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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

August 24, 2020

Mr. Charles Tobin, Regional Program Director
Supplemental Nutrition Assistance Program
Western Regional Office
Food and Nutrition Service
90 Seventh Street, Suite 10-100
San Francisco, CA 94103

SUBJECT: REQUEST FOR TIMELY HOUSEHOLD REPORTING OF FOOD LOSS AND HOT FOODS WAIVERS

Dear Mr. Tobin:

As you know, California continues to respond to the Coronavirus Disease 2019 (COVID-19) pandemic emergency. Further, the recent wildfire disasters in California have posed additional operational challenges. These emergencies have resulted in a unique and ongoing emergency response effort in California. The California Department of Social Services is submitting the following waiver requests pursuant to the recent Presidential Declaration for Individual Assistance (FEMA 4558-DR) for Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo Counties:

- Timely Household Reporting of Food Loss Waiver – 7 Code of Federal Regulations (CFR) 274.6(a) and 7 CFR 274.6(a)(6)(ii) provide that the report of food loss is considered timely if it is made to the State agency within ten days from the date the food was destroyed, and that the State agency must verify the validity of each individual request. The waiver would allow for an extension of the ten day reporting requirement to thirty days for households within the affected disaster areas.
- Hot Foods Waiver – Section 3(k)(1) of the Food and Nutrition Act of 2008 and 7 CFR 271.2 define “food” as any food or food product for home consumption and hot foods or hot food products ready for immediate consumption. The waiver would allow hot foods, and hot food products prepared for immediate consumption, to be considered “eligible foods” for households with the affected disaster areas and neighboring counties.

Thank you for your consideration. If you have any questions, please feel free to contact me directly at (916) 653-6162 or Alexis.Fernandez@dss.ca.gov.

Sincerely,

Alexis Fernández, Chief
CalFresh and Nutrition Branch

Attachments

WAIVER REQUEST
Timely Household Reporting of Food Loss

1. **Type of Request:** Initial
2. **Primary Regulation Citations:** 7 CFR 274.6(a)
3. **Secondary Regulation Citation:** 7 CFR 274.6(a)(6)(ii)
4. **State:** California
5. **FNS Region:** Western
6. **Regulatory Requirements:** Regulations provide for the replacement of food purchased with Supplemental Nutrition Assistance Program (SNAP) benefits that was destroyed in a household misfortune. The amount of the replacement must not exceed the amount of the monthly benefit issued to the household. Regulations provide that the report of food loss is considered timely if it is made to the State agency within ten days from the date the food was destroyed. County Welfare Departments must verify the validity of each individual request through a collateral contact, documentation from a community agency, or a home visit.
7. **Proposed Alternative Procedures:** For all active SNAP households residing within the affected disaster areas (Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo Counties) impacted by the CZU August Lightning Fire and the LNU Lightning Fire, the State of California is requesting an extension of the 10-day household reporting requirement to issue benefit replacements for **August 2020** benefits, including **July 2020** Emergency Allotment benefits that were issued in August 2020. Replacement benefits will be authorized, if reported, between **August 14, 2020** and **September 13, 2020**. The individual replacement will be for the amount of the loss, not to exceed the monthly allotment for that household, after receipt of a signed affidavit, which will be filed in the case record.
8. **Justification for Request:** This waiver is requested under provision of 7 CFR 272.3(c)(1)(ii), which allows approval of waivers that result in a more effective and efficient administration of the SNAP.

Beginning on August 14, 2020, an extreme heat event struck California and surrounding western states, causing record-breaking temperatures and red flag warnings throughout California. On August 17, 2020, multiple wildfires across the State of California began burning due to the dry conditions, the heat wave, and numerous lightning storms. On August 18, 2020, California Governor Gavin Newsom declared a State of Emergency in response to an extreme heat event that has caused power outages and wildfires throughout the state. On August 22, 2020, California was granted a Presidential Declaration of disaster with Individual Assistance for Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma and Yolo Counties.

In Lake, Napa, Solano, Sonoma and Yolo Counties, the LNU Lightning Fire has spread to over 341,000 acres and is reported at 17% containment. Mandatory evacuations have forced 40,000 people from their homes. While counts are preliminary, at least 476 single-resident homes have been destroyed, along with 84 commercial

buildings and other minor structures. In addition to the destruction of structures, the LNU Lightning Fire has been directly attributed to 4 fatalities.

The CZU August Lightning Complex Fire in Santa Cruz and San Mateo Counties began burning due to dry climate, high heat, and lightning strikes. The fire has spread to over 67,000 acres and is reported at 5% containment. Between the two affected counties, approximately 77,000 people have been evacuated due to the rapidly spreading wildfire. The CZU August Lightning Fire has destroyed 115 structures.

Disaster response and fire operation personnel are working around the clock in an effort to contain the spread of these wildfires and serve impacted households amid shortages of firefighters and emergency crews, and challenges regarding adequate evacuation centers due to the ongoing Coronavirus pandemic emergency.

California is proposing to extend the 10-day reporting requirement and allow additional time to report food loss for any household that resides in the seven counties in the affected disaster areas (Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo Counties).

- 9. Anticipated Impact on Households:** This waiver will ensure that impacted SNAP households throughout California are able to replace food that was purchased with **August 2020** benefits and/or **July 2020** Emergency Allotment benefits which was destroyed due to the widespread power outages and fires.

10. Affected Caseload:

Lake County

Number of SNAP households in affected area	Approx: 8,140
Number of SNAP individuals in affected area	Approx: 13,424
Estimated amount of replacement benefits	Approx: \$1,609,470

Napa County

Number of SNAP households in affected area	Approx: 4,131
Number of SNAP individuals in affected area	Approx: 7,276
Estimated amount of replacement benefits	Approx: \$859,225

San Mateo

Number of SNAP households in affected area	Approx: 16,680
Number of SNAP individuals in affected area	Approx: 29,048
Estimated amount of replacement benefits	Approx: \$5,300,927

Santa Cruz

Number of SNAP households in affected area	Approx: 18,581
Number of SNAP individuals in affected area	Approx: 29,047
Estimated amount of replacement benefits	Approx: \$5,336,131

Solano

Number of SNAP households in affected area	Approx: 27,019
Number of SNAP individuals in affected area	Approx: 45,845
Estimated amount of replacement benefits	Approx: \$8,388,807

Sonoma

Number of SNAP households in affected area	Approx: 20,155
Number of SNAP individuals in affected area	Approx: 32,029

CALIFORNIA WAIVER REQUEST Hot Foods

1. **Type of Request:** Initial
2. **Primary Citation:** Section 3(k)(1) of the Food and Nutrition Act of 2008, as amended
3. **Secondary Regulation Citation:** 7 CFR 271.2
4. **State:** California
5. **FNS Region:** Western
6. **Act and Regulatory Requirements:** Section 3(k)(1) of the Food and Nutrition Act of 2008 and Federal regulation define “food” as, “...any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption...”.
7. **Proposed Alternative Procedures:** California is requesting a waiver to allow hot foods, and hot food products prepared for immediate consumption, to be considered “eligible foods” as long as they are purchased at FNS-authorized retail food stores in the following counties that have received a Presidential disaster declaration for Individual Assistance (IA): **Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo**. Additionally, because many CalFresh recipients within the aforementioned counties have been displaced or temporarily relocated to other parts of the state, California is requesting that the waiver be extended beyond the IA counties to include the following counties: Alameda, Colusa, Contra Costa, Glenn, Marin, Mendocino, Sacramento, Santa Clara, and Sutter. The additional counties all border the IA counties where evacuees have known to have traveled based on communications between counties in or around the current disaster regions.

IA Counties	Evacuation Counties
Lake	Alameda
Napa	Colusa
San Mateo	Contra Costa
Santa Cruz	Glenn
Solano	Marin
Sonoma	Mendocino
Yolo	Sacramento
	Santa Clara
	Sutter

8. **Justification for Request:** Beginning on August 14, 2020, an extreme heat event struck California and surrounding western states, causing record-breaking temperatures and red flag warnings throughout California. On August 17, 2020, multiple wildfires across the State of California began burning due to the dry conditions, the heat wave, and numerous lightning storms. On August 18, 2020, California Governor Gavin Newsom declared a State of Emergency in response to an extreme heat event that has caused power outages and wildfires throughout the state. On August 22, 2020, California was granted a Presidential Declaration of disaster with Individual Assistance for Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma and Yolo Counties.

These wildfires have caused a high volume of residents to evacuate and temporarily relocate in surrounding counties. Because of the coronavirus pandemic emergency, many of these evacuees are staying in non-traditional shelters, including hotels, or other temporary housing arrangements and have limited access to mass feeding at traditional shelters, are unable to store food, or have no access to cooking facilities. The need for hot food will remain critical through at least September 23, 2020, due to the loss of food from widespread wildfire, power outages, displacement from permanent homes and homes being totally destroyed.

Waiving the Act and regulation language that excludes the purchase of hot foods, and hot food products, prepared for immediate consumption will ensure that ongoing CalFresh households most negatively impacted by the disaster have the opportunity to purchase prepared meals.

9. **Anticipated Impact on Households:** Allowing the purchase of hot foods will provide critical relief to ongoing CalFresh households most adversely affected by the disaster who are temporarily unable to prepare hot meals due to prolonged power outages and/or displacement from their homes and/or homes being destroyed.
10. **Affected Caseload:** This waiver affects any CalFresh recipient wanting to purchase hot food in California within the following counties/parishes: Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, Yolo, Alameda, Colusa, Contra Costa, Glenn, Marin, Mendocino, Sacramento, Santa Clara, and Sutter.
11. **Anticipated Implementation Date:** Households in the areas listed above will be able to purchase hot foods and hot food products from FNS-authorized retailers from the approval date of this waiver until September 23, 2020.
12. **Proposed Quality Control Procedures:** The proposal does not affect quality control sampling or procedures.

Signature and Title of Requesting Official:



Alexis Fernández
Chief, CalFresh and Nutrition Branch
California Department of Social Services
Alexis.Fernandez@dss.ca.gov | 916-653-6162

Date of Request: August 24, 2020