



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

April 8, 2020

Mr. Kurt Messner
Regional Administrator
USDA, Food and Nutrition Service
Northeast Regional Office
10 Causeway Street
Boston, MA 02222

Dear Mr. Messner:

Enclosed, please find New York State's waiver request to extend the certification periods, in accordance with the terms of the enclosed waiver request, for supplemental nutrition assistance program (SNAP) cases with certification period end date 06/30/20, and to suspend certain operative reporting requirements also in accordance with the terms of the enclosed waiver request.

These waiver requests are necessary for the continuity of SNAP operations in New York State amid the continuing extraordinary circumstances and conditions precipitated by the COVID-19 public health emergency.

Sincerely,

Jeffrey Gaskell

Jeffrey Gaskell
Deputy Commissioner
Employment and Income Support Programs

Enclosure

cc: Bonnie Brathwaite, USDA-FNS
Alonso Rodriguez, USDA-FNS
Kevin Pasquaretta, USDA-FNS
Matt Henschel, USDA-FNS
Barbara Guinn
Tom Gosh
Lisa Schweigert
Tom Hedderman
Wendy DeMarco
Tracy Gatchell

WAIVER REQUEST

1. **Type of Request:** Revised
2. **Regulatory citations to be waived:**
 - a. 7 CFR 273.10 Determining household eligibility and benefit levels
 - b. 7 CFR 273.10(f) Certification periods
 - c. 7 CFR 273.14(a) Recertification requirements
 - d. 7 CFR 273.10 (f)(3) Certification period length
 - e. 7 CFR 273.10 Determining household eligibility and benefit levels
 - f. 7 CFR 273.12 (a)(5)(iii)(B) Simplified and Periodic Reporting requirements
 - g. 7 CFR 275.1 Quality Control Review Process and Good Cause
 - h. 7 CFR 282.1 Demonstration Project authority and requirements
3. **State:** New York
4. **Region:** Northeast (NERO)
5. **Regulatory Requirements:**
 - a. 7 CFR 273.10 holds State agencies responsible for determining, at application, recertification and, according to operative reporting requirements, if households are eligible and receiving the correct allotment of SNAP benefits. The determination of whether the household received the correct allotment is made by comparing eligibility data gathered during the application, recertification and reporting process against the amount authorized by the local district.
 - b. 7 CFR 273.10(f) for states that administer SNAP benefits at the county or municipality level, such as New York State, the local Department of Social Services' District (district) office must certify each eligible household for a definite period of time; they must assign the longest certification period possible, commensurate with the household's circumstances.
 - c. 7 CFR 273.10(f)(3) states that the certification period shall not exceed 12 months, unless all household members are elderly or disabled, in which instance the certification period may be up to 24 months.
 - d. 7 CFR 273.14(a) forbids the household from participating beyond the expiration of the certification period assigned without a recertification for eligibility.
 - e. 7 CFR 273.18 holds State agencies responsible for establishing claims on overpayments made to recipient households.
 - f. 7 CFR 275.1 Describes the requirements for the State agency to have a Quality Control Review process for assessing and assigning both an "active" (overpayment/underpayment) error rate and Case and Procedural Error Rate (CAPER).

- g. 7 CFR 282.1 Describes the authority of the Secretary to approve demonstration projects and the requirements for doing so. Under demonstration project authority, New York State operates a Supplemental Security Income Combined Application Project (CAP) with the Social Security Administration (SSA) called the New York State Nutrition Improvement Project (NYSNIP). SNAP cases participating in NYSNIP may have certification periods up to 48 months and are required to respond to an Interim Contact (a periodic report) 24 months from the end of their certification period.

6. Justification for Request:

On March 7, 2020 Governor Cuomo declared a State disaster emergency to enable New York to more quickly and effectively contain the spread of COVID-19. As a result of the current public health emergency, several statewide measures have been instituted to reduce the spread of COVID-19 including the closure of schools, the closure of in-office personnel functions for non-essential businesses, and other measures. The delivery of essential services continues, such as health care services and the critical delivery of SNAP benefits, public assistance, and a range of emergency assistance. District SNAP offices are diligently working to meet the needs of New York residents at a time when the need for assistance is rising and offices must manage personnel reductions. Personnel reductions are largely the result of school and childcare closures, the need to practice appropriate distancing, as well as employees personally affected by COVID-19 requiring a number of actions including necessary quarantine protocols.

Due to the continuing spread and extensive number of confirmed cases of COVID-19 in New York State, the crisis is not subsiding. SNAP daily application rates continue at a daily rate more than double the number before the public health triggered economic crisis. As noted below, timely approval of the alternative procedures is imperative to managing current and anticipated administrative burdens related to the coronavirus pandemic. Furthermore, **the cycle of preparing files to generate the required Notices of Expiration for SNAP cases with a June 30th certification period end date begins in mid-April.**

7. **Alternative Procedures:** The State agency received approval on March 23, 2020 to extend certification periods for households scheduled to expire in March, April and May 2020 for 6 months until September, October and November 2020 in response to its request to extend the certification periods for SNAP cases with certification period end dates of 3/31/20, 4/30/20, 5/31/20 and 6/30/20.

New York is requesting federal approval for the addition of six months to the certification period of all SNAP households with certification period 6/30/2020 end dates. This includes extension of certification periods beyond the currently allowed maximum certification periods, including those approved for NYSNIP under demonstration project authority.

The State is requesting a waiver to periodic reporting requirements for both regular SNAP and NYSNIP cases with June 30, 2020 certification end dates. These reports are centrally produced and mailed on a monthly schedule by New York State. In New York City, the receiving and processing of these reports is done centrally. With current staffing reductions, staff is not available to produce, mail, receive or process these reports. **The cycle of preparing files to generate the required Notices of Expiration for SNAP cases with a June 30th certification period end date begins in mid-April.**

The State is requesting that it be held harmless from any overpayment errors, and that recipient SNAP households be held harmless from any overpayment claims resulting from either the extension of the certification periods or the suspension of periodic reporting requirements during the applicable period of these waivers.

A six-month extension of existing certification end dates would allow district offices to continue to prioritize the most critical concern of processing new applications expediently, while ensuring current SNAP recipients do not lose access to their essential nutritional benefits.

8. **Caseload information:** There are 90,000 SNAP cases due for recertification and approximately 66,000 dues for periodic report or NYSNIP Interim Contact in June 2020.
9. **Anticipated implementation date:** Implementation through December 31, 2020.
10. **State agency submitting the waiver request and state contact person:** New York State Office of Temporary and Disability Assistance (OTDA); Tom Hedderman, Director of Food and Nutrition Policy (518-473-1469/Tom.Hedderman@otda.ny.gov).
11. **Signature and title of requesting official:**

Jeffrey Gaskell _____

Jeffrey Gaskell, Deputy Commissioner

New York State Office of Temporary and Disability Assistance

12. **Date of State agency's request:** April 8, 2020