

FNS INITIAL WAIVER REQUEST
Core Verification and Interview Adjustment

1. **Waiver serial number:**

2. **Type of request:** Initial

3. **Regulatory citation:** 7 CFR 273.14(a), (b)(3)

4. **Secondary Regulatory citation:** None.

5. **State:** New York

6. **Region:** Northeast

7. **Regulatory requirement:**

7 CFR 273.14(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.

7 CFR 273.14(b)(3). *Interview.* As part of the recertification process, the State agency must 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. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with § 273.2(e)(2).

8. **Description of alternative and state-specific procedures:**

Certification period adjustments. Over the twelve-month period from September 2020 through August 2021, the average monthly recertification caseload for New York City is 53,500 cases. As shown in Table 1 above, for the months of September 2020 through March 2021, the monthly recertification numbers run significantly above the pre-pandemic monthly average of approximately 50,000 recerts per month and the 53,500 average for the year ahead. Out of the 469,000 cases due for recertification during the September 2020 through March 2021 period, our proposal is to extend the certification periods of roughly 94,500 cases (20% of the cases due for recertification) with **original** certification periods (in other words, cases that have not already had an extension of their certification period) expiring during these months and extend and redistribute them into the months of April through August 2021 (highlighted in blue), months which currently have expected recertification volumes below – in some instances, far below – the twelve-month average of 53,500 cases. This would help balance the recertification caseload through the difficult year ahead.

For New York City, given the huge volume of recertifications being handled and the way that assigned certification period business rules are hard coded into the eligibility system, this re-

balancing cannot be accomplished manually during the recertification process. It must be done systemically in order to avoid creating annual peaks and valleys for the years ahead.

As noted in the Justification section below, Rest of State districts face similar but unique challenges and require a similar opportunity to extend certification periods for a portion of cases in order to balance the recertification workload for the year ahead and to prevent continuing peaks and valleys in future years. Similar to what is proposed above for New York City, we are proposing that Rest of State districts be permitted to extend the certification periods of cases with original certification periods expiring in the months of September through December 2020, and redistribute these recertifications in the months of February through August 2021. For the four months of September through December 2020, the monthly Rest of State recertification volumes run significantly above the monthly average of 34,200 for the twelve-month period ahead.

Out of the 233,500 cases due for recertification during the September 2020 through December 2020 period, our proposal is to extend the certification periods of roughly 96,800 cases (41% of the cases due for recertification during the four month period) with **original** certification periods expiring during these months and extend and redistribute them into the months of February through August 2021 (highlighted in blue), months which currently have expected recertification volumes below – in some instances, far below – the twelve-month average of 34,200 cases. This would help balance the recertification caseload through the difficult year ahead.

Interview Adjustments. For the period of September 2020 through March 2021 in New York City and for the period of September through December 2020 in Rest of State Districts, OTDA is requesting permission to continue to use the interview adjustment waivers previously granted by FNS for the months of April through June 2020, of only interviewing applying and recertifying households when all information and verification necessary to the determination of eligibility and calculation of a benefit has not been provided.

At the end of the transition periods, the Rest of State districts and New York City will resume following normal application and recertification interviewing rules, processes and protocols.

Also, by requiring interviews for 100% of the categories of cases listed below, we believe that New York State will easily exceed FNS' goal of interviewing at least 50% of applying and recertifying households where all adult members are **not** either age 60 or older or disabled. (Households where all adult members are age 60 or older, or disabled are approximately 72% of all SNAP-only households and 42% of all SNAP households. Fewer than 5% of these households have any earned income.)

100% of the following applying and recertifying households would be required to have an interview prior to either an initial SNAP eligibility certification or a recertification of SNAP eligibility:

- **All households applying or recertifying jointly for both public assistance and SNAP.** Statewide, this is 20% of all SNAP households. It is 26% of all SNAP households in New York City and 12% of all SNAP households in Rest of State.
- **All SNAP-only households submitting initial or recertification applications where all verification required and necessary for a determination of eligibility and calculation of a benefit amount have not been provided along with the application.** As noted above, in New York City 49.6% of initial and recertification applications fell into this category in May 2020.
- **All SNAP-only households reporting \$0 income on an application.** Currently, 17.3% of all SNAP-only households in New York State are reporting that they have no income.

9. Justification for Request:

At the start of the COVID-19 public health emergency, FNS granted the state waivers to extend certification periods for cases due to recertify in the months of March through June 2020, and for August 2020. For New York City only, a waiver to extend certification period also was granted for July 2020. Of New York State districts, only New York City extended certification periods for July and August. These waivers were granted in recognition of New York State's local districts diminished capacity to process applications and recertifications, including the ability to conduct interviews, as well as in recognition of the diminished opportunity for applicant and recipient households to be able to submit initial and recertification applications and be interviewed. The certification period extension waiver was essential to ensuring no families lost access to benefits during this crisis. An unfortunate side effect of this waiver, when combined with the massive upsurge in applications and application approvals generated by the pandemic, was a greatly increased number of recertifications now concentrated in the months of September through December 2020 in Rest of State districts and from September 2020 through March 2021 in New York City.

The proposed certification period and interview adjustment procedures will provide the state and the districts the flexibilities necessary to process this work in a timely and accurate manner. The certification period modifications are necessary to avoid this concentration of recertification volumes from happening annually, and will avoid the need to do and then undo difficult and costly system modifications to business rules and edits that drive the automatic assignment of certification periods. Due to the complexity of these changes, the state would not be able to incorporate them as part of the solution to address the increased work for October – December 2020.

It is also important to note that, during the months of the pandemic to date, in order to remotely manage and process the volume of applications and recertifications that they have received and avoid backlogs and delays, the New York City Human Resources Administration (HRA) has had to adopt an "all hands on deck" approach. Pre-pandemic, there were 725 HRA workers who processed SNAP-only applications and recertifications. Almost all worked at two Telephone Interview Processing Services (TIPS) Centers conducting on-demand interviews. With the onset of the pandemic, those high density, technology intensive work centers had to be shut down, and with them, the on-demand recertification process. HRA re-deployed 779 additional

workers from various areas of the agency to process applications and recertifications. In September, as the period of greatly increased recertification volumes commences, HRA will be completing the technological work necessary to remotely support the resumption of the on-demand interview process for applications and recertifications. Over the coming months, the 779 workers who had been re-assigned to support the processing of SNAP applications and recertifications will be returning to their regular job functions. This represents a more than 50% reduction in staff available for SNAP-only application and recertification processing during a period of record high recertifications and the implementation of the remotely supported on-demand process.

For the fifty-seven Rest of State districts, the year ahead presents fifty-seven unique challenges. In the wake of the lapsing of the Pandemic Unemployment Insurance Benefits, we know that, last week, some saw the highest SNAP application volumes of any day since the pandemic began. Other counties have reported that, due to the impact of greatly diminished tax revenue on their local budgets, that they have or expect to lose staff. In one of the largest Rest of State districts, a retirement incentive was accepted by virtually every senior manager and the longest-tenured workers in the social services department, including the entire senior management team that supervised the administration of SNAP and public assistance.

See New York State’s Transition and Adjustment Plan included in the adjustment request package for further details.

10. Anticipated impact on households and State Agency Operations:

The requested interview adjustments

11. Caseload Information:

Scheduled Recertifications and periodic reports as of August 10, 2020. Through the first two quarters of federal fiscal year 2020, the monthly statewide average of recertifications was 87,000 per month, with a monthly average of 50,000 in New York City and 37,000 in Rest of State Districts. See New York State’s Transition and Adjustment Plan included in the adjustment request package for further details.

CED	NYC PA-SNAP	NYC SNAP-only	NYC Total	ROS PA-SNAP	ROS SNAP-only	ROS FS-MIX	ROS Total	Statewide Total
09/30/20	22,453	34,483	56,936	5,513	45,410	1,877	52,800	109,736
10/31/20	22,356	38,522	60,878	5,698	50,931	1,985	58,614	119,492
11/30/20	23,360	40,473	63,833	5,750	50,226	2,108	58,084	121,917

12/31/20	22,885	45,616	68,501	6,412	55,398	2,226	64,036	132,537
01/31/21	15,268	36,385	66,921	5,134	29,553	1,416	36,103	103,024
02/28/21	11,671	50,344	73,686	2,777	27,475	1,037	31,289	104,975
03/31/21	11,122	56,312	78,556	1,191	24,780	576	26,547	105,103
04/30/21	5,972	33,604	45,548	815	17,856	372	19,043	64,591
05/31/21	2,764	24,135	29,663	706	15,755	243	16,704	46,367
06/30/21	2,616	21,531	26,763	535	15,032	269	15,836	42,599
07/31/21	2,214	16,463	20,891	622	17,098	528	18,248	39,139
08/31/21	11,109	27,864	50,082	193	12,650	216	13,059	63,141

12. Time Period for Waiver:

Septemberr 2020 – December 2020 in Rest of State districts. September through March 2021 in New York City.

13. Quality Control Review procedures:

The state intends to analyze the impact of any adjustments granted on the State's active Quality Control error rate for federal fiscal year 2021.

14. Date of State Agency's request: August 14, 2020

15. Anticipated implementation date: Immediately upon approval.

16. State Agency contact (name/email/telephone):

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17. FNS regional contact (name/email/telephone):

Name: Robin Magee
Email: robin.magee@fns.usda.gov
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18. Signature and Title of Requesting Official:

/s/TJH/08-14-2020

Thomas J. Hedderman

Director of Food and Nutrition Policy
Date: August 14, 2020

**New York State
Office of Temporary and Disability Assistance (OTDA)
Supplemental Nutrition Assistance Program (SNAP)
COVID-19 Adjustment and Transition Plan**

Interview Adjustments

The interview adjustments that the United States Department of Agriculture, Food and Nutrition Service (FNS) made available to the states during the early months of the pandemic, along with certification period extensions, have been critical in facilitating New York State's timely processing of SNAP applications and recertifications as we adapted and re-engineered our technical infrastructure and processes to accommodate remote work, partial staffing, shift work and the myriad other adaptations necessary to get essential work done while protecting the workers who do it. Obviously, the pandemic is not over, and, while the adaptations necessary to support program operations at a level of functionality comparable to the pre-COVID-19 period should be completed by September, we are entering a period of unprecedented SNAP recertification volumes due to the certification period extensions given during the months of March through June in Rest of State districts and March through August in New York City. As noted in the template summary that we have provided, we consider the continuation of the interview adjustment waivers to be necessary and critical to our ability to complete the timely processing of the much higher than normal recertification volumes that New York State districts will be facing during the next six months.

During the preceding months for which the interview adjustments were in force without any percentage restriction on the use of the adjustments, New York State districts still were interviewing approximately 50% of all applying or recertifying SNAP households, including households where all adults are age 60 or older or disabled. Using the incidence of applying and recertifying cases that required processing "deferrals" for further verification as a proxy for those requiring interviews, we have determined that, during May, the most recent month for which complete systems data was available, that at least 49.6% of all applying and recertifying households in New York City, including those where all adults are age 60 or older or disabled, required an interview in order to complete the eligibility determination and/or benefit calculation. Although complete systemic data is not available for Rest of State districts.

Based on the pre-pandemic data for the first two quarters of FFY 2020 (see the attached FNS-366B reports, Attachments 1 and 2) the average monthly statewide total of recertifications was 87,000 per month, with total Rest of State recertifications averaging around 37,000 per month and total New York City recertifications averaging around 50,000 per month. "Table A" below (drawn from Attachment 3) shows the

month-by-month totals of SNAP cases with expiring certification periods for the coming period of September 2020 through March 2021. “CED” stands for Certification End Date. “ROS” stands for Rest of State, and “NYC” – of course – stands for New York City. “FS-MIX” stands for SNAP cases where not all members of the household receive Public Assistance. These households are in the “SNAP-only” category for NYC.

**Table A: Anticipated Monthly SNAP Recertifications
September 2020 – March 2021**

CED	NYC PA-SNAP	NYC SNAP-only	NYC Total	ROS PA-SNAP	ROS SNAP-only	ROS FS-MIX	ROS Total	Statewide Total
09/30/20	22,453	34,483	56,936	5,513	45,410	1,877	52,800	109,736
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01/31/21	15,268	36,385	66,921	5,134	29,553	1,416	36,103	103,024
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03/31/21	11,122	56,312	78,556	1,191	24,780	576	26,547	105,103
04/30/21	5,972	33,604	45,548	815	17,856	372	19,043	64,591
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For the period of September 2020 through March 2021 in New York City and for the period of September through December 2020 in Rest of State Districts, OTDA is requesting permission to continue to use the interview adjustment waivers previously granted by FNS. After these periods, normal application and recertification interviewing protocols would resume. By requiring interviews for 100% of the categories of cases listed below, we believe that we easily exceed FNS’ goal of interviewing at least 50% of applying and recertifying households where all adult members are **not** either age 60 or older or disabled. (Households where all adult members are age 60 or older, or disabled are approximately 72% of all SNAP-only households and 42% of all SNAP households. See Attachment 4. Fewer than 5% of these households have any earned income.)

100% of the following applying and recertifying households would be required to have an interview prior to either an initial SNAP eligibility certification or a recertification of SNAP eligibility:

- All households applying or recertifying jointly for both public assistance and SNAP. Statewide, this is 20% of all SNAP households. It is 26% of all SNAP households in New York City and 12% of all SNAP households in Rest of State.

- All SNAP-only households submitting initial or recertification applications where all verification required and necessary for a determination of eligibility and calculation of a benefit amount have not been provided along with the application. As noted above, in New York City 49.6% of initial and recertification applications fell into this category in May 2020.
- All SNAP-only households reporting \$0 income on an application. Currently, 17.3% of all SNAP-only households in New York State are reporting that they have no income. (See Attachment 5)

Adjustment of Certification Periods to Balance Recertification Caseload

Over the twelve-month period from September 2020 through August 2021, the average monthly recertification caseload for New York City is 53,500 cases. As shown in Table 1 above, for the months of September 2020 through March 2021 (highlighted in yellow), the monthly recertification numbers run significantly above the pre-pandemic monthly average of approximately 50,000 recerts per month and the 53,500 average for the year ahead. Out of the 469,000 cases due for recertification during the September 2020 through March 2021 period, our proposal is to extend the certification periods of roughly 94,500 cases (20% of the cases due for recertification) with **original** certification periods (in other words, cases that have not already had an extension of their certification period) expiring during these months and extend and redistribute them into the months of April through August 2021 (highlighted in blue), months which currently have expected recertification volumes below – in some instances, far below – the twelve-month average of 53,500 cases. This would help balance the recertification caseload through the difficult year ahead.

For New York City, given the huge volume of recertifications being handled and the way that assigned certification period business rules are hard coded into the eligibility system, this re-balancing cannot be accomplished manually during the recertification process. It must be done systemically in order to avoid creating annual peaks and valleys for the years ahead.

It is also important to note that, during the months of the pandemic to date, in order to remotely manage and process the volume of applications and recertifications that they have received and avoid backlogs and delays, the New York City Human Resources Administration (HRA) has had to adopt an “all hands on deck” approach. Pre-pandemic, there were 725 HRA workers who processed SNAP-only applications and recertifications. Almost all worked at two Telephone Interview Processing Services (TIPS) Centers conducting on-demand interviews. With the onset of the pandemic, those high density, technology intensive work centers had to be shut down, and with

them, the on-demand recertification process. HRA re-deployed 779 additional workers from various areas of the agency to process applications and recertifications. In September, as the period of greatly increased recertification volumes commences, HRA will be completing the technological work necessary to remotely support the resumption of the on-demand interview process for applications and recertifications. Over the coming months, the 779 workers who had been re-assigned to support the processing of SNAP applications and recertifications will be returning to their regular job functions. This represents a more than 50% reduction in staff available for SNAP-only application and recertification processing during a period of record high recertifications and the implementation of the remotely supported on-demand process.

For the fifty-seven Rest of State districts, the year ahead presents fifty-seven unique challenges. In the wake of the lapsing of the Pandemic Unemployment Insurance Benefits, we know that, last week, some saw the highest SNAP application volumes of any day since the pandemic began. (See Attachment 6, the weekly application report for the week of August 3 – 9, 2020.) Other counties have reported that, due to the impact of greatly diminished tax revenue on their local budgets, that they have or expect to lose staff. In one of the largest Rest of State districts, a retirement incentive was accepted by virtually every senior manager and the longest-tenured workers in the social services department, including the entire senior management team that supervised the administration of SNAP and public assistance.

For reasons like these, we need to be able to offer Rest of State districts a similar opportunity to extend certification periods for a portion of cases in order to balance the recertification workload for the year ahead and to prevent continuing peaks and valleys in future years. Similar to what is proposed above for New York City, we are proposing that Rest of State districts be permitted to extend the certification periods of cases with original certification periods expiring in the months of September through December 2020 and redistribute these recertifications in the months of February through August 2021. For the four months of September through December 2020, the monthly Rest of State recertification volumes (highlighted in yellow in Table 1 above) run significantly above the monthly average of 34,200 for the twelve-month period ahead.

Out of the 233,500 cases due for recertification during the September 2020 through December 2020 period, our proposal is to extend the certification periods of roughly 96,800 cases (41% of the cases due for recertification during the four month period) with **original** certification periods expiring during these months and extend and redistribute them into the months of February through August 2021 (highlighted in blue), months which currently have expected recertification volumes below – in some

instances, far below – the twelve-month average of 34,200 cases. This would help balance the recertification caseload through the difficult year ahead.

We look forward to working with the USDA-FNS Northeast Regional Office on the details of this plan for the months ahead.

Telephonic Signature

The continuation of the currently-approved telephonic signature adjustments are necessary due to the continuation of the COVID-19 Public Health Emergency, particularly to serve the increased number of quarantined or homebound potential applicant households without access to the technology required, or lacking the ability, to apply for SNAP online. New York State's SNAP outreach efforts historically and typically have been invested in very "grass roots" efforts to not only target and inform historically underserved populations – elderly and disabled people, people with low-English proficiency, but also to assist and facilitate the application process for these individuals. The ability to conduct that sort of in-person assistance has been radically curtailed during the current health emergency. Permitting the continuation of the requested adjustment is essential to serving all of the aforementioned populations in this unprecedented period.

The State agency will not be required to create an audio recording of the client attestation or link that recording to the client case file. The State agency will summarize the information to which the household assents and allow a verbal signature from the client that is documented by the State agency. The documentation will include a case note in the State agency's eligibility system or case record to demonstrate that the client has signed the application. The information the State documents in the case file will include the client's name, date and time of application, a summary of the information to which the client verbally assents, and the client's responses indicating agreement or disagreement. If a prospective applicant submits an application without a signature and the State agency is able to connect with the client over the phone, the State will also note on the application that verbal attestation of the signature was given. The State is not required to amend its State Plan of Operation to indicate it is taking the telephonic signature option or adjustment.

- The adjustment will be limited to those households who submit an application over the phone or who have submitted a paper application without a signature;
- Households will still be permitted to submit an application over the telephone with only name, address and signature to establish a filing date;

- The State agency will continue to accept paper applications with signatures and online applications with electronic signatures;
- The State agency will ensure that sufficient controls in their policy and automation are in place to implement the terms of this waiver correctly, including a sufficient number of lines to accept calls and any necessary staffing changes to accept applications through the telephone;
- The State agency will continue to comply with all other applicable interview and signature requirements;
- The State will not accept an application without a signature, in accordance with 7 CFR 273.2(c)(7)(i);
- The State agency will comply with the provision of any data required for evaluation of the caseload affected by the approval of this request.