

STATE WAIVER REQUEST

- 1. Waiver Serial Number (if applicable):**
- 2. Type of request:** Initial
- 3. Regulatory citation:** 7 C.F.R. § 273.15(c); 7 C.F.R. § 273.15(j)(2), 7 C.F.R. § 273.16(e)
- 4. State:** South Dakota
- 5. Region:** MPRO
- 6. Regulatory requirements:**

Subsection (c) of 7 CFR 273.15 requires the following: " Within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision."

7 CFR 273.15(j)(2) requires the following: "The State agency must provide a written notice to the household within 10 days of the household's request confirming the withdrawal request and providing the household with an opportunity to request a hearing."

Subsection (e) of 7 CFR 273.16 requires the State: "Within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision, and notify the household member and local agency of the decision."

- 7. Description of alternative procedures:**

The State requests flexibility relating to these time frames and procedures outlined in these sections and sub sections due to office closures, staff reductions, and barriers for customers brought about as a result of the COVID-19 situation. The State agency intends to continue to conduct hearings and will strive to meet established deadlines, however, because of the numerous unknowns associated with the COVID-19 situation, the State wants to remain nimble in its ability to respond to the exponential demand for our services. Furthermore, by alleviating these constraints we can assure, if barriers do exist for customers because of COVID-19 the appropriate adjustments and accommodation can be made.

The following adjustment will be utilized by the State as alternatives:

1. Subsection (c) of 7 CFR 273.15 will be extended to 120 days.
2. 7 CFR 273.15(j)(2) will be extended to 30 days.
3. Subsection (e) of 7 CFR 273.16 will be extended to 180 days.

8. Justification for request:

The COVID-19 pandemic has significantly impacted the United States and has required every state agency to do its part to maintain access to vital supports like SNAP, while too taking proactive measures to reduce further transmission of the virus. The State of South Dakota has begun implementing such provisions to reduce the proliferation of this virus amongst those in the State, most recently issuing an Executive Order closing all South Dakota Department of Social Services' (DSS) offices for a second week.

The closure of our State offices has created a unique program constraint when attempting to carry out program operations. A majority of our State staff are unable to work remotely, which leaves a limited team made up of supervisors and regional managers able to complete all aspects of SNAP certifications, while also ensuring access is maintain to our other programs like TANF and Medicaid. The agency remains committed to our most vulnerable citizens. It is then of the utmost importance that the State not only continue to be able to issue benefits, but that we assure accurate and timely determination for our citizens who are in need of food assistance during this time. These adjustments require decisions to be made around priorities of work and administrative/fair hearings are not of the highest priority during this time.

Finally, as a result of the State office closures the State is going to be significantly overwhelmed with maintaining operations following the previous weeks and this waiver would reduce barriers and allow for streamlined processes to ensure the State is able keep up with the high demand for our supports during this time of uncertainty in our country.

9. Anticipated impact on households and State agency operations:

This waiver will reduce barriers felt by households leading up to hearings, such as retaining an attorney, gathering documents, and other case related processes. Moreover, this will ensure access to vital program supports are maintained as applications for assistance will be able to be processed timely. The State agency operations will also be streamlined by more efficiently allocating staff. Finally, and most importantly, these measures reduce the spread of COVID-19, reducing potential instances of exposure for both customer and staff. This allows the State to have sufficient staff in local offices and maintains timely access to SNAP throughout this ongoing situation.

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

South Dakota will initiate implementation effective March 19, 2020 to March 31, 2021. If the declaration of a public health emergency is lifted prior to the expiration of this waiver, the State will resume normal hearings operations at that time. The State believes this will improve the public health response to the spread of COVID-19. This will also reduce the number of staff and SNAP recipients potentially exposed to COVID-19, minimizing its spread as well as a possible workforce shortage in the State Agency. As a response to unexpected unemployment, it will also allow newly eligible households to apply and be

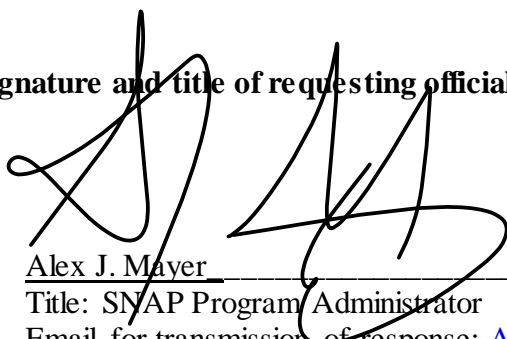
certified in a timely manner to assure benefits are provided quickly and efficiently.

- 11. Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** For February 2020, the South Dakota caseload included 78,006 people in 37,002 SNAP households. In February 2020 there were approximately 20 hearings held (SNAP only). This number does not include the hearings that were conducted for the other programs overseen by the SD Department of Social Services.

- 12. Time Period for which Waiver is needed:** We are requesting approval as soon as possible and will implement as soon as approval is received. The effective period of this waiver will be March 20, 2020 to March 31, 2021 or until the public health emergency declaration is lifted, whichever comes first.

- 13. Proposed Quality Control Review Procedures:** None

- 14. State agency submitting waiver request and State contact person:**
State Agency: State of South Dakota, Department of Social Services
State Contact: Alex Mayer, SNAP Program Administrator

- 15. Signature and title of requesting official:**

Alex J. Mayer
Title: SNAP Program Administrator
Email for transmission of response: Alex.Mayer@state.sd.us

- 16. Date of request:** March 20, 2020

- 17. State agency staff contact (name/email/telephone):**
Alex Mayer 605-773-5468

- 18. Regional office contact person (to be completed by FNS regional office):**
Philip Fraley at Philip.Fraley@usda.gov