STATE WAIVER REQUEST

1. Waiver Serial Number (if applicable):

2. Type of request: Initial

3. Regulatory citation: 7CFR 273.2(g); 7 CFR §273.12; 7CFR §273.14

4. State: Kentucky

5. Region: SERO

Regulatory requirements: 7CFR 273.2(g) Normal processing standard—(1) Thirty-day processing. The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in §274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with §273.11(i). An application is filed the day the appropriate SNAP office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with §273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

7 CFR §273.14 Recertification.
(a) General. No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 CFR §273.12 Reporting requirements. (c)(1)
(iii) The State agency may elect to verify changes which result in an increase in a household's benefits in accordance with the verification requirements of §273.2(f)(8)(ii), prior to taking action on these changes. If the State agency elects this option, it must allow the household 10 days from the date the change is reported to provide verification required by §273.2(f)(8)(ii). If the household provides verification within this period, the State shall take action on the changes within the timeframes specified in paragraphs (c)(1) (i) and (ii) of this section. The timeframes shall run from the date the change was reported, not from the date of verification. If, however, the household fails to provide the required verification within 10 days after the change is reported but does provide the verification at a later date, then the timeframes specified in paragraphs (c)(1) (i) and (ii) of this section for taking action
on changes shall run from the date verification is provided rather than from the date the change is reported. If the State agency does not elect this option, verification required by §273.2(f)(8)(ii) must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If in these circumstances the household does not provide verification, the household's benefits will revert to the original benefit level. Whenever a State agency increases a household's benefits to reflect a reported change and subsequent verification shows that the household was actually eligible for fewer benefits, the State agency shall establish a claim for the overissuance in accordance with §273.18. In cases where the State agency has determined that a household has refused to cooperate as defined in §273.2(d), the State agency shall terminate the household's eligibility following the notice of adverse action.

6. Proposed alternative procedures: Kentucky proposes to extend the RFI due date by 60 days, allowing 90 days to return verification, on all application, recertification and/or interim change Request For Information (RFI) notices for actions that would result in discontinuance. Kentucky will track each case in which the RFI was extended beyond 30 days and the disposition of each case processed. The state’s Integrated Eligibility & Enrollment System is designed to track all case processing actions and generate reports for specific timeframes and within the parameters of this waiver.

7. Justification for request: The Families First Coronavirus Act of 2020, section 2302, permits the USDA to adjust administrative requirements upon state request. As of March 30, 2020, there are more than 155,000 confirmed COVID-19 cases and 2,810 deaths in the U.S. As of March 30, 2020, the Kentucky Department of Public Health reports there are 439 confirmed COVID-19 cases and 8 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 public assistance applications submitted online and telephonically.

With the growing number of COVID-19 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. This waiver is to remove barriers to participation for Kentucky’s most vulnerable population due to the extraordinary circumstances surrounding the COVID-19 pandemic. Case actions will continue to be processed by normal processing timeframes as outlined in CFR 273.2 and will assist clients in obtaining required verification within a longer timeframe, if necessary. No cases will discontinue for failure to provide verification before June 30, 2020. The waiver will further assist households who are unable to contact the agency due to sickness, restrictions placed on in-person office visits, or any increased call volume to the Call Services line that prevent households from completing a recertification interview within standard timeframes. This request is a temporary measure to ensure SNAP recipients continue to receive benefits without disruption during this state of emergency. The state will revert to 30 day RFI processing rules on July 1, 2020.
8. Caseload information, including percent of caseload and description of population expected to be affected by this waiver: The waiver will apply to 100% of Kentucky’s caseload in April, May, and June 2020. Kentucky is seeing a significant daily increase in applications. We are estimating 200,000 cases will be added for April, May, and June. This estimate is based on historical data of past recessions.

9. Anticipated impact on households and State agency operations: The waiver will prevent cases with a current outstanding RFI from closing if the household is unable to obtain verification timely. The waiver will also afford additional time for households who may experience difficulty in obtaining mandatory verification.

10. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments): Anticipated implementation is immediately upon approval of this waiver.

11. Proposed quality control review procedures: For Quality Control reviews, exclude for three months (April, May, June) all reviews for variances and only review for timeliness. Quality Control will report any reviews subject to a claim.

12. Name, title, and email of requesting official:
   Name: Eric C. Friedlander
   Title: Acting Secretary, Cabinet for Health and Families Services
   Email: Eric.Friedlander@ky.gov

13. Date of request: March 27, 2020

14. State agency staff contact:
   Name: Todd Trapp
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15. Regional Office contact person (to be completed by FNS regional office): Karen Powell; karen.powell2@usda.gov; (404) 562-1920