



## COALITION ON HUMAN NEEDS

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April 1, 2019

Certification Policy Branch  
SNAP Program Development Division  
Food and Nutrition Service, USDA  
3101 Park Center Drive  
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

On behalf of the Coalition on Human Needs, I am submitting these comments to oppose the U.S. Department of Agriculture's proposed rule to revise the Requirements for Able-Bodied Adults without Dependents (ABAWDs) within the Supplemental Nutrition Assistance Program (SNAP). We will cite compelling evidence that the 755,000 low-income people estimated to lose basic nutrition assistance will overwhelmingly not transition to stable employment or to an above-poverty income as a result of the proposed change and as a consequence will face harm. By limiting state officials in exercising their judgment about whether to waive the harsh time limit on SNAP receipt for ABAWDs within some or all locations, the proposed rule will deepen the poverty of individuals for the most part already living below half the poverty line.

The Coalition on Human Needs (CHN) is an independent non-profit alliance of about 100 national-scope organizations, representing human service providers, people of faith, civil rights, labor, and community-based groups, policy experts, and other advocates concerned with meeting the needs of low-income and vulnerable people through effective and adequately funded federal programs and policies. CHN members have a long history of supporting and expanding anti-hunger programs including SNAP. Members who provide emergency food through charitable donations strongly support SNAP as a necessary mainstay of nutrition assistance that charitable giving could not possibly replace.

The rationale for imposing the three-month time limit on more than one million individuals without dependents is that "...long-term, stable employment provides the best path to self-sufficiency for those who are able to work." ([Federal Register](#)/Vol. 84, No. 22, p. 982.) The proposed rule discussion goes on to say it is "...appropriate and necessary to encourage greater ABAWD engagement with respect to job training and employment opportunities..." While it is true that stable, long-term employment would be highly desirable, nothing in this proposed rule would make it more likely to be within

reach of most individuals affected by this proposal. Moreover, there is no requirement that job training or work placements be made available. Rather than providing resources to help improve job stability and earnings, this proposal simply imposes the extremely harsh time limit of only three months of SNAP assistance over a three-year period. We know from states that have imposed this time limit that it has not resulted in more stable work, and that it has resulted in significant hardship among those denied SNAP. We also know that individuals without dependent children who have qualified for SNAP have a significant but volatile work history, have extremely low incomes, and face multiple barriers to employment. The following sections will document (1) outcomes for individuals subject to the 3-month time limit; (2) work histories of ABAWDs; (3) barriers to employment faced by these individuals; and (4) difficulties in complying with reporting requirements even for those who are working.

- (1) **Outcomes for Individuals Subject to the 3-Month Time Limit:** USDA's proposed rule would make far more people subject to this harshly brief time limit, disregarding the existing record of outcomes where the time limit has been applied. In 2002, Arizona, Illinois, Iowa, and South Carolina outcomes for ABAWDs leaving SNAP were evaluated by USDA's Economic Research Service (see [Assessing the Self-Sufficiency of Food Stamp Leavers](#)). The employment rate for those leaving SNAP ranged from a low of 41 percent in Illinois to a high of 62 percent in Arizona. Income from earnings of the individual and in some cases a spouse or partners were generally low, but varied from a low of \$751 per month in Illinois to \$1,406 per month in Arizona. Poverty was high: about two-thirds of Iowa and Illinois ABAWD SNAP leavers had below-poverty income; in South Carolina and Arizona, poverty rates were 46 percent and 37 percent respectively, compared to a 13 percent poverty rate nationwide. Individuals without dependent children who left SNAP were far more likely to live in deep poverty (below half the federal poverty line) than the 4.9 percent national average in 2002. Approximately 40 percent of Illinois and Iowa ABAWD leavers were living below half the poverty line; proportions of deeply poor people were lower in South Carolina (12 percent) and Arizona (19 percent), but still well above the national average.

Those who left SNAP were significantly likely to report hardships. According to the ERS study, between 17-34 percent of single individuals who left SNAP reported food security with hunger, compared with 11 percent of low-income childless households nationwide. High proportions had no health insurance, including Medicaid: uninsured rates were 30 percent in Illinois, about one-third in Iowa, and more than one-half in Arizona and South Carolina. ABAWDs leaving SNAP faced evictions and homelessness in high numbers (for example, 32 percent of Iowans could not pay their rent or were evicted). In addition, 65 percent of adults without dependent children who left SNAP in South Carolina and 50 percent in Arizona had problems paying for their utilities or had a shut-off. While work, as noted, was widespread, when people who left SNAP were not working, the majority where this was studied said their unemployment was due to health problems.

Inadequate food, disturbingly high levels of homelessness, lack of health insurance, and inability to pay for other necessities are all evidence that people deprived of SNAP did not thrive. Despite this, proponents of the harsh time limits may point to employment rates of approximately 40-60 percent as suggesting that work rates and incomes might grow over time, leaving individuals more in a position to overcome poverty without government benefits.

- (2) **Work Histories of Adults Without Dependent Children:** Unfortunately, additional research shows that employment among adults without dependents who have qualified for SNAP is marked by instability. Analysis of the longitudinal Census Bureau Survey of Income and Program Participation (SIPP) by the Center on Budget and Policy Priorities shows that 75 percent of households with non-disabled adults without dependent children worked in the year before or after receiving SNAP benefits. (See *Center on Budget and Policy Priorities, [Who are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?](#)*) Large proportions of those with periods of work worked 20-35 hours or more per week for a period of at least six months. But large numbers were not working continuously, which means that they would run afoul of the requirement for continuous weeks of 20 hours or more of work and would lose assistance if the three-month time limit were not waived. USDA acknowledges that huge numbers would fail to meet the test of continuous employment by its estimate that 755,000 people would lose SNAP benefits if the proposed rule takes effect.

More recent research conducted by Mathematica shows that in 2017, of the adults expected to be affected by ending the waivers of time limits, 88 percent had incomes at or below half the federal poverty level. About one-third lived in households with reported income averaging \$557 per month, or 43 percent of the poverty line. Eleven percent were working, but less than the required 20 hours per week. SNAP benefits for these adults averaged \$181 per month. (See *Mathematica [SNAP Waiver Brief](#)*.)

Census Bureau Current Population Survey data analyzed by the Center on Budget and Policy Priorities indicates that adults without dependent children likely to qualify for SNAP and be subject to the onerous time limit “usually work 30 or more hours per week, and are employed at least 20 weeks per year.” (See *Center on Budget and Policy Priorities, [Most Workers in Low-Wage Labor Market Work Substantial Hours, in Volatile Jobs](#)*, 7-24-18.) Tracking workers in this demographic group from 2002 through 2017 showed that “...working substantially in one year is no guarantee that one will accumulate work experience and skills that lead to increased work or wages in the next year.” In fact, for those in occupations typical of SNAP recipients, earnings over this fifteen-year period did not grow, adjusted for inflation, and total hours worked declined.

These findings show that making it more difficult for states to waive the three-month time limit, resulting in hundreds of thousands of people going without basic nutrition assistance, will not direct people to a path of more stable employment. Substantial numbers already work, often exceeding 35 hours per week, but cannot sustain those

hours month in and month out because the kinds of jobs they work at are subject to unpredictable hours and layoffs. The next section of these comments will describe the barriers to stable employment faced by adults without dependent children, which explain why simply denying them SNAP assistance will not lead to positive employment or other outcomes.

- (3) **Barriers to Employment:** Well over half of working age adults (57 percent) who do not work more than 30 hours a week and 20 weeks a year have a high school degree or less (*see Center on Budget and Policy Priorities, 7-24-18*). Adults with this level of educational attainment have lost ground in earnings from 2002 through 2017, adjusted for inflation.

The kinds of jobs most frequently held by SNAP or Medicaid participants include nursing aides or health facility attendants, cashiers or retail clerks, cooks or restaurant workers, vehicle drivers, janitors, laborers, and hospitality industry workers. In general, these are low-paid jobs with stagnant earnings over the 2002-2017 period. Unemployment rates were higher in 2017 for these jobs (5.3 percent) than for occupations above the median wage (2.4 percent). For some of these job categories, unemployment was considerably higher: for example, the unemployment rate for laborers outside construction was 8.9 percent; for hospitality industry workers and cashiers, unemployment was 7.6 percent. Even during a period when unemployment is low, adults without dependents seeking work may find that the job market for the jobs they qualify for is relatively tight.

In addition, many individuals likely to be subject to the SNAP time limit have disabilities despite not qualifying for Supplemental Security Income (SSI). SSI eligibility hinges on having a disability expected to persist for at least a year; people who qualify must be seen by physicians who attest to their disability. In the sample analyzed by the Center on Budget and Policy Priorities, nearly one-quarter of SNAP or Medicaid recipients without substantial work report that they have a “work-limiting disability.” (Nearly half of these (44 percent) had worked in the previous year.) The 2002 USDA Economic Research Service report cited above found that 61 percent of Arizona respondents did not work because of a health problem affecting them or a family member; in Illinois that was true of 52 percent (but only 21 percent in South Carolina).

In another study of adults without dependent children referred to a work experience program in Columbus, Ohio, participants had “extremely unstable living situations,” including short-term stays in shelters and had limited telephone service. More than 40 percent lacked access to reliable private or public transportation; 60 percent did not have a valid driver’s license. One-third had a mental or physical limitation, such as learning disabilities, post-traumatic stress disorder, depression, or physical injuries. More than one-third had felony convictions; others had been dismissed from jobs. All of these are significant barriers to employment. (See *Center on Budget and Policy Priorities, [Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?](#)* February 8, 2016.)

In sum, while work over a period of time is prevalent, lack of education and disabilities make it difficult for the adults subject to the three-month time limit to achieve enough work stability to satisfy the work requirement, especially as it is made far less flexible for states to administer under the proposed rule.

The evidence cited here, showing that the occupations typically held by adults without dependent children may have far higher unemployment rates than the average rate for a given area, are an important reason why we oppose the proposed rule's restriction of state flexibility to waive the time limit. By imposing a floor of a 7 percent unemployment rate in order for states to waive the time limit, the proposed rule disregards the higher unemployment rates for the kinds of jobs open to people with little education and struggling against the other barriers to employment described above. The proposed rule asks for comments about whether a 6 percent floor is preferable to a 7 percent floor. On page 984 of the Federal Register/Vol. 84, No. 22, an analysis is presented indicating that a 7 percent floor would result in 90 percent of ABAWDs living in areas without waivers; a 6 percent floor would mean that 76 percent of ABAWDs would live in areas without waivers. Both of these options are arbitrary and likely to result in many thousands of people being denied SNAP benefits. The language used in describing these options betrays a lack of understanding of the impact of denying assistance to very low-income people. Living in areas without waivers, the language reads, people "would be encouraged to take steps towards self-sufficiency if a floor of 7 percent was established." The evidence cited above shows that people are already engaging in work. Denying SNAP benefits does not lead to significant education or training to help the person qualify for a better-paying and more stable job. Nor does it resolve issues of ill health, disability, or caring for another household member with a disability.

The proposed rule makes no effort to assist the adults subject to the time limit with education or training, counseling, medical care, stable housing, or any other supports that would make stable work at above-poverty pay more likely. On the contrary, denying SNAP to so many in deep poverty is likely to result in worsened health problems and less stable housing situations, as people must divert their meager income towards food purchases or medical care. States that wish to prevent such individuals from experiencing these hardships will be less able to exercise their judgment about waiving time limits in the geographic areas they believe are not likely to provide stable employment.

- (4) **Difficulties in Complying with the Work Reporting Requirements:** The Administration has been seeking to implement work reporting requirements across different programs, including Medicaid. In particular, the U.S. Department of Health and Human Services has approved a Medicaid waiver in Arkansas which imposes monthly work reporting. It is the only work reporting waiver that has taken effect, and therefore is of importance for the lessons relevant to the SNAP proposed rule. U.S. District Court Judge James Boasberg ruled against the Arkansas Works waiver because HHS' refusal to take into account the comments describing the likely adverse

impact meant the waiver approval was “arbitrary and capricious,” and therefore contrary to the Administrative Procedure Act. One of the plaintiffs in the suit was Adrian McGonigal, a 40 year-old man who had enrolled in Arkansas’ expanded Medicaid program. He has serious medical conditions, and the Medicaid coverage enabled him to get treatment, including prescription drugs. He worked in the shipping department of a food service company. When the Arkansas Works Amendments were approved, he complied by reporting his work online as required by the program. He did not realize he needed to continue to report on a monthly basis, and was terminated from Medicaid coverage. He was unable to pay \$800 for his prescriptions and missed several days of work because of a flare up of his medical condition. As a consequence, he was fired from his job. (see U.S. District Court Civil Action No. 18-1900, [\*Charles Gresham, et al. v. Azar\*](#).)

Much of Mr. McGonigal’s experience should be a warning to USDA’s SNAP administrators. He was working despite health conditions. He did not fully understand the new program requirements and found it difficult to carry out even the aspects he did understand, because of his difficulty going online to report his work. He lost his benefits even though he was actually complying with the program requirements. The loss of his medical care resulted in a worsening of his medical condition, when led to the loss of his job, exactly the opposite result intended by Arkansas Works. Mr. McGonigal was not alone. Judge Boasberg found that “more than 16,900 individuals have lost Medicaid coverage for some period of time for not reporting their compliance...It is not known what percentage of these individuals completed the work requirements but did not report versus those who did not engage in the work itself.” The work reporting requirements were clearly very poorly communicated to the Medicaid beneficiaries affected by it. Hardly anyone reported work (in October, according to the Judge’s opinion, only 1,687 out of 13,653 people not exempt from the work reporting requirements reported any kind of qualifying activity). SNAP reporting requirements could also easily be misunderstood or unknown to SNAP beneficiaries, who may fail to receive notices because of frequent moves, or fail to understand what they receive because of low education or difficulty reading English.

A [\*New York Times\*](#) piece about the impact of more frequent documentation requirements described a Washington State decision to require Medicaid enrollees to document their eligibility twice a year as opposed to the previous annual requirement. That plus more paperwork resulted in a reduction in the Medicaid caseload of more than 40,000 children. Another [study](#) of adults in the Medicaid program before the Affordable Care Act found that 29 percent of those who remained eligible nevertheless lost coverage because of the paperwork burdens at the time of the annually required redeterminations of eligibility. Clearly, repeated reporting will be extremely burdensome for people struggling to work, manage health problems or other crises, all without adequate income, subject to frequent moves and lacking transportation and other resources.

Although these findings were in relation to Medicaid, difficulties in complying with

reporting requirements would be equally likely to result in loss of SNAP benefits. USDA's estimates of 755,000 people losing SNAP are an acknowledgement that people will be unable to comply with the reporting rules, and not that many of them will be going on to good, stable jobs with earnings high enough to avoid the need for SNAP in the future. USDA asserts its expectation that two-thirds of those individuals made newly subject to the time limit "would not meet the requirements for failure to engage meaningfully in work or work training." Moreover, while the Department concedes that the proposed changes "have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups, [it] find[s] that implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts." But no explanation of the mitigation strategies and monitoring is provided, so there is no opportunity for us to comment on whether the acknowledged disparate impact will in fact be mitigated.

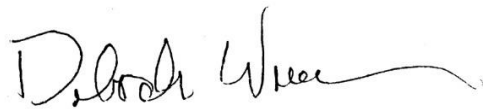
**The Proposed Rule is Directly Contrary to Congressional Intent:** When Congress enacted the farm bill in 2018, it expressly rejected imposing the rigid time limit and work reporting that the Administration is now trying to implement administratively.

In part, Congress was concerned about the harm to communities that would occur if benefits are no longer received. Based on USDA's Economic Research Service analysis, it is estimated that each \$1 in federal SNAP benefits generates \$1.79 in economic activity. Those dollars help many food retailers operating on thin margins to remain in business; something that improves food access for all residents.

Congress also declined to restrict states' authority to determine whether economic conditions warrant subjecting extremely poor individuals to the three-month time limit, especially in the absence of significant additional resources for training and other supports to increase the likelihood of sustained work. USDA should stop its efforts to implement a rule Congress expressly opposed.

The members of the Coalition on Human Needs agree with Congress' decision in the farm bill, and strongly urge the U.S. Department of Agriculture to reject this proposed rule.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Deborah Weinstein", with a long, sweeping horizontal line extending to the right.

Deborah Weinstein  
Executive Director