

**NEW JERSEY WAIVER EXTENSION REQUEST
EXTEND CERTIFICATION PERIODS AND ADJUST REPORTING
REQUIREMENTS**

1. **Waiver Serial Number:** COV-012
2. **Type of request:** Extension
3. **Regulatory citation:** 7 CFR 273.10(f)(5)
4. **State:** NJ
5. **Region:** MARO
6. **Regulatory requirements:** Supplemental Nutrition Assistance (SNAP) regulations at 7 CFR 273.10(f)(3)(i) require a minimum certification period of 6 months for most households. Regulations at 7 CFR 273.10(f)(5) allow states to extend certification periods up to 12 months or 24 months for those households that are all elderly or disabled. Regulations at 7 CFR 273.12(a)(5)(iii) require an interim periodic report in the sixth month for households assigned to simplified reporting (SR), if the certification period exceeds 6 months.

SNAP regulations at 7 CFR 273.14 state that 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.

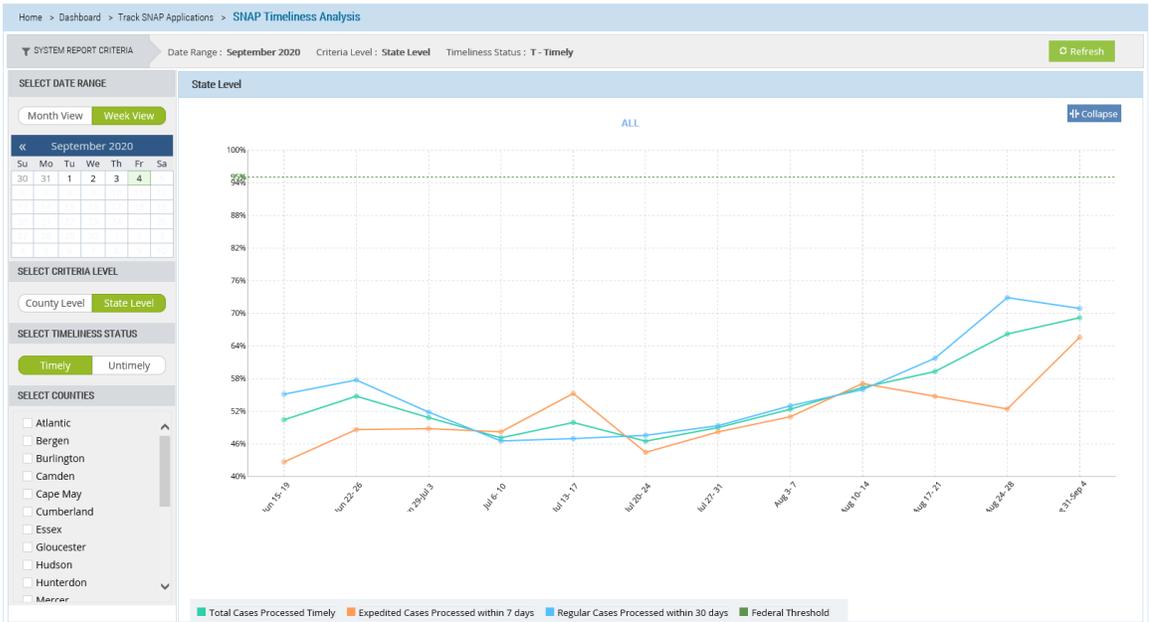
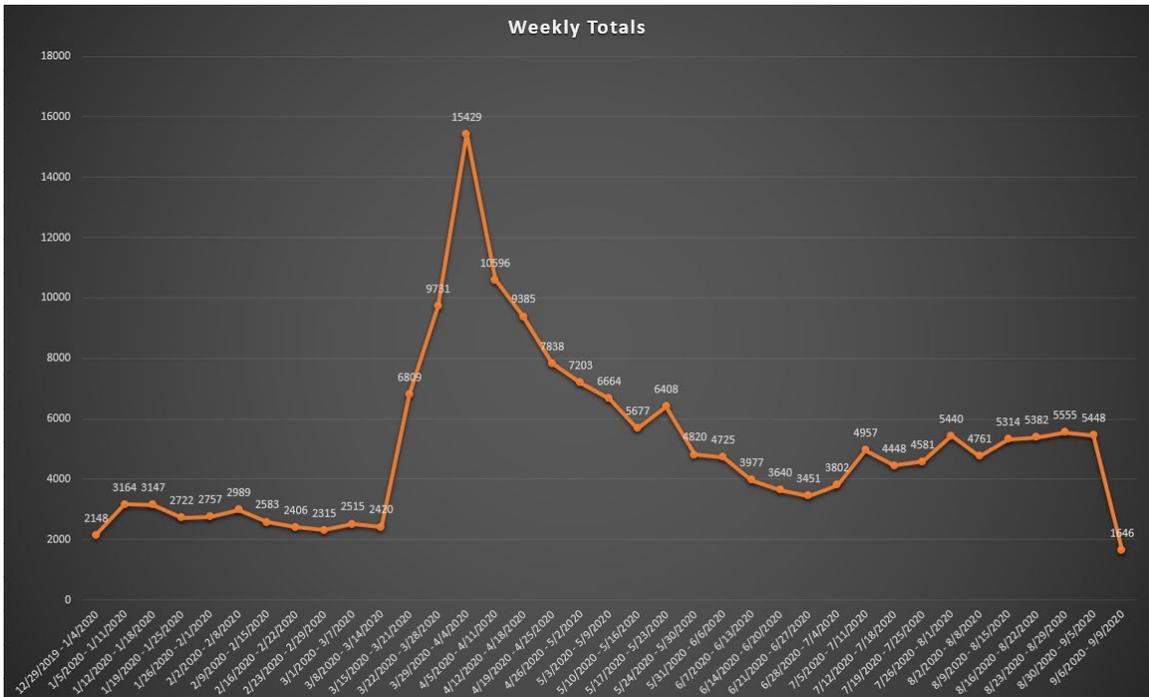
7. **Proposed alternative procedures:** New Jersey requests to adjust the expiration for certification periods expiring in October 2020 and to extend the certification period of these households for up to 6 months, or until April 2021. The state will also adjust the periodic reporting requirement for households with a period report due in October 2020 and for households whose certification period is extended under this waiver.
8. **Justification for request:** On Thursday, August 27th, Governor Murphy issued Executive Order 180 extending the public health state of emergency due to COVID-19 for an additional 30 days. The county welfare agencies and state agency have continued to experience significant hindrances to resuming normal business operations since the beginning of the public health emergency. New Jersey schools opened on Tuesday, September 8th and as of that date, only 69 out of 723 school districts have resumed in-person schooling (9.5%). The largest schools districts in New Jersey's five counties with the highest NJ SNAP participating households and

individual recipients are all engaging in remote learning. This has resulted in many county agencies losing their workforce to taking family leave options in order to stay home with their children during the day. This has impacted the ability of county and state staff, as well as the New Jerseyans they serve, to be available for work. As of July 2020 according to the U.S. Bureau of Labor Statistics, New Jersey continues to be one of the country's most significantly impacted states, as evidenced by the fourth highest unemployment rate in the nation (13.8%), as a result of this public health emergency. The continuation of these waivers will provide our counties with the flexibility to process recertification and periodic reports that it can handle with the current decreased workforce, while not penalizing those whom it could not process by the month of expiration. New Jersey is requesting to extend certification periods and adjust reporting requirements based on the following specific justification reasons:

- a) Division of Family Development (DFD) staff typically allocated to assist with processing periodic reports have been shifted to handle P-EBT customer inquiries and coordinating system processes necessary to issue multiple issuance files by September 30, 2020. On August 20, 2020, New Jersey received notification that P-EBT benefits were available for the 2020-2021 school year through September 30. DFD must now not only issue P-EBT benefits to the remaining students whose schools continue to submit, but also reissue to all children who previously received benefits as well as those who are newly eligible. This is an incredible lift to perform in 29 business days. DFD previously anticipated transitioning some staff back to processing periodic reporting as P-EBT was winding down. However, now DFD must anticipate continuing to dedicate staff resources through at least October as parents receive the latest issuance. As of the date of this request, DFD staff have responded to more than 15,000 P-EBT inquiries and still have more than 16,000 customer inquiries pending dating back to the end of July. New Jersey issued P-EBT benefits to 550,000 children in July and another 50,000 children in August. Although the P-EBT process has been handled primarily at the state level, the county offices are involved in issuing replacement EBT cards. Many of our calls and online inquiry volume is related to replacement card requests due to inaccurate addresses provided by the school districts. This has added to the workload of our county offices. New Jersey is also in the process of issuing its second phase of P-EBT benefits to children approved for free and reduced school meals as of March 19 to June 19. Therefore, the shift and strain on DFD and county staff resources will continue through at least October but likely beyond.
- b) DFD's ability to process periodic reporting has also been impacted as a result of the P-EBT shift in resources. During the month of June, DFD processed just under 16,000 periodic reports. In July, only 11,000 periodic reports were processed and just under 11,000 in August. Thus far in September, DFD has processed less than 3,400 periodic reports and

has just under 1,500 waiting to be processed at this time. The New Jersey Department of Human Services (the overarching department for DFD) has issued notice that State staff are to work remotely through the end of the year. Therefore, DFD staff will continue to only have access to the building two days a week and the periodic reporting process can only be performed at the state office. The periodic waiver extension will ensure that no case closes due to the temporary inability to process all periodic reports timely likely to last through the end of the year.

- c) The Pandemic Unemployment Assistance payments as part of the CARES Act expired on July 25, 2020 in New Jersey. About 1.54 million New Jersey workers have filed for unemployment benefits since the start of the pandemic, and about 1.35 million were eligible for benefits according to the New Jersey Department of Labor. The weekly \$600 PUA benefit alone would make a 1-person household ineligible for SNAP. Since the month of May when PUA benefits began to be issued, more than 15,000 SNAP applications have been denied for being over the income limit (compared to 2,600 from May to July of 2019). As expected, New Jersey has seen a weekly increase in SNAP applications since the end of July. There were 25,519 SNAP applications received from July 26 through August 15 compared to 16,065 SNAP applications received in the previous three weeks from July 5 through July 25, representing a 58% increase. These SNAP application numbers are back to the level seen in May 2020.
- d) The state's timeliness reporting continues to be below the federal threshold as county staff are challenged with the volume of applications, accessing and processing cases remotely in the eligibility system, and less staff available to scan cases into the document imaging system due to social distancing requirements (see SNAP Timeliness Analysis graph). Online applications have been trending upwards consistently since the beginning of August. New Jersey's current SNAP caseload is nearly 370,000 households. As stated, New Jersey has seen a 58% increase in SNAP applications and it is projected that applications will continue to increase as households who never applied for SNAP and those who were previously denied for being over the income limit now apply for SNAP and welfare benefits due to a loss of unemployment benefits. County staff are a generic workforce who process SNAP and cash assistance programs for both new applications and recertifications. They are currently experiencing a surge in applications consistent to what was occurring two months into the pandemic. Completing interviews for every new application and recertification would exceed the county's resources and further delay the receipt of SNAP benefits. The certification and periodic extensions are critical to our ability to ensure continued access to SNAP benefits for those who still rely on the program.



9. **Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** The NJ SNAP caseload is 369,824 households. There are 38,994 cases due for recertification by the end of October. There are 13,501 periodic reports due at the end of October. Combined, this accounts for 14% of New Jersey’s caseload.

10. Anticipated impact on households and State agency operations: New Jersey has continued to process recertifications and periodic reports as able and only had to extend cases for which it could not process by the end of the month of expiration. The below graph indicates the number of recerts and periodic reports initiated, completed by the agency, and extended systematically if unable to be completed by the agency. The percentage of households that benefitted from the extension of the certification or periodic report period has ranged from a high of 69% to currently 56% and 49% respectively, again indicating a need for the waiver but attesting to the work that New Jersey continues to do.

Month of Expiration	Recerts Initiated	Recerts Completed	Recerts Extended	Periodic Initiated	Periodic Completed	Periodic Extended
March	23,688	***	***	24,453	19,815	4,638
April	24,275	***	**30,231	22,373	16,132	6,241
May	24,049	1,452	22,597	19,909	12,349	7,560
June	28,540	5,677	22,863	22,855	15,675	7,180
July	26,283	12,678	13,605	20,218	14,260	5,958
August	27,025	11,830	15,195	13,501	6,876	6,625

***April recert extension file encompassed March and April extensions.

11. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):
October 1-31, 2020.

12. Proposed quality control review 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.

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

Name: Alecia Eubanks on behalf of Larry Braasch (on leave)

Title: Operations Manager

Email: alecia.eubanks@dhs.nj.gov

14. Date of request: 9/10/2020

15. State agency staff contact:

Name: Alecia Eubanks

Title: Operations Manager

Email: alecia.eubanks@dhs.nj.gov

**16. Regional Office contact person (*to be completed by FNS regional office*): Alyssa Hayes,
Kelly Boger**

EXECUTIVE ORDER NO. 180

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, 135-138, 140-166, 168-173, 175, and 177-179 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, and 171 (2020), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, since the Public Health Emergency was renewed on August 1, 2020, at which time there were over 181,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of August 27, 2020, according to the World Health Organization, there were over 23,980,000 confirmed cases of COVID-19 worldwide, with over 820,000 of those cases having resulted in death; and

WHEREAS, as of August 26, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 5,752,000 confirmed cases of COVID-19 in the United States, with over 177,000 of those cases having resulted in death; and

WHEREAS, as of August 26, 2020, there were over 190,000 positive cases of COVID-19 in New Jersey, with at least 14,134 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, there has now been a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State has made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Plan, the State has been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses have been lifted over the past several months; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that the ongoing Public Health Emergency has dissipated, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey increase once more, as we are now seeing in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that

threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirm that there exists a public health emergency in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this

Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
27th day of August,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy
Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

SNAP COVID Adjustment Request and Transition Plan Summary

State Agency and Region: New Jersey/MARO

What Adjustment(s) is the State Requesting (*e.g. core verification and interview adjustment*)

Eliminate the interview at certification and recertification. Extend certification periods and waive periodic reports

Demonstrated Need for Extension of the Adjustment

Not extending cert and periodic reporting periods as well as completing interviews for every new application and recertification would exceed DFD and the county's resources and further delay the receipt of SNAP benefits for the following reasons:

- 1). Overall SNAP applications (by mail, fax, online, and telephone) have significantly increased every week since July 26 averaging more than 7,700 applications a week compared to an average of 4,700 a week for the previous five weeks. As of the end of August, there is a backlog of more than 1,600 cases pending over 30 days.
- 2). Since the month of May when PUA benefits began to be issued, more than 15,000 SNAP applications have been denied for being over the income limit (compared to 2,600 from May to July of 2019). Denial for over the income limit accounted for 35% of all application denials during this timeframe (compared to just 10% from May to July of 2019). As expected, New Jersey has seen a weekly increase in SNAP applications since the end of July. There were 25,519 SNAP applications received from July 26 through August 15 compared to 16,065 SNAP applications received in the previous three weeks from July 5 through July 25, representing a 58% increase. These SNAP application numbers are back to the level seen in May 2020.
- 3). There are 38,994 cases due for recertification by the end of October. There are 13,501 periodic reports due at the end of October. Combined, this accounts for 14% of New Jersey's caseload.
- 4). DFD staff normally processing periodic reports have been shifted to handle the more than 15,000 pending P-EBT customer inquiries. During the month of June, DFD processed just under 16,000 periodic reports. In July and August, only 11,000 periodic reports were processed. For September, DFD has processed less than 3,400 periodic reports and has about 1,500 waiting to be processed at this time.

How Does the State Plan to Transition to the New Normal (*The State should provide the region with a detailed plan that shows how and when the State will return to its "new normal" -- that is a steady operation that may in fact entail higher caseloads than experienced pre-Covid -- including a phased in approach.*)

Several counties have been approved for overtime and are working to increase their productivity. DFD was awarded a technology grant that will allow for expanding its online portal to encompass completing recerts and periodic reports online and streamline worker access to customer documents. Also, DFD is moving forward with the implementation process for the elderly and disabled household recertification interview waiver in the next few months.