



# CalFresh ABAWD Time Limit

## September 2018

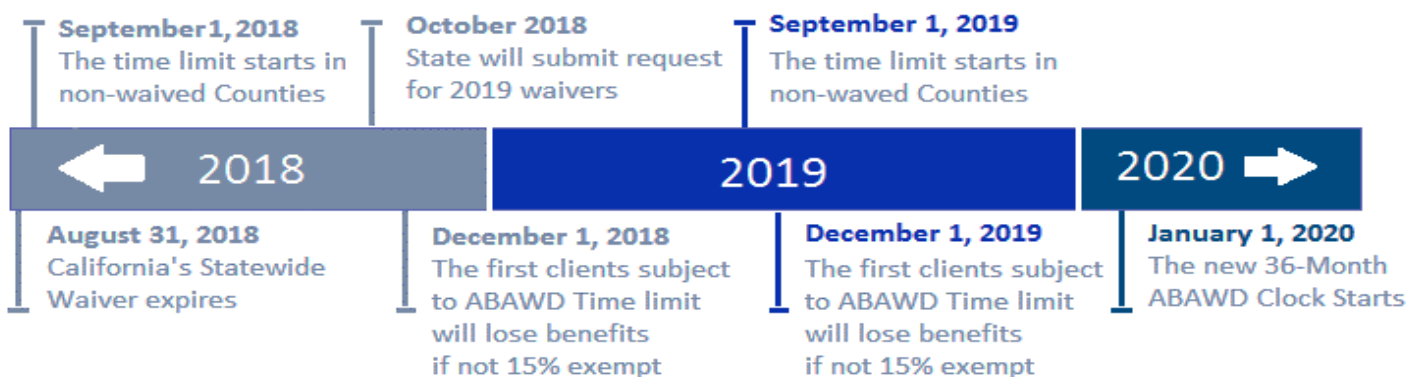
CalFresh recipients between the ages of 18 and 49 who do not reside with a child under 18 and who are not exempt under general CalFresh work registration are deemed to be able-bodied adults without dependents (ABAWD) and may be subject to a 3-month time limit in aid. California’s statewide waiver of the ABAWD time limit expired on August 31, 2018. All counties except San Francisco, Santa Clara and San Mateo counties have received an area waiver until August 31, 2019. CalFresh recipients subject to the ABAWD time limit are only eligible for benefits for three full months out of a 36-month period unless they are exempt or meeting the work requirement.<sup>i</sup>

### CalFresh ABAWD Time Limit Background

Through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),<sup>ii</sup> Congress created a time limit in the Food Stamp Program, now known as the Supplemental Nutrition Assistance Program (SNAP) Nationally and as CalFresh in California. This time limit applies to adults between the ages of 18 and 49 years old who do not meet the criteria for an exemption, referred to as ABAWDs.<sup>iii</sup> Unless exempt due to disability, pregnancy or other time limit exemption, recipients are limited to receiving federal food benefits for just 3 full months each 36-month period unless they satisfy the 20 hours-per-week (or 80 hours averaged monthly) work requirement associated with this time limit.

Under SNAP regulations, a state or region can qualify for a 12-month waiver if it demonstrates that it has a high unemployment rate using U.S. Bureau of Labor Statistics and criterion set out in the federal law and guidance.<sup>iv</sup> Using this criterion<sup>v</sup>, the United States Department of Agriculture’s (USDA) Secretary approved California’s request for a waiver of the ABAWD time limit until August 31, 2018. After that, the state requested and received a waiver for all areas except Santa Clara, San Mateo and San Francisco counties, because they are no longer eligible pursuant to federal regulations. Area waiver approvals are reviewed each year and the state will submit a request for all counties that remain eligible for a waiver after August 31, 2019 later this fall.

### California ABAWD Time Limit – Waiver Request and Expiration Timeline



### National Context for ABAWD Time Limit

Federal policy proposals to undermine the long-standing protections against hunger<sup>vi</sup> that could face people subject to the time limit have emerged in 2018, including the President’s Budget proposal<sup>vii</sup>, the USDA’s advanced notice of proposed rulemaking issued in February 2018,<sup>viii</sup> and the House version of the 2018 Farm Bill.<sup>ix</sup> The anti-hunger community in California will be implementing the expiration of several area waivers to the ABAWD time limit in the midst of a very dynamic national policy context.

### ***ABAWD Time Limit Makes it More Difficult to Find Work – Not Less***

The time limit denies food aid to people who cannot prove that they have worked the requisite number of hours per week or met an exemption. This includes individuals with undiagnosed impairments. States are not obliged to help these individuals find medical providers who can diagnose or treat their impairments. The time limit denies food aid to individuals without impairments who are actively looking for work, but unable to find an employer who will hire them or a job that will give them enough hours to comply with the 20-hour per week requirement. Unlike work requirements in other public assistance programs, states have absolutely no obligation under the SNAP time limit rules to offer skills training, employment services or any transportation assistance to individuals before cutting them off food assistance.<sup>x</sup> 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 significant barriers to work and could benefit from a county-administered employment and training placement and barrier removal support services. According to the Center on Budget and Policy Priorities (CBPP), only about half of ABAWDs nationally have a high school diploma or the equivalent.<sup>xi</sup>

### ***Working Together to Prevent Hunger & Support Opportunities to Work***

While California's anti-hunger community is unified in our opposition to the time limit, we are also committed to ensure that in regions implementing the time limit, people are protected from the harm of prolonged hunger. This includes supporting a robust screening of ABAWD time limited CalFresh recipients to ensure that they are exempted from the rule when appropriate. It also means working to increase work and work training opportunities for CalFresh recipients so that they have a meaningful path toward complying with the work requirement of the ABAWD time limit and to, eventually, succeed in exiting poverty through employment. Our state's anti-hunger community is achieving this by working with state and county administrators and legislators up and down the state in supporting the expansion of the CalFresh Employment & Training (CFET) program and developing an expanded opportunity for recipients to participate in comparable workfare programs should CFET or non-volunteer work not be an option for any given recipient.

### ***About Western Center on Law and Poverty***

Western Center on Law and Poverty leads the fight in the courts, counties, and capital to secure housing, health care and a strong safety net for low-income Californians. Learn more at: [www.wclp.org](http://www.wclp.org). For more information about our CalFresh policy advocacy, contact: Jessica Bartholow at [jbartholow@wclp.org](mailto:jbartholow@wclp.org) or (916) 282-5119.

### ***Footnotes***

<sup>i</sup> [ACL 16-24](#) CalFresh Summary of the ABAWD time limit; [MPP 63-410](#) Work Requirements for ABAWDs; [7 CFR 273.24](#) Time Limit for Able-Bodied Adults; USDA FNS [ABAWD page](#); CDSS ABAWD Time Limit Handbook: [ACL 18-08](#)

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

<sup>iii</sup> 7 U.S.C. § 2015 (o); 7 C.F.R. § 273.24; MPP § 63-410.

<sup>iv</sup> 7 Code of Federal Regulation § 273.24 (b) & (f)

<sup>v</sup> Unemployment Compensation Extension Act of 2008 (Public Law 110-449) DOL's Notice No. 2013-49 issued on December 22, 2013.

<sup>vi</sup> [https://wclp.org/wp-content/uploads/2018/03/SNAP\\_ABAWD\\_PositionPaper\\_WCLP\\_March2018\\_Final-1.pdf](https://wclp.org/wp-content/uploads/2018/03/SNAP_ABAWD_PositionPaper_WCLP_March2018_Final-1.pdf)

<sup>vii</sup> 2018 Federal Budget Proposal, "A New Foundation For American Greatness Fiscal Year 2018," page 10 <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf>

<sup>viii</sup> "Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents; Advance Notice of Proposed Rulemaking," found at: <https://www.federalregister.gov/documents/2018/02/23/2018-03752/supplemental-nutrition-assistance-program-requirements-and-services-for-able-bodied-adults-without> ..

<sup>ix</sup> [https://wclp.org/wp-content/uploads/2018/06/June21\\_ResponseToHouseVoteToPass\\_H.R.2\\_2018FarmBill\\_WCLP-003.pdf](https://wclp.org/wp-content/uploads/2018/06/June21_ResponseToHouseVoteToPass_H.R.2_2018FarmBill_WCLP-003.pdf)

<sup>x</sup> [H.R. 1276 \(Rep. Adams, Alma S. \[D-NC-12\] + 89 Co-sponsors\)](#) would require that a job opportunity be provided before a person could have their benefits cut as a result of the time limit.

<sup>xi</sup> 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>