

WAIVER REQUEST

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

2. **Type of request:**

Initial

3. **Primary regulation citation:**

7 CFR 273.2(a)(2), 7 CFR 273.2(e)(2)(i), 7 CFR 273.2(i)(3)(iii)

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

273.2(i)(4)(iii)(A) and (B), 273.2(e), 273.14(b)(3)

5. **State:**

Pennsylvania

6. **Region:**

Mid-Atlantic

7. **Regulatory requirements:**

Federal regulations at 7 CFR 273.2(a)(2) state:

Application processing. The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

Federal regulations at 7 CFR 273.2(e)(2)(i) state:

State agencies must inform each applicant of the opportunity for a face-to-face interview at the time of application and recertification and grant a face-to-face interview to any household that requests one at any time, even if the State agency has elected the option to routinely provide telephone interviews.

Federal regulations at 7 CFR 273.2(i)(3)(iii) state:

Out-of-office interviews. If a household is entitled to expedited service and is also entitled to a waiver of the office interview, the State agency shall conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards. The first day of this count is the calendar day following application filing. If the State agency conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be calculated in the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

Federal regulations at 273.2(i)(4)(iii)(A) and (B) state:

(A) 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. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed. For subsequent months, the household must reapply and satisfy all verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

(B) For households applying after the 15th of the month, the State agency may assign a two-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. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not attend the interview, the

State agency does not need to contact the household again. When a certification period of longer than two 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.

Federal regulations at 273.2 (e) state:

Interviews. (1) Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in-person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with §273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with §273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

Federal Regulations at 273.14(b)(3) state:

Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with §273.2(e)(2)

8. Proposed alternative procedures:

A. Procedures:

Pennsylvania is requesting a waiver of the regulatory requirement to conduct an interview prior to approval of expedited SNAP benefits, for application interview, as well as at recertification. Households whose identities cannot be determined by the State agency do not qualify for the waiver and would be processed under normal SNAP application processing procedures

Caseworkers will check current records for proof of identity for the head of the household and authorized representatives, in accordance with existing federal criteria. For individuals unknown to DHS, caseworkers may use sources of identity such as the Income Eligibility Verification System (IEVS) from Social Security records.

In all instances, Pennsylvania will continue to request appropriate verifications from the household and use available third-party resources to assist in verification. This includes verification of identity prior to any benefits being authorized. If any information that is presented on the application or recertification is questionable, staff will continue to attempt to speak with the household to address the questionable information and will request appropriate verification

9. Justification for request:

This request is justified pursuant to 7 CFR 272.3(c)(1)(ii) which permits FNS to authorize waivers that result in a more effective and efficient administration of the program. FNS has approved the waiver of these interview requirements through a blanket waiver previously offered which expires on June 30, 2020.

The approval of this waiver extension would allow DHS to ensure households continue to receive their SNAP benefits quickly during this health crisis. In addition, it will help improve the public health response to COVID-19 as applicants will receive their expedited benefits and have access to food quickly. This waiver helps simplify the administration of SNAP and improve customer

service for expedited service, application and recertification for households, particularly during this public health emergency.

This waiver is especially needed in Pennsylvania as system changes were previously made to the SNAP telephone pending letter to accommodate handling on-demand interviews. Prior to the change, the pending letter notified the household that they would need to complete an interview and provided a date and time when the caseworker would call the household. When the system change was implemented, it modified the pending letter to inform the household that they would need to complete an interview and to call a specific number during normal business hours to complete the interview. This number would then route to the caseworkers designated to complete the interviews.

The on-demand interview process would be manageable were the County Assistance Offices (CAOs) operating at full onsite capacity. However, with more than half of CAO staff currently teleworking, per the Governor's mandate and in conjunction with the Centers for Disease Control and Prevention (CDC) and Pennsylvania's Department of Health (DOH) social distancing guidelines, the on-demand interview process is not achievable. Not all caseworkers have the ability to forward calls from the designated interview number to their home or personal phones. In addition, if the caseworker has other family members that have duties requiring access to a shared phone, such as a spouse who is also teleworking, they would not have the ability to maintain an open phone line to accept an interview whenever a call was routed to them.

DHS does have a workaround process for the on-demand interview system changes, however this workaround was developed with the idea that CAOs would still have full staffing on site. This manual process involves the caseworker locally printing the system created pending letter and accompanying pending documents, such as a landlord affidavit, if needed, from an office printer. The caseworker would then remove the system created pending letter and substitute a manually completed pending letter, created as a fillable PDF document, and mail out this manually constructed pending packet to the household directly from the CAO.

For the month of May 2020, Pennsylvania received approximately 60,000 SNAP applications. With a majority of caseworkers teleworking, they do not have the ability to print hundreds of papers, purchase hundreds of envelopes and postage, and take the time to manually stuff, seal, and stamp each envelope, nor does DHS have the means to distribute all of the necessary materials.

Since teleworking caseworkers would not have the ability to either mail the required pending packets or conduct the on-demand interviews, this would leave these duties to be completed by the limited staff that are still working on site in the CAOs. However, these on-site staff are already conducting necessary duties to continue normal CAO operations. These duties include monitoring CAO

phone lines and messaging systems, opening mail and scanning documents into the Client Information System's (CIS) Imaging repository, registering and scanning any hard copy benefit applications received in the office, and printing Electronic Benefits Transfer (EBT) cards and overnight mailing the card to households that are determined eligible for Expedited SNAP benefits so that these households are still able to access their benefits within five days. While these tasks are specific to SNAP benefits, the CAOs are responsible not just for SNAP, but for the Temporary Assistance for Needy Families (TANF), Medical Assistance (MA), Long-Term Care (LTC), and Low-Income Home Energy Assistance Program (LIHEAP) programs as well. These additional programs have their own requirements that must still be met within allowable flexibilities.

DHS is requesting this short waiver extension in the hopes that CAOs may soon be able to increase their on-site staffing to a capacity large enough to handle the on-demand interview process, or at least to perform the workaround process. In addition, DHS is evaluating whether system changes can be made to revert back to the pending letter that was issued to schedule specific dates and times for the interview to be conducted, but even if possible, it will take a number of weeks to make the change, and then additional effort will be needed to change back to the on demand version of the pending letter.

There is a similar issue with the Expedited interview requirement. When DHS was initially approved for the waiver of the Expedited interview, system changes were implemented to accommodate the waiver. DHS has planned system updates to revert back to the pre-waiver Expedited process, but they have not yet been implemented. DHS has a workaround planned that can be used until the system changes are completed, but similar to the workaround for the on-demand interviews, it requires manual printing and mailing by the CAO.

The waiver of the Expedited interview is especially crucial during this current pandemic as many families have seen a dramatic decrease in their household's income. While businesses may start to reopen as the county moves from red to yellow to green under the Governor's reopening plan, there is still a likelihood that many people will still be hesitant to go out more than necessary resulting in these reopened businesses having to lay off staff, or jobs that are dependent on tips to still see a significant reduction in their income, but because they have returned to work, will see a decrease in any unemployment compensation benefits they are receiving. These households may be seeing reduced income, even though they have returned to work, but at the same time, may not be able to have their expedited interview because they have returned to work.

DHS also anticipates a potential increase in its SNAP eligibility caseload of approximately 8.6 percent in the month of July with even larger increases in subsequent months. Data from previous recessions indicates that while there is normally an initial bump in the number of eligible individuals at the start of the recession, the true impact of the recession is felt in the subsequent months as

the loss of income is realized. DHS expects to see an additional bump as the Pandemic Unemployment Compensation, which provided an extra \$600 per week in addition to a person's regular unemployment compensation, expires in July, which means more families will be applying for benefits such as SNAP to fill the void left by this loss of income. A larger number of applications coupled with operational difficulties with performing interviews in a teleworking environment would lead to significant delays in processing applications in July and potentially subsequent months.

While DHS is requesting this waiver to cover the period of July 1, 2020 through July 31, 2020, another waiver extension may be necessary for future months, depending on how quickly system changes can be implemented or how quickly the onsite staff complement is increased to a level that can perform either the standard on-demand and expedited service procedures or the manual workaround procedures described previously in this waiver request.

10. Anticipated impact on households and State agency operations:

This waiver will have a positive impact on the applicant and recipient SNAP household by allowing them to receive and continue to receive SNAP benefits without interruption, if they meet all eligibility factors. This waiver will continue to assist caseworkers in managing their time by improving program administration.

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

Pennsylvania currently serves 956,172 SNAP households as of March 2020.

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

July 1, 2020 through July 31, 2020

13. Proposed quality control review procedures:

No special QC procedures are required for cases subject to the provisions of this waiver.

14. Signature and title of requesting official:

Tara Williams
Acting Deputy Secretary for Income Maintenance

Tara Williams

15. Date of Request: 6/8/2020