

June 22, 2018

ALL COUNTY LETTER (ACL) NO. 18-74

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

SUBJECT: CALFRESH WAIVER APPROVAL TO COMBINE REMINDER
NOTICE AND NOTICE OF ADVERSE ACTION AT THE PERIODIC
REPORT

REFERENCES: [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\)](#)
[§273.12\(a\)\(5\)\(iii\)\(E\)](#); [ACL NO. 18-18](#)

The purpose of this ACL is to transmit and provide guidance to County Welfare Departments (CWDs) regarding waiver #2180012, which waives Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR §273.12(a)(5)(iii)(E). The waiver, a copy of which is attached to this letter, allows CWDs to combine the required reminder notice sent to households that fail to file a complete periodic report, or Eligibility Status Report (SAR 7) form, by the specified filing date with a notice of adverse action as described at 7 CFR §273.12(a)(5)(iii)(D).

Background

All County Letter No. 18-18, dated February 16, 2018, provides guidance to CWDs regarding SNAP regulations at 7 CFR §273.12(a)(5)(iii)(E) that require CWDs to send a reminder notice to households that fail to file a complete SAR 7 form by the specified filing date. Under these regulations, the reminder notice cannot be combined with the required notice of adverse action.

As a result of implementation challenges identified by CWDs and the consortia, the California Department of Social Services (CDSS) submitted a waiver request to the

United States Department of Agriculture, Food and Nutrition Service (FNS) to temporarily waive SNAP regulations at 7 CFR §273.12(a)(5)(iii)(E) in order to identify solutions to programming the new SAR 7 Reminder Notice.

Waiver Guidance

The FNS has approved this waiver for a period of two years, effective May 1, 2018, through April 30, 2020. The waiver allows California to maintain current practice and to delay implementation of the new reminder notice until the waiver expires.

Current practice for sending the notice of adverse action (the NA 960X SAR-Stop Aid; Report Not Received and the NA 960Y SAR-Stop Aid; Report Incomplete) will remain the same under this waiver. The CWDs will continue to send the NA 960X SAR to households that have not submitted a SAR 7 form by the specified filing date, and will also continue to send the NA 960Y SAR to households that have submitted an incomplete SAR 7 form. Both the NA 960X SAR and the NA 960Y SAR act as a combined reminder notice and adequate notice of adverse action.

Waiver approval is contingent upon compliance with the waiver conditions and evaluation data requirements listed under item ten of the attached waiver approval.

Waiver Conditions

- The CWD will send the combined reminder notice and adequate notice of adverse action no later than 10 days from the date the report should have been submitted;
- If an eligible household files a complete SAR 7 form during the 10-day period following the date the combined notice is mailed, the CWD shall provide it with an opportunity to participate no later than 10 days after its normal issuance date; and
- The CDSS will provide the data required for evaluation of this waiver, as outlined below.

Evaluation Data Requirements

The FNS requires that the State submit an interim report showing data from the first year of operation under this waiver, due no later than 45 days after the first year of approval.

The Statewide Automated Welfare System (SAWS) will provide CDSS the necessary data through the existing SAWS Internal Request for Research and Analysis (SIRFRA) process.

The report shall include the following information captured at the periodic report:

- The number and percentage of households that failed to submit a complete SAR 7 form timely and received a combined notice;
- The number and percentage of households that did not submit a complete SAR 7 timely but submitted one during the 10-day period following the date the combined notice was mailed;
- The number and percentage of households terminated for failure to submit a complete SAR 7 form that reapply for benefits the following month;
- Any cost savings associated with the administration of this waiver; and
- Any issues associated with this waiver, including the number of client complaints (verbal or written) about any confusion related to the combined notice.

This ACL and other CDSS Letters and Notices are available on the [CDSS webpage](#).

Questions regarding this ACL can be directed to the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Family Engagement and Empowerment Division

Attachment



United States Department of Agriculture

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

APR 30 2018

Ms. 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 Combine Reminder Notice and Adequate Notice – Initial – Approval

Dear Ms. McCoy Wade:

The Food and Nutrition Service (FNS) approves California Department of Social Services' request to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 273.12(a)(5)(iii)(E). Under this waiver (2180012), California may combine the reminder notice sent to households subject to Simplified Reporting that fail to complete a timely periodic report with an adequate notice as described at 273.12(a)(5)(iii)(D).

FNS is approving this waiver for a period of 2 years, effective May 1, 2018, through April 30, 2020. 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. If the State wishes to extend this waiver, a request must be submitted to the Regional Office 60 days prior to expiration.

The detailed waiver response is enclosed. If you have any questions or need any additional information regarding this waiver, please contact Jackie Bourne at (415) 293-3717 or Jackie.Bourne@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Enclosure

**COMBINE REMINDER NOTICE AND ADEQUATE NOTICE
WAIVER RESPONSE**

- 1. Waiver serial number:** 2180012
- 2. Type of request:** Initial
- 3. Regulatory citation:** 7 CFR 273.12(a)(5)(iii)(E)
- 4. State:** California
- 5. Region:** Western
- 6. Regulatory requirements:** Regulations at 7 CFR 273.12(a)(5)(iii)(E) require State agencies to provide households with a reminder notice if a household subject to Simplified Reporting fails to file a complete periodic report by the specified filing date. The reminder notice advises households that a complete report should be filed within 10 days from the date that the State agency mails to notice or the household's participation shall be terminated and the State agency must send an adequate notice of termination. If an eligible household files a complete periodic report during this 10-day period, the State agency shall provide it with an opportunity to participate no later than ten days after its normal issuance date.
- 7. Description of alternative procedures:** If a household fails to file a complete report by the specified filing date, the State agency will send a notice to the household advising it of the missing or incomplete report. This State agency will combine the notice of missing or incomplete report with the adequate notice of termination described at 7 CFR 273.12(a)(5)(iii)(D).

State-specific alternative procedures, if applicable: 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 is approving California's request for 2 years, 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: FNS is approving this waiver subject to the following conditions:

- The State agency will send the combined reminder notice and adequate notice no later than 10 days from the date the report should have been submitted;
- If an eligible household files a complete periodic report during the 10-day period following the date the combined notice is mailed, the State agency shall provide it with an opportunity to participate no later than 10 days after its normal issuance date; and
- The State agency has the capacity to provide the FNS the data required for evaluation of this waiver.

Evaluation Data Requirements

The State agency must provide the following data and analysis required for evaluation of this waiver:

- A copy of the combined notice; and
- An interim report showing data from the first year of operation under this waiver, due no later than 45 days after the first year of this approval.

The report must include:

- The number and percentage of households that failed to submit a complete report timely and received a combined notice;
- The number and percentage of households that did not submit a complete periodic report timely but submitted one during the 10-day period following the date the combined notice was mailed;
- The number and percentage of households terminated for a failure to submit a complete periodic report that reapply for benefits the following month;
- Any cost savings associated with the administration of this waiver; and
- Any issues associated with this waiver, including the number of client complaints (verbal or written) about any confusion related to the combined notice.

11. Information required for extension: If the State wishes to extend the waiver beyond the 2-year approval period, the State agency must provide FNS with a final report including the information listed under item 10 updated to include the first 18 months of operation.

12. Expiration date: April 30, 2020

- 13. Limitation, if any, on approval:** Approval of this waiver is limited to the California Department of Social Services.
- 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 10, 2018
- 16. Date of Regional Office's transmittal of request to National Office:**
April 10, 2018
- 17. Date of National Office action:** **APR 30 2018**
- 18. Anticipated implementation date (*notify FNS if actual date differs*):**
March 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: Jackie.Bourne@fns.usda.gov
Phone: (415) 293-3717