



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

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Eric C. Friedlander
Acting Secretary

March 27, 2020

Eugene Malveaux
Southeast Region, Food and Nutrition Services
United States Department of Agriculture
61 Forsyth Street, Suite 8T36
Atlanta, Georgia 30303

Dear Mr. Malveaux:

Please see attached waiver request to extend all household certification periods by three months ending February 2021 as part of the agency's response to the current health crisis of COVID-19.

If you have any questions please contact Todd Trapp at Todd.Trapp@ky.gov or by telephone (502) 564-3440, extension 3692.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric C. Friedlander".

Eric C. Friedlander
Acting Secretary

ECF/PDB/TT

Kentucky WAIVER REQUEST

1. **Waiver Serial Number (if applicable):**
2. **Type of request:** Initial
3. **Regulatory citation:** Sec. 6(c)(1)(D)(i) of the Food and Nutrition Act; 7 CFR 273.2(e); 7CFR 273.10(f)(5); 7 CFR 273.12(a)(5)(iii)(B); 273.14(a)(b)(3)
4. **State:** Kentucky
5. **Region:** SERO
6. **Regulatory requirements:** Sec. 6(c)(1)(D)(i) of the Food and Nutrition Act states that a State agency may require households that report on a periodic basis to submit reports not less often than once each 6 months but not more than once each month except in certain circumstances.

Regulations at 7 CFR 273.2(e) require State agencies to conduct a face-to-face interview at initial certification and at least once every 12 months thereafter. This regulation also allows State agencies to conduct a telephone interview and requires State agencies to schedule an interview for all applicant households that are not interviewed on the day they submit their applications.

Regulations at 7 CFR 273.10(f) require State agencies to certify eligible households for a definite period of time. This regulation also states that the certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and may certify households in which all members are elderly/disabled for up to 24 months.

Regulations at 7 CFR 273.12(a)(5)(iii)(B) require the submission of periodic reports by non-exempt households that are certified for longer than 6 months.

Regulations at 7 CFR 273.14(b)(3) require State agencies to 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.

7. **Proposed alternative procedures:** Kentucky is in a Public Health State of Emergency due to the (COVID-19-Coronavirus Pandemic). The (COVID-19-Coronavirus disease) is a respiratory illness that can spread from person to person, between persons who are in close contact with each other.

The President declared a National Emergency on March 13, 2020, and Governor Beshear declared a State of Emergency for the state of Kentucky on March 6, 2020.

Due to the coronavirus spreading from person to person, social distancing measures have taken place to prevent the spread of the virus. All social events throughout the state such as school activities, athletic events, church services and other social events have been cancelled in the state for a period determined by the Governor of Kentucky.

The state is requesting to extend the certification period of all households by 3 months. This will allow staff to focus on the increased level of applications expected during the months of April, May and June. Extending the certification periods of all households will prevent the number of households requiring recertification from doubling in any future months. If all certification periods are not extended, it will create an increased burden on staff in that could be unmanageable as staff continue to deal with the COVID-19-Coronavirus Pandemic and its results. The state is requesting to waive the requirement to notify households of the certification end date, the notice of eligibility, the submission of the recertification form or periodic report form at the 6th and 12th month interim period, and the requirement to determine eligibility prior to assigning a new certification period.

The certification periods will be automatically extended by three (3) months for households to ensure case closures do not occur due to the household's inability to come to a DCBS office and submit paperwork and documentation to recertify for benefits.

8. **Justification for request:** As of March 27, 2020, there are more than 82,000 confirmed COVID-19 cases and 1,195 deaths in the U.S. As of March 27, 2020, the Kentucky Department of Public Health reports there are 248 confirmed COVID-19 cases and 5 deaths in Kentucky. This virus has caused many agencies and companies to shut down. Schools have also closed and are requiring students to learn virtually from home. While some employees can work from home, many are out of work during the time of the shutdown. The growing number of businesses and schools closing will increase the number of SNAP applications submitted online.

The Families First Coronavirus Act of 2020, section 2302, allows the USDA to adjust administrative requirements of the SNAP program upon state requests.

With the growing number of cases in Kentucky, there is a need for social distancing to prevent the spread of the virus. All social events throughout the state such as school activities, athletic events, church services and other social events have been cancelled in the state.

Additionally, the state will refer clients to the state's call center and online application to limit the spread of COVID-19 and to protect both staff and the public. This request is due to local office staff who would normally work in the local county offices are working remotely or unable to work due to illness, lack of childcare, and

other issues arising due to COVID-19.

By teleworking or remotely working, eligibility staff will be able to process online applications offsite while the extension of certification periods will ensure current households continue to receive SNAP benefits to meet their nutritional needs. Extending the certification periods for all households ensures there will not be an overwhelming number of recertifications coming due in the each of the recovery months following the COVID-19 pandemic and cases are not adversely affected.

This waiver will help the state to focus its effort on processing applications accurately and timely as the volume of online applications increases while ensuring current households continue to receive benefits without any undue hardship or burden and few barriers to program access due to the COVID-19 pandemic.

Households due for recertification in **March 2020** will have an extended certification period of **April 2020 through June 2020**.

Households due for recertification in **April 2020** will have an extended certification period of **May 2020 through July 2020**.

Households due for recertification in **May 2020** will have an extended certification period of **June 2020 through August 2020**.

Households due for recertification in **June 2020** will have an extended certification period of **July 2020 through September 2020**.

Households due for recertification in **July 2020** will have an extended certification period of **August 2020 through October 2020**.

Households due for recertification in **August 2020** will have an extended certification period of **September 2020 through November 2020**.

Households due for recertification in **September 2020** will have an extended certification period of **October 2020 through December 2020**.

Households due for recertification in **October 2020** will have an extended certification period of **November 2020 through January 2021**.

Households due for recertification in **November 2020** will have an extended certification period of **December 2020 through February 2021**.

Households due for recertification in **December 2020** will have an extended certification period of **January 2021 through March 2021**.

Households due for recertification in **January 2021** will have an extended certification period of **February 2021 through April 2021**.

Households due for recertification in **February 2021** will have an extended certification period of **March 2021 through May 2021**.

9. **Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** As of February 2020, Kentucky's SNAP caseload was 216,435 households.

The following table is based on current participation and shows the total number of recertifications due and the total issuance for each month of the period of March 2020 through February 2021. Any increase due to the global health crisis cannot be determined.

Kentucky Renewals Due by Month		
Renewal Month	Renewals Due	Sum of Issuance
31-Mar	21,234	\$54,534,740
30-Apr	4,335	\$48,518,906
31-May	1,316	\$48,306,750
30-Jun	3,515	\$48,273,152
31-Jul	32,651	\$47,735,516
31-Aug	34,999	\$38,802,351
30-Sept	36,092	\$28,551,322
31-Oct	28,754	\$17,771,724
30-Nov	22,720	\$9,233,604
31-Dec	10,661	\$2,814,946
31-Jan	7,072	\$1,063,640
28-Feb	6,999	\$535,403
Grand Total	210,348	\$346,142,054

10. **Anticipated impact on households and State agency operations:** This waiver will ensure SNAP applicants and recipients continue to receive benefits and will allow timely processing of SNAP cases to ensure program access continues in a timely manner.

11. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments): Implementation of this waiver will begin immediately upon approval from the Food and Nutrition Service. This waiver is needed to make the required system changes to extend certification periods for SNAP households statewide.

12. Proposed quality control review procedures: There are no special quality control procedures required for cases subject to the provisions of this waiver. Cases will be reviewed using standard review procedures contained in the FNS Handbook 310. Cases that are being reviewed for the months of extended certification periods will be reviewed under Section 752 (Expired Certification Periods) of the FNS Handbook 310.

13. Name, title, and email of requesting official:

Name: Eric C. Friedlander

Title: Acting Secretary, Cabinet for Health and Family Services

Email: Eric.Friedlander@ky.gov

14. Date of request: March 27, 2020

15. State agency staff contact:

Name: Todd Trapp

Title: Assistant Director, Division of Family

Email: Todd.Trapp@ky.gov

Name: Elizabeth Caywood

Title: Deputy Commissioner, Department for Community Based Services

Email: Elizabeth.Caywood@ky.gov

16. Regional Office contact person (to be completed by FNS regional office):

Karen Powell

(404) 562-1920

karen.powell2@usda.gov