

ADJUSTMENT OF INITIAL CERTIFICATION AND RECERTIFICATION INTERVIEW RESPONSE

1. **Waiver serial number:** N/A
2. **Type of request:** Extension
3. **Regulatory citation:** 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3)
4. **State:** North Carolina
5. **FNS Region:** SERO
6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 C.F.R. 273.2(a)(2) requires that the application process include an interview. Regulations at 7 C.F.R. 273.2(e) requires that the State agency interview households for eligibility before certifying. Regulations at 7 C.F.R. 273.14(b)(3) requires that State agencies interview households as part of the recertification process
7. **Description of alternative procedures:** The NC DHHS 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 C.F.R. 273.2(f)(1) have been completed. The State will not 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:** The first positive test of the COVID-19, was on March 3, 2020, with additional cases rapidly emerging in North Carolina. As of June 6, 2020 North Carolina, has experienced 35,546 lab-confirmed cases of COVID-19 with expanded testing and increased social contact this number is expected to continue to increase for the foreseeable future.

North Carolina is requesting an extension to waive Interview requirements as cited in 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3) that requires an interview for application certifications, and recertifications. The negative effect of COVID-19 on North Carolina's economy has resulted in a significant increase in the number of FNS applications received. The significant increase in FNS applications has created an overwhelming demand on the agency staff. The extension of the interview waiver will continue to reduce the burden on county staff and more importantly allow faster processing of applications providing much needed benefits to applicants in a timely manner. North Carolina's economy continues to experience negative effects of COVID-19, which has resulted in dramatic increases in the number of FNS applications. The total number of FNS applications increased approximately 34% from March 2019 (45,173) to March 2020 (60,306) and approximately 92% from April 2019 (47,200) to April 2020 (90,708). North Carolina FNS is requesting the original waiver be extended for all applications and recertifications requiring an interview through July 31, 2020.

North Carolina Executive Order 116 Declaration of State of Emergency issued March 10th, 2020 in order until rescinded. Executive order 116 which declared the State of Emergency is still in effect and will at minimum will remain in effect through Phase 3 of COVID-19 pandemic. North Carolina's Phase 3 will begin between June 19, 2020 and July 3, 2020 depending on the success of Phase 2 implementation. Phase 3 will consist of lessening restriction for vulnerable populations with encouragement to continue practicing physical distancing, allowing increased capacity at restaurants, bars, other businesses, houses of worship and entertainment venues, and increasing

the number of people allowed at gatherings.

In addition, a number of North Carolina county social services offices have limited face to face contact with the public but still provide services to applicants and recipients via telephone contact, drop off applications and needed information request.

9 . Conditions of approval: FNS is approving this adjustment subject to the following conditions:

- The adjustment is limited to those households for which mandatory verifications have been completed and the applicant's identity has been verified;
- The State agency will ensure that sufficient controls in their policy and automation are in place to implement the terms of this adjustment correctly;
- The State agency will contact the household if information in the application that is required to be verified under 273.2(f)(1) is questionable and cannot be verified through a data match;
- The State agency has the capacity to provide to FNS the data required for evaluation of the caseload for which the State agency has adjusted the interview requirements.

10. Expiration Date: July 31, 2020

11. Quality Control Procedures: No special Quality Control (QC) procedures are required for cases subject to the provisions of this adjustment. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

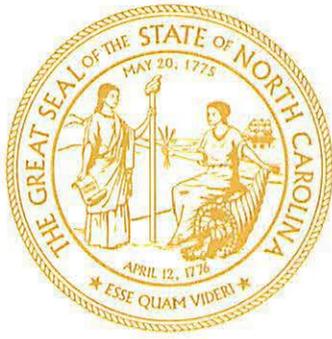
12. Name and Title of Requesting Official:

A handwritten signature in blue ink that reads "David Locklear".

David Locklear, Deputy Director
Economic and Family Services

13. Date of Request: June 12, 2020

14. State Agency Staff Contact:



State of North Carolina

ROY COOPER
GOVERNOR

June 5, 2020

EXECUTIVE ORDER NO. 144

EXTENDING CERTAIN HEALTH AND HUMAN SERVICES PROVISIONS IN PREVIOUS EXECUTIVE ORDERS

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, and 138-143; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has identified widespread community transmission of the virus; and

WHEREAS, more than thirty-three thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and over nine hundred people in North Carolina have died from the disease; and

WHEREAS, during this State of Emergency, many participants in the Medicaid Programs of All-Inclusive Care for the Elderly (“PACE”) are unable to congregate in PACE centers; and

WHEREAS, PACE participants are elderly and at high risk for severe illness or death from COVID-19; and

WHEREAS, the services provided by the PACE program to its participants remain necessary for life and health, so those services must be provided to participants at their homes; and

WHEREAS, in Executive Order No. 130, the undersigned, with the concurrence of the Council of State, determined that the Secretary of Health and Human Services requires authority to modify or waive enforcement of any legal constraints or regulations that impair providing PACE services at participants’ homes; and

WHEREAS, the provisions concerning certain PACE programs in Executive Order No. 130 are set to expire unless the undersigned takes further action; and

WHEREAS, the need for these measures continues for a period of sixty (60) days; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

WHEREAS, all the authority granted by this Executive Order is intended to be temporary, and the waivers and modifications of enforcement set out in this Executive Order are intended to extend only through the period where they are needed to address the COVID-19 pandemic.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Extension

For the reasons and pursuant to the authority set forth above, and to meet the goal of providing human services during the COVID-19 pandemic, the undersigned orders as follows:

A. **Executive Order No. 130.**

1. Section 6(A), of Executive Order No. 130, is hereby extended for sixty (60) days.

B. Temporary nature of this Section.

1. Waivers and modifications under authority of this Section are temporary and shall be effective only for the duration of this Executive Order.
2. The undersigned delegates to the Secretary of Health and Human Services authority to reimpose any regulations, policies, or guidance that have enforcement waived or modified under this Section.

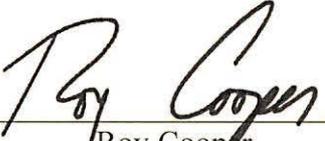
Section 2. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 3. Effective Date

This Executive Order is effective immediately. This Executive Order shall remain in effect for sixty (60) days unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of June in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

