New York State. In New York City, the receiving and processing of these reports is done centrally. With current staffing reductions, staff is not available to produce, mail, receive or process these reports.

The State is requesting that it be held harmless from any overpayment errors, and that recipient SNAP households be held harmless from any overpayment claims resulting from either the extension of the certification periods or the suspension of periodic reporting requirements during the applicable periods of these waivers.

A three-month extension of existing certification end dates would allow District offices to prioritize the most critical concern of processing new applications expediently, while ensuring current SNAP recipients do not lose access to their essential nutritional benefits.

8. **Caseload information:** Over the next 90 days there are 270,000 SNAP cases due for recertification and an approximately 200,000 due for periodic report or NYSNIP Interim Contact.
9. **Anticipated implementation date:** Implementation through September 31, 2020.
10. **State agency submitting the waiver request and state contact person:** New York State Office of Temporary and Disability Assistance (OTDA); Tom Hedderman, Director of Food and Nutrition Policy (518-473-1469/Tom.Hedderman@otda.ny.gov).
11. **Signature and title of requesting official:**

Barbara C. Guinn 
Executive Deputy Commissioner
New York State Office of Temporary and Disability Assistance

12. **Date of State agency's request:** March 21, 2020