

## **EXTEND ADJUSTMENT OF INITIAL CERTIFICATION AND RECERTIFICATION INTERVIEW REQUEST**

- 1. Adjustment serial number:** COV-090
- 2. Type of request:** Extension
- 3. Regulatory citation:** 7 CFR § 273.2(a)(2), § 273.2(e), and § 273.14(b)(3)
- 4. State:** District of Columbia
- 5. Region:** Mid-Atlantic
- 6. Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR § 273.2(a)(2) requires that the application process include an interview.  
Regulations at 7 CFR § 273.2(e) requires that the State agency interview households for eligibility before certifying.  
Regulations at 7 CFR § 273.14(b)(3) requires that State agencies interview households as part of the recertification process
- 7. Description of alternative procedures:** The District of Columbia Department of Human Services (DHS) will not be required to interview a household at initial application or recertification, provided that the applicant's identity has been verified and all other mandatory verifications in 7 CFR § 273.2(f)(1) have been completed. The State will be required to contact the household if any information on the application is questionable and cannot be verified. The State will make every attempt to verify household circumstances through data matching and mailing or uploading verifications to the State system.
- 8. Justification for request:**  
Pursuant to section 2302(a)(2) of Families First Coronavirus Response Act of 2020 (P.L. 116-127), the Secretary of Agriculture is provided authority to adjust the application and reporting requirements under the Food and Nutrition Act of 2008, as amended, to be consistent with what is practicable under actual conditions in areas affected by the COVID-19 Public Health Emergency. The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) exercised this authority when allowing a portion of the District's March 13, 2020 waiver request under a blanket interview adjustment on March 26, 2020. FNS' March 26, 2020 blanket initial certification and recertification interview adjustment through May 31, 2020 was justified based on FNS' determination that the adjustment was consistent with what was practicable under actual condition in areas affect by the COVID-19 Public Health Emergency. On May 26, 2020, FNS extended DHS' interview adjustment for District SNAP households through June 2020 contingent on the District's ongoing declaration of a Public Health Emergency due to the COVID-19 pandemic. On May 29, 2020 FNS added additional criteria for the extension of the interview adjustments for July 2020 and beyond requiring States to demonstrate that the adjustments continue to be

warranted given current circumstances in the State and requesting “sufficient data to support requests...”

### *Summary of Impacts*

Reintroducing the interview requirements in July for District SNAP households will result in the following impacts:

- **System:** DHS’ inability to timely issue notices of expiration for households due to recertify in July (see DC’s COV-001 extension request) due to required system changes, there is a high risk that customers and DHS will be unable to conduct interviews at recertification timely resulting in application processing delays;
- **Capacity:** Inadequate capacity to conduct initial application and recertification interviews timely on top of an existing 50 percent increase in initial applications due to staff capacity.

### *System Impacts*

DHS will be unable to conduct timely recertification interviews for households due to recertify in July due the District’s inability to implement recertification requirements in a way that complies with Federal regulations. Due to the timing of FNS’ guidance for extending these adjustments beyond June, DHS does not have sufficient time to implement system code and notice changes, test these changes, and implement the changes by June 30 in order to meet Federal regulatory requirements. As a result, households will not be notified of the interview requirements at recertification which may result in improper denials or sever delays in completing the recertification requirements. The inability to send notices of expiration outlining the interview and recertification requirements along with the system changes needed to implement recertifications in July is primary due to Federal program misalignment of flexibilities as a result of COVID-19; specifically, Medicaid has been allowed to extend certifications in July and as many District SNAP households are also only Medicaid and managed through an integrated eligibility system, detangling these requirements would require significant resources to ensure proper execution.

Suspending functionality in the District’s eligibility system (DCAS) at once is significantly easier than turning it back on at the same speed. DCAS, an integrated eligibility system, handles initial applications and recertifications for three federal programs (SNAP, TANF, and Medicaid) and requires significant coordination and management to ensure Federal and local compliance across District and Federal agencies. DCAS is comprised of hundreds of complex and intertwined lines of code for recertification related business rules, system triggers, and notices, for all three programs and will require several weeks of planning, development, testing, and monitoring to ensure all recertification requirements are met including:

- Medicaid beneficiaries have been extended for July; separating the renewals for some but not other programs will increase the risk of improper case actions. As many SNAP customers also receive Medicaid benefits, there is a high-level of risk that customers recertifying for SNAP will incorrectly trigger a case action for the Medicaid program as the District will not have time to test these conditions. This may lead to improper Medicaid renewals or denials. With FNS’ guidance given less

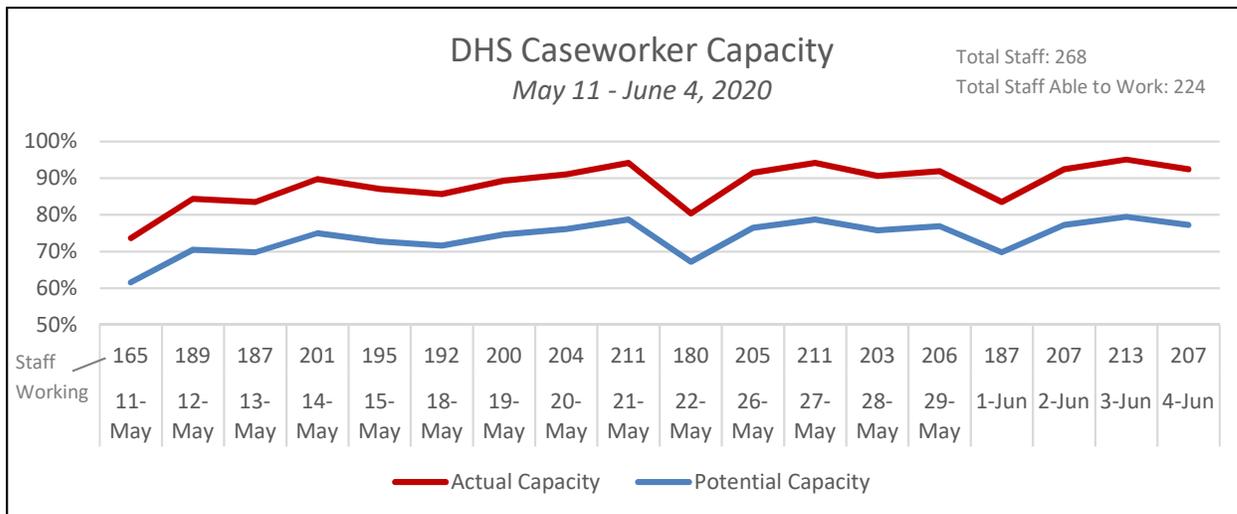
than a month before July, there is insufficient time to properly code and test these system changes.

- Extending benefits for a period of 6 months was performed one month at time allowing for systematic suspension and deactivation of system rules and triggers; activating 3 months' worth of recertification notices for tens of thousands of District residents at once requires the reactivation of several system batch jobs that require significant lead time as well as the ability to restart, test, and UAT the functionality.
- To ensure compliance with federal requirements for SNAP, TANF, and Medicaid, any gaps, issues, or errors in the process will likely require some form of reporting, monitoring, and data cleanup. With the Agency preparing to deploy several system releases to address Federal concerns (Advanced Warning Letter, ABAWD, D1) Agency resources must be carefully allocated and considered for testing and implementation.
- While the District originally submitted a request to extend the recertification and periodic-report flexibility (COV-001) in May, subsequent guidance was issued by FNS on Friday, May 29, 2020 informing States of additional requirements and data for extensions beyond June. FNS provided a deadline of the 8<sup>th</sup> of the month proceeding the month the State is asking for the extension through. As FNS is aware, 7 CFR 273.14(b)(1)(i) requires States to issue a notice of expiration before the first day of the last month of the certification period. As a result, DHS will be unable to issue notices by June 30 to meet this requirement due to timing of FNS' waiver extension guidance and system changes needed to ensure proper notices go out by June 30. The notice of expiration serves as the primary point of contact with SNAP households due to recertify and outlines the key requirements, including an interview, in order for DHS to re-determine eligibility.
  - SNAP recertification notices of expiration are mailed 60 days prior to the month of certification to ensure timely participation of District residents consistent with the terms and conditions of the Garnett settlement and Federal requirements. Under normal circumstances, these notices would have been mailed June 1 providing ample time for customers to have their interviews. As FNS guidance was issued the Friday before June 1, there was no way for the District to make necessary changes to ensure notices were sent on June 1 therefore eliminating customer's ability to even know an interview is required.
  - System changes would be required to temporarily trigger these notices for affected SNAP households by June 30 in order to meet Federal requirements. As DCAS is an integrated eligibility system, the District does not have the appropriate time nor resources to implement code changes and properly test triggering notices for households receiving SNAP and Medicaid prior to June 30.

### *Capacity Impacts*

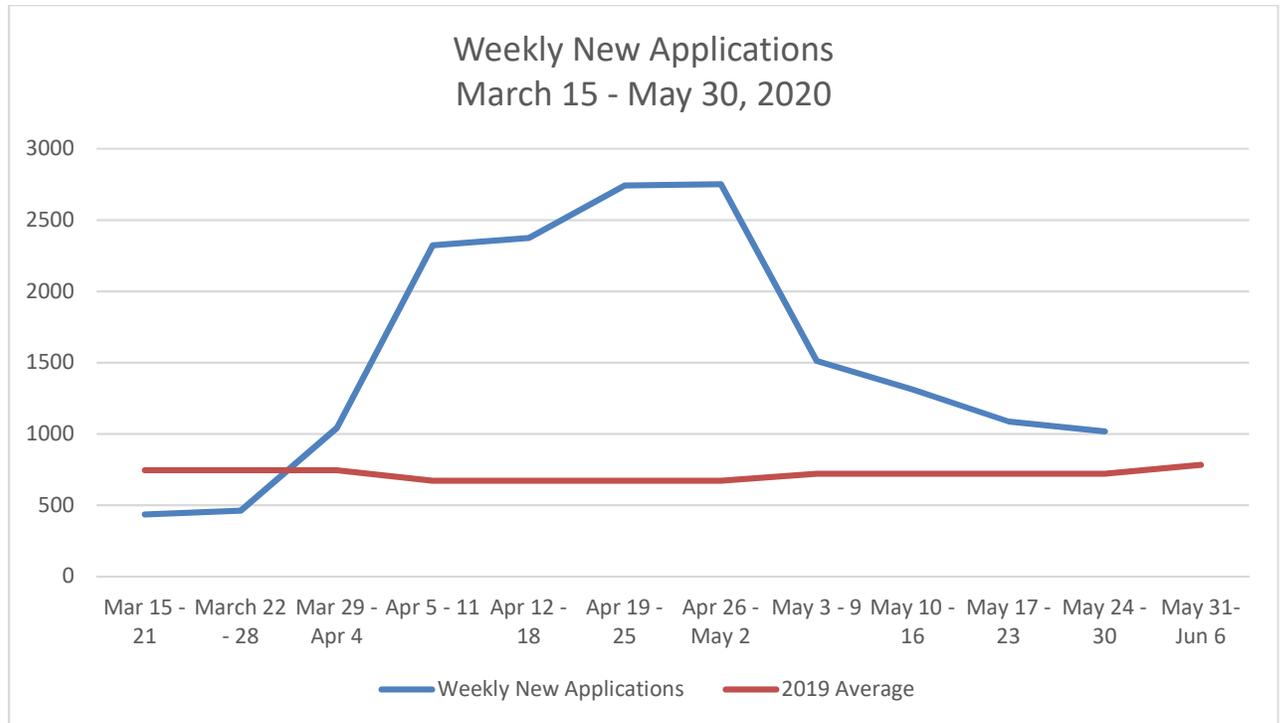
FNS' approval of the DHS' request to extend the waiver of interviews at initial and recertification through June 2020 has allowed DHS staff to focus on processing the increase in new applications. Currently, the District's available staff dedicated to processing cases is

still below pre-COVID-19 levels by 16 percent with members unable to work remotely due to a lack laptops and mobile devices or inadequate home internet access. However, over the past 4-weeks on average, only 88 percent of staff are able to work each day due to approved leave for childcare or sickness. The means the District’s average potential capacity (if all staff could work remotely) is, on average, only at 74 percent.



DHS is able to process new applications, on average, within 3-days, because an interview is not required and periodic-reports and recertifications are waived/extended. However, DHS is still experiencing 51 percent more monthly applications compared to monthly rates during the same time-period in 2019. While new applications have been steadily decreasing through May into June, DHS expects to see another uptick once the Federal Pandemic Unemployment Compensation program ends in July making thousands of additional District residents immediately income-eligible for SNAP. District residents continue to experience economic impacts due to job suspensions and losses as a result of the COVID-19 pandemic. The District’s unemployment rate for April stands at 11 percent representing a 5.1 percent increase from March<sup>1</sup>.

<sup>1</sup> Source: <https://does.dc.gov/release/dc-unemployment-stands-111-percent-april>



Reintroducing the interview for initial and recertifications at one time will increase the workload by over 700 percent at one time with only an 88 percent staffing capacity. For the past two-weeks (May 26 – June 4), the average workload based on tasks for caseworkers to work each day is 653. In July, there will be an average 4,000 recertifications requiring an interview and an average of 743 new applications requiring an interview with each converted to a task for a caseworker to work, representing a 726 percent increase in workload. This will be detrimental to District residents’ access to timely and accurate SNAP benefits and will also impact District residents’ access to timely and accurate TANF and Medicaid benefits as many of these households are on multiple programs.

**9. Anticipate impact on households and State agency operations:**

If extended, this adjustment will ensure District SNAP residents continue to receive vital food benefits while helping to protect them from becoming infected with or spreading COVID-19.

DHS operations will be able to focus on processing the influx of new applications.

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

The adjustment will affect all new and on-going households due for recertification in July 2020.

- On average (May 2020), 722 new applications are being submitted.
- On average (Jul – Dec 2019) 4,149 households are due for recertification per/month with 3,154 completing their recertification.

- DC's most recent Quality Control Application Processing Timeliness rate is 95.83 percent (March 2019)
- DC's FY 2018 Quality Control Payment Error Rate is 16.33 percent

**11. Anticipated implementation date and time period for which waiver is needed:** DHS is requested expedited approval of this request in order to suppress notices to SNAP households due to submit a periodic report or recertification in July 2020. DHS is requesting the waiver for the month of July 2020.

**12. State agency submitting waiver request and State contact person:**

Anthea Seymour  
Administrator  
Economic Security Administration  
Department of Human Services  
District of Columbia Government  
64 NY Ave, NE, 6<sup>th</sup> Floor  
Washington, DC 20002  
(202) 698-3906  
[Anthea.seymour@dc.gov](mailto:Anthea.seymour@dc.gov)

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

*Michael Ribar on behalf of Anthea Seymour*

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Name: Anthea Seymour  
Title: Administrator, Economic Security Administration, Department of Human Services,  
District of Columbia Government  
Email for transmission of response: [Anthea.seymour@dc.gov](mailto:Anthea.seymour@dc.gov)

**13. Date of request:**  
**June 8, 2020**

**14. State agency staff contact (name/email/telephone):**

Michael Ribar  
Deputy Administrator  
Division of Policy, Program Development Training and Quality Assurance  
Economic Security Administration  
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Washington, DC 20002  
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-067  
May 27, 2020

**SUBJECT:** Phase One of Washington, DC Reopening

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); pursuant to the Coronavirus Support Emergency Amendment Act of 2020 (the "Act"), effective May 19, 2020, D.C. Act 23-326, and any substantially similar subsequent emergency or temporary legislation; section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.); section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2012 Repl.); and in accordance with Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-063, dated April 15, 2020, and Mayor's Order 2020-066, May 13, 2020, it is hereby **ORDERED** that:

**I. BACKGROUND**

1. This Order incorporates the findings of prior Mayor's Orders relating to COVID-19.
2. As of May 26, 2020, 8,334 District residents have tested positive for COVID-19 and tragically 440 District residents have lost their lives already due to COVID-19. Further, COVID-19 continues to spread in the Maryland and Virginia areas near Washington, DC.
3. On March 24, 2020, I issued Mayor's Order 2020-053 restricting business activity in the District and directing the closure of non-essential businesses. On March 30, 2020, I issued Mayor's Order 2020-054, a "Stay at Home" order, requiring individuals to stay at their residences except to engage in essential business, essential travel, and allowable recreational activity.
4. On April 23, 2020, I constituted the ReOpen DC Advisory Group and charged it with making recommendations for how to execute a sustainable reopening of the District through data-driven analysis, community feedback, and guidance from the Johns Hopkins Bloomberg School of Public Health, anchored in four (4) DC values:

health, opportunity, prosperity, and equity. The ReOpen DC Advisory Group delivered recommendations to me on May 21, 2020.

5. The ReOpen DC Advisory Group recommended a four (4)-phase approach to reopening businesses, government operations, services, and activities in the District, with each phase reducing restrictions and moving toward Phase Four, when District restrictions based in protecting public health would lift. These are recommendations without the force of guidance, order, or law. The Administration will operationalize those recommendations that it accepts per phase by Mayor's Order.
6. The authorization of Phase One is based on the Department of Health's (DOH) evaluation of certain gated criteria. These are consistent with criteria recommended by the United States Centers for Disease Control and Prevention and DOH's determination that the District has met applicable metrics that enable us to reduce certain restrictions on businesses, government operations, services, and activities. The criteria and metrics include the following:
  - a. COVID-19 Case Decline: Including a sustained fourteen (14)-day decrease in community spread and low transmission rate of  $R_t < 1$  for three (3) days;
  - b. Testing Capacity: Including capacity to test individuals who are symptomatic, in essential roles, at-risk healthcare workers, or who have had close contacts with individuals who have tested positive for COVID-19;
  - c. Health Care System Capacity: Including a sufficient healthcare capacity of with hospital occupancy under eighty percent (80%) for over seven (7) days, without resort to surge capacity; and
  - d. Public Health System Capacity: Including a sufficient contact tracing system for COVID-19 cases and contact tracing attempt of new cases within one (1) day and their close contacts within two (2) days.
7. In Phase One, certain activities — where the risk of transmission has been determined to be low and when strong safeguards are in place — are being allowed to restart.
8. Due to the diligence of residents and the patience of businesses in complying with various Orders, directives, and guidance, the number of COVID-19 cases and deaths are below previous projections. Together, we have saved lives. We continue to have a shared responsibility to maintain our vigilance, in order to avoid a rapid increase in the occurrence of new cases and a spike in the number of fatalities, and to protect the public health, safety, and welfare of our fellow District residents and visitors. We have a special responsibility to protect vulnerable populations and those who are subject to pre-COVID-19 health challenges and disparities, namely the elderly, African American and Latinx populations.

9. DOH will continue to monitor the rate of community and institutional transmission, COVID and influenza like illnesses, and capacity in the healthcare system. The District will expand testing capacity, access to tests, and contact tracing, and will enter subsequent phases of reopening, in a phased, incremental manner, when it is safe and prudent to do so.
10. If the District's progress in meeting the gated criteria deteriorates, the Executive may order more stringent measures to contain the spread of COVID-19 and address the changing circumstances of the public health emergency.
11. This Order declares that the District is in Phase One of reopening and establishes the applicable standards, lifts restrictions in the "Stay at Home" Order and allows certain businesses to reopen on May 29, 2020 under specified conditions.

**II. LIFTING OF STAY-AT-HOME ORDER; CONTINUED PROHIBITION ON GATHERINGS OF MORE THAN TEN (10) INDIVIDUALS**

1. During Phase One, individuals living in, working in, and visiting Washington, DC are no longer ordered to stay at their residences.
2. When leaving their residence, all individuals must continue to maintain a distance of at least six (6) feet from persons not in their household, except if such distance is impossible to maintain (such as when obtaining medical services or a haircut).
3. Wearing a mask or face covering is one tool to protect an individual's own health and the health of others, but it does not replace social distancing. DOH guidance relating to masks must be followed, as must the applicable orders of any regulatory agency for a specific activity. Such directives may be found on [coronavirus.dc.gov/phaseone](https://coronavirus.dc.gov/phaseone).
4. Paragraphs 1 through 6 of Section II of Mayor's Order 2020-054 ordering persons to stay at home are repealed.
5. Large gatherings of more than ten (10) individuals continue to be prohibited in the District, with the same caveats and exceptions set forth in prior Orders.

**III. PHASE ONE OPERATION OF NONESSENTIAL BUSINESSES**

1. Nonessential retail businesses may open to customers for:
  - a. Outdoor pickup by customers of items ordered online or over the phone;
  - b. Delivery of items ordered online or over the phone;

- c. Indoor shopping and indoor pickup of items continues to be prohibited at nonessential retail businesses; and
  - d. Minimum Basic Operations of nonessential retail businesses may continue.
2. Barbershops and hair salons may operate as follows:
  - a. Services may be provided by appointment only and these businesses are encouraged to keep customer information related to these appointments, including which barber or stylist saw which customer, for use by contact tracers should that become necessary;
  - b. No waiting inside the shop is permitted; in the shop there may be one customer per barber or stylist;
  - c. The limited opening of barbershops and hair salons in Phase One does not yet authorize services such as waxing, electrolysis, threading, and nail care at such shops;
  - d. Barbershops and hair salons may sell hair-related products to customers immediately before or after appointments, but otherwise may only sell products on a delivery or curbside-pickup basis; and
  - e. Open customer stations of all types must be at least six (6) feet from each other.
3. Businesses that operate pursuant to this Order must follow protocols required by prior Mayor's Orders and guidance provided by the Department of Health, and also must:
  - a. Inform all employees that they should not come to work if sick and of applicable leave provisions; and
  - b. Create a plan regarding COVID-19, including providing all employees information about testing locations in the District and guidance from the Centers for Disease Control and Prevention.
4. **For clarity, nonessential businesses that remain closed except for minimum business operations, curbside pickup or delivery, or home-based services include:** fitness establishments (gyms; health clubs; spas; massage parlors; workout studios); tanning, tattoo, waxing, electrolysis, cryotherapy, facials, and nail salons; sporting venues; bowling alleys, skating rinks and gaming arcades; gymnastics, yoga, and dance studios; sauna and hot-tub showrooms or facilities; rock climbing centers; indoor racquet and squash courts; cigar and hookah bars and head shops; jewelry and watch stores; clothing stores; cosmetics stores; mattress stores; party supply stores; florists; gift, pen, and award shops; card/stationery stores;

photography studios; toy stores; book stores; candle shops; sunglasses shops; home goods stores; pottery making or glassblowing workshops; party venues; frame stores; camping, skiing and other outdoor gear stores; weigh-in/weight loss centers and vitamin/supplement stores; tasting rooms and cooking demonstration facilities; theaters, cinemas and auditoriums; museums and galleries; bars, nightclubs, mixed-use facilities and private social clubs, except those licensed to serve food and permitted by the Alcoholic Beverage Regulation Administration (ABRA); travel agencies; test preparation/tutoring centers; and professional services other than those provided to essential businesses and grantmaking.

#### **IV. PHASE ONE OPERATION OF HEALTH CARE PROVIDERS**

Healthcare providers may continue to offer, or resume offering, services, including outpatient or other surgical procedures in the District that will not unduly burden hospital capacity or COVID-19 related resources. Guidance on allowable Phase One procedures is provided by DOH.

#### **V. PHASE ONE ADDITIONAL OPERATIONS OF LICENSED FOOD ESTABLISHMENTS**

1. In addition to providing takeout, delivery, and “grab and go,” subject to the conditions set forth in section V.2 below:
  - a. Restaurants and other licensed food establishments may open for outdoor dining; and
  - b. Taverns, nightclubs and mixed-use facilities that serve food, and that are already approved to provide such outdoor service by ABRA, may also operate outdoor dining.
2. Outdoor dining must occur in areas approved by the District Department of Transportation (DDOT) and ABRA and include the following minimum safeguards:
  - a. All outdoor dining customers must be seated, place orders, and be served at tables;
  - b. No more than six (6) individuals may be seated at a table or a joined table;
  - c. All tables serving separate parties must be at least six (6) feet apart; and
  - d. All restaurants must implement sanitization and disinfection protocols.
3. Licensed food establishments are encouraged to use a reservation system, preferably online or by telephone, to avoid crowding and queuing nearby.

4. Licensed food establishments are encouraged to keep customer logs to facilitate contact tracing by DOH.

#### **VI. PHASE ONE ADDITIONAL OPERATIONS OF FARMERS MARKETS**

1. Farmers Markets operating under a waiver granted pursuant to Paragraph IV of Mayor's Order 2020-058 may amend their plans and requests for waivers to:
  - a. Allow the sale of non-food items and food prepared on site;
  - b. Allow customers to select their own produce;
  - c. Provide produce in non-pre-bagged quantities; and
  - d. Provide non-essential information and education.
2. All existing waivers shall be extended to allow the market to operate through the rest of the season.
3. Amended plans and requests for waiver that include only the new items referenced above shall be deemed approved when filed with [dcfoodpolicy@dc.gov](mailto:dcfoodpolicy@dc.gov), but may later be required to be modified or may be rejected based on review by the District.

#### **VII. ADDITIONAL PHASE ONE PROVISIONS**

1. The Department of Parks and Recreation is authorized to reopen parks, dog parks, tennis courts, tracks, and fields. Playgrounds, public pools, recreation centers, and indoor facilities remain closed.
2. The Office of Planning, in conjunction with the Deputy Mayor for Education and the Department of Health, is directed to implement a campus plan approval process for colleges and universities by July 1, 2020 to plan for safe reopening.

#### **VIII. EVENTS REQUIRING PERMITS IN THE DISTRICT**

1. Unless otherwise authorized by the Mayor, the Mayor's Special Events Task Group (MSETG) shall not consider any special event permit requests for events during the public health emergency (currently authorized through July 24, 2020).
2. For events that are scheduled to occur after July 24, 2020, MSETG may consider special event permit requests, provided that the event organizers are notified: (i) that any expenditure of funds is strictly at their own risk; (ii) that any permit that is issued is subject to cancellation after issuance in the interest of public health; and (iii) additional conditions may be placed on a permit after its issuance, such as a limit on attendance, distancing and cleaning requirements, and other restrictions and conditions to protect the public health.

3. First responder resources cannot be reserved to serve special events in Phase One.
4. MSETG, in conjunction with DDOT, shall identify public space, including sidewalks, roads, and alleys, or any portions thereof, to be closed to vehicular traffic for specific days and times to allow for expanded pedestrian and bicycle usage, dedicated bus lanes, and outdoor customer seating for Phase One licensed food or retail establishments consistent with public safety. MSETG, DDOT, ABRA, and DOH shall pilot a process to designate portions of the closed public space for use by Phase One licensed food and retail establishments, with no fees imposed upon any business.

**IX. EXTENSIONS OF PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY**

1. The public emergency and public health emergency declared by Mayor's Orders 2020-045 and 2020-046, respectively, and extended by Mayor's Orders 2020-050, 2020-063, and 2020-066, respectively, are further extended for the duration authorized by the Council of the District of Columbia, to July 24, 2020.
2. The provisions of all Mayor's Orders concerning the COVID-19 public health emergency shall continue to apply, unless otherwise modified or superseded by this Order.

**X. SUPERSESSON**

This Order supersedes any Mayor's Order issued during the COVID-19 public health emergency to the extent of any inconsistency.

**XI. ENFORCEMENT**

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.
2. Individuals should call 311 to report any suspected violations of this or other Mayor's Orders related to the COVID-19 public health emergency.
3. Official guidance posted on [coronavirus.dc.gov/phaseone](https://coronavirus.dc.gov/phaseone) may be relied upon by those seeking to understand whether an activity is or is not allowed.

**XII. EFFECTIVE DATE AND DURATION**

1. This Order shall be effective at 12:01 a.m. on Friday, May 29, 2020.

2. The Order shall continue to be in effect until the date that the state of emergency is lifted or extended, but not later than the date authorized by Council, July 24, 2020, or until this Order is rescinded, superseded, or amended in writing by a subsequent Order.



MURIEL BOWSER  
MAYOR