



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

April 26, 2020

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

Dear Mr. Messner:

New York State submits the enclosed waiver request for an adjustment to telephonic signature procedures for the Supplemental Nutrition Assistance Program (SNAP).

The requested adjustments are necessary due to the COVID-19 public health emergency, particularly to better serve the increased number of quarantined or homebound potential applicant households without access to the technology required, or otherwise lacking the ability, to apply for SNAP online. New York State's SNAP outreach has typically been invested in very "grass roots" efforts to target informational outreach and application assistance to historically underserved populations such as seniors, individuals with a disability, and individuals with limited-English proficiency. The ability to conduct in-person assistance has been curtailed during the public current health emergency. Permitting the requested adjustment will improve New York's ability to best serve residents during this unprecedented time.

If you have any questions or concerns, please contact Tom Hedderman at tom.hedderman@otda.ny.gov or at (518) 265-7472.

Sincerely,

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
Rajni Chawla
Krista Rock
Tom Hedderman
Tom Gosh

RECORDING OF TELEPHONIC SIGNATURES ADJUSTMENT REQUEST

1. Waiver serial number:

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: New York

5. Region: Northeast

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 agency will not be required to create an audio recording of the client attestation or link that recording to the client case file. The State agency will summarize the information to which the household assents and allow a verbal signature from the client that is documented by the State agency. The documentation will include a case note in the State agency's eligibility system or case record to demonstrate that the client has signed the application. The information the State documents in the case file will 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 prospective applicant submits an application without a signature and the State agency 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 or adjustment.

- The adjustment will be 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 agency will continue to accept paper applications with signatures and online applications with electronic signatures;
- The State agency 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 agency 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 agency's General Counsel has confirmed that the alternate approach constitutes a valid legal signature in New York State; and
- The State agency will comply with the provision of any data required for evaluation of the caseload affected by the approval of this request.

8. 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.

The requested adjustments are necessary due to the COVID-19 public health emergency, particularly to better serve the increased number of quarantined or homebound potential applicant households without access to the technology required, or otherwise lacking the ability, to apply for SNAP online. New York State's SNAP outreach has typically been invested in very "grass roots" efforts to target informational outreach and application assistance to historically underserved populations such as seniors, individuals with a disability, and individuals with limited-English proficiency. The ability to conduct in-person assistance has been curtailed during the current public health emergency. Permitting the requested adjustment will improve New York's ability to best serve residents during this unprecedented time.

As authorized by the Families First Coronavirus Response Act (P.L. 116-127), New York State is requesting this adjustment 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. New York requests this adjustment at least through June 30, 2020, and requesting permission, upon written notice to and approval by FNS, to extend beyond that date should the public health emergency persist beyond June.

10. Caseload Information

- The estimated number of households that will be affected by this adjustment is unknown, but currently New York State has the highest rate of COVID-19 infection despite statewide extensive community mitigation strategies to slow the spread of COVID-19.
- Since March 13, 2020, the daily volume of SNAP applications has been about 233% of the daily volume prior to the declaration of the public health emergency, from an average of about 2500 per day to almost 6000 per day.

11. Expiration date: June 30, 2020 or the end of the public health emergency, whichever is later.

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

13. Anticipated implementation date: Upon receipt of approval.

14. Signature and title of requesting official:

Barbara C. Guinn 

Executive Deputy Commissioner
New York State Office of Temporary and Disability Assistance