

June 22, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-51

The purpose of this letter is to transmit and provide guidance to County Welfare Departments (CWDs) regarding the extension of the Reinstatement Waiver. The waiver allows CWDs to reinstate eligibility for CalFresh households that have recently become ineligible due to failure to provide a missing report (e.g., SAR 7), required verification, and/or other required information, as long as the household has taken the required action within 30 days of the effective date of ineligibility.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

June 22, 2022

ALL COUNTY LETTER NO. 22-51

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 EXTENSION: REINSTATEMENT OF
BENEFITS WITHIN 30 DAYS OF INELIGIBILITY

REFERENCE: UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD
AND NUTRITION SERVICE (FNS) WAIVER 2090046; [7 CODE OF
FEDERAL REGULATIONS \(7 CFR\) 272.3\(c\)\(1\)\(ii\)](#), [7 CFR 273.2\(c\)](#),
AND [7 CFR 273.2\(e\)\(1\)](#); [All County Letter \(ACL\) 10-32](#); [ACL 18-96](#)
AND [ACL 20-80](#)

The purpose of this letter is to transmit and provide guidance to County Welfare Departments (CWDs) regarding the extension of the Reinstatement Waiver. The waiver allows CWDs to reinstate eligibility for CalFresh households that have recently become ineligible for CalFresh due to failure to provide a missing report (e.g., SAR 7), required verification, and/or other required information, as long as the household has taken the required action within 30 days of the effective date of ineligibility. The California Department of Social Services (CDSS) has been authorized by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) to continue implementing the Reinstatement Waiver for a period of five years, effective July 1, 2022 through June 30, 2027.

Waiver Extension Guidance

Per regulations at [Title 7 Code of Federal Regulations \(CFR\) 273.2\(c\)](#) and [7 CFR 273.2\(e\)\(1\)](#), a household not currently participating in CalFresh must file a new application to apply for benefits. This requirement applies to households not currently receiving benefits, including those that have recently lost their eligibility. Under the

waiver, a recently discontinued household that provides a missing report (e.g., SAR 7), required verification, and/or other required information to re-establish eligibility may be reinstated during the certification period when there is at least one month remaining in the certification period after the effective date of ineligibility.

If within 30 days following the effective date of discontinuance, the household provides the missing report, required verification, and/or other required information, the CWD will reinstate the household for the remaining months of the certification period provided that the household still meets all other eligibility requirements and the current certification period has not yet expired. The household's benefits will be prorated beginning on the date that the household took the required action to re-establish eligibility. The CWD must fully resolve the reason for the case closure prior to re-establishing eligibility.

The FNS has approved this waiver extension for a period of five years, effective July 1, 2022 through June 30, 2027. Approval of this waiver is based on the following conditions being met before the case is reinstated:

- The household's case must be in closed status;
- The household's eligibility can only be reinstated without a new application or interview, if the missing report, information, or verification is received by the local office within 30 days of the date the household became ineligible for program benefits;
- The household has at least one month remaining in the certification period after the effective date of ineligibility;
- The household must fully resolve the reason for the case closure and re-establish eligibility which may include reporting and verifying any changes in household circumstances;
- The household must be eligible for benefits during the reinstatement month and the remaining months of the certification period;
- Benefits for the initial month of reinstated eligibility must be prorated from the date the household took the required action to re-establish eligibility;
- For households other than those that submit a new application, the CWD must retain the established certification period; and
- The CWD must have the technological and administrative capacity to manage this waiver according to its terms and conditions.

This waiver does not make changes to the required information and verification needed to maintain CalFresh eligibility. CWDs must continue to review and validate information and verification submitted by the household and must take all appropriate actions based on the information provided.

The CWDs are reminded of the requirement to thoroughly document the reason(s) for discontinuance and reinstatement in the case file.

Noticing Reminder

The rules and regulations for providing notices of action (NOAs) remain applicable under this waiver. The CWDs are required to send NOAs regarding approval or denial to households that meet the required conditions for the restoration of aid. If a household has eligibility restored or does not meet restoration requirements under this waiver, adequate noticing is sufficient. The *CalFresh Notice of Restoration Approval* ([CF 388](#)) must be sent to households approved for restoration. Additionally, the *Notice of Denial of Restoration* ([CF 389](#)) must be sent to households denied restoration.

Quality Control

No special Quality Control 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.

Reporting Requirements

To receive an extension, the CDSS must provide data on the number of households affected by this waiver and any issues or complaints associated with the waiver. FNS is also requiring the Quality Control error rate for households reinstated under this waiver when the error occurs in the month of reinstatement. In addition, waiver extension requests must be submitted to FNS 60 days prior to the waiver expiration date.

If you have any questions regarding this ACL, please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

JENNIFER HERNANDEZ, Deputy Director
Family Engagement and Empowerment Division

Attachment



United States Department of Agriculture

Food and
Nutrition
Service

May 16, 2022

1320 Braddock Place
Alexandria, VA
22314

Kim Johnson
Director
California Department of Social Services
CalFresh and Nutrition Branch
744 P Street
Sacramento, California 95814

RE: SNAP – California Waiver Request for Reinstatement – Extension –
Approval

Dear Director Johnson:

This letter transmits the approval of the California Department of Social Services (CDSS) request to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(c) and 7 CFR 273.2(e)(1). Under this waiver, California can reinstate the eligibility of households that have recently become ineligible for SNAP benefits due to the household's failure to provide required information or verification. Eligibility can be reinstated without requiring the household to file a new application if the household takes the required action needed within 30 days of the effective date of ineligibility and the household's certification period has not expired.

Food and Nutrition Service (FNS) is approving this waiver for a period of 5 years, effective July 1, 2022, through June 30, 2027, consistent with other waiver approvals of this type. The approval is contingent upon the State agency's compliance with the waiver conditions and data reporting components in items 9 and 10 of Enclosure 1. The detailed waiver response is enclosed. If the State would like to extend this waiver, a request must be submitted to the Regional Office 60 days prior to the expiration date (May 1, 2027).

If you have questions or need additional information regarding this waiver, please contact your respective Regional Office representative, Barbara Smith, at Barbara.Smith2@usda.gov or (415) 705-2229.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "Jacqueline O'Connor".
1571FEB51B1B482
Jacqueline O'Connor
Acting Chief
Certification Policy Branch
Program Development Division

Enclosure

Enclosure

REINSTATEMENT WAIVER RESPONSE

- 1. Type of request:** Extension
- 2. Regulatory citation:** 7 CFR 273.2(c) and 273.2(e)(1)
- 3. State:** California
- 4. Region:** Western
- 5. Regulatory requirements:** Supplemental Nutrition Assistance Program regulations at 7 CFR 273.2(c) require that a household not currently participating in the program must file a new application to apply for benefits. This requirement applies to households not currently receiving benefits, including those that have recently lost their eligibility.

Regulations at 7 CFR 273.2(e)(1) require that all applicant households, subject to certain exceptions, must have a face-to-face interview at initial certification and at least once every 12 months thereafter.

- 6. Description of alternative procedures:** This waiver allows the State agency to reinstate the eligibility of households that have recently become ineligible without requiring the household to submit a new application for benefits. Under the waiver, a household must provide the information and/or verification required to reestablish eligibility within 30 days of the effective date of ineligibility. The eligibility worker may reinstate the household for the remaining months of the certification period; the overall length of the certification period remains unaffected. Benefits will be prorated for the remainder of the certification period beginning on the date the household takes the required action to reestablish eligibility. The eligibility worker must fully resolve the reason for the case closure prior to reestablishing eligibility. This waiver applies only to households that report and verify a change in circumstances within 30 days of the effective date of ineligibility. Benefits will be reinstated for the remaining months of the certification period and the length of the certification period will be unchanged.

State specific proposed alternative procedures: None

- 7. 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's request for 5 years, effective July 1, 2022.

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8. 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.

9. Conditions and reasons: Approval of this waiver is based on the following conditions being met before the case is reinstated:

- The household's case must be in closed status;
- The household's eligibility can only be reinstated without a new application or interview if the missing report, information, or verification is received by the local office within 30 days of the date the household became ineligible for program benefits;
- The household has at least one month remaining in the certification period after the effective date of ineligibility;
- The household must fully resolve the reason for the case closure and reestablish eligibility which may include reporting and verifying any changes in household circumstances;
- The household must be eligible for benefits during the reinstatement month and the remaining months of the certification period;
- Benefits for the initial month of reinstated eligibility must be prorated from the date the household took the required action to reestablish eligibility;
- For households other than those that submit a new application, the State agency must retain the established certification period; and
- The State must have the technological and administrative capacity to manage this waiver according to its terms and conditions.

10. Information required for extension: In order to receive an extension, the State agency must provide data on the number of households affected by this waiver and any issues or complaints associated with the waiver. FNS is also requiring the Quality Control (QC) error rate for households reinstated under this waiver when the error occurs in the month of reinstatement. If the State agency has further questions about the data being required, please contact your Regional Office representative. In addition, waiver extension requests must be submitted to the Regional Office 60 days prior to the expiration date (May 1, 2027).

11. Expiration date: June 30, 2027

12. Limitation, if any, on approval: Approval of this waiver is limited to the California Department of Social Services (CDSS). The State is limited to the alternative procedures in this approval. The State must notify FNS before making any changes to these approved procedures or if the State encounters issues or delays in implementation.

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13. 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.

14. Date of State agency's request: April 20, 2022

15. State Agency contact (name/email):

Name: Kathy Yang

Email: Kat.Yang@dss.ca.gov

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

Name: Barbara Smith

Email: Barbara.Smith2@usda.gov

Phone: (415) 705-2229