

Implementing the SNAP Three Month Time Limit

Toolkit for Advocates

September 2015

**820 First Street NE, Suite 510**

**Washington, DC 20002**

**Tel: 202-408-1080**

**Fax: 202-408-1056**

**center@cbpp.org**

**www.cbpp.org**

Table of Contents

[Introduction 4](#_Toc429723091)

[Key Messages About the Three-Month Time Limit 9](#_Toc429723092)

[Properly Identifying ABAWDs 10](#_Toc429723093)

[Setting a Fixed Statewide Clock 14](#_Toc429723094)

[Counting Months and Regaining Eligibility 17](#_Toc429723095)

[Identifying Those Who Are Unfit for Work 20](#_Toc429723096)

[Using Flexible Exemptions 23](#_Toc429723097)

[Qualifying Work Hours 26](#_Toc429723098)

[Understanding Waivers 29](#_Toc429723099)

[Providing Employment and Training Program Options 32](#_Toc429723100)

[ABAWD Implementation Timeline 36](#_Toc429723101)

Introduction

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in a qualifying job training activities for an average of 20 hours a week, or doing workfare. The three-month time limit for childless, non-disabled adults who are unable to find 20 hours a week of work is one of the harshest provisions in SNAP. By 2000, three years after first implemented, an estimated 900,000 individuals lost benefits. Since the time limit has been in effect, it has severely restricted this group’s access to the program.[[1]](#footnote-1) Many of those who have lost benefits have faced serious hardship and have not been eligible for other kinds of public assistance.

During the recession and its aftermath, states were able to waive this time limit for the entire state due to high unemployment rates. But with the economy improving and unemployment declining, fewer areas will qualify for waivers. As a result, the time limit will take effect in 2016 in many areas throughout the country. We estimate 1 million individuals will lose benefits by the end of 2016.

The time limit is not only harsh, but also extremely complicated for states to administer. States that have had to re-impose the time limit since the end of the recession have found that they are struggling to implement the rule correctly. Many states have not had adequate time to prepare. They have been focused on other important priorities, such as designing and rolling out new eligibility systems and implementing the health care reforms of the Affordable Care Act. Some have found that a consequence of the confusing rules is that eligibility workers inadvertently are cutting eligible people off.

Advocates can play a key role in helping their states prioritize this important issue, bringing the full range of options to the state and making sure a comprehensive plan is in place that takes advantage of the best policies to ensure that no eligible people fall off SNAP.

Background

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP benefits in any 36-month period unless they are working half time or participating in certain training programs.[[2]](#footnote-2)  Many states have temporarily waived the three-month limit statewide in recent years due to high unemployment.  But as the economy continues to recover and unemployment falls, fewer areas will qualify for waivers and more people will face the limit.

States and localities are not required to help the affected people find jobs or provide a place in a job training program that would allow them to keep benefits.  Very few do so, leaving it to the participants to find enough work or training to keep their benefits.

States that have had statewide waivers for several years face challenges in re-imposing the ABAWD provisions. In some states, ABAWD policy is one part of a staff person’s responsibility. Many states have had staff turnover in recent years resulting in new employees who have never had to grapple with ABAWD implementation issues. Over the same time period, eligibility systems may have been significantly upgraded or completely replaced since the last time a state agency had to track ABAWD months.

Most states currently have a statewide waiver that expires on December 31, 2015 and do not qualify for a statewide waiver for 2016. Most of these states will have sub-state areas (such as a county, city or group of counties) that do qualify for waivers and are in the process of deciding whether to request these sub-state waivers or awaiting FNS approval. Some states have already imposed the time limit — either because no area in the state is eligible for a waiver or because state policy officials decided not to seek a waiver in areas that do qualify. Some states currently have partial waivers for areas that qualify. FNS maintains a list of states’ waiver status.[[3]](#footnote-3)

States that have already imposed the time limit report sharp drops in participation in the fourth month (the month after the first three months elapse). The experience of states where the time limit has already come back into effect illustrates the need for adequate planning, careful policy development, and substantial training and eligibility system adjustment.

Issues for State Engagement

States have a lot to do before the time limit takes effect. The loss of benefits for so many low-income individuals requires careful preparation. States will need to develop a comprehensive plan that includes making key policy choices, updating eligibility rules and manuals, training staff, changing application and report forms and notices, developing job training opportunities, and educating stakeholders about the rule change.

This will be an ongoing process for any state re-imposing the time limit in any part of the state. Advocates have the opportunity to play a helpful role in that process. While this toolkit aims to give advocates the resources to dig into the details of the many aspects of the time limit, some initial questions that can help start a conversation with the state include:

* When and where in the state will the time limit take effect (i.e., what areas will continue to be waived)?
* What is the estimated number of people that will be impacted?
* How does the state plan to ensure that eligible people are not cut off, especially those who are exempt from the time limit because they are “physically or mentally unfit for employment”?
* How does the state plan to operationalize the rules? For example, what changes are required in state policy and when will they be implemented and included in the state’s policy manual?
* How will the state deliver the necessary staff training before the time limit takes effect?
* What changes are needed to forms such as online applications, interim reports, and notices?
* What is the plan to develop qualifying employment and training (E&T) programs, volunteer opportunities, and workfare programs?
* What is the plan to inform and consult with stakeholders such as food banks and pantries, and community organizations that serve this population?

Toolkit Components

This toolkit is designed to help community groups and advocates understand the key policy and procedural issues facing a state preparing to re-instate the three-month time limit. Each piece summarizes a particular issue, outlines the key decisions facing a state and concludes with some questions aimed at beginning a conversation with the state. The issues in this toolkit include:

* Status of time limit in the state. While many states are losing the statewide waiver on December 31. 2015, all but a few will have areas of the state with high enough recent unemployment to qualify for a waiver. Knowing where and when the time limit takes effect is an important first step in planning for implementation. It establishes how broad the impact will be and where a state must focus its energies with respect to training staff, establishing E&T programs, informing clients, and engaging stakeholders.
* Establishing a process to inform and assess individuals subject to the time limit. Once a state knows when and where the time limit applies, it faces a difficult task of identifying those subject to the time limit and only applying the limit to those who are not exempt or working sufficient hours. This is the toughest challenge states face. The rule provides specific exemptions for individuals who are unable to work.[[4]](#footnote-4) States must establish policies that correctly identify those who are exempt and must be able to monitor hours worked or in qualifying job training. States must also train and support staff to properly assess SNAP participants before classifying them as ABAWDs. Unfortunately, time and resources are tight and states may be challenged to get all the pieces in place by the time the clock starts ticking. In states that have already implemented the time limit, media reports and community groups report individuals terminated from SNAP who were, in fact, eligible to participate. There are multiple opportunities to ensure that states have a workable process in place to identify ABAWDs.
* Applying required exemptions. The ABAWD provision exempts several categories of individuals, including those already exempt from SNAP work requirements, with a child in the household, mentally or physically unfit for work, or pregnant. The state must have policies in place to identify these individuals and monitor the status of individuals exempt for temporary reasons.
* Using flexible exemptions. Each state receives an allocation of “individual exemptions” that it can use any way it sees fit. This gives the state a great deal of flexibility, and so long as the state accurately tracks use of the exemptions to avoid overusing them, they provide an opportunity to extend benefits to especially vulnerable individuals and can ease administrative burdens. Many states, however, have declined to use these exemptions.
* Setting the 36-month clock. The rule limits benefits to three months in 36-month period. States must establish the 36-month period that applies. Technically, states have been running the 36-month clock since the rule took effect in 1996, but they have not had to use it when they have had a statewide waiver. A state can set the clock in several ways; using a fixed, statewide clock starting on one date and resetting three years later is the best option for SNAP participants and is likely the easiest to implement. It is worth encouraging states to adopt fixed statewide clocks if they have not already done so.
* Properly counting months and regaining eligibility. The three months of benefits an ABAWD is limited to must be full months of benefits, so states must not count months in which an individual received a partial or pro-rated share, was exempt, or met the work activity requirement. In addition, individuals can regain eligibility and gain an additional three months of benefits. These are critical months of assistance and present administrative challenges for many states that adequate planning and preparation can minimize.
* Qualifying work activities. Months in which an individual works 20 or more hours a week, participates in a qualifying job training activity for 20 hours a week, or does workfare do not count towards the time limit. There are numerous details to be worked out — for example, what constitutes “work” (it does not need to be paid), what constitutes a qualifying training program, and how to correctly track the required number of hours.
* Key Employment and Training (E&T) considerations. States may, but are not required to, provide the job training or workfare opportunities that allow individuals to continue to receive benefits. Providing a training or workfare slot to individuals facing the time limit will require substantial changes in state E&T programs, in part because states have not had to focus modest E&T funding on ABAWDs to keep them eligible while statewide waivers were in effect. Making the task more challenging, the law specifically prohibits stand-alone job search as an allowable activity. For many states, providing appropriate ABAWD activities will be a real shift in focus. Community partners can help in many ways.

Additional Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA, 2015: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS ABAWD Resource page (primarily about waivers of the time limit): <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Imposing a Time Limit on Food Stamp Receipt: Implementation of the Provisions and Effects on Food Stamp Program Participation, Mathematica Policy Research, Inc., 2001: <http://www.fns.usda.gov/sites/default/files/abawd.pdf>.

A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio, Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>.

Infographic on Childless Adults Losing SNAP Benefits in 2016: <http://www.cbpp.org/sites/default/files/atoms/files/1-13-15fa-infographic.pdf>.

Key Messages About the Three-Month Time Limit

The ABAWD provision is a time limit, not a work requirement. Governors and stakeholders who promote the time limit often characterize it as a reasonable work requirement.[[5]](#footnote-5) Calling it a work requirement suggests that it encourages people to look for work and provides a training or workfare position to everyone subject to the time limit. However, individuals working up to 20 hours per week and those looking for work are still terminated from SNAP after three months. An able-bodied adult without dependents must work 20 hours a week, participate in a job training program for 20 hours a week, or perform workfare in order to receive more than three months of benefits. But, most states do not provide a training or workfare position to everyone subject to the time limit.

Cutting benefits to this extremely poor and vulnerable group will cause widespread harm. Individuals subject to the three-month limit have average monthly income of approximately 19 percent of the poverty line, and they typically qualify for no other income support. Many face significant barriers to work, such as returning from military service, homelessness, felony convictions, a lack of transportation, or lack of a high school diploma.

The provision is complex and difficult to administer. Identifying who on the caseload is an ABAWD, screening for exemptions, tracking months of participation, and monitoring hours worked and participation in training programs requires new systems, forms and notices as well as substantial training and support of eligibility workers. States need time (and resources) to gear up.

Identifying existing ABAWDs requires an individualized assessment of their circumstances. States with simplified reporting requirements will not have information in an individual’s case file to determine whether the individual is subject to the time limit or exempt due to unfitness for work, pregnancy, changes in household composition, or other reason. The state must begin assessing individuals at application, recertification, or when an individual contacts the agency for any reason — before the time limit takes effect.

Properly Identifying ABAWDs

The Issue

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in a qualifying job training activities for an average of 20 hours a week, or doing workfare. Many states were able to waive this rule statewide during the Great Recession by documenting high and sustained unemployment rates. Because of this, millions of poor unemployed adults became eligible and were able to participate in SNAP. But as unemployment rates fall, fewer and fewer areas will qualify for waivers, and the time limit will come back into effect. In 2016, we estimate at least 1 million SNAP participants will be subject to the limit. As states prepare to implement this complex rule for the first time in years, they must be able to identify who on their caseload is a non-disabled childless adult subject to the time limit. Because states have not had to identify ABAWDs while statewide waivers were in effect, they may not have adequate information to make a proper assessment.

Failing to properly identify individuals subject to the time limit is problematic — it either cuts off eligible individuals or puts the state at risk for potentially significant payment errors. If a state fails to properly identify an individual who appears to fit the ABAWD definition (for example, is between 18 and 49 years old and reported not to have a child in the household), but is actually exempt (because, for example, he or she is physically unfit for work or a child moved in), the state risks terminating an eligible non-ABAWD. Conversely, if a state fails to identify an ABAWD subject to the time limit who is not meeting the requirements, it risks issuing benefits in error.

When the time limit was imposed in Ohio in 2013, some individuals in one county who were exempt from the requirements, including those who were older than 49 years old, were still referred to the work experience program for childless adults designed to provide ABAWDs with a way of staying eligible.[[6]](#footnote-6) Caseload trends in states that have already re-imposed the time limit show a precipitous drop four months after the time limit takes effect, suggesting that large numbers of people lose benefits after three months. Observers in these states have expressed concern that many of those who lose benefits appear to be eligible to participate but the state has not properly assessed their ABAWD status.

Background

Once a state’s waiver ends for any given area, the state must identify individuals who are subject to the time limit and ensure that these individuals are limited to three countable months of benefits in the 36-month period designated by the state. A countable month is one in which an individual between 18 and 49 years old without a child in the household is not exempt, working, or in a qualifying job training program 20 hours a week or participating in workfare. The challenge for states is that with a statewide waiver in effect, there was no reason to identify all individuals who would otherwise be subject to the time limit (although some imposed job search requirements on this group). As a result, the time limit will go back into effect in the middle of most households’ certification periods and states will not have enough information in their eligibility system to properly identify ABAWDs subject to the time limit without an individualized assessment of the SNAP participant. Under SNAP simplified reporting rules, which apply to most households with an ABAWD, the household is not required to report many circumstances that would exempt them from the time limit, such as a child moving into the household, a temporary or permanent disability or medical condition, or participation in a training program.

States can adopt policies that minimize the likelihood of terminating eligible individuals while limiting the risk of errors. The key to doing this is properly assessing individuals who appear to be subject to the time limit to determine whether it, in fact, does apply to them.

Determining ABAWD status requires an individualized assessment where an eligibility worker can explain the rule, ask about exemptions and determine someone is mentally or physically unfit for work. This can best be achieved by identifying possible ABAWDs using available case information and conducting a more thorough assessment the next time the individual is in contact with the agency. If started early enough, this can be done during the last recertification before the time limit takes effect. *States with waivers ending in December of this year ought to consider begin conducting assessments immediately,* for individuals recertifying between now and March 1, 2016, when the time limit takes effect. (Note that the time limit will start in January 2016, but households will not lose benefits until April, when three months have elapsed.) The recertification process, particularly through the interview, allows the state to determine whether an individual is an ABAWD subject to the time limit, whether an exemption to the time limit applies, and can direct the individual to qualifying job training opportunities if available.

Existing applications, interview protocols, and report forms will need be revised to ask for the information needed to determine whether an individual is subject to the time limit. For example, applications and report forms offer an opportunity to ask if an adult has a temporary disability such as a physical injury or whether he or she has engaged in unpaid work or work in exchange for rent or other services.

In addition, FNS has instructed states that they must:

* Explain, at certification or in a periodic report:
  + the time limit and when it applies to the household,
  + the exemption criteria and how an individual can establish that he or she meets an exemption, and
  + circumstances under which the time limit doesn’t apply, such as working an average of 20 hours per week, participating in a qualifying job training activity for 20 hours per week, or doing workfare.
* Provide an adequate Notice of Adverse Action prior to enforcing the time limit.
* Provide an additional notice at least 30 days prior to the end of the waiver period.[[7]](#footnote-7)

Key Action Steps

* Urge the state immediately to begin assessing each individual who may become subject to the time limit. The best time to do so is when the household has contact with the agency – for example, at application, recertification, when periodic reports are filed, or when a household contacts the state for other reasons. This ensures that only those individuals actually subject to the time limit — not exempt or meeting the work or training requirement — use up one of their three countable months.
* Review state policy and procedures to ensure that the exemptions provided by federal regulation are included as part of the recertification and reporting process.
* Ask to review the state’s notices to households related to the ABAWD time limit. This may include a general notice of the expiration of the time limit, which should include a clear explanation of the time limit, exemptions to it, and ways of maintaining eligibility by working, training, or doing workfare. States *must* issue a Notice of Adverse Action, (NOAA) which must be sent to individuals prior to terminating them.
* Review the caseworker interview protocols for ABAWDs and ABAWD self-assessment forms.
* Reach out to legal service organizations and application assisters to educate them about the rule. If a state fails to properly assess individuals prior to the time limit taking effect, it is unfortunately likely that individuals who are either exempt or otherwise not subject to the time limit will be improperly terminated. There may be opportunities for legal services to represent individuals improperly denied. The threat of legal action could motivate some state agencies to start conducing thorough assessments as soon as possible.

Questions for Consideration

* How is the state identifying individuals who will become subject to the time limit when the waiver expires?
* How is the state obtaining the needed information to make an accurate determination that a *potential* ABAWD is not exempt or meeting the work or training requirement?
* Is the state doing an assessment of each individual who may be an ABAWD to determine whether an exemption applies or the individual is meeting the 20-hour requirement?
* How will forms and notices be changed to explain and solicit information for participants and applicants?
* How will the state ensure that any individuals who are improperly terminated can re-establish eligibility as quickly as possible and receive the full amount of benefits for which they are entitled?

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation:http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml.

FNS ABAWD Resource page (primarily about waivers of the time limit): <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Services, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

ABAWD Question and Answers, Food and Nutrition Services, USDA, December 20, 2013: <http://www.fns.usda.gov/sites/default/files/ABAWD_qa.pdf>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio, Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>.

Setting a Fixed Statewide Clock

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, participating in a qualifying job training activities for an average of 20 hours a week, or doing workfare.

States must identify and monitor the three-year, or 36-month, period during which an individual subject to the time limit is limited to three months of benefits.[[8]](#footnote-8) There are three ways a state can do this:

* Set a fixed statewide clock: A state can use a fixed statewide clock in which the same 36-month period is used for all SNAP households. For example, a state losing its statewide waiver on January 1, 2016 could start a statewide clock for all ABAWDs on that date. The 36-month period would run through December 2018, and then start again.
* Set a fixed individual clock: A state can use a fixed individual clock, where each individual is assigned a 36-month period either at the time of application or, if already on SNAP before becoming subject to the time limit, at the time the individual becomes subject to the time limit. In a state losing a statewide waiver, all ABAWDs already on SNAP would have a 36-month clock that started on January 1, 2016 (as in the above example). However, any individual who applies for SNAP after January 2016 would have a clock that starts on the date of application. Similarly, if an individual became subject to the time limit on July 1, 2016 because a child moved out of the household, the individual’s clock starts on July 1 and runs for the next 36 months.
* Rolling individual clock: A state can use a rolling, individual clock, in which the 36-month clock is recalculated each month by looking back over the previous 36 months to determine whether an individual is eligible for one of the three months of benefits.

The first option — a fixed statewide clock — is the best choice for SNAP households, and a wise choice from an implementation perspective. Most importantly, a fixed statewide clock will actually be a shorter clock for any ABAWD who applies for SNAP in any month after month in which the clock has started. This allows them to regain eligibility for SNAP earlier than under any other kind of clock. For example, an ABAWD who applies for SNAP 18 months into a state’s 36-month period and uses up her three months would only have to wait 15 months until the statewide clock restarted in order to regain eligibility. Under a fixed individual clock, the same individual would have to wait 33 additional months, while under a rolling individual clock, the results could vary depending on circumstance but would in almost every circumstance require a longer wait before requalifying for benefits.

The 36-month period continues even while an area is waived, so state clocks have been operating since the time limit went into effect. If the state operated under a fixed statewide clock prior to the recession, it is important to identify where the state is in its 36-month cycle so that non-exempt ABWADs who cannot find work or job training programs understand when they may become eligible again for benefits. If a state did not operate a statewide fixed clock, converting to one as quickly as possible means it will begin to run while the state still has a waiver.

A fixed statewide clock provides additional benefits to the SNAP household. A state is more likely to provide a certification period of three to four months to an individual under a fixed clock than under a monthly certification period under a rolling clock, because the latter essentially requires monthly reporting of eligibility information. The fixed statewide clock is also easier to understand, which helps individuals know when they may become eligible for SNAP.

States can change their clock simply by informing Food and Nutrition Services (FNS). If a state has used a rolling individual clock in the past, it may wish to reconsider switching to the easier-to-implement fixed statewide clock. A state with a rolling clock could, in fact, switch to a fixed statewide clock before its statewide wavier expires at the end of this year, thus shortening the first period in which ABAWDs face the three-month time limit.

Questions for Consideration

* What type of clock does the state use? If it is a rolling individual clock, has the state considered the benefits of switching to a statewide clock during this period when the time limit is waived?
* If the state uses a fixed statewide clock, what is the current status and how many months will apply when the time limit comes back into effect before the clock resets?
* Does the state plan to inform ABAWDs subject to the time limit about regaining eligibility after the clock resets and all ABAWDs are eligible for another three months?

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS ABAWD Resource page (primarily about waivers of the time limit): <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Services, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

ABAWD Question and Answers, Food and Nutrition Services, USDA, December 20, 2013: <http://www.fns.usda.gov/sites/default/files/ABAWD_qa.pdf>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Counting Months and Regaining Eligibility

Able-bodied adults without dependents are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week or doing workfare. This harsh time limit threatens thousands of poor individuals with increased hardship and food insecurity.

The rule is also complex because it requires a state agency to track each month of participation by a non-disabled childless adult. State eligibility systems are designed to determine a household’s eligibility based on household composition, income, and expenses at the time of certification and expected in the future. There are no other time limits in SNAP that require the kind of tracking this rule does. Because of the fluid nature of the ABAWD population — many have irregular earnings, some can become exempt from the time limit for short periods of time, household composition may change — state systems must be able to count individual months and in some cases, make retroactive adjustments.

The Issue

An individual becomes ineligible for SNAP after receiving three “countable” months of benefits. A *countable month* is a month in which an ABAWD subject to the time limit was not exempt, living in a waived area, working 20 hours a week, or participating in a qualifying E&T activity.[[9]](#footnote-9) A *countable month* must be a full month of benefits — someone applying after the first of the month who receives a prorated amount of benefits for that first month has not used a countable month. Months in which individuals becomes exempt during the month are also not countable months.

If an individual has reached the time limit and become ineligible for SNAP, he or she may regain eligibility by becoming exempt, living in an area with a waiver, or working or participating in qualifying E&T activities for 80 hours in a 30-day period. Any 30-day period of this level of work would requalify an individual; it does not need to be the previous 30 days. State wage data or other sources can verify that someone has worked the required amount.

A state has the option to allow someone who verifies that they will become exempt or meet the work or E&T requirement within 30 days to regain eligibility. This allows a state to find eligible an individual who may not have known why he or she lost benefits and who, upon reapplying, agrees to participate in E&T or workfare. This can be an important way to help individuals who may not have understood the rule change. In Minnesota, which reinstated the time limit in 2013, nearly half of ABAWDs terminated after the time limit tried to reapply for benefits.

And, finally, an individual who has regained eligibility as described above, and who then becomes subject to the time limit again because, for example she is no longer working 20 hours a week or in a qualifying E&T activity, can receive benefits for the next three consecutive months. This is a one-time opportunity during the 36-month period and the months must be consecutive, even if an individual otherwise loses eligibility during those three months or becomes not subject to the rule.

Key Action Steps

* Ensure that the state’s tracking system only counts full months of benefit receipt as counting towards an ABAWD’s three-month limit.
* Explore the possibility of allowing an individual to commit to participating in a qualifying E&T program or workfare slot within 30 days of reapplying for benefits. This would permit an individual who may not have understood the work or E&T requirements prior to being cut off SNAP to demonstrate a willingness to comply.
* Ensure that states can retroactively “count” or “uncount” months toward the time limit. In many cases, a state will not know whether an individual has met the requirement or become exempt until after the month is over. This is especially true for workers with irregular hours and participants in E&T programs. Though it may appear reasonable to a state, counting a month against the three-month limit before the month is over should be discouraged. A state must ensure that its eligibility system, and its workers, are able to change months in an ABAWD’s file retroactively to correctly track that month.
* Review the state policy for regaining eligibility and using the second three consecutive months of eligibility for those who fail to comply.

Questions for Consideration

* Does the state have the ability to count only “countable months” towards the three-month limit?
* Has the state considered a way to re-engage individuals who have lost benefits because of the time limit but return to reapply for SNAP?
* Is the state able to determine additional months of eligibility for individuals subject to the time limit who have lost benefits but meet the work activity requirement or become exempt?

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Services, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

ABAWD Question and Answers, Food and Nutrition Services, USDA, December 20, 2013: <http://www.fns.usda.gov/sites/default/files/ABAWD_qa.pdf>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Identifying Those Who Are Unfit for Work

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in a qualifying job training activities for an average of 20 hours a week, or doing workfare. Individuals who are physically or mentally unfit for work are exempt from this requirement and can continue to receive SNAP benefits.

Why Is This Important?

Many non-disabled childless adults face significant barriers to work, short of severe and permanent disabilities, that make them unfit for work. For example, a SNAP participant may be recovering from a work-related injury such as a severe broken leg that would make them unfit for work for 60 to 90 days. If such individuals are made subject to the ABAWD three-month time limit, they may be unable to find employment or complete the required training program, and would lose SNAP benefits despite having a legitimate reason for not having to comply. Identifying and exempting these individuals is an essential part of implementing the time limit.

In order to properly determine that an individual is not physically or mentally unfit for work, a state must make an individualized assessment of the individual. It must also act on information reported by an individual indicating that the person has become unfit for work. When the Ohio Association of Food Banks assessed individuals subject to the time limit for work programs, they found that 33 percent reported a physical or mental barrier to employment.

An individual is not subject to the three-month time limit if the state agency determines that the individual is medically or physically unfit for work.[[10]](#footnote-10) The regulation provides three ways for an individual to be identified as unfit for work. These are:

1. Receipt of temporary or permanent public or private disability;
2. Obviously mentally or physically unfit for work as determined by the state agency; and
3. If the unfitness is not obvious, a statement from a physician, physician’s assistant, nurse, nurse practitioner, representative of a physician’s office, licensed or certified psychologist, a social worker, or any other medical personnel determined appropriate by the state agency.

Note that this definition of unfit for work is (1) is not related to the definition of disability used to determine eligibility for SNAP (see 7 C.F.R. §271.2) and (2) differs from the use of the term “unfit for work” that exempts individuals from SNAP work registration requirements (see 7 C.F.R. §273.7(b)(1)(ii)).

Key Action Steps

Ensuring that states screen potential ABAWDs for those who are physically or mentally unfit for work requires establishing a clear and sensible definition of “unfit for work” and policies and procedures for identifying individuals, training workers tasked with making the determination, and having reasonable verification requirements.

Establishing a Sound Definition and Clear Set of Policies

* Clarification that the physical or mental impairment must make an individual unable to work 20 hours a week, rather than unable to work at all. That definition includes a broader range of impairments since it includes individuals with conditions who might be able to work a few hours a week but unable to handle the higher workload of half-time to full-time work.
* Consider including the whole range of disability benefits, such as Worker’s Compensation, veterans’ benefits based on disability, and other disability-related public and private services. Pending applications for these programs can also qualify an individual for an exemption. State agencies may be able to verify participation in government disability programs through a data match. For private disability, a document from the insurer or a check stub should suffice.
* Identifying all medical personnel who can provide a statement documenting unfit for work status. The federal regulations list a non-exclusive list of medical personnel whose statements must be considered documentation of unfitness. In other words, states may not limit the federally approved list, but may include additional medical personnel. Identifying other accepted sources — such as hospital staff and community clinic representatives — provides clarity to eligibility workers and SNAP participants. In addition, documentation from medical personnel not listed or approved can be verified through a collateral contact if questionable.
* A state will find it easier for clients to comply with the state’s policy if they provide a form to be filled out by an appropriate medical professional. The form must allow individuals claiming to be physically or mentally unfit for work to submit a written statement from a certifying professional in lieu of the form.  An example of a form from Massachusetts can be found here: <http://webapps.ehs.state.ma.us/DTA/PolicyOnline/olg%20docs/form/11/22011/fspwr_med.pdf>.
* States could consider allowing verbal statements from medical professionals, as Florida does.

Adequate Training of Eligibility Workers

* Federal regulations state that individuals are exempt when they are “obviously unfit” for work as determined by the state agency. As states move away from in-person case management and more toward online and phone application processes, they will need to update their policy manuals on how to apply this definition to their current processes.

Reasonable Verification Requirements

Given the detailed regulations on how a state may determine an individual is physically or mentally unfit for work, additional verification requirements can be limited. For example, match with the Social Security Administration showing receipt of Social Security Disability Insurance payment is adequate proof that an individual is, in fact, disabled. Likewise, a written statement from a doctor’s office is adequate proof of a medical condition (unless the statement is questionable — for example, if the named individual does not match the name of the SNAP participant). A determination by an eligibility worker that an individual is obviously unfit for work is also adequate evidence — no further verification is necessary. Reasonable verification includes:

* Providing a form but also allow a written statement from a certifying professional
* Allowing a household’s statement of unfit for work to be permissible unless questionable
* Instructing eligibility workers to provide information to help the household obtain appropriate verification

Questions for Consideration

* Does the state’s definition of unfit for work include the three ways of demonstrating unfitness outlined in federal regulations – receipt of disability payments, worker observation, and documentation from medical professionals?
* How is the state training and preparing eligibility workers to determine an individual is unfit for work?
* What is required to verify the unfit for work exemption? Is it reasonable? Does the state attempt to verify without placing the burden on individuals?
* Can advocates review the state’s proposed forms to ensure clear explanations of unfit for work and the required medical verifications are included?

Resources

FNS SNAP Able-Bodied Adults without Dependents Questions and Answers, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

Guide to Serving ABAWDs Subject to Time Limited Participation, FNS: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation:http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml.

FNS ABAWD Resource page (primarily about waivers of the time limit): <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

Using Flexible Exemptions

In addition to the mandated exemptions from the time limit, states have additional flexibility to set their own exemption criteria. Each year, a state can exempt roughly 15 percent of its caseload that is subject to the time limit. Once a year, FNS estimates the number of able-bodied adults without dependents that are subject to the three-month time limit who are not living in a waived area and calculates exemptions representing 15 percent of that number. Each exemption may be used to exempt one individual for one month, though states can grant multiple exemptions to a single individual to exempt that person for multiple months.

Why Is This Important?

Individual exemptions can allow certain vulnerable SNAP participants to continue to receive benefits. They also can help states with particularly troublesome implementation issues. And, states have enormous flexibility in using the exemptions. But in many cases, states do not have a clear policy around the use of individual exemptions. As a result, many states do not use them at all, or use very few. Unused exemptions accrue over time which has resulted in some states with thousands of unused exemptions. Exemptions are essentially one month of benefits for one individual, so a stockpile of unused exemptions represents a significant reduction in potential food assistance for low-income households.

Exemptions provide states with important flexibility. By developing a reasonable policy and carefully estimating the demand for exemptions under that policy, states can mitigate some of the most harmful elements of the ABAWD provision.

Key Implementation Issues

As noted, states can use individual exemptions in any manner they choose. This provides tremendous flexibility and requires careful targeting. While the initial allotment may seem substantial, exemptions can be used up quickly. For example, exempting 100 individuals for six months uses 600 exemptions. If a state is unable to accurately estimate the rate at which it uses exemptions, it may quickly exceed its allocation. From a state’s perspective, the challenge is identifying a use that does not unduly risk overusing the allotment of exemptions. If a state does use more exemptions than allotted in a particular year, it must pay back the overage with the following year’s allocation. If, at the end of the year, the state still owes exemptions, it faces fiscal penalties for over-issuance, so states have some incentive to be very conservative with the use of exemptions. However, a clear policy or policies with accurate tracking can avoid problems with using too many exemptions.

Coming up with a reliable estimate of the number of exemptions to be used under a proposed policy will be critical in convincing state agencies that adopting the policy will not place them at risk for errors or overissuances.

Exemptions must be carefully allocated and tracked. Doing so allows a state to monitor the use of exemptions and make quick adjustments if the rate of use exceeds the amount of exemptions available. Since states have complete discretion in the use of exemptions, they can adjust the use of exemptions to stay within their allocated amount.

Ways in which to consider the use of individual exemptions:

* Lengthen the time limit from three to four or five months for all ABAWDs. This requires an accurate count of ABAWDs subject to the time limit and careful tracking. Alternatively, the state could lengthen the time limit for a subset of those subject to the time limit (such as people with significant barriers to work that do not qualify for an exemption).
* Target specific populations, such as the homeless, veterans, individuals who do not have a high school degree, older individuals such as 45- to 49-year-olds, or those with limited English proficiency.
* To ease administrative burdens in geographical areas where part of the county or area was waived, exempt individuals in those parts of the area not waived from the time limit.
* Provide exemptions in geographic areas with insufficient job or training opportunities that do not qualify for a waiver. Some states may have SNAP E&T programs in some parts of the state but not all — if a state is unable to offer training or workfare in a particular area due to a lack of resources or community partners, it may wish to exempt individuals subject to the time limit in those areas.
* Provide exemptions to individuals with *any* earned income. Many ABAWDs are working but not for the required 20 hours per week, thus putting them at risk of losing benefits despite working. (For example, in one county in Ohio, over 10 percent of ABAWDs referred to a work experience program had some earned income). These individuals are demonstrating a willingness to work; exempting them from the time limit may encourage them to continue working.
* Individuals who demonstrate a willingness to work — by signing up for a job training program that is full, or doing job search — could be exempted.

Questions for Consideration

* What is the state’s existing policy regarding the use of individual or 15 percent exemptions?
* What are the state’s goals in using individual exemptions (i.e., is the comfortable aiming to use its allotted number or does it wish to accrue a stockpile?)
* Are there particularly vulnerable populations that the state might consider protecting through the use of individual exemptions?
* Does the state have the capacity to track the use of exemptions? If not, what is the plan or what is needed to develop that capacity?
* Can the state generate accurate estimates of various targeted uses of individual exemptions? If not, is there a way of obtaining these estimates?

Resources:

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

State individual exemptions. To get an accurate total number, the accrued exemptions from previous years (FY 2014 adjusted for carryover) must be added to those allocated in current year (FY 2015 exemptions). A state with a statewide waiver in 2015 will not accrue any exemptions in that year.

* FY 2014 Exemptions, Adjusted for Carryover: <http://www.fns.usda.gov/sites/default/files/FY%202014%20Exemptions%20Memo%20Adjusted%20for%20Carryover.pdf>.
* FY 2015 Exemptions, not adjusted for carryover: <http://www.fns.usda.gov/sites/default/files/snap/FY2015-ABAWD-Exemptions-Memo-Not-Adjusted-for-Carryover.pdf>.

Implementing the Individual Exemptions from the Food Stamp Three Month Time Limit, CBPP, 1998: <http://www.cbpp.org/archives/12-11-98faexemp.htm>

Qualifying Work Hours

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week or doing workfare. This harsh time limit threatens thousands of poor individuals with increased hardship and food insecurity. But the ABAWD provision allows for a variety of ways an individual can meet the qualifying work or job training activity requirements and continue to receive benefits. Correctly attributing all permissible work activities will help some individuals keep benefits.

Why Is This Important?

One of the ways a childless adult can remain eligible for SNAP is to work an average of 20 hours or more per week. Individuals can also combine different allowable work and training activities to reach 20 hours per week. Eligibility workers and reporting systems must recognize acceptable forms of work, accept reasonable forms of documentation and be adequately trained so that individuals can be properly credited.

Key Implementation Issues

According to SNAP regulations, work includes any work in exchange for money, any work in exchange for goods or services, and unpaid work (as established by the state).[[11]](#footnote-11) In some professions, individuals may be working but not getting paid — for example, a fisherman may go out multiple times in the course of a week but fail to catch any marketable fish. Or, someone may be exchanging work for housing, transportation, child care, or other kinds of in-kind goods or services. These all count, as do any combination of paid, unpaid, and in-kind work. Simply relying on recent pay stubs as the only form of documenting work will be an inadequate means to verify qualifying work.

SNAP agencies are accustomed to treating work in terms of *income* in order to establish eligibility for SNAP. The ABAWD provision has nothing to do with the amount of income received, but rather, the hours of work performed. This requires new policies around documenting work. Good elements of such policies would include:

* Prompting ABAWDs to identify any work performed during a month, whether paid, unpaid, or in-kind.
* Averaging hours of work and training, if the activities are irregularly performed throughout the month.
* Allowing a range of ways to verify work, including collateral contacts and self-attestation in some circumstances.

States can provide a wide range of job training activities that qualify under the ABAWD rule, including all SNAP E&T services with one important exception. Stand-alone job search and job search training is not a qualifying activity, despite the fact that job search is a common way to test an individual’s willingness to work by requiring the individual to look for employment.

However, a job training program that includes job search can still count for ABAWD purposes so long as the amount of job search is less than half the total hours (so, for example, a 20-hour per week training program that is composed of 11 hours of skills training and nine hours of job search would be acceptable). This can be very helpful because many E&T programs that focus on training and education — and thus may provide much-needed skills to ABAWDs — do not operate for 20 hours a week, leaving those subject to the time limit at risk of losing SNAP eligibility after three months. Carefully designing programs to combine E&T activities with job search can help ABAWDs keep eligibility while also receiving job training.

Workfare can also provide ABAWDs with the hours they need to avoid losing SNAP. Typically, workfare is work provided by a public or nonprofit entity — such as trash pickup, food sorting, or other activity. For purposes of the ABAWD time limit, workfare can be administered either a SNAP workfare program or a comparable state or local program and can be provided at a wide range of locations. Though workfare has not been shown to improve employment outcomes and can be criticized as demeaning and unfair, it is important to consider its role as a way of allowing individuals to participate in SNAP. It’s a popular option for states because it is typically less costly than more robust E&T programs. And there’s an advantage for ABAWDs as well. Unlike the qualifying E&T activities, workfare slots do not require 20 hours per week in order to qualify. Rather, an individual must “work off” his or her benefits at the locally applicable minimum wage rate. So, a single person receiving the maximum benefit ($194) in an area where the federal minimum wage applied would have to work about 26 hours a month to continue to receive benefits.

Questions for Consideration

* How will the state inform individuals of the range of activities that qualify as work, and how will the state determine that an individual has worked for the required 20 hours per week?
* Has the state planned to use E&T funds to provide work opportunities for ABAWDs (this should be covered in the state’s E&T plan, which is a public document even if not readily available)?
* What training, forms and system adjustments is the state planning to capture work and training activities? Do these changes capture hours worked rather than wages?
* Is the state developing relationships with community partners in areas where the time limit will take effect, so these partners can provide workfare opportunities for ABAWDs?

Resources

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Federal ABAWD regulation:http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml.

Understanding Waivers

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in a qualifying job training activities for an average of 20 hours a week, or doing workfare. States can waive this time limit in areas with high unemployment, meaning that individuals residing in a waived area are not subject to the time limit. They request these waivers by submitting evidence to FNS that areas within the state, such as counties, cities, or tribal areas such as reservations, have high and sustained unemployment. Waivers are usually for one year, though they can be granted for two years in some circumstances. While most states with statewide waivers are losing eligibility for statewide waivers, they can apply for waivers for counties and other sub-state areas with high unemployment.

Background

Regulations at 7 CFR 273.24(f) provide guidance on how states can show what areas are eligible for a waiver. This requires providing recent unemployment data or similar information to demonstrate an area has high unemployment or insufficient jobs. Knowing these criteria can help understand the options available to states and the decisions they need to make, as well as help focus advocacy efforts around implementation in areas that will begin implementing the time limit.

Area definition

The regulations do not define what “area” can be waived. Typically an area is a county, city, or grouping of counties. The state must calculate the unemployment rate for the entire area, and it must meet the threshold for the criteria being used (for example, above 10 percent unemployment or at least 20 percent above the national average for a recent two-year period).

Process

States generally apply for waivers up to three months before the targeted start date, which in most cases is the day after an existing waiver expires. Most states transitioning from statewide waivers to partial waivers in January 2016 began the process of looking at eligible areas more than six months before their current waivers expire.

States generally have an internal process to approve the waiver request, which can sometimes require approval from the Human Services Secretary or Governor’s office. Once the SNAP agency gets clearance to submit the waiver request, they submit the request to their regional FNS office, where it is reviewed and then forwarded to the national office for approval.

Key Action Steps

Learn the state’s approach to waivers for 2016.

States have discretion on whether to pursue waivers. They can choose not to request a waiver at all, waive only part of an eligible area, or choose to waive the largest area or cover the greatest number of people. Because there may be several options, such as different clusters of counties that are eligible, states may have to make difficult choices between different communities. When meeting with the state, ask if they are planning on requesting a waiver, and how they are determining what areas to waive. Keep in mind that even a state that has the intention of waiving every possible area is limited by the criteria in the regulations, and may still have to implement the time limit in some or most of the state, depending on the economic situation in the state.

Explain why a waiver is important.

If a state is not already planning to request a waiver for all eligible areas, there may be opportunities to make the case to do so. Some of the following points may be helpful.

* States likely cannot provide a job training or workfare opportunity to all subject to the time limit. Waivers allow the state to target SNAP E&T resources to those in areas without a waiver.
* The time limit is extremely complex to administer. Requesting a waiver allows the state to phase in the time limit, giving the state time to prepare. The state can focus administrative efforts in a limited area, learn what works and what must be improved, and limits the risk of error.
* Since many of those who lose benefits under the time limit remain without resources to buy food, the impact on food banks and pantries will be significant — waiving eligible parts of the state allows the food bank network to prepare.
* Most importantly, a waiver allows poor SNAP participants to continue to receive food assistance as they stabilize their lives. ABAWDs are among the poorest of SNAP participants and can struggle to find work in those areas of high unemployment eligible for waivers.

Allocating resources in unwaived areas.

A state with some areas waived will still need to make important decisions about providing qualifying training activities or workfare and allocating administrative resources. A state may, for example, have a training program in some parts of the state but not others and will need to determine whether ABAWDs facing the time limit have an opportunity to participate in those programs.

Help prepare stakeholders in areas where the time limit is returning.

If the state is discontinuing the waiver in some areas, it needs to communicate that change to local stakeholders such as food banks so they can prepare for the additional demand. It may also be necessary to educate local communities about where the time limit is returning, since recipients and community members may be confused about eligibility in states where the time limit is in effect in only some areas.

Resources

Guide to Serving ABAWDs Subject to Time Limited Participation, FNS: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

FY 2015 Waiver Status

<http://www.fns.usda.gov/sites/default/files/snap/FY_2015_ABAWD_Waiver_Status.pdf>

Expiration of Statewide Waivers

<http://www.fns.usda.gov/sites/default/files/snap/SNAP-Expiration-of-Statewide-ABAWD-Time-Limit-Waivers.pdf>

Providing Employment and Training Program Options

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week, or doing workfare. States are not required to provide an E&T slot to individuals subject to the time limit and most states do not. This harsh time limit threatens thousands of very poor individuals with increased hardship and food insecurity. For those subject to the time limit who are unable to find work, the only way to maintain SNAP benefits is to participate in a qualifying employment and training (E&T) program or workfare.

Most states do not receive sufficient federal funding to provide a qualifying slot to individuals subject to the time limit. They may, however, may want to review their E&T programs and consider how they can provide activities that allow ABAWDs to maintain eligibility for SNAP. While this would be a substantial undertaking, it could help provide meaningful services to those willing to work who cannot find a full-time job. It can include creating new programs, enlisting new community partners, and redirecting E&T funding.

The Issue

Participation in a qualifying E&T program for 20 hours a week allows ABAWDs to remain eligible for SNAP. An average of 20 hours a week of the combination of training and work also suffices. However, not all programs qualify; job search, by itself, does not count. This present a challenge for many states because job search is the most common, and one of the most least expensive, SNAP E&T programs. More than half of all SNAP E&T slots are in job search or job search training.

While all states are required to operate a SNAP E&T program, they vary widely in the size of the program, the types of training offered, and the SNAP participants served. SNAP E&T can consist of a variety of services, including job search, job search training, work experience, education, training, work placement, and job retention services.

Workfare, either a SNAP workfare program or a comparable state or local program, can also allow individuals to receive SNAP beyond the three-month limit. Unlike other E&T programs, though, individuals need to do workfare for significantly fewer hours per week. Rather than the 20 hours required for a typical E&T program, the number of hours is determined by dividing the SNAP benefit by the applicable minimum wage (either the federal minimum or a state or local one). For a household of one receiving the maximum benefit in an area where the federal minimum wage applies, that requires about 26 hours per month.

States can “pledge” to provide a qualifying work activity to every ABAWD subject to the time limit. By doing so, a state is entitled to a share of $20 million in federal funding dedicated to this purpose. Because the cost of actually providing a qualifying activity exceeds the amount of federal funds a state typically receives under the pledge, most states do not avail themselves of this option. In 2015, Colorado, Delaware, Texas and Wisconsin were pledge states.

States are required to submit SNAP E&T plans to FNS every August. These plans describe the state’s E&T program components, estimated number of individuals to be served and the costs of operating the program. While these plans can be revised throughout the year, they provide a good sense of the state’s E&T program. In states where the time limit is returning, the state E&T plans offer information on the number of ABAWDs the state is planning to provide E&T, the nature (and cost) of the activities offered and the locations E&T will be available.

Key Implementation Issues

* Ramping up E&T activities and workfare requires planning and time. States that have imposed the time line and have wanted to provide E&T opportunities report that it often takes longer than anticipated to find service providers, get contracts in place, and have suitable programs up and running by the time ABAWDs need to access services. Providers will have to be able to report participation each month so that the state can verify that an individual has complied with ABAWD rules. At a minimum, states need to:
  + Identify the areas where the time limit will take effect.
  + Identify existing services that provide, or could provide with modifications, qualifying E&T programs for ABAWDs within these areas.
  + Estimate the number of ABAWDs who may seek services.
  + Train providers on the time limit, allowable E&T activities, and tracking participation.
* States may wish to consider operating voluntary E&T programs for ABAWDs. In a voluntary program, states can inform participants about available activities and encourage participation but cannot sanction an individual who fails to comply. This allows states to serve motivated people. An individual in a mandatory program faces sanctions (the temporary loss of benefits), in addition to the time limit, if he or she fails to comply. There is little reason to subject individuals to effectively two sanctions — the three-month time limit and an immediate, temporary loss of benefits for noncompliance with E&T. For those able and willing to participate, the time limit is sufficient penalty. It also makes administration easier, as states need to focus solely on tracking the time limit and do not have to separately track sanction status for individuals failing to meet E&T requirements.
* The regulations allow individuals to combine work and training to meet the 20-hour requirement. A significant number of ABAWDs are working, but less than 20 hours a week and thus face losing SNAP benefits despite their efforts. Combining their work hours with additional hours of training can help them meet the 20-hour-a-week requirement and maintain eligibility. Because many E&T programs do not operate for 20 hours per week, targeting services to individuals with some work hours may be easier than expanding existing training programs or building costly new 20-hour-a-week options.
* Workfare can be an important way for ABAWDs to continue to receive benefits to feed themselves. While research indicates that workfare by itself does little to help individuals find employment, and advocates have rightfully been concerned with the way some programs have operated, doing 26 or fewer hours of workfare in exchange for food assistance can be a better option than losing SNAP benefits outright. Workfare programs can be operated by the state SNAP agency or comparable program can be operated by other government entities.
* At state option, community organizations can offer workfare placements that satisfy the time limit requirements. States should reach out to this community and establish simple ways for organizations to verify participation, such as a form or phone report. Given the limited number of hours ABAWDs need to fulfill the requirement, many organizations are likely to have work available and the capacity to provide adequate documentation for verification purposed.

Questions for Consideration

* What plans does the state have to expand or revise E&T programs and resources to provide qualifying training or workfare opportunities for ABAWDs subject to the time limit?
* Does the state plan to offer some way for ABAWDs to comply with the time limit’s requirements to every individual at risk of losing benefits? (note: even a state that does not become a pledge state could set a goal of offering training or workfare to every individual).
* Who does the state plan on targeting with SNAP E&T funds?
* Is the state’s E&T program voluntary? If it has mandatory components, what are the consequences of refusing to comply, how does the state ensure an individual did not have good cause for failing to comply, and how many individuals does the state estimate will be sanctioned?

Resources

FNS Employment and Training Toolkit: <http://www.fns.usda.gov/sites/default/files/ET_Toolkit_2013.pdf>

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA, 2015: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

ABAWD Implementation Timeline

The following is a brief checklist of state obligations and options when re-imposing the time limit organized very roughly into a timeline. Working backward from the date a state’s waiver expires, many of the decisions a state must make follow a rough sequencial order. For example, knowing which areas of a state will be covered by a waiver allows states to focus resources and E&T opportunties where they will be needed. Likewise, clear definitions of exemptions must be set before training eligibility staff. States may not address these issues at the times suggested, but this is designed to provide a readiness checkup. This is not an exhaustive list.

One year prior to waiver ending

* Review general ABAWD policy to ensure compliance with federal law; clarify any misconceptions or unclear policies.
* Identify areas eligible for a waiver; decide among options.
* Begin designing training for eligibility staff and call center operators.
* Design and revise appropriate forms and notices.
* Determine the location and extent of qualifying SNAP E&T components and/or workfare.

Six months prior to waiver ending

* Begin assessment of possible ABAWDs at certification, recertification and ther interim report.
* Request a waiver of the time limit for eligible areas.
* Begin notifying ABAWDs of requirements and reporting changes.
* Consider shortening certification periods for possible ABAWD households.
* Identify how the state will track countable months.
* Review the state’s current 36-month period and, if not a statewide fixed clock, consider starting one as soon as possible, so it runs for as many months as possible while a state’s waivers are still in effect.
* Review number of individual exemptions allocated to the state and develop a policy for using them.
* Develop appropriate E&T activities and workfare in locations where the time limit will come into effect.
* Work with private and government entities to establish voluntary workfare or work experience placements for people subject to the time limit.
* Communicate with community partners about the time limit and possible impacts in areas without waivers.

Three months prior to waiver ending

* Train all eligibility workers on the time limit, ensuring they understand exemptions, includuing those for:
  + All adults living in the same household as a child,
  + Individuals who are mentally or physically unfit for work, due to receiving any kind of disability benefit,
  + Persons caring for household members with illnesses or disabilities,
  + Persons attemding substance abuse treatment programs, including outpatient and informal programs such as Alcoholics Anonymous.
* Develop a thorough list of circumstances consituting good cause for failure to work sufficient hours.
* Assess the readiness of qualifying work activities in areas where the time limit returns.

Time limit begins

* Ensure the state sends a timely notice to all ABAWDs subject to the time limit explaining the rule, exemptions and ways to comply.
* Ensure that eligibility workers do not apply the time limit to any month in which an individual recieves less than a full month of benefits (for example, an initial pro-rated month) or for any month in which an individual becomes exempt.
* Ensure that eligbility workers make reasonable estimates when the number of hours a recipient works is unclear or the recipient has difficulty obtaining verification.

Three months after time limit begins

* Ensure the state sends timely and clear Notices of Adverse Action to individuals subject to the time limit who have not complied with the work or job training requirements (in other words, have used up their countable months).
* Assess caseload decline. Was it consistent with expectations?
* Interview key stakeholders. Are they seeing eligible people losing benefits? Were individuals aware of the time limit and the change in eligibility requirements?

1. “Imposing a Time Limit on Food Stamp Receipt: Implementation of the Provision and Effects on Participation,” Mathematica Policy Research, 2001, available at: <http://www.fns.usda.gov/sites/default/files/abawd.pdf>. [↑](#footnote-ref-1)
2. 7 C.F.R. §273.24(ab. [↑](#footnote-ref-2)
3. Available at: <http://www.fns.usda.gov/sites/default/files/snap/FY_2015_ABAWD_Waiver_Status.pdf>. [↑](#footnote-ref-3)
4. 7 C.F.R. §273.24(c). [↑](#footnote-ref-4)
5. For example, Governors Sam Brownback (KS) and Susana Martinez (NM) recently said “We encourage governors not to renew work waivers for able-bodied adults without dependent children who are on food assistance and, instead, help lift millions off of welfare and transition them to meaningful jobs as a result.” Found at: <http://www.washingtontimes.com/news/2015/aug/30/sam-browback-susana-martinez-work-requirements-imp/#.VeX9fTOV_Vg.email>. [↑](#footnote-ref-5)
6. “A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio,” Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>. [↑](#footnote-ref-6)
7. “Supplemental Nutrition Assistance Program – Able-Bodied Adults Without Dependents (ABAWD) Questions and Answers – June 2015,” FNS, <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Questions-and-Answers-June%202015.pdf>. [↑](#footnote-ref-7)
8. 7 C.F.R. § 273.24(b)(3). [↑](#footnote-ref-8)
9. See p.5 of “Guide to Serving ABAWDs Subject to Time Limit,” FNS (2015) available at: <http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf>. [↑](#footnote-ref-9)
10. 7 C.F.R. 273.24(c)(2). [↑](#footnote-ref-10)
11. See 7 CFR §273.24(a)(2). [↑](#footnote-ref-11)