



Protect Against Hunger During High Unemployment and When People are Homeless

A proposal to the Legislative Budget Sub-Committees on Health & Human Services

Our Request to the Budget Committee

Our organizations are requesting that the Budget include three provisions that we believe will prevent hunger during times of high unemployment and among people who are homeless when they are defined by the program rules to be an “Able Body Adults Without Dependents (ABAWD). These requests are summarized here and further detail is provided below.

Ensure Statwide Protection Against High Unemployment: Federal law allows for a waiver of the 3 month in 3 year period ABAWD time limit during times of high unemployment. We request that the law be changed to ensure that all people residing in a county eligible for the waiver are equally protected by that waiver.

Protect Californians Who Are Homeless from Hunger: Federal law and guidance allows California to automatically exempt people who are homeless from the ABAWD time limit. We are asking that California maximize these exemptions for people who are homeless.

Establish a Process to Count Volunteer Work: The ABAWD time limit applies to people not employed 20 hours a week or more or otherwise exempt. But not being fully employed does not imply unwillingness to be fully employed, only that someone else hasn't hired you to be fully employed. We are requesting that the Legislature direct, through budget action, a process to ensure participation in volunteer work is fully captured for CalFresh recipients subject to the ABAWD time limit and needing to report hours worked in order to retain their anti-hunger benefits.

Background about the Able Bodied Adult without Dependent Rule

In 1996, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),ⁱ Congress created a time limit in the food stamp program, now known as through the Supplemental Nutrition Assistance Program (SNAP), for unemployed childless adults, referred to as ABAWDs, between the ages of 18 and 49 years old.ⁱⁱ Unless exempt due to disability or pregnancy, an ABAWD is limited to receiving federal food benefits for just three months out of any thirty-six month period unless they satisfy the 20 hours-per-week work requirement associated with this time limit.

The ABAWD time limit is one of the most hardhearted and backward thinking of the policy changes implemented during federal welfare reform, because it denies food aid to people who want to work and will accept any job or work program slot offered but are simply not able to secure one.ⁱⁱⁱ Unlike work requirements in other public assistance programs, states have no obligation to offer employment services to someone unable to secure 20 hours of work before cutting them off assistance. As a result, most of these individuals are denied food help and go hungry, making it more difficult to find work, not less.

The ABAWD population often faces the most severe barriers to work and could benefit from a county-administered employment and training placement and barrier removal support services that could come with it. According to the Center on Budget and Policy Priorities (CBPP), only about half of ABAWDs nationally have a high school diploma or the equivalent.^{iv} In Ohio, where the ABAWD waiver was recently ended, advocates found that more than 34% of ABAWDs has a criminal record and, with no expungement services, they faced high barriers to employment.^v This mirrors data published in a recent report showing that men with criminal records account for 34% of all nonworking men ages 25-54 and that the numbers of people with a criminal conviction on their record, especially men of color, has increased significantly since the failed war-on-drugs and during the prison boom.^{vi}

Lacking job opportunities and with multiple barriers to work, these SNAP recipients may be able to find a low-paying service sector work, but those jobs are increasingly part-time and lack fair scheduling practices making it difficult to guarantee 20 hours a week on a regular basis.^{vii} According to one study, 43 percent of part-time workers wished they had more hours and this involuntary part-time work only grown over the course of the economic downturn, more than doubling between 2007 and 2012 from 3.6 to 7.8 percent among women in the workforce and from 2.4 to 5.9 percent among men.^{viii} According to federal law, if a CalFresh recipient who is subject to the time limit falls short of the 80 hours of work activity, the entire month must count toward the three month in a three year period time limit, regardless of the reasons for not meeting the requirement of the household's circumstances.

Ensuring All Californians Have the Protection of Federal Waivers of ABAWD Time Limit

Under SNAP regulations, a state can qualify for a 12-month statewide ABAWD waiver if the Department of Labor (DOL)'s Unemployment Insurance Service determines that it meets the criteria for extended unemployment benefits (EB) due to insufficient jobs.^{ix} Using this criterion,^x the United States Department of Agriculture has waived California's ABAWD time-limit until Mid-2018. After that, the state may lose its statewide waiver, but most counties are eligible for a waiver under federal law and guidance. Existing state law requires the state to seek a federal waiver for all counties eligible for a waiver due to job surplus and high unemployment unless the county board of supervisors sends the Department of Social Services a letter stating their intent to opt-out of the waiver, whereby denying out-of-work Californians federally funded food benefits intended to prevent hunger. Only a couple of counties have ever used this authority to opt-out of a waiver and not since the early 2000's. However, we are concerned that, with the increasing rhetoric around work and SNAP benefits, some counties may become newly interested in utilizing the option.

Maximizing Federal Authority to Exempt Homeless from ABAWD Time Limit

According to the U.S. Housing and Urban Development 2016 report on Homelessness a Chronically Homeless Individual refers to an individual with a disability who has been continuously homeless for 1 year or more or has experienced at least four episodes of homelessness in the last 3 years where the combined length of time homeless in those occasions is at least 12 months. While these numbers are greatly contested by advocates for Homeless Californians, this same report states that there are approximately 118,000 people who are homeless in California, more than any other state.^{xi} It is not known how many of these people would not be subject to the ABAWD rule because they are not otherwise eligible for CalFresh or are homeless with children.^{xii}

Federal guidance received in 2016 has clarified that states are permitted to exempt people who are homeless from the ABAWD time limit. This is because chronic homelessness is evidence of having a physical or mental condition that makes someone unfit to work. For the purposes of exempting an individual from the ABAWD time limit, chronic homelessness is defined as lacking a stable nighttime residence. This may include living on the street, in a car or in a homeless shelter. According to a draft ABAWD toolkit being drafted by the Department with the consultation of advocates and counties through a series of regular workgroup meetings, this population will be exempted. The guidelines drafted for the counties human services agencies will require them to conduct an individualized assessment of the individual's circumstances. For individuals who indicate they are homeless – in person, by phone or using a form, such as the Homeless ABAWD Exemption form – CWDs will ask the individual whether they have a stable night time residence. This draft guidance suggests that the client statement is sufficient verification of homelessness. In addition, person would be eligible for the exemption from the ABAWD time limit if they are coded as living in a homeless shelter and/or identifies the address of that shelter or homeless day program as their residential or mailing address for CalFresh purposes. They will also be exempt if they are coded as receiving the “homeless deduction” in their CalFresh benefit calculation. We are requesting that the Legislature ensure that this powerful implementation of the federal provisions is supported and not eroded overtime by requiring the department to maximize exemptions for people who are homeless.

Ensuring Voluntary Work Counts as Employment in Context of ABAWD Time Limit

The ABAWD time limit applies to people not employed 20 hours a week or more or otherwise exempt. But not being fully employed does not imply unwillingness to be fully employed, only that someone else hasn't hired you to be fully employed. We are requesting that the Legislature direct, through budget action, a process to ensure participation in volunteer work is fully captured for CalFresh recipients subject to the ABAWD time limit and needing to report hours worked in order to retain their anti-hunger benefits.

In workgroup meetings held by the department and attended by advocates and counties, we have developed a process by which volunteering or community service hours at places likes schools, food pantries, and local churches would all count as a work activity. This has always been an option allowable under federal guidance, however, California had poorly implemented it in the past. As a result, though it was a right of people subject to the ABAWD

time limit to count these hours toward the 20 hour work mandate, there was no real way for them to secure this right unless a county established its own procedure. Through the workgroup, the Department has drafted protocol and a form, entitled the “CalFresh Community Service Verification Form,” which envisions a much more robust application of this provision. We are supportive of the Department’s work in this area, and want to support it and prevent a backsliding by requesting that the legislature codify this right to count volunteer and community service hours in the ABAWD section of law.

In Conclusion

California’s legislature and Administration should be proud of the improvements in the CalFresh program over the past several years. CalFresh won the USDA bonus for the most improved participation rate last year^{xiii} and continues to lead the way in advancing access to college students and improving CalFresh employment and training opportunities. These are modest requests to ensure continued forward momentum in California to improve access and prevent hunger, especially among some of the most disenfranchised and vulnerable Californians.

Endnotes

ⁱ Public Law 104-193: <http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/html/PLAW-104publ193.htm>

ⁱⁱ 7 U.S.C. § 2015 (o); 7 C.F.R. § 273.24; MPP § 63-410.

ⁱⁱⁱ California now requires counties to implement CalFresh E&T as a voluntary program for all participants that reside in a federally determined work surplus area. Currently, California has been determined a work surplus area statewide, but that determination, upon which the California ABAWD waiver is also based, is anticipated to be retracted in 2018. At that point, the option for a mandatory program will be reintroduced to counties unless mandatory programs are disallowed by legislation.

^{iv} Ed Bolen, “Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire Affected Individuals Are Very Poor; Few Qualify for Other Help,” (Jan. 2015)

<http://www.cbpp.org/cms/?fa=view&id=5251>

^v A Comprehensive Assessment of ABAWDs and their Participation in Work Programs in Franklin County:

<http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>

^{vi} Binyamin Applebaum, “Out of Trouble But Criminal Records Keep Men Out of Work,” New York Times, March 1, 2015 http://mobile.nytimes.com/2015/03/01/business/out-of-trouble-but-criminal-records-keep-men-out-of-work.html?referrer=&_r=0

^{vii} Charlotte Alexander and Anna Haley-Lock, “Not Enough Hours in the Day: Work-Hour Insecurity and a New Approach to Wage and Hour Regulation,” (Dec. 2013)

<http://www.irp.wisc.edu/publications/dps/pdfs/dp141713.pdf>

^{viii} Rebecca Glauber, “Wanting More Working Getting Less: Involuntary Part-Time Employment and Economic Vulnerability,” (July 2013) <http://scholars.unh.edu/cgi/viewcontent.cgi?article=1198&context=carsey>

^{ix} 7 Code of Federal Regulation § 273.24 (b) & (f)

^x Criteria is found in Unemployment Compensation Extension Act of 2008 (Public Law 110-449) based on DOL’s Notice No. 2013-49 issued on December 22, 2013.

^{xi} Source found at: <https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>

^{xii} For example, a person receiving Supplemental Nutrition Assistance (SSI), a person fleeing from a warrant, a person without a qualifying immigration status would all be ineligible for CalFresh.

^{xiii} California won a bonus for the state’s increased participation. More information here:

<https://www.fns.usda.gov/snap/snap-program-improvement>