



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

June 23, 2020

Dear Secretary Perdue:

On June 30, 2020, blanket waivers granted by the United States Department of Agriculture (USDA) to Pennsylvania and other states to ease certain regulatory requirements and provide flexibility to state agencies and people who participate in certain public assistance programs are set to expire. Pennsylvania has received approval to extend five of these waivers through July 31, but we are still awaiting a determination on two of our requests. I appreciate the flexibilities the USDA and Food and Nutrition Services (FNS) have granted to states, and speaking for Pennsylvania, these waivers have helped our Department of Human Services (DHS) remain nimble and able to ensure continuity of benefit administration and eligibility determinations while also prioritizing the health and safety of both DHS staff and Pennsylvanians who are served by these programs. While we have made progress in our fight against COVID-19 and are seeing a downward trend in new cases, the threat is not gone, and we cannot yet ease all measures that have helped us respond to this crisis.

I write today to urge the USDA and FNS to support states seeking to continue these flexibilities on a longer term basis, as allowed by the Families First Coronavirus Response Act, so we may continue to be responsive to the challenge that Pennsylvania and the nation still face. Even as stay at home orders are being lifted and we are beginning to reopen, we must be mindful in our efforts to mitigate risk of an increased spread of COVID-19 cases. The flexibilities granted by the USDA related to our Supplemental Nutrition Assistance Program (SNAP) and permitted by the Families First Coronavirus Response Act reduce the need for in-person interactions between DHS staff and current and potential clients. States are working tirelessly to manage COVID-19 and eliminate localized outbreaks, and as the administrators of SNAP and similar programs in our states, we are best positioned to understand what flexibilities are necessary to meet current need and keep staff and clients safe. Because the Families First Coronavirus Response Act did not specify a time limit for these flexibilities, I am respectfully requesting that Pennsylvania and other states be permitted to continue waivers for 90 days with the opportunity to request up to a 90-day extension. This would create greater predictability for states and allow for greater efficiency in operations as the certainty would eliminate the need to reapply for waivers each month. Without this longer consistency, time is spent reapplying, preparing staff and procedures for if these waivers are removed, and evaluating communications needs for clients should these waivers be removed. We are requesting approval to continue the following waivers for 90-days

Waiver of Face-to-Face Interview for Quality Control Case Reviews

- Originally expired June 30, 2020, permitted to extend to July 31, 2020.
- Waiver extension request submitted to FNS by PA DHS on Sunday, June 7, 2020, approval received June 11, 2020.

States must perform a case review on a sample of SNAP cases each month. Under normal circumstances, a face-to-face interview must be conducted with the household during the review process.



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Due to COVID-19, a waiver option was provided that allows states to perform the interview via phone to accommodate social distancing concerns.

If this waiver is eliminated, quality control staff will have to resume conducting face-to-face interviews with sampled households, resulting in higher risk of catching or spreading COVID-19. Households that refuse the interview, even if due to fear of becoming ill, are required to have their benefits closed.

Temporary Suspension of Claims Collections

- Originally expired June 30, 2020, permitted to extend to July 31, 2020.
- Will be submitted by PA's Office of Inspector General (OSIG), approval to extend received June 11, 2020.

Allows OSIG to stop recoupment of overpaid SNAP benefits, which subsequently prevents households that are not submitting their recoupments from being referred to the Treasury Offset Program (TOP), which pursues recoupment via other means, such as taking the amount owed out of the household's tax refund.

Recoupments would restart, resulting in SNAP households with a previous overpayment receiving less benefits during the COVID-19 health emergency. It also complicates the process of issuing emergency allotments to households bringing them to the maximum SNAP benefit.

Extend Administrative Disqualification Hearings (ADH)

- Originally expired June 30, 2020, permitted to extend to July 31, 2020.
- OSIG submitted the original waiver and would have responsibility to submit the renewal request as well, approval received June 11, 2020.

Similar to the Fair Hearing waiver, this waiver extends the period by which a disqualification hearing must be completed from 60 days to up to 180 days, if needed. Without this waiver, Pennsylvania will be out of compliance. With many staff teleworking, completing ADHs is more difficult and takes additional time.

Waive Fair Hearing Timelines

- Originally expired June 30, 2020, permitted to extend to July 31, 2020.
- Waiver extension request submitted to FNS by PA DHS on Sunday, June 7, 2020, approval received June 11, 2020.

This waiver extends the period for completing the SNAP hearing process from 90 days to 120 days.

Without this waiver, Pennsylvania would be out of compliance with federal regulation. While our Bureau of Hearings and Appeals (BHA) is working to get back on track with appeals, they are still behind from when the stay at home order first began in March. At that time, offices were closed and staff, though critical, were not considered essential employees and did not report to work. PA rectified the



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issue and BHA staff returned to work but with reduced staff and telework capabilities took some time to put in place. This has resulted in a large backlog of cases that are being worked through but will take time to address.

DHS has not yet received approval for the following waivers, and we respectfully ask that they be continued for an additional 90 days to preserve this important resource for people across Pennsylvania.

Extended Certification Periods and Waiving Periodic Reporting

- Expires June 30, 2020
- Waiver extension request submitted to FNS by PA DHS on Monday, June 8, 2020.

SNAP households are certified for a set period at which time they must complete a recertification. Most households are subject to a 12-month certification period and must complete periodic reporting every six months. In Pennsylvania, we refer to this as the renewal due date for recertification, and Semi-Annual Reporting (SAR) for periodic reporting. This waiver allows the state to push the renewal due date back six months and allows the state not to act on incomplete periodic reporting. If a household still has a verified change in income that impacts eligibility, the SNAP benefits are still adjusted.

If this waiver is eliminated, CAO staff will have to send renewals and process them in the Client Information System. They will also have to process SARs that are returned. Since many staff are still teleworking, minimal staff are onsite to open mail and scan documentation when it is returned. Losing this waiver will likely result in a higher number of closures for not completing the renewal or SAR and then the households will be forced to request reconsiderations, file appeals, or submit a new application resulting in an increased workload for the CAOs and a higher churn rate for the SNAP population.

Eliminate Face to Face Interview

- Originally expired June 30, 2020, permitted to extend to July 31, 2020.
- Waiver extension request submitted to FNS by PA DHS on Sunday, June 7, 2020, approval received June 11, 2020.

This waiver allows the state to deny requests for face to face interviews in lieu of telephone interviews. If this waiver is eliminated, both staff and clients are at higher risk of catching or spreading COVID-19.

Adjustments to Interview Requirements

- Expires June 30, 2020
- Waiver extension request submitted to FNS by PA DHS on Monday, June 8, 2020.
- This waiver was split into two parts: waiver of the interview requirement at application, recertification, and the requirement of interview prior to expedited issuance; and waiver of the requirement to provide a face to face interview if the household requests one.
- Renewal request for waiver of requirement to provide a face-to-face interview at application and renewal was submitted to FNS by PA DHS on Sunday, June 7, 2020.



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In order to be authorized to receive SNAP benefits, a household must have an interview conducted. The interview is required at application and recertification and also prior to issuing Expedited SNAP benefits. This waiver allows the state to authorize the benefits or complete the recertification without the interview and based solely on provided verifications.

If this waiver is eliminated, CAO staff will have to conduct interviews for all SNAP households. Losing this waiver would likely result in higher churn rates as more households are rejected for failing to have an interview. In addition, it makes it more difficult for a household with minimal income to get Expedited SNAP benefits because they must have an interview first. If the extended certification periods waiver is granted, the waiver of recertification interviews is not necessary. However, if the extended certification periods waiver is denied, the waiver of the renewal interview becomes more critical. Interview requirements also exponentially increase the workload for CAO staff and are more challenging as staff continue to telework to allow appropriate social distancing.

DHS has not yet submitted the following request, but will as soon as we are able for July. I strongly encourage the USDA to permit flexibility on these payments on a longer term basis as permitted by the Families First Coronavirus Response Act.

Extension of Emergency Allotments to Current SNAP Households

- Expires June 30, 2020
- This is not a standard waiver. FNS provided a fillable PDF that states must complete with estimated benefit issuance amounts and dates only and submit to their Regional Office. PA DHS will be submitting this information after June 15 for the July request.

This allows DHS to issue a supplemental SNAP grant to households not receiving the maximum SNAP benefit for their household size. The grant is for the amount needed to bring the household up to the maximum for their size as permitted by the Families First Coronavirus Response Act. Without this, SNAP households would receive only the normal benefit amount when many counties around Pennsylvania are not fully reopened and still experiencing economic challenges.

COVID-19 has altered and halted many facets of our lives. For many, our old normal is lost. Pennsylvania's unemployment rate was 15.1 percent in April. Hundreds of thousands of people around Pennsylvania have lost their sense of stability and security. Public assistance programs like SNAP can be a resource to help people who have lost a job or a significant portion of their income or work a low-wage job make sure they can meet essential needs. But for many people in Pennsylvania and around the country, COVID-19 and the economic effects of the pandemic have laid bare structural inequities in our country. The Centers for Disease Control and Prevention says that preliminary data from the COVID-19 pandemic suggests that communities of color are experiencing COVID-19 at a disproportionate rate. This is unacceptable, but unfortunately, this is consistent with health trends we see in Black and other communities of color. A newborn in North Philadelphia has a life expectancy of 68 years, when just five miles to the south newborns are expected to live to 88. A Black newborn in the state is ten percent less likely to receive the recommended number of well-child visits within their first fifteen months of life compared to a white newborn.



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SNAP helps more than 1.8 million Pennsylvanians, including about 700,000 children, about 690,000 people with disabilities, and about 300,000 older adults, expand purchasing power to ensure their household has enough food to avoid going hungry. Inadequate food and chronic nutrient deficiencies have profound effects on a person's life and health, including increased risks for chronic diseases, higher chances of hospitalization, poorer overall health, and increased health care costs. Children who have enough to eat go on to have higher graduation rates, increased adult earnings, and improved health outcomes in their adult life. Older adults who are enrolled in SNAP are healthier, hospitalized less and are less likely to go to a nursing home. As the nation faces the COVID-19 pandemic, access to essential needs like food is more important than ever to help keep people healthy and mitigate co-occurring health risks.

We cannot allow our current circumstances to make matters more difficult for disadvantaged people in Pennsylvania and around the country. Our actions in the weeks and months to come will shape not just our response to this pandemic, but also the world we will accept when COVID-19 is no longer a threat. Twelve percent of Pennsylvanians identify as Black or African American, but Black and African American people are disproportionately enrolled in public assistance programs and account for 29 percent of Pennsylvania's Supplemental Nutrition Assistance Program (SNAP) population. Preserving access to this critical resource and food access in these communities is the least we must do to be sure that this pandemic does not further define inequity in these communities for generations to come.

Before COVID-19, the USDA was focused on employment and training for SNAP recipients. While we may not agree on how we accomplish our shared goal of helping increase access to jobs that pay a living wage for SNAP recipients, I ask that you proceed with caution and consider the unstable economy. Hastily moving forward with programmatic changes that could result in a loss of food assistance while states are still grappling with extremely high unemployment is not going to help people succeed in the workforce. I fear that a returned focus on the proposed rule that was struck down in federal court in March will only create greater hardships for low-income and disadvantaged communities that are grappling with COVID-19 and its effect on the economy. When this rule was first proposed, we estimated that it would jeopardize access to SNAP for more than 92,000 people across the state, many of whom experience mental health, substance use disorder, and other chronic and long-term health conditions. Given the current economic climate, I am very concerned that this would be a conservative estimate. Changes, including the restriction of carryover exemptions, which were a part of the original rule's design, were there to give states flexibility to respond quickly to an acute crisis, such as a Public Health Emergency. Jeopardizing access to food does not help people get jobs in normal times. During a pandemic, it is a dangerous gamble. Pennsylvania intends to submit a request to waive requirements for able-bodied adults without dependents for at least one year, but I hope you will understand the grave concern this creates and instead help states invest in rebuilding our economies to help facilitate employment options for the people we serve.

Thank you for your agency's support of states' need for flexibility during these difficult months. I wish the threat of COVID-19 was behind us, but we cannot ignore the reality that although we've flattened the curve in Pennsylvania, this virus is still a significant threat. A longer term extension of these flexibilities will help states continue to focus on responding and helping the people we serve rather than



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preparing for systems to change. I hope we can continue this partnership as we begin to rebuild our economy while preparing for a potential resurgence of COVID-19 this fall.

Sincerely,

A handwritten signature in blue ink that reads "Tom Wolf".

TOM WOLF
Governor