

## STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** N/A
2. **Type of request:** Extension
3. **Regulatory citation:** 7 CFR 273.12(a)(5)(iii)
4. **State:** Texas
5. **Region:** Southwest Region (SWRO)
6. **Regulatory requirements:**
  - 7 CFR 273.10(f)(3)(i) requires a minimum certification period of six months for most households.
  - 7 CFR 273.10(f)(5) allows states to extend established certification periods up to a maximum of 24 months for households that consist of all elderly or disabled individuals and up to 12 months for all other households.
  - 7 CFR 273.12(a)(5)(iii) requires an interim periodic report in between the fourth and sixth month for households assigned to simplified reporting (SR), if the certification period exceeds six months, and once a year for households that consist of all elderly and disabled members with certification periods lasting between 13 and 24 months.
7. **Proposed alternative procedures:** The state requests to waive the periodic reporting requirement for SR households with certification periods set to expire in September 2020, in order to extend the certification period for six months and waive the periodic reporting requirement during the extension for all Texas counties (statewide). The state also requests to waive the requirement to have at least one contact with non-SR households that consist of all elderly and disabled members if the households are certified for periods lasting between 13 and 24 months for households with 12-month certification periods set to expire in September 2020. This waiver will allow the state agency to extend these households' certification periods by six months without triggering the requirement to implement additional reporting requirements.
8. **Justification for request:** This waiver is requested under provisions of 7 CFR 272.3(c)(1)(i) which allows the Food and Nutrition Service to authorize waivers due to extraordinary temporary situations, and 7 CFR 272.3(c)(1)(ii) which allows approval of waivers which result in a more effective and efficient administration of the SNAP program and as authorized by section 2302 of the Families First Coronavirus Response Act.

On March 13, 2020 President Trump declared a national emergency due to the novel coronavirus (COVID-19) outbreak. Additionally, Texas' Governor, Greg Abbott, also issued a statewide declaration of disaster on March 13, 2020 due to impacts of COVID-19. The state's current disaster declaration was most recently extended on August 8, 2020 and a copy of the declaration is attached. Federal and state guidance have directed agencies to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 for purposes of protecting the health and welfare of all individuals. This pandemic requires social distancing including schools, businesses and workplaces being shut down.

Texas is experiencing a surge in the number of individuals impacted in the state. There have been approximately 208,452 new COVID-19 cases in Texas between July 15, 2020 and August 10, 2020. While Texas is at the forefront of using technology to process applications, including an easily accessible online application, the state does not have the resources to handle the volume of telephone interviews required to process an influx of SNAP applications. Waiving the interview during this pandemic will ensure Texas is better prepared to respond and fulfill our agencies role to provide recovery to our community in a timely manner.

Local HHSC offices remain open. However, to maintain social distancing only 23 percent of eligibility staff are working in local eligibility offices with limited operations such as not conducting face-to-face interviews unless necessary and limiting the number of customers inside at any one time. As HHSC continues to monitor the progression of the pandemic, agency directive has not changed since originally mandated due to the continued instances of exposure occurring in the local offices. With the exception of the limited staff necessary to continue local office operations, the remainder of the staff are not approved to return back to the office

Additional caseload, workload and COVID related details impacting Texas are listed below:

Month	Applications			Average Service Time†			Month	Recertifications		
	2019	2020	% ↑	2019	2020	% ↑		2019	2020	% ↑
May	140244	215647	53.77%	44	54	22.72%	September	203832	330339	62.06%
June	130636	188433	44.24%	40	56	40.00%	October	198507	251930	26.91%
July	145217	200644	38.17%	41	55	34.15%	November	193622	227834	17.67%
							December	198749	267086	34.38%
Total	416097	604724	45.33%	125	165	32.00%	Total	794710	1077189	35.54%

†Length of time in minutes in which it takes for staff to process applications.

- From July 15, 2020 through August 9, 2020, 128 offices have reported employee cases of COVID-19. This has resulted in a significant staffing decrease and is impacting production levels.
  - Texas estimates a loss in production of 8,228 applications as a result of the additional COVID-19 employee cases.
- It is also important to note that the \$600 Federal Pandemic Unemployment Compensation (FPUC) expired on July 25, 2020. While the President's recent Executive Order allows states to apply for a grant to continue additional FPUC

payments through a different method, this option has not yet been requested by the Governor. Texas projects an increase in SNAP application volumes due to the end of increase in unemployment benefits. Texas has denied a total of 167,447 cases for unemployment benefits since the start of the pandemic.

- In response to the COVID -19 pandemic, Texas has authorized an additional 4,500 staff to telework, approximately 80% of staff. While Texas has deployed the required headsets for staff working from home to conduct interviews, the agency is still pending confirmation and approval to deploy monitors. Staff are impeded from achieving full service production levels without the necessary equipment to perform their job functions.
- In response to recent potential budget cuts, Texas is not filling vacant positions. Texas is experiencing an increase of 1% attrition per week since June 2020.

**9. Caseload information, including percent of caseload and description of population expected to be affected by this waiver:** The estimated average number of cases that would be extended under this proposal is approximately 330,339 cases for September 2020. The current total statewide caseload as of July 2020 is 1,737,228.

**10. Anticipated impact on households and State agency operations:** This waiver will ensure current SNAP households continue to receive benefits and allow the State to more effectively use staff to timely process the influx of new applications and reviews resulting from federal and state pandemic guidance. Current SNAP recipients and new applicants will receive benefits timely and experience increased customer service and access to SNAP benefits.

**11. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):** The waiver is requested for immediate implementation. Waiver approval is needed to make system adjustments for SNAP recertifications scheduled to end in September 2020.

**12. Proposed quality control review procedures:** No special QC procedures are required for cases subject to the provisions of this waiver

**13. Name, title, and email of requesting official:**

**Name:** Wayne Salter

**Title:** Deputy Executive Commissioner, Access and Eligibility Services

**Email:** [Wayne.Salter@hhsc.state.tx.us](mailto:Wayne.Salter@hhsc.state.tx.us)

**14. Date of request:** August 13, 2020

**15. State agency staff contact:**

**Name:** Hilary Davis

**Title:** Interim Deputy Associate Commissioner, Program Policy, Access and Eligibility Services

**Email:** [Hilary.Davis@hhsc.state.tx.us](mailto:Hilary.Davis@hhsc.state.tx.us)

**16. Regional Office contact person (*to be completed by FNS regional office*):**

# SNAP COVID Adjustment Request and Transition Plan Summary

**State Agency and Region:** *Texas – Southwest*

**What Adjustment(s) is the State Requesting:** *Extend Certification Periods and Waive Periodic Reports*

The State requests to waive the periodic reporting requirement for Simplified Reporting (SR) households with certification periods set to expire in September 2020, in order to extend the certification period for six months and waive the periodic reporting requirement during the extension for all Texas counties (statewide). The state also requests to waive the requirement to have at least one contact with non-SR households that consist of all elderly and disabled members if the households are certified for periods lasting between 13 and 24 months for households with 12-month certification periods set to expire in September 2020.

**Demonstrated Need for Extension of the Adjustment:**

	Applications			Average Service Time†				Recertifications		
	2019	2020	% ↑	2019	2020	% ↑		2019	2020‡	% ↑
May	140244	215647	53.77%	44	54	22.72%	September	203832	330339	62.06%
June	130636	188433	44.24%	40	56	40.00%	October	198507	251930	26.91%
July	145217	200644	38.17%	41	55	34.15%	November	193622	227834	17.67%
							December	198749	267086	34.38%
<b>Total</b>	<b>416097</b>	<b>604724</b>	<b>45.33%</b>	<b>125</b>	<b>165</b>	<b>32.00%</b>	<b>Total</b>	<b>794710</b>	<b>1077189</b>	<b>35.54%</b>

†Length of time in minutes in which it takes for staff to process applications.

‡Anticipated

**How Does the State Plan to Transition to the New Normal:**

- To assist with workload management of processing recertifications set to expire in October, the State intends to request the Core Verification and Interview waiver effective October 1, 2020 to gradually resume interviews for recertifications over the next few months.
  - Beginning October 1, 2020, the State would resume interviews for all initial applications. For recertifications, the State will attempt to contact the client by phone to conduct the interview. If the State agency cannot complete the interview at that time, a desk review will be completed.
  - Beginning November 2, 2020, the State will attempt to contact the client by phone to conduct the interview for recertifications. If the State agency cannot complete the interview at that time, and anyone in the household receives earned income, the client will receive a notice instructing them to call the State agency during normal business hours within 7 days using the existing On-Demand Interview waiver process. A desk review will be completed for those without earned income.
  - Beginning January 4, 2021, the state will return to normal processing for SNAP recertifications. The State will attempt to contact the client by phone to conduct the interview. If the State agency cannot complete the interview at that time, the client will receive a notice instructing them to call the State agency during normal business hours within 7 days using the existing On-Demand Interview waiver process.