



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

February 14, 2017

ALL COUNTY LETTER NO. 17-12

TO: ALL CALWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH WAIVER EXTENSION/MODIFICATION
APPROVAL: DENY INITIAL APPLICATIONS BEFORE
THE 30th DAY

REFERENCES: ALL COUNTY LETTER [15-93](#); ALL COUNTY
INFORMATION NOTICE [1-58-08](#) AND [1-14-06](#); WAIVER
#2010189; [7 CFR 273.2\(f\)\(5\)\(i\)](#), [7 CFR 273.2\(h\) \(2\)](#), [7 CFR](#)
[273.2 \(h\)\(1\)\(i\)](#) [7 CFR 273.2\(e\)\(3\)](#), [7 CFR 273.2\(g\)\(3\)](#), [7](#)
[CFR 273.10\(g\)\(1\)\(ii\)](#); AND MANUAL OF POLICIES AND
PROCEDURES SECTIONS [63-300](#), [63-300.46](#),
[63-300.5\(i\)](#), [63-301.32](#), [63-301.33](#), [63-301.41\(b\)](#),
[63-301.42](#), [63-301.44](#), AND [63-504.23](#)

The purpose of this letter is to transmit and provide clarifying instructions to the County Welfare Departments (CWDs) regarding waiver #2010189. The waiver allows CWDs to deny an initial application ten days after the date of request for verification when an applicant fails to provide the required information.

The California Department of Social Services (CDSS) requested flexibility from the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) to implement this waiver as a county option rather than as a statewide requirement. Based on the survey of counties provided by CDSS, this waiver is approved for implementation only in the following 46 counties: Alameda, Alpine,

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

Amador, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Los Angeles, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

The FNS has approved this waiver extension and modification in the above counties for a period of twelve (12) months, effective May 1 2016 through April 30, 2017, and contingent upon the county's compliance with the conditions listed under item 10 of the enclosed waiver approval. Those items are:

- The CWDs may not deny an application for failure to provide requested verification within 10 days unless an interview was completed.
- The CWDs **must** inform households of the 10-day standard in writing and verbally notify households at the interview the date the household must provide any missing verification.
- The CWD must assist households in obtaining verification in accordance with 7 CFR 273.2 (f)(5)(i).
- Households that fail to provide required verification within the 10-day period may be denied, provided that the CWD interviewed the household. If the verification is provided within 60 days of the application date the CWD must act on the verification without requiring a new application per regulation 7 CFR 273.2(h)(2)(A) and MPP 63-301.44.
- If the household provides missing verification within the initial 30-day period, the CWD **must** reopen the application and if eligible, provide benefits from the date of application.
- If the household provides the missing verification within the 60 days after filing an application, the CWD **must** reopen the application and provide benefits from the date the household furnished the missing verification.
- In addition to the requirements of 7 CFR 273.10 (g)(1)(ii) and MPP Section 63-504.23, the Notice of Denial sent to impact households **must** contain clear language notifying the client:
 - The reason for the denial, per 7 CFR 273.10(g)(1)(ii), and
 - Their right to submit verification within 30 days of the date of application and, if eligible, receive benefits from the date of application.

Data requirements are listed under item 11 of the enclosed waiver approval for consideration of an extension of the waiver. A survey will follow to collect the following:

- Complaints filed related to this waiver because of a denial or rescind action if a client supplied the necessary information within either 30 or 60 days.

- Fair hearing requests related to this waiver of a denial or rescind action if a client supplied the necessary information within either 30 or 60 days.

The CDSS will be reaching out to the CWDs in the near future to conduct a survey that is required to request an extension for this waiver for 2017-18.

This All County Letter (ACL) and other CDSS Letters and Notices are available on the internet at: <http://www.dss.cahwnet.gov/lettersnotices/default.htm>.

If you have any question regarding this ACL, please contact the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment: Federal Waiver



United States Department of Agriculture

Food and
Nutrition
Service

DEC 16 2016

Park Office
Center

3101 Park
Center Drive
Alexandria VA
22302

Kim McCoy Wade
Chief
CalFresh Branch
California Department of Social Services
744 P Street
Sacramento, California 95814

RE: SNAP – California Waiver Request to Deny Initial Applications Before the 30th Day –
Modification – Approval

Dear Ms. McCoy Wade:

This letter transmits the Food and Nutrition Service's (FNS) approval of the California Department of Social Services' (DSS) request to modify its current waiver of Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(h)(2)(i). Under this waiver (2010189), the State agency can continue to deny an application 10 days after the date of a request for verification when an applicant fails to provide the required information.

California was approved to implement this waiver as a county option rather than as a Statewide requirement on October 3, 2016. At that time, FNS approved use of this waiver in 24 counties. This modification approval includes an additional 22 counties, for a total of 46 counties. Based on an updated survey of counties provided by the State, this waiver approval now applies to the following counties: Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Los Angeles, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo and Yuba Counties. Prior to authorizing any additional counties to implement this waiver, DSS must first request approval from FNS.

FNS is approving this waiver modification for the duration of this waiver's approval period through April 30, 2017, contingent upon the State agency's compliance with the conditions and data reporting components in FNS' prior approval, dated October 3, 2016.

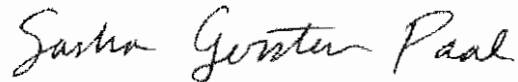
If the State agency wishes to extend this waiver, a request must be submitted to the Regional Office 60 days prior to expiration. At that time the State agency must include an updated list of counties that intend to implement the waiver to FNS for approval.

Ms. Kim McCoy Wade

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If you have questions or need additional information regarding this waiver, please contact your respective Regional Office representative, Jackie Bourne, at (415) 293-3717 or Jackie.Bourne@fns.usda.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sasha Gersten-Paal".

Sasha Gersten-Paal

Chief

Certification Policy Branch

Program Development Division

Enclosure

Enclosure 1

**DENY INITIAL APPLICATIONS BEFORE THE 30TH DAY
WAIVER RESPONSE**

1. **Waiver serial number:** 2010189
 2. **Type of request:** Extension
 3. **Regulatory citation:** 7 CFR 273.2(h)(2)(i)
 4. **State:** California
 5. **Region:** Western
 6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(h)(2)(i) require that if a State agency cannot take action on the application due to the fault of the household, the household shall lose its entitlement to benefits in the month of application. If verification is lacking, the State agency holds the application pending for 30 days.
 7. **Description of alternative procedures:** The State agency will inform households of the 10-day standard in writing and notify households at the interview of the date by which the household must provide any missing verification.
 - The State agency will not deny an application for failure to provide any missing verification within 10 days unless an interview was completed.
 - The State agency will assist households in obtaining verifications in accordance with 7 CFR 273.2(f)(5)(i).
 - Households that fail to provide required verification after the 10-day period may be denied. If the verification is provided within 60 days of the application date, the State agency will act on the verification without requiring a new application per SNAP regulation 7 CFR 273.2(h)(2)(A).
 - If the household provides missing verification within the initial 30-day period, the State agency will reopen the application and if eligible, provide benefits from the date of application. If the household does not provide the missing verification until the second 30 days after filing an application, the State agency will reopen the application and provide benefits from the date the household furnished the missing verification.
- The State will continue to comply with the following regulatory requirements:
- 7 CFR 273.2(e)(3) requires the State agency schedule an interview for all applicant households who are not interviewed on the day they submit their application. The State may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview.

- 7 CFR 273.2(g)(3) requires that the State agency send the household a Notice of Denial on the 30th day following the date of application if the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application.
- 7 CFR 273.2(h)(1)(i)(C) requires that the household be given sufficient time to provide missing verification. Sufficient time is at least 10 days from the date of the State agency's initial request for that particular missing verification.

State specific proposed alternative procedures: None

- 8. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) recognizes the need for State agency measures for effective and efficient program management. FNS approves this extension request for a period of 12 months, effective May 1, 2016, through April 30, 2017.
- 9. Regulatory or legislative basis for action:** Approval is based on 7 CFR 273.3(c)(1)(ii), which allows FNS to approve waivers that would result in a more effective and efficient administration of the program.
- 10. Conditions of approval:** Approval is contingent upon the following conditions:
 - The State may not deny an application for failure to provide requested verification within 10 days unless an interview was completed.
 - The State must inform households of the 10-day standard in writing and notify households at the interview of the date by which the household must provide any missing verification.
 - The State must assist households in obtaining verification in accordance with 7 CFR 273.2(f)(5)(i).
 - Households that fail to provide required verification within the 10-day period may be denied, provided that the State interviewed the household. If the verification is provided within 60 days of the application date, the State must act on the verification without requiring a new application per SNAP regulation 7 CFR 273.2(h)(2)(A).
 - If the household provides missing verification within the initial 30-day period, the State must reopen the application and if eligible, provide benefits from the date of application. If the household provides the missing verification within the 60 days after filing an application, the State must reopen the application and provide benefits from the date the household furnished the missing verification.
 - In addition to the requirements of 7 CFR 273.10(g)(1)(ii), the Notice of Denial sent to impacted households must contain clear language notifying the client:
 - Why the application was denied, per 7 CFR 273.10(g)(1)(ii), and
 - The application will be reopened if the required verification is received within 30 days of the date of application and benefits will be provided from the date of application.

11. Information required for extension: FNS will consider an extension of this waiver if the data analysis provided does not indicate any negative effects on program access or integrity among the affected households. The data required for extension shall include:

- Any complaints and fair hearing requests related to this waiver which can be related to the denial action or rescind action if the customer supplied the necessary information within either 30 or 60 days.
- Any significant changes in the number of rescind actions on initial applications during the waiver extension period.

A waiver extension request must be submitted to the Regional Office 60 days prior to the expiration date, which must also include an updated survey of counties that will implement this waiver.

12. Expiration date: April 30, 2017

13. Limitation, if any, on approval: This approval is limited to the following counties within the California Department of Social Services: Alameda, Contra Costa, El Dorado, Fresno, Glenn, Kings, Marin, Mendocino, Merced, Monterey, Napa, Riverside, Sacramento, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo, and Yuba.

14. Quality control procedures: No special QC procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

15. Date of State agency's request: April 20, 2016

16. Date of regional office's transmittal of request to national office: May 16, 2016

17. Date of FNS National Office action: OCT 03 2016

18. Anticipated implementation date (notify FNS if actual date differs): May 1, 2016

19. State agency contact (name/email/telephone):

Kim McCoy Wade
kim.mccoy-wade@dss.ca.gov
(916) 651-9915

20. FNS Regional Office contact (name/email/telephone):

Jackie Bourne
Jackie.Bourne@fns.usda.gov
(415) 293-3717