

June 18, 2018

ALL COUNTY LETTER (ACL) NO. 18-64

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: [ACL 17-55](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-58-08](#)
AND [ACIN I-14-06](#); WAIVER #2010189; [7 CODE OF FEDERAL](#)
[REGULATIONS 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\(g\)\(1\)\(ii\)](#); [MANUAL OF POLICIES AND PROCEDURES](#)
[\(MPP\) 63-300](#), [MPP 63-300.46](#), [MPP 63-300.5\(i\)](#), [MPP 63-301.32](#),
[MPP 63-301.33](#), [MPP 63-301.41\(b\)](#), [MPP 63-301.42](#), [MPP 63-](#)
[301.44](#), AND [MPP 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, Food and Nutrition Service (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 in the following 40 counties:

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

The FNS has approved this waiver extension and modification in the above counties for a period of twelve (12) months, effective May 1, 2018 through April 30, 2019, and contingent upon the county's compliance with the conditions listed under item ten of the enclosed waiver approval. Those items are:

- The CWD may not deny an application for failure to provide requested verification within ten days unless an interview was completed.
- The CWD must inform households of the ten-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 Code of Federal Regulations (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 Manual of Policies and Procedures (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 original 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 impacted households must contain clear language notifying the client of:
 - o The reason for the denial, per 7 CFR 273.10(g)(1)(ii), and
 - o Their right to submit verification within 30 days of the date of application and, if eligible, receive benefits from the date of application.

Waiver data requirements are listed under item 11 of the enclosed waiver approval. Data is required in order for the State to be considered for an extension. A survey will follow to collect the following data:

- 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 contact CWDs to conduct an implementation survey before requesting an extension of this waiver for 2019-20.

If you have any question regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Family Engagement and Empowerment Division

Attachment: Federal Waiver



APR 26 2018

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Kim McCoy Wade
Chief
CalFresh and Nutrition 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 – Extension and Modification – Approval

Dear Ms. McCoy Wade:

This letter transmits the approval of the California Department of Social Services' request to continue to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(h)(2)(i). Under this waiver (2010189), California can deny an application 10 days after the date of request for verification when an applicant fails to provide the required information.

As stated in a previous approval letter, the Food and Nutrition Service (FNS) does not believe that the State agency's request to waive additional regulatory requirements is necessary to administer this waiver in accordance with the alternative procedures provided by the State agency, so this approval only waives SNAP regulations at 7 CFR 273.2(h)(2)(i).

The waiver is applicable in the counties listed under item 7 of Enclosure 1. If California wishes to add additional counties, the State must inform FNS prior to implementation. Please note that the previous approval included 46 counties, however, FNS is only granting an extension for the 40 counties included in the State's most recent waiver request.

FNS is approving this waiver for a period of 1 year, effective May 1, 2018, through April 30, 2019. The approval is contingent upon the State agency's compliance with the waiver conditions and data reporting components in items 10 and 11 of Enclosure 1. The detailed waiver response is enclosed. If the State agency would like to extend the approval, a request must be submitted to the Regional Office 60 days prior to the expiration date.

Ms. McCoy Wade

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

Sincerely,

A handwritten signature in black ink that reads "Sasha Gersten-Paal". The signature is written in a cursive, flowing style.

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) regulatory requirements 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 deny an application 10 days after the date of request for verification when an applicant fails to provide the required verification, provided that the State interviewed the household.
 - 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)(i)(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 alternative procedures, if applicable: This waiver applies only to the following counties: Alameda, Amador, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Los Angeles, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Riverside, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba.

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 is approving the State agency's request for 1 year, effective May 1, 2018.
9. **Regulatory or legislative basis for action:** Approval is based on 7 CFR 272.3(c)(1)(ii), which allows FNS to approve waivers that would result in a more effective and efficient administration of the program.
10. **Conditions and reasons:** 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.

Waiver extension request must be submitted to the Regional Office 60 days prior to the expiration date.

12. Expiration date: April 30, 2019

13. Limitation, if any, on approval: Approval of this waiver is limited to the California Department of Social Services. The waiver is limited to the counties listed under item 7 of Enclosure 1. If the state wishes to add additional counties, the State must inform FNS prior to implementation.

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

15. Date of State agency's request: April 3, 2018

16. Date of Regional Office's transmittal of request to National Office:
April 4, 2018

17. Date of National Office action: **APR 26 2018**

18. Anticipated implementation date (*notify FNS if actual date differs*):
May 1, 2018

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

Name: Alexis Fernandez
Email: Alexis.Fernandez@dss.ca.gov
Phone: (916) 653-6162

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

Name: Jackie Bourne
Email: Jacqueline.Bourne@fns.usda.gov
Phone: (415) 293-3717