

## STATE WAIVER REQUEST

### State Plan for Providing Hot Foods to Supplemental Nutrition Assistance Program (SNAP) Households

1. **Type of request:** Initial
2. **Primary citation:** Section 3(k)(1) of the Food and Nutrition Act of 2008, as amended (the Act)
3. **Secondary Regulatory Citation:** 7 CFR §271.2
4. **State:** District of Columbia
5. **Region:** MARO
6. **Requirements:**
  - Section 3(k)(1) of the Act excludes “hot foods” and “hot food products ready for immediate consumption” from the definition of “food” for the purposes of allowable purchases made with SNAP benefits.
  - 7 CFR §271.2 defines “eligible food” excepting “...hot foods and hot food products prepared for immediate consumption...”
7. **Proposed alternative procedures:** The District of Columbia (District) is requesting to allow hot foods and hot food products prepared for immediate consumption to be considered “eligible foods” as long as they are purchased in US Department of Agriculture, Food and Nutrition Service (FNS) authorized retail food stores, for the entire State. On March 11, 2020 Mayor Muriel Bowser declared both a state of emergency and a public health emergency to deal with the spread of COVID-19. On March 13, 2020, the President declared a national state of emergency due to the spread of the COVID-19 virus.
8. **Justification for request:**
  - The Secretary of Health and Human Services declared a Public Health Emergency under section 319 of the Public Health Service Act as a result of COVID-19 retroactive to January 27, 2020.<sup>1</sup>
  - The Mayor of the District of Columbia declared a Public Emergency and a Public Health Emergency as a result of the COVID-19 effective March 11, 2020 and extended on March 20, 2020.<sup>2</sup>

As of March 30, 2020, the District has 401 confirmed cases of COVID-19, with 9 deaths.<sup>3</sup> The spread of the COVID-19 virus has resulted in numerous retailers

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<sup>1</sup> Source: <https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx>

<sup>2</sup> Source: <https://mayor.dc.gov/sites/default/files/u23/Mayor%60s%20%20Order%202020-50.pdf>

<sup>3</sup> Source: <https://coronavirus.dc.gov/page/coronavirus-data>

reducing hours of operation or temporarily ceasing business. In addition, the widespread panic has caused many retailers to experience extreme shortage of goods for purchase. These shortages are not limited to non-food items and have affected District SNAP customer's ability to purchase food for home preparation. In some cases, the ability to purchase prepared hot foods may be the only option for households when making a trip to the grocery store. Allowing SNAP customers to purchase hot foods during this time will help ensure temporary food security for District residents.

Waiving the Act and regulatory language that excludes the purchase of hot foods and hot food products prepared for immediate consumption will ensure that SNAP households most adversely affected by the COVID-19 virus can have access to hot meals.

- 9. Anticipated Impact on Households:** Allowing the purchase of hot foods will assist and provide critical relief to SNAP households most adversely affected by the COVID-19 virus who are temporarily unable to prepare hot meals due to shortage of goods.
- 10. Affected Caseload:** This waiver affects any SNAP customer wanting to purchase hot food in the entire State.
- 11. Anticipated implementation date and time period for which waiver is needed:** The District is requesting that this waiver be effective on approval and for the duration of the federal COVID-19 Emergency Declaration and District of Columbia State of Emergency and a Public Health Emergency related to COVID-19, ending only after all of these emergency declarations have concluded.

The District will use social media and press releases to provide awareness to District SNAP customers of the approved waiver.

- 12. Proposed Quality Control Procedures:** The proposal does not affect quality control sampling or procedures.
- 13. State agency submitting waiver request and State contact person:**

Anthea Seymour  
Administrator  
Economic Security Administration  
Department of Human Services  
District of Columbia Government  
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Washington, DC 20002  
(202) 698-3906  
[Anthea.Seymour@dc.gov](mailto:Anthea.Seymour@dc.gov)

**14. Signature and Title of Requesting State Agency Official:**

A handwritten signature in cursive script that reads "Anthea Seymour" followed by a horizontal line.

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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)

**15. Date of request:  
March 31, 2020**