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January 26, 2018

ALL COUNTY LETTER NO. 18-08

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH ABLE-BODIED ADULTS WITHOUT DEPENDENTS
(ABAWD) TIME LIMIT HANDBOOK VERSION 1.0

REFERENCES: 7 U.S.C. 2015 (o); ADMINISTRATIVE NOTICES (AN) 16-04, 16-31, 16-36, AND 17-15; TITLE 7 CODE OF FEDERAL REGULATIONS (CFR) 273.24; SENATE BILL (SB) 575 (CHAPTER 626, STATUTES OF 2017); MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION 63-410 AND 63-407; ALL COUNTY LETTER (ACL) [11-22](#), [16-24](#); ALL COUNTY INFORMATION NOTICE (ACIN) [I-45-11](#); [I-45-11E](#) AND [I-01-13](#).

This All County Letter (ACL) issues the California Able-Bodied Adults Without Dependents (ABAWD) Handbook Version 1.0. The handbook provides County Welfare Departments (CWDs) and key stakeholders with consolidated policy guidance regarding the implementation and ongoing administration of the ABAWD time limit.

California has been under a statewide waiver of the ABAWD time limit since 2008 due to a high statewide unemployment rate. Effective August 31, 2018, the statewide waiver will expire. At that time, certain geographic areas within California will be ineligible for a waiver of the ABAWD time limit. Counties that lose waiver eligibility will be required to implement the ABAWD time limit beginning September 1, 2018. Counties that continue to qualify for a waiver of the ABAWD time limit will have responsibilities related to tracking ABAWDs and preparing for implementation of the time limit in the future.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limited the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, known as CalFresh in California, to three full months in a 36-month period for ABAWDs. The policy guidance in this

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

handbook is based on section 6(o) of the Food and Nutrition Act of 2008 [7 U.S.C. 2015 (o)] and Title 7 of the CFR, part 273.24. State regulations governing the ABAWD time limit can be found in the CalFresh MPP section 63-410. On April 21, 2016, CDSS released ACL 16-24 which summarizes the ABAWD time limit. This handbook expands on ACL 16-24.

The policy guidance provided in this handbook is consistent with state and federal regulations, as well as federally issued Administrative Notices (ANs) and policy memos received as of the date of publication. The policy guidance is also consistent with CDSS's goals to maximize food benefits for eligible people, ensure accuracy and timeliness in benefit determinations, and to minimize the administrative burden on county workforce implementing the ABAWD time limit.

The handbook includes a general overview of the ABAWD time limit, guidance on ABAWD exemptions, and how ABAWDs subject to the time limit may maintain CalFresh eligibility by satisfying the ABAWD work requirement. Additionally, the handbook addresses counting months of ABAWD participation, losing and regaining CalFresh eligibility, and the system California will use to track an ABAWD's eligibility and participation throughout the 36-month period. The handbook will be revised over time to include additional policy guidance and ABAWD resources.

If you have any questions regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Family Engagement and Empowerment Division

Attachment

CALFRESH ABLE-BODIED ADULTS WITHOUT DEPENDENTS TIME LIMIT HANDBOOK VERSION 1.0

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

JANUARY 26, 2018

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I. General Overview of the ABAWD Time Limit

An Able Bodied Adult Without Dependents (ABAWD) is a non-assistance CalFresh recipient age 18 to 49 who is able-bodied without dependent children. ABAWD eligibility for CalFresh is time limited to any three full months of benefits in a 36-month period unless the individual:

- Satisfies the ABAWD work requirement;
- Is exempt from the ABAWD time limit;
- Qualifies for an additional three consecutive month period of eligibility;
- Receives a 15 percent exemption; or
- Lives in a county or area with a waiver of the ABAWD time limit.

Many ABAWDs subject to the time limit face significant barriers and struggle to find and maintain employment. Additionally, ABAWD cases are administratively complex and require additional effort on the part of the client and the County Welfare Department (CWD) to maintain benefit eligibility. Implementation of this policy requires adequate planning, substantial training and careful consideration of business processes. Therefore, this handbook provides CWDs and other stakeholders with consolidated policy guidance regarding the implementation and ongoing administration of the ABAWD time limit.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limited the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, known as CalFresh in California, to three full months in a 36-month period for ABAWDs. The policy guidance in this handbook is based on section 6(o) of the Food and Nutrition Act of 2008 [7 U.S.C. 2015 (o)] and Title 7 of the CFR, part 273.24. State regulations governing the ABAWD time limit can be found in the CalFresh MPP section 63-410. On April 21, 2016, CDSS released All County Letter (ACL) 16-24 which summarizes the ABAWD time limit. This handbook expands on [ACL 16-24](#).

The policy guidance provided in this handbook is consistent with state and federal regulations, as well as federally issued Administrative Notices (AN) and policy memos received as of the date of publication.

The 36-Month Period

States have several options for administering the 36-month period. California has implemented a 36-month “fixed statewide clock”. Under the “fixed statewide clock” option, the 36-month period has the same beginning and end date in all 58 counties for all ABAWDs. Please see [All County Information Notice \(ACIN\) I-88-16](#) for more information on the 36-month period and the fixed statewide clock.

The first fixed statewide clock began January 1, 2017 and will reset December 31, 2019. A new fixed statewide clock will begin on January 1, 2020.

ABAWD Eligibility

Any full month during which an ABAWD subject to the time limit does not satisfy the work requirement and receives CalFresh benefits is referred to as a “countable month.” A countable month is any month in which an ABAWD, subject to the time limit, receives CalFresh benefits for the full month while not:

- Satisfying the ABAWD work requirement;
- Being exempt from the ABAWD time limit;
- Living in a county or area with a waiver of the ABAWD time limit; or
- Receiving a 15 percent exemption.

ABAWDs subject to the time limit are limited to three countable months of benefits in a 36-month period.

Losing and Regaining Eligibility

Individuals who are subject to the time limit and lose eligibility because they did not satisfy the work requirement and have used their three countable months, may subsequently regain eligibility if, during a period of 30 consecutive days, they:

- Satisfy the work requirement for at least 80 hours (averaged monthly);
- Participate in workfare for the required number of hours; or
- Become exempt.

Individuals who regain eligibility and then subsequently stop satisfying the work requirement a second time, may be eligible to receive CalFresh for an additional three consecutive month period which is available only once during a 36-month period. After the additional three consecutive months of CalFresh have been granted, an ABAWD subject to the time limit must satisfy the work requirement every month thereafter to continue receiving CalFresh unless they become exempt, move to a waived county or area, or receive the 15 percent exemption.

The ABAWD time limit and corresponding requirements do not replace other CalFresh eligibility criteria. ABAWDs must continue to meet existing CalFresh eligibility criteria, including the CalFresh income limit.

CalFresh Employment & Training (E&T) and Work Registration Policy

While policies regarding the ABAWD time limit, CalFresh E&T and CalFresh work registration are related, each are applied independently of one another. CalFresh E&T participants must follow corresponding program participation rules and non-exempt CalFresh household members between the ages of 16 through 59 are subject to the CalFresh work registration requirements, regardless of whether they are exempt from the ABAWD time limit. For more information on CalFresh work registration requirements, please see [ACIN I-01-13](#).

II. ABAWD Time Limit Waivers

A county, multi-county region, area within a county, or an entire state can be approved for a waiver of the ABAWD time limit if it meets federally established criteria regarding high unemployment or lack of sufficient jobs. ABAWD waiver requests must be reviewed and approved by the United States Department of Agriculture, Food and Nutrition Service (FNS). Once a determination is made as to which counties or regions qualify for a waiver of the ABAWD time limit, CDSS will submit a waiver request to FNS. When federal approval is obtained, CDSS publishes official correspondence identifying those counties or areas that are eligible for a waiver of the ABAWD time limit.

Acceptable waiver criteria include the following:

- A recent 12-month average unemployment rate over 10 percent;
- A recent three-month average unemployment rate over 10 percent;
- A historical seasonal unemployment rate over 10 percent;
- Designation as a Labor Surplus Area (LSA) by the Department of Labor (DOL); or
- Having a 24-month average unemployment rate 20 percent above the national average for the same 24-month period. Federal regulations require that this 24-month period may not be any earlier than the same 24-month period the DOL uses to designate LSAs for the current fiscal year.

A county or other area may qualify for a two-year waiver of the ABAWD time limit if it meets stricter criteria, which include the following:

- An unemployment rate greater than 10 percent for the 2-year period immediately prior to the request;
- Designation as a LSA for a minimum of two consecutive fiscal years (the year of the request and the fiscal year prior to the request); or
- An unemployment rate greater than 20 percent above the national average for a 36-month period, ending no earlier than three months prior to the request.

ABAWDs that live in a county or area with a waiver are not subject to the ABAWD time limit and are not required to satisfy the ABAWD work requirement, but must continue to meet all other CalFresh eligibility criteria to receive benefits.

When a county or area becomes eligible for a waiver, ABAWDs living in the county or area who were previously subject to the time limit and discontinued for failing to satisfy the ABAWD work requirement may receive CalFresh benefits, provided all other CalFresh eligibility criteria are met.

A waiver of the ABAWD time limit does not eliminate the category of recipients known as ABAWDs. A waiver only determines whether the time limit will be imposed. ABAWDs living in a county or area with a waiver are still considered ABAWDs.

Additionally, a waiver of the ABAWD time limit does not impact CalFresh work registration. CalFresh recipients residing in a county or area with a waiver of the ABAWD time limit remain subject to the work registration requirements.

When completing the *Non-Assistance CalFresh Work Registrants, Able Bodied Adults without Dependents (ABAWD) and Employment and Training (E&T) Program Quarterly Statistical Report (STAT 47)* report, CWDs must count all ABAWDs who are or would be subject to the time limit regardless of waiver status. CWDs statewide are responsible for determining whether a CalFresh recipient is an ABAWD and if the individual would be subject to the ABAWD time limit if it was imposed

A waiver of the ABAWD time limit also has no effect on CalFresh E&T requirements or sanction rules for mandatory placements. Note that currently CalFresh E&T is voluntary in all participating counties and sanctions are not imposed for noncompliance with E&T requirements.

For additional information regarding waiver eligibility refer to FNS's [Guide to Supporting Requests to Waive the Time Limit for Able Bodied Adults without Dependents](#).

California Waiver Policies

CWDs are reminded of the following waiver policies:

- CWDs with a waiver of the ABAWD time limit must continue to report work registrant, ABAWD, and E&T data on the STAT 47 report. An updated report form and accompanying instructions were transmitted via [ACL 14-91](#). For purposes of completing the STAT 47, individuals who do not meet one of the ABAWD time limit exemptions at MPP Sections 63-410.31 or 63-410.32 are considered ABAWDs subject to the time limit even while residing in a county with a waiver.
- Waiver counties must continue to apply sanction requirements at MPP section 63-408 for CalFresh work registrants who voluntarily quit a job of 30 hours or more per week or which provides weekly earnings equal to or greater than the federal minimum wage times 30, or who, without good cause, reduce the weekly number of hours worked to less than 30. If a CalFresh recipient voluntarily quits a job of less than 30 hours, no sanction shall be imposed.
- CWDs with a waiver must inform their ABAWD population that they are not subject to the time limit for those months in which they reside in the county, so long as the waiver is in effect.

III. ABAWD Time Limit Exemptions

Even when the ABAWD time limit is imposed, individuals who are not ABAWDs and individuals who are ABAWDs, but meet the criteria for an exemption are not subject to the time limit. During months in which an individual is not subject to the time limit, the individual must continue to meet all other CalFresh eligibility criteria to receive benefits.

The following section describes in detail both individuals that are not ABAWDs and individuals who are ABAWDs and meet the criteria for an exemption. Neither are subject to the time limit.

Individuals are not subject to the time limit if they are:

1. Under 18 or over 49 years of age (not an ABAWD)
2. Residing in a CalFresh household with a household member under age 18
3. Pregnant
4. Exempt from CalFresh work registration requirements, which includes any client who is:
 - a. Under 16 or over 59 years of age (note: the work registration age limits are different than the age limits under ABAWD rules)
 - b. Physically or mentally unfit for employment
 - c. Subject to and complying with any work requirement under Title IV of the Social Security Act including Greater Avenues for Independence (GAIN) and California Work Opportunity and Responsibility to Kids (CalWORKs) programs
 - d. A parent of or responsible for the care of a dependent child under age 6 (Note: the child does not have to be a CalFresh member or living in the home for this work registration exemption)
 - e. Responsible for the care of an incapacitated person (Note: the incapacitated person does not have to be a CalFresh household member or living in the home)
 - f. Has applied for or is receiving unemployment insurance benefits
 - g. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program
 - h. Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours
 - i. Enrolled in a school, training program or institution of higher education on at least a half time basis
5. Physically or mentally unfit to work (even if temporarily) for one of the following reasons:
 - a. Applied/receiving temporary or permanent public or private disability benefits
 - b. Obviously unfit or unable to work based on the CWD's observation or if one of the following indicators are present:

1. Unfit or unable to work due to chronic homelessness
2. Unfit or unable to work due to alcohol or drug addiction
3. Unfit or unable to work due to domestic violence
- c. Medically-certified as physically or mentally unfit or unable to work
6. Participating in an Office of Refugee Resettlement (ORR) training program for at least half time

ABAWD Exemptions Defined:

1. Under 18 or over 49 Years of Age (Not an ABAWD):

Individuals who are under 18 or over 49 years of age are not ABAWDs and are therefore not subject to the time limit. An individual is an ABAWD beginning the month after their 18th birthday. If the ABAWD is not otherwise exempt beginning the month after their 18th birthday they will be subject to the ABAWD time limit. An individual is no longer an ABAWD beginning the first day of the month of their 50th birthday.

Verification:

Information is known to the county.

2. Residing in a CalFresh Household with a CalFresh Household Member under Age 18:

Individuals who reside in a CalFresh household with a CalFresh household member under age 18 are exempt from the time limit.

- The individual is not required to be the parent of the child.
- The individual is not required to be responsible for the child.
- The child can be an ineligible member of the CalFresh household for any reason.
- The child can be temporarily absent from the home (no longer than 30 days).

For the purpose of an ABAWD exemption, per FNS guidance, household strictly means the CalFresh household as defined at CFR 273.1(a). The term household does not mean a group of people residing in the same physical structure. The phrase “the child can be an ineligible member of the CalFresh household for any reason” refers to a minor who would be a member of the CalFresh household, but who is ineligible to participate in CalFresh (e.g. an ineligible non-citizen child or other circumstance as described in CFR 273.1(b)(7)).

Verification:

Information is known to the county.

3. Pregnancy:

Individuals at any stage of pregnancy are exempt from the time limit. The exemption shall be effective beginning the month of conception and shall apply until, and include, the month of the child's birth or until the individual is no longer pregnant.

Verification:

Client statement is sufficient, unless questionable. An individual must be allowed 10 days to provide verification if required.

4. Exempt from CalFresh Work Registration Requirements:

Individuals who are exempt from CalFresh work registration requirements are exempt from the time limit. ABAWDs that are not exempt from CalFresh work registration requirements may need to satisfy the ABAWD work requirement. The term "may" is used because an individual who is not exempt from work registration may be exempt from the ABAWD time limit for other reasons.

ABAWDs subject to the time limit must meet the CalFresh work registration requirements, such as registering for work and not voluntarily quitting a job of 30 hours per week or more without good cause, as well as the ABAWD work requirements.

Per FNS guidance, individuals who work a minimum of 30 hours per week or who are earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours are exempt from CalFresh work registration, and are therefore exempt from the ABAWD time limit. If an individual is exempt from work registration due to working 30 hours or more per week and their work hours drop below 20 hours per week, they are required to report the drop in work hours within 10 days of the date the drop in work hours became known to the household. For an overview of required mid-period reports for ABAWDs subject to the time limit, refer to Section IX of this handbook.

Note that CalFresh work registration requirements and ABAWD work requirements are two separate policies that, while related to each other, stand alone.

Verification:

Information may be known to the county.

5. Physically or Mentally Unfit to Work:

Individuals who are physically or mentally unfit to work are exempt from the time limit. An individual is considered physically or mentally unfit to work if they have an illness, disability, condition, or life circumstance (temporary or permanent), that reduces or affects their ability to work. Being unfit to work is a broader exemption than being disabled.

The physical or mental condition must make an individual unfit to work 20 hours per week on an ongoing basis, not unfit to work at all. This covers a broader range of conditions because it includes individuals who might be able to work a few hours a week, but cannot work half-time to full-time.

The definition of unfit to work for the purpose of exempting an individual from the ABAWD time limit is not as limited as the definition of disability used to determine CalFresh eligibility. It also differs from the definition of “unfit for work” for the purpose of exempting an individual from the CalFresh work registration requirements. The ABAWD definition is broader and thus covers more individuals than either the general CalFresh disability or work registration disability definition.

An individual is considered physically or mentally unfit for work if they meet any of the following criteria:

- a. *Applied for/Receiving Temporary or Permanent Public or Private Disability Benefits*
Individuals who have applied for or are receiving temporary or permanent public or private disability benefits are exempt from the ABAWD time limit. An individual may provide proof of receipt or pending application for temporary or permanent disability benefits from governmental or private sources, including but not limited to:
 - Veteran’s disability benefits (any rating of disability)
 - Workers compensation
 - SSI in a non-pay status (only for the months SSI benefits are not paid)
 - Pending SSI application
 - State-issued temporary or permanent disability benefits

Per FNS guidance, an individual receiving any disability benefit from the U.S. Department of Veteran’s Affairs is unfit to work for the purpose of exempting an individual from the ABAWD time limit. The VA assigns a percentage disability rating, but recipients with any rating meet the threshold for exemption from the time limit.

Verification:

There is no need to request additional client verification if information regarding application or receipt of the disability benefit is known to the county, for example, if the information is in the Medi-Cal Eligibility Data System (MEDS). If this information is not known to the county, the CWD may request proof of receipt or pending application for disability benefits. The CW 2200 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

- b. *Obviously Mentally or Physically Unfit to Work*
Individuals who are obviously mentally or physically unfit to work are exempt from the ABAWD time limit. The CWD shall determine if an individual meets the

definition of obviously unfit to work. This determination may be made when the individual attends a face-to-face or telephone interview.

To determine that an individual is obviously unfit to work, the CWD must conduct an individualized evaluation of the client. A discussion of the individual's inability to work or participate in work activities for more than 20 hours per week on an ongoing basis is required to make the determination. The discussion should focus on the physical and/or mental challenges that affect or impact the individual's ability to work.

Verification:

When the reason for the unfitness is obvious, adequate documentation in the case record by the CWD is required to support the determination; no further verification is necessary. The CWD must exempt the individual without requiring verification or a statement from a medical or mental health professional.

In addition to the definition above, the following indicators may signify that an individual is obviously unfit for work:

1. Chronic Homelessness

Chronic homelessness may indicate that an individual is obviously unfit for work. Chronic homelessness is a subset of homelessness and not all homeless individuals will be considered chronically homeless.

Currently, an individual is considered homeless for purpose of determining CalFresh eligibility if they do not have a fixed or regular nighttime residence or if their primary residence is:

- A supervised shelter designed to provide temporary accommodations;
- A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- A temporary accommodation in the residence of another individual for no more than 90 days; or
- A place not designed for, or ordinarily used, as a regular sleeping accommodation (e.g. a hallway, a bus station, a lobby or similar places).

The following case information may be referenced as evidence that an individual is homeless under the CalFresh definition:

- The homeless individual is coded as living in a homeless shelter and/or identifies the address of that shelter or homeless day program as their residential or mailing address for CalFresh purposes.
- The homeless individual is coded as receiving the "Homeless Shelter Deduction" in their CalFresh benefit calculation.

- The homeless individual has been determined eligible for the Restaurant Meals Program (RMP).

Individuals meeting the CalFresh definition of homeless are not automatically exempt from the ABAWD time limit. Based on clarification received from FNS, California has created the following definition of chronic homelessness for purposes of exempting an individual from the ABAWD time limit.

An individual shall be considered chronically homeless and exempt from the ABAWD time limit if they meet the CalFresh definition of homeless and if the individual:

- a. Has been homeless for six months or more;
- b. Has been homeless more than one time in the last year; or
- c. States they are unable to meet their basic needs. Basic needs include, but are not limited to: adequate shelter, heating and cooling, electricity, running water, food, and clothing.

Verification:

The CWD must conduct an individualized evaluation of the client's circumstances to determine if they meet the definition of chronic homelessness. Chronically homeless individuals do not need to provide additional verification if they meet the criteria described above. For individuals who inform the CWD they are chronically homeless – in person, by phone or in writing – CWDs must determine whether they meet the expanded definition of chronic homelessness as described above. Client statement is sufficient verification of chronic homelessness.

2. Struggling with Drug or Alcohol Addiction

A struggle with drug or alcohol addiction may indicate that an individual is obviously unfit to work. The CWD may identify someone as obviously unfit to work if the person is struggling with drug or alcohol addiction. For the purpose of exempting an individual from the ABAWD time limit, struggling with drug or alcohol addiction is defined as, but not limited to, participating in a drug addiction or alcohol treatment/rehabilitation program. Individuals who are not participating in a treatment/rehabilitation program but are dependent on drugs or alcohol to maintain day to day functioning may also be considered struggling with addiction.

Verification:

The CWD must conduct an individualized evaluation of the individual's circumstances to determine if they are struggling with drug or alcohol addiction as defined. For individuals who inform the CWD they are struggling with drug or alcohol addiction – in person, by phone, or in writing – CWDs will ask, if available, that the individual provide verification of their participation in a

treatment program or verification that they are on the waiting list for a treatment program.

An individual's involvement in alcohol/drug treatment is not required to verify that they are struggling with drug or alcohol addiction. For individuals who are not participating in, or on a waiting list for, a treatment/rehabilitation program, CWDs may accept a written or verbal statement by a medical or mental health professional, as described in subsection c, confirming that the individual's alcohol/drug dependence negatively affects the individual's fitness to work. CWDs may also accept client statement for those who are not in treatment, if no other source is available.

The CW 2200 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

3. Victims of Domestic Violence

An experience of domestic violence may indicate that an individual is obviously unfit to work. The CWD may identify someone as obviously unfit for work if they are a victim of domestic violence. A victim of domestic violence is defined as an individual who is fleeing from any type of assaultive, coercive or battering behavior occurring within a domestic relationship.

Domestic violence behavior includes, but is not limited to, one or more of the following:

- Physical abuse
- Sexual abuse
- Psychological, emotional, and verbal abuse
- Intimidation, threats, or behavior that puts the individual in fear of their safety
- Isolation
- Economic control
- Stalking
- Neglect or deprivation of medical care
- Destruction of property or pets

A domestic relationship is defined as:

- Adults or minors who are current or former spouses
- Adults or minors who live together or have lived together
- Adults or minors who are dating or have dated
- Adults or minors who are engaged in or have engaged in sexual relations
- Adults or minors who are related by blood or adoption
- Adults or minors who are related or formerly related by marriage
- Persons who have a child in common

- Adults or minors who are engaged or were formerly engaged to be married
- Adults or minors engaged in same-sex relationships
- Adult or minor children of persons listed above
- Adults or minors acting in concert with or on behalf of someone identified above

Definitions can be found at MPP 42-701.2(d) and Welfare & Institutions Code Section 11495.12.

Additionally, an individual who indicates that they are residing in or is on a waiting list to reside in a domestic violence shelter shall be considered to be escaping domestic violence and is exempt from the ABAWD time limit.

Verification:

The CWD must conduct an individualized evaluation of the individual's circumstances to determine if they are a victim of domestic violence. CWDs may accept client statement for those individuals who inform the CWD they are a victim of domestic violence in person, by phone, or in writing. CWDs may also accept a written statement, which may take the form of a completed *CalFresh Request for Medical/Mental Health Verification* (in draft at the time of publication) form completed by a medical or mental health professional. A police report is also adequate proof of an individual experiencing domestic violence, unless questionable. The verbal statement of a medical or mental health professional may suffice as verification so long as the CWD properly documents the case record. Client statement is acceptable verification if no other source is available.

The CW 2200 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

c. *Medically Certified as Mentally or Physically Unfit to Work*

Some reasons for being unfit to work will not be obvious to the CWD. If the CWD determines that an individual is not obviously unfit to work, but there may be a medically certified reason for the unfitness, the CWD may request the individual provide medical certification of the unfitness. The CWD must explain to the person how they can provide verification of their condition or circumstance and assist if necessary. The CWD can, for example, provide the individual a *CalFresh Request for Medical/Mental Health Verification (currently in draft)* form that may be completed by a qualified medical or mental health professional. In obtaining verification, CWDs should address the anticipated duration of the unfitness for work.

Qualified medical or mental health professionals include, but are not limited to, any of the following: audiologist, dentist, designated representative of the physician's office, drug and/or alcohol counselor, mental health counselor, midwife, nurse,

nurse practitioner, occupational therapist, optometrist, orthodontist, osteopath, psychologist, physical therapist, physician, physician's assistant, podiatrist, social worker, etc.

Verification:

A written statement, such as a completed *CalFresh Request for Medical/Mental Health Verification* form, completed by the medical or mental health professional is adequate proof of a physical or mental health condition, unless questionable. Similar documentation for another program (e.g., Medi-Cal, General Relief, etc.) included in the case record may also be utilized as verification. Additionally, the verbal statement of a medical or mental health professional may suffice as verification as long as the CWD properly documents that verbal verification was provided in the case record.

Applicants and recipients who will need to secure verification from a medical or mental health professional, should be informed of their right, pursuant to Senate Bill 575 (Chapter 626, Statutes of 2017), to have free access to their medical records when applying for CalFresh.

If written or verbal verification from a medical or mental health professional is unavailable or insufficient, CWDs must make every attempt to verify unfitness to work using an acceptable collateral contact. CWDs may follow the regulations at 7 CFR 273.2(f)(4)(ii) on collateral contacts in determining an individual's unfitness to work.

The CW 2200 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

6. Participating in an Office of Refugee Resettlement Training Program

Per Administrative Notice 16-36, participation in an ORR training program for at least half-time exempts an individual (not only Cuban/Haitian entrants and refugees) from the ABAWD time limit, so long as the person participating in the ORR program is otherwise eligible for CalFresh. Such persons must satisfy CalFresh citizenship status requirements.

Verification:

Documentary evidence or written statement from the ORR training program is sufficient verification. CWDs may also verify participation in an ORR training program using an acceptable collateral contact. CWDs may follow regulations at 7 CFR 273.2(f)(4)(ii) when utilizing a collateral contact.

The CW 2200 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

Length of Exemptions: Permanent vs. Temporary

When the condition or life circumstance that qualifies an individual for an exemption is expected to be long-term or permanent, the individual will be exempt from the ABAWD time limit through the length of their certification period. When the condition or life circumstance that qualifies an individual for an exemption is considered temporary, the individual will be exempt until their next periodic report (i.e. SAR 7) or recertification, whichever occurs first, unless verification is received that specifies an expected end date for the exemption reason (which may be before the next periodic report or recertification).

If a temporary exemption ends during the certification period, the individual will become subject to the ABAWD time limit unless the individual satisfies the work requirement, becomes otherwise exempt, is granted a 15 percent exemption, or lives in a county or area where the ABAWD time limit has been waived. The month in which an exemption ends shall not be considered a countable month if the individual was exempt for any part of the month.

ABAWD Exemption Verification Reference Chart

The chart below provides a quick reference regarding exemption criteria and corresponding verification requirements.

ABAWD Exemption Verification Reference Chart		
Exemption Criteria		Verification
1.	Under 18 or over 49 years of age	None. Information is known to county.
2.	Residing in a CalFresh household with a member under Age 18	None. Information is known to county.
3.	Pregnant	Client statement. If questionable request a written or verbal statement from medical personnel.
4.	Exempt from Work Registration	Work registration instructions can be found in 7 CFR 273.7(b) and ACIN I-01-13 .
5.	Physically or mentally unfit for work:	
	a. Applied for or receiving temporary or permanent public or private disability benefits	Evidence of receipt or pending application for disability benefits if information is not known to the county.
	b. Obviously mentally or physically unfit to work	CWD observation documented in the case file.
	1. Chronic homelessness	Client statement is sufficient.
	2. Struggling with drug or alcohol addiction	Evidence of participation in a treatment program or on a waiting list for a treatment program. Written statement provided by medical or mental health personnel. Verbal statement provided by medical or mental health personnel and documented in the case file. Client statement.
	3. Domestic violence	Evidence of residing in or on the waitlist to reside in a domestic violence shelter. Written statement provided by medical or mental health personnel. Verbal statement provided by medical or mental health personnel and documented in the case file. Client statement.
	c. Medically-certified as mentally or physically unfit for work	Existing documentary evidence. Written statement provided by medical or mental health personnel. Verbal statement provided by medical or mental health personnel and documented in the case file. Collateral contact.
6.	Participating in an ORR training program at least half-time	Documentary evidence or written statement from the ORR training program is sufficient verification. CWDs may also verify participation in an ORR training program using an acceptable collateral contact.

Note: Information on CalFresh verification requirements may be found in [ACIN I-45-11](#) and [ACIN I-45-11E](#).

IV. Satisfying the ABAWD Work Requirement

ABAWDs who do not qualify for an exemption or live in a waived area are subject to the time limit and must satisfy the work requirement to maintain CalFresh eligibility for more than three months within the 36-month period. There are multiple ways an ABAWD can satisfy the work requirement. Options include, but are not limited to:

A. Employment

Employment for at least 20 hours per week (or 80 hours averaged monthly) satisfies the work requirement. For the purpose of this provision, 20 hours per week averaged monthly must total at least 80 hours per month. Allowable employment includes paid employment, self-employment, and in-kind work (i.e. work in exchange for goods and/or services). Employment may be combined with other allowable work activities described in this section to satisfy the work requirement for 20 hours per week (or 80 hours averaged monthly).

B. Qualifying Work Activities

Participating at least 20 hours per week (or 80 hours averaged monthly) in an allowable work activity, or combination of allowable work activities, satisfies the work requirement. An allowable work activity includes one or more of the following:

1. CalFresh E&T

E&T components that satisfy the work requirement are referred to as qualifying activities. E&T components that do not satisfy the work requirement are referred to as non-qualifying activities. Qualifying E&T activities consist of workfare, work experience, self-initiated workfare, education, and vocational training. Except as specified below, non-qualifying E&T activities consist of stand-alone job club and job search components.

Hours spent in job search that are offered in combination with another E&T component will count toward the ABAWD work requirement provided time in job search constitutes less than half of the combined total (up to 9 hours per week, averaged monthly). An exception is E&T stand-alone job search activities of 20 hours per week, delivered through Workforce Innovation and Opportunity Act (WIOA), which satisfies the 20 hour ABAWD work requirement.

Various E&T components may be combined to reach the 20 hour per week minimum along with any hours worked in paid employment or in other qualifying work activities. For example, an individual could satisfy the work requirement by working 15 hours per week in paid employment and participating in a qualifying E&T activity five hours per week.

2. A program under the Workforce Innovation and Opportunity Act (WIOA).

WIOA programs include job search, occupational skills training, on-the-job training, job readiness training, and adult education and literacy activities.

3. A program under Section 236 of the Trade Act of 1974

The Trade Act applies to workers identified by the Employment Development Department (EDD) as adversely affected by the U.S. trade agreements, e.g., the North American Free Trade Act. The Trade Act provides training services to adversely affected workers through participation in programs that are subject to approval by the Secretary of the U.S. Department of Labor. These programs include job search, job club, on-the-job training, WIOA training, or a program of remedial education.

4. Community Service or Volunteer Work

ABAWDs may elect to do community service or volunteer work to satisfy the ABAWD work requirement. The individual must complete 20 hours per week (80 hours averaged monthly) of community service or volunteer work and/or combine community service or volunteer work hours with another qualifying work activity to satisfy the work requirement.

In order to verify community services or volunteer work, the ABAWD individual must complete the *Community Service Verification* form or similar timesheet which indicates the number of community service or volunteer hours completed. The form must be signed by an authorized representative of the organization for whom the ABAWD worked. If the ABAWD is unable to secure such a form, the CWD may also accept the verbal statement of an authorized representative of the organization for whom the ABAWD worked.

C. Workfare

The work requirement may be satisfied through participation in various types of workfare. These may include CalFresh E&T workfare, self-initiated E&T workfare, E&T work experience components, as well as non-E&T workfare activities administered or overseen by the CWD. Non-E&T workfare programs are described in 7 CFR 273.7 (m) and include optional workfare, volunteer workfare, and comparable workfare. Comparable workfare programs include general assistance (GA) workfare components that are not part of CalFresh E&T.

The requirement to work 20 hours per week (80 hours averaged monthly) to satisfy the ABAWD work requirement does not apply to workfare. For any workfare option, the number of required hours is determined by dividing the household's CalFresh allotment by the higher of the state, city, or county minimum wage. When

determining workfare hours, the CWD may use the highest minimum wage associated with the individual's residence address. Additionally, workfare cannot be combined with any other program to satisfy the 20 hours per week (80 hours averaged monthly) work requirement. Note that when calculating workfare hours, the CWD must round down to the nearest hour.

Example: Paul is an ABAWD subject to the time limit. He is assigned to a workfare program through his county's CalFresh E&T program. Paul's monthly CalFresh allotment is \$150. The current minimum wage in California is \$10.50 per hour. The county calculates Paul's required number of workfare hours by dividing his CalFresh allotment of \$150 by the state minimum wage of \$10.50. The total number of required hours is equal to 14 hours per month (\$150 CalFresh benefit ÷ \$10.50/hour minimum wage = 14.28 rounded down to 14 hours of workfare per month).

Additionally, as part of E&T workfare, counties may establish a job search period of up to 30 days prior to assigning an ABAWD to a workfare site. Participation in the 30-day job search activity is considered part of workfare and satisfies the ABAWD work requirement for that initial month.

The number of workfare hours required to satisfy the work requirement applies to the entire CalFresh household. If more than one member of a CalFresh household participates in workfare, each participant shall participate for a portion of the number of workfare hours required for that household. ABAWDs placed in workfare or work experience may volunteer to participate for additional hours beyond those determined to be required using the minimum wage calculation, but they are not required to do so in order to maintain benefits.

ABAWDs subject to the time limit who are members of the same household may split the required workfare hours in any combination or a single ABAWD subject to the time limit may complete the total required hours on behalf of the household. Regardless of the combination, by the end of the month, the household must complete the total number of required workfare hours.

Example: Glen and Maggie are both ABAWDs subject to the time limit. They volunteer to participate in a workfare program through the county CalFresh E&T program. Glen and Maggie's monthly CalFresh allotment is \$180. The current minimum wage in California is \$10.50 per hour. The county calculates the household's required number of workfare hours by dividing the household CalFresh allotment of \$180 by the state minimum wage of \$10.50. The total number of required workfare hours is equal to 17 hours per month (\$180 CalFresh benefit ÷ \$10.50/hour minimum wage = 17.14 rounded down to 17 hours of workfare per month). Glen and Maggie share the responsibility of completing these hours. Glen participates in 10 hours of workfare and Maggie

participates in 7 hours of workfare and have both satisfied the ABAWD work requirement for the month.

Note: ABAWDs satisfying the work requirement through participation in a county GA/GR work program may be required to continue participating in the program as a condition of eligibility for GA/GR cash assistance even if they become exempt from the ABAWD time limit.

Good Cause for Failure to Satisfy the Work Requirement

ABAWDs subject to the time limit who would have satisfied the ABAWD work requirement, but did not do so for reasons outside of their control may be granted good cause. Good cause shall be determined on a case by case basis. The month in which good cause is applied shall not be considered a countable month even though the ABAWD did not satisfy the work requirement for 20 hours per week (80 hours averaged monthly). Good cause may also be granted to individuals who would have satisfied the work requirement through a qualifying work activity or workfare, but did not do so for reasons outside of their control.

Good cause includes, but is not limited to:

- Illness;
- Illness of another household member requiring the presence of the ABAWD;
- A household emergency;
- A declaration of disaster; or
- Lack of transportation.

Good cause provisions can be found at MPP 63-410.221 and 63-407.51.

Note: The CWD must thoroughly document the reason for the good cause determination in the case record. Verification is not required.

V. 15 Percent Exemptions

Federal law provides that each state be allotted a number of individual exemptions equal to 15 percent of the state's annual SNAP caseload that is subject to the ABAWD time limit. These individual exemptions allow CWDs to extend CalFresh eligibility to ABAWDs who would otherwise be ineligible. Each 15 percent exemption is equal to one full month of CalFresh eligibility for one ABAWD. Only states who do not qualify for a statewide waiver of the ABAWD time limit accrue 15 percent exemptions and the number of accrued exemptions is based only on the portion of the SNAP caseload that is subject to the time limit.

The 15 percent exemption is only available to individuals at risk of losing federal SNAP benefits due to not satisfying the work requirement. Individuals receiving benefits under CFAP are not eligible to receive a 15 percent exemption.

State and County Allocation

FNS determines the annual number of 15 percent exemptions that are allocated to each state. CDSS then allocates 15 percent exemptions among counties via an annual ACIN. Each county's allocation will be based on the estimated number of ABAWDs subject to the time limit in the county. The estimated number of ABAWDs subject to the time limit is based on data submitted via the quarterly STAT 47 report.

Individual Allocation

Federal law allows broad discretion in determining how a 15 percent exemption is allocated to an individual ABAWD. To maximize utilization, CDSS has established statewide criteria regarding the allocation of the 15 percent exemption to ABAWDs. These criteria will guide the use of 15 percent exemptions at the local level.

ABAWD individuals are not eligible to receive a 15 percent exemption under the criteria below until they have exhausted their three countable months of benefits for the current 36-month period. To prevent overutilization, CDSS recommends limiting the distribution of 15 percent exemptions to three per individual ABAWD per 36-month period.

The recommended statewide 15 percent exemption criteria include:

1. **Overissuance/Error Protection**

Fifteen percent exemptions may be granted to individuals who were inadvertently issued CalFresh benefits after exhausting their three countable months and who did not satisfy the work requirement or qualify for an exemption in the month that the CalFresh benefits were issued.

For example, if an ABAWD subject to the time limit who has exhausted their three countable months makes a required mid-period report of a drop in work hours within 10 days of the date the change became known to their household, but *after* CalFresh benefits have already been issued for the month in which they were ineligible for benefits, the CWD may assign a 15 percent exemption, rather than establish an overissuance claim.

2. **Eligibility Extension for ABAWDs Making an Effort to Work**

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who make an effort to satisfy the work requirement, but fall short on the number of required hours. For example, a 15 percent exemption may be provided to an ABAWD who worked 10-19 hours in a week (40 – 79 hours in a month), but fell short of the 20 hours per week (80 hours averaged monthly) requirement.

3. **Special Circumstances**

The CWD may provide a 15 percent exemption to ABAWDs experiencing one of the following special circumstances.

- a. **Re-entry/Probation/Criminal Record:**

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who are re-entering the community from prison or jail, who are completing probation, or who have a criminal record and as a result may experience unique challenges in securing employment or satisfying the work requirement.

b. Seasonally Employed:

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who were employed on a short-term or seasonal basis. For example, retail workers hired for the holiday season, employees hired during tax season, seasonal agricultural workers, etc.

c. Dependent Child Ages Out:

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who were previously exempt from the ABAWD time limit due to living in a household with a child under age 18. The ABAWD, who was previously exempt, may become subject to the time limit mid-period when the child turns 18. This can also be applied to the dependent child who, upon turning 18 mid-period, may become subject to the time limit.

d. Former Foster Youth:

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who recently aged out of foster care. Due to the implementation of extended foster care in California, this may occur anytime from the foster youth's 18th to 21st birthday.

e. Family Reunification:

Fifteen percent exemptions may be granted to ABAWDs subject to the time limit who are engaging in a family reunification program after having children temporarily removed from the home for more than 30 days.

Note: If an ABAWD subject to the time limit is close to no longer being considered an ABAWD subject to the time limit (i.e. due to age) a 15 percent exemption may be applied to reduce administrative work load and prevent churn. For example, the month before the individual's 50th birthday or the month before a baby who will be a member of the household is born to an ABAWD father.

The recommended statewide 15 percent exemption criteria outlined above are intended to guide CWDs in applying 15 percent exemptions strategically to maximize utilization. There is no set policy limiting the number of or circumstances in which a 15 percent exemption is provided to an individual client. Each county has discretion in determining the criteria for when 15 percent exemptions will be provided to individual ABAWDs as well as the amount of 15 percent exemptions an individual ABAWD may receive based on the unique characteristics of the caseload in that particular county. That said, counties are encouraged

to develop local policy guidance and staff training that clearly communicate local criteria and supports utilization of the 15 percent exemptions allocated to the county.

Tracking Use of the 15 Percent Exemption

CWDs are required to accurately track the number of 15 percent exemptions that have been allocated to avoid under or overutilization. Utilization is tracked via the quarterly STAT 47 Report - Part I, Entry 3. Note that the number of “ABAWDs exempt under the 15 percent criteria during the quarter”, which is reported by each county who does not have a time limit waiver, is a duplicate count. This is a duplicate count because each CWD must count each 15 percent exemption granted per month in a quarter and an individual ABAWD may receive a 15 percent exemption for multiple months in a quarter.

Example: If 300 ABAWDs each receive a 15 percent exemption in each month of a given quarter, the county would enter 300 per month and 900 for the quarter total.

It is important to distinguish the 15 percent exemption from the general ABAWD exemptions defined in federal law, state regulations and in Section V of this handbook. Those ABAWDs who are granted a 15 percent exemption remain subject to the time limit and must satisfy the work requirement. When such an ABAWD receives a 15 percent exemption they are only temporarily excused from satisfying the work requirement (i.e. for one month). Because these individuals are still considered ABAWDs subject to the time limit, they must be included, if timing is applicable, when entering ABAWD data in Part A – Work Registrant and ABAWD Information and Part F - Point in Time Work Registrant and ABAWD Counts of the STAT 47 report.

VI. Countable Months

An ABAWD’s eligibility for CalFresh is limited to three full countable months of benefits within the 36-month period, unless the individual is exempt from the time limit, satisfying the work requirement, or living in an area with a waiver of the ABAWD time limit. Each of these three full months of benefits is referred to as a “countable month”. CWDs must track an ABAWD’s use of their three countable months to correctly determine their CalFresh eligibility.

Identifying a Countable Month

A countable month is any month in which an ABAWD subject to the time limit receives CalFresh benefits for a full month while not exempt, satisfying the work requirement, or living in an area with a waiver of the ABAWD time limit. For an overview of exemptions, refer to Section III of this handbook.

A month is not a countable month if any of the following are true:

- The ABAWD satisfies the work requirement during the month;
- The month is a partial/prorated month of benefits;
- The ABAWD qualifies for an exemption for any part of the month;

- The ABAWD lives in a waived county or area;
- The ABAWD turns age 50 during the month; or
- The ABAWD is in receipt of a 15 percent exemption.

Tracking Countable Months

CWDs must track an individual ABAWD's use of their three countable months within the 36-month period. Countable months do not need to be used consecutively. An ABAWD may temporarily find sufficient employment, stop participating in CalFresh for some time, become temporarily exempt, or experience other circumstances that may cause them to use their three countable months non-consecutively.

CWDs track an ABAWD's monthly CalFresh participation status using various tracking codes which indicate the ABAWD's status as it relates to the ABAWD time limit for each month. Tracking codes are sent by the Statewide Automated Welfare System (SAWS) to MEDS. The tracking code for a countable month is the letter "N". For an overview of the tracking system and list of codes, refer to Section XII of this handbook.

Based on information received from the SAWS, MEDS populates an individual record of the 36-month period for each ABAWD. This record is accessible by every CWD statewide.

If an ABAWD not living in a waiver area does not satisfy the work requirement, is not exempt, is not in receipt of a 15 percent exemption and has used a countable month, the SAWS must submit the tracking code "N" to MEDS for that month. The countable month code will appear in the ABAWD's individual record of the 36-month period. The record remains with the individual even if they move to an area with a time limit waiver and may need to be referenced if the ABAWD moves to a different state. The record also remains with the individual if they become a member of a different CalFresh household. Only when a new 36-month period begins does an individual ABAWD get a new record of the 36-month period in MEDS and a new set of three countable months.

Example: 36-Month Calendar with Three Countable Months

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	N	W	W	W	W	W	W	W	W	W	W	W
Year 2	W	W	W	W	W	W	W	N	W	W	N	W
Year 3	W	W	W	W	W	W	W	W	W	W	W	W

N = Received countable month; **W** = Satisfied the work requirement

Moving Between Waived and Non-Waived Areas within the State

Due to regional differences in unemployment rates, certain counties or areas within counties may retain their waiver of the ABAWD time limit. Moving between waived and

non-waived areas within the 36-month period does not “restart” the three-month time limit. If an ABAWD has used any countable months during the 36-month period, those countable months will count toward the individual’s three-month time limit, regardless of the ABAWDs movement between waived and non-waived areas. That is why an individual’s record of the 36-month period remains with the individual until a new 36-month period begins.

Counting months starts or stops based on the waiver eligibility of the area where the individual resides within the 36-month period. Months of benefits received while residing in a waived area do not count toward the three-month time limit. The SAWS must submit the tracking code “Z” to MEDS for months in which an ABAWD lives in a waived area.

Moving to a Waived Area

When an ABAWD moves to an area that is waived, the ABAWD is no longer subject to the time limit. The individual does not need to satisfy the work requirement or verify exemption eligibility. If the individual was previously disqualified for exhausting their three countable months, the disqualification shall be lifted and they may again receive CalFresh if otherwise eligible.

Moving to a Non-Waived Area

If an ABAWD moves from a waived to a non-waived area during the 36-month period, the ABAWD will become subject to the time limit. The individual must satisfy the work requirement the first month following the move, receive a 15 percent exemption, or be otherwise exempt while residing in the non-waived area or they will be assigned a countable month for each full month of benefits received.

Tracking an ABAWDs Movement between Waived and Non-Waived Areas

Because a countable month is a month in which an ABAWD subject to the time limit receives a full month of benefits while not exempt, satisfying the work requirement, or living in a waived area, tracking code “Z” will be used for the month an ABAWD moves between a waived and non-waived area. Tracking code “Z” indicates that the month was not countable because the ABAWD resided for part of the month in a waived area.

Adjustments can be made to an individual’s calendar retroactively if it is discovered that they moved to a waived county part way through the month. For example, tracking code “N”, which indicates a countable month, may be replaced with tracking code “Z” if an ABAWD subject to the time limit moves to a waived area part way through the month.

Inter-County Transfer (ICT) Implications

Per [ACL 11-22](#), when a household that contains a member that is an ABAWD subject to the time limit moves to a non-waived county and an ICT is completed, the receiving county is responsible for determining whether the ABAWD is satisfying the work requirement the month the ICT is complete.

This applies unless the receiving county is under a time limit waiver, in which case the ABAWD must be tracked (i.e. residing part of the month in a waiver county), but does not need to satisfy the work requirement the month the ICT is complete. If the individual is moving from a waived county or area, they are not required to satisfy the work requirement until the first month following the ICT.

Generally, the receiving county is responsible for tracking the ABAWD the month in which the ICT is complete and moving forward (until the ABAWD moves again). The receiving county must determine the ABAWD's status and complete the corresponding tracking whether the receiving county is a waived or non-waived area.

If the receiving county is a waived area the SAWS for the receiving county will submit tracking code "Z" to MEDS. If the receiving county is a non-waived area the SAWS for the receiving county will submit a tracking code indicating the ABAWD's status the month of the ICT and moving forward. This includes determining whether the ABAWD is satisfying the work requirement ("W"), as mentioned above, or whether the ABAWD is exempt ("E"), used a countable month ("N"), is no longer eligible for benefits, etc.

As noted previously, a full record of the ABAWD's 36-month calendar is accessible in MEDS and must be referenced by the receiving county at the time the ICT is processed to aid in properly determining the individual's ABAWDs status.

Use of Countable Months Out of State

A countable month may be accrued in California or in another state. If there is evidence that an individual subject to the ABAWD time limit received SNAP benefits in another state, the CWD must verify countable months used while residing in the other state. If the ABAWD accrued countable months during California's current 36-month period, the CWD must update the client's record in MEDS to reflect the countable months that were used in the other state.

Acceptable verification from the other state agency includes a written or verbal statement (notated in the case record) or a printed image of the individual's record of the 36-month period indicating countable months used in the other state. If necessary, the individual's MEDS record must be updated, even if the client is residing in a time limit waiver area in California at the time of application.

Note that if an ABAWD subject to the time limit was not exempt and used a countable month in another state, the CWD must count that month, even if the client would have been exempt had they been receiving benefits in California.

Example: Out of State Countable Month

Joe is a chronically homeless ABAWD that was receiving benefits in Idaho. He is now applying for benefits in California. At application, the CWD verifies that Joe used two countable months in Idaho, as he lived in a non-exempt area and did

not satisfy the work requirement. Idaho does not explicitly exempt chronically homeless individuals as “unfit or unable to work” as California does. The CWD updates Joe’s MEDS record to reflect the two countable months Joe used in Idaho despite the difference in exemption policy. Now that Joe lives in California, his MEDS record is also updated to reflect that Joe is exempt for the current and future months of his certification period.

VII. Losing Eligibility

An ABAWD who has exhausted their three countable months during the 36-month period and is not otherwise exempt is ineligible for CalFresh benefits. The individual shall remain ineligible for the remainder of the 36-month period unless they regain eligibility, qualify for an ABAWD exemption, or move to a waived county or area.

CWDs must discontinue an ABAWD’s CalFresh benefits with timely and adequate notice if they have exhausted their three countable months and reached the time limit. CWDs must send the *Notice of Discontinuance for Failure to Meet the ABAWD Work Requirement* (CF 377.11) informing the client of the discontinuance and explaining how the client may regain eligibility. This notice must be sent no later than 10 days after the ABAWD individual reports a drop in work hours or the CWD becomes aware they are no longer satisfying the work requirement.

ABAWDs subject to the time limit have an additional mandatory reporting requirement and must inform the CWD of a reduction in work hours below 20 hours per week (80 hours averaged monthly) within 10 days of the date the drop in work hours became known to the household. For an overview of required mid-period reports for ABAWDs subject to the time limit, refer to Section IX of this handbook.

If it is discovered that a client has used their third countable month and the next month of benefits has already been issued, the CWD may determine that the ABAWD had good cause for failure to satisfy the work requirement, assign a 15 percent exemption for the month following the third countable month, or establish an overissuance. In these instances, the CWD must notify the client their case will be discontinued effective the following month.

Example: John is an ABAWD subject to the time limit and is currently satisfying the work requirement through employment, but has already used two of his countable months. John’s hours fluctuate and he calls the county on May 4th to inform his worker that he lost his job on April 24th and he did not work enough hours to satisfy the work requirement during the month of April. The CWD sends John the discontinuance notice by May 14th notifying him that his case will be discontinued for failure to satisfy the work requirement and exhausting his three countable months. The CWD assigns John a 15 percent exemption for May and discontinues his case effective June 1st. John is able to regain eligibility at any

time by satisfying the work requirement for 30 consecutive days, becoming exempt or moving to a waived area.

If the ABAWD client has been discontinued and is no longer eligible for benefits, they are now considered an ineligible household member. The income and resources of ineligible household members shall be handled in accordance with MPP section 63-503.442. Such individuals shall be excluded when determining the size of the CalFresh household. The entirety of their resources and a pro rata share of their income shall be used when calculating the household's CalFresh allotment.

Note that for CalFresh households of more than one, benefits are only discontinued for the ABAWD member who is subject to the time limit and failed to satisfy the work requirement, not the entire household.

Administrative Hearings

The following procedures apply if an ABAWD requests an administrative hearing:

1. The 36-month period is paused by removing the third countable month and benefits will continue until there is a hearing decision;
2. If the hearing decision is in the CWD's favor, the original third countable month is counted and the case will close and an overissuance will be established for any CalFresh benefits received in error following the third countable month; or
3. If the hearing decision is in the client's favor, benefits received are retained and the CWD must review ABAWD participation status for ongoing months.

VII. Regaining Eligibility

An individual who is discontinued for failure to satisfy the ABAWD work requirement shall remain ineligible until they satisfy requirements for regaining eligibility. There is no limit on the number of times a client may regain eligibility within the 36-month period.

ABAWDs subject to the time limit who have exhausted their three countable months may regain eligibility at any time if they:

- Satisfy the ABAWD work requirement for any consecutive 30-day period;
- Qualify for an ABAWD exemption for any part of the month;
- Move to a waiver area; or
- Reach the end of the 36-month period.

A new application is required for ABAWD households of one to regain eligibility for CalFresh. Once an ABAWD has regained eligibility for CalFresh, benefits must be prorated from the date of application, for households of one. If an ABAWD is requesting their CalFresh benefits be reinstated on an existing case, the CWD must follow current

policy to add a new household member. The CWD shall take action to add the ABAWD effective the first day of the month following the month in which the request for CalFresh benefits was made after all verification has been provided.

If an individual regains eligibility through employment or other qualifying work activity, they must provide proof of hours worked to the CWD. Prospective work hours do not qualify an individual to regain eligibility.

Additional Three Consecutive Months

In certain circumstances, ABAWDs may be granted an additional three consecutive months of eligibility after they have exhausted their three countable months. This only applies to ABAWDs who have regained eligibility by satisfying the work requirement for any 30 consecutive calendar days, but have subsequently stopped satisfying the work requirement. This provision allows the client to be given three additional months of benefits to be used consecutively. These additional months of benefits may not be issued separately throughout the 36-month period. Once the first of the three consecutive months is issued, the other two months will automatically follow even if the ABAWD satisfies the work requirement during that time. The three consecutive months of eligibility are only available once during the 36-month period and must be given to those ABAWD clients who qualify (i.e. by regaining eligibility and subsequently not satisfying the work requirement).

If an individual ABAWD has used their three countable months, lost eligibility, and then regains eligibility by satisfying the work requirement, the three consecutive months will start when the ABAWD notifies the CWD that they are no longer satisfying the work requirement. If the individual was participating in a work program or workfare program, the three consecutive months will start when the CWD determines the ABAWD is no longer in compliance. Counties must track the three consecutive months in the ABAWD's individual record of the 36-month period in MEDS. An example of the use of the three consecutive months is illustrated below.

Example: An ABAWD subject to the time limit fails to satisfy the work requirement during months 2, 3 and 4 of the 36-month period and is ineligible for CalFresh. In month 7, the client obtains employment, meets the work requirement, and regains eligibility. At the beginning of month eight, the client loses his job. The ABAWD individual is eligible receive the additional three consecutive months of CalFresh benefits for months 8, 9 and 10 without satisfying the work requirement. Beginning with month 11 and for the remaining months of the 36-month period, the client can only receive CalFresh if they satisfy the ABAWD work requirement or qualify for an exemption. This example is illustrated in the table below.

Client 36-Month Calendar with Three Consecutive Months

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	P	N	N	N	9	9	W	C	C	C	9	9
Year 2	9	9	9	P	W	W	W	W	W	W	W	W
Year 3	W	W	W	W	W	W	W	W	W	W	W	W

9 = Inactive; **C** = Received one of three consecutive months; **N** = Received countable month; **P** = Received partial month; **W** = Satisfied the work requirement

Noticing

When the first month of the three consecutive months of benefits is issued, the CWD shall issue the *CalFresh Notice of Expiration - Three Consecutive Months for ABAWDs* (CF 377.11A) informing the client they will be discontinued at the end of the three consecutive month period unless they begin satisfying the ABAWD work requirement.

IX. Continuing Eligibility

Mandatory ABAWD Mid-Period Reports

Under simplified reporting, recipients are mandated to report specified changes to the CWD within 10 calendar days of the date the change. The CWD shall document any required reports made by the household, including the date of the report, in the case file. ABAWD households have two required mid-period reports:

1. Gross monthly income received over the Income Reporting Threshold (IRT); and
2. A reduction in ABAWD work hours below 20 hours per week or 80 hours averaged monthly.

The second mandatory mid-period reporting requirement only applies to ABAWDs subject to the time limit living in counties or areas that do not have a waiver of the ABAWD time limit. A reduction in the number of hours in unpaid county-supervised work activities, such as workfare, will not be subject to mandatory recipient mid-period reporting as this information is known to the county.

All non-waiver counties must act on reported reductions in ABAWD work hours mid-period. Upon receipt of a mandatory mid-period report, the CWD must first determine if the individual:

- Is subject to the time limit,
- Qualifies for an exemption from the time limit,
- Satisfied the work requirement,
- Met good cause criteria, or
- Received a 15 percent exemption.

If none of these are true, the CWD must determine whether the reduction in work hours will result in:

1. Application of a countable month;
2. Discontinuance due to exhaustion of the three countable months;
3. Use of the three consecutive months (i.e. for those that have regained eligibility);
or
4. Sanction due to CalFresh E&T noncompliance.

If a discontinuance or sanction is appropriate, the CWD shall take action to reduce or discontinue benefits at the end of the month in which timely and adequate 10-day notice can be provided. Please note that at this time all counties operate voluntary E&T programs. When E&T is voluntary sanctions are not applicable for E&T noncompliance.

Periodic Report and Recertification for CalFresh Benefits

The CWD will continue to use the information reported on the SAR 7 Eligibility Status Report or CF 37 Recertification for CalFresh Benefits to determine continuing eligibility and future benefit amounts based on all eligibility factors for ABAWD individuals.

Detailed instructions for the determination of continuing eligibility can be found in [ACL 12-25](#) and [ACL 12-25E](#).

The SAR 7 form will be revised to include questions specific to ABAWD eligibility. This revised form will be released under separate cover.

X. Certification Periods

Per 7 CFR 273.10(f)(3) and California Welfare and Institutions Code Section 18910.1 CalFresh households shall be assigned certification periods that are the maximum number of months allowable under federal law for the household type or, on a case-by-case basis only, the household's individual circumstances require a shorter certification period.

To align with current policy, CWDs will continue to certify CalFresh households that include at least one member who is an ABAWD to a 12-month certification period. CWDs shall apply the following certification period engagement methods based on the ABAWD's circumstances.

ABAWDs Exempt from the Time Limit

ABAWDs who meet the criteria for an exemption from the time limit at the time of application or recertification shall be certified for a period of 12 months. In general, ABAWD exemptions are granted for the length of the certification period unless, in limited circumstances, an individual has been granted a temporary exemption. If a temporary exemption is granted, the CWD must notate the case file and follow up with the household at the anticipated end date of the exemption. At that time, the CWD will

assess whether the ABAWD continues to meet the criteria for an exemption from the time limit or must satisfy the work requirement. Households that include an ABAWD who is exempt from the time limit must submit a complete periodic report six months after application and an annual recertification to maintain CalFresh eligibility.

Note that this also applies to ABAWDs who are living in a waived area.

ABAWDs Subject to Time Limit and Satisfying the Work Requirement

ABAWDs subject to the time limit who are satisfying the work requirement through employment or another qualifying activity at the time of application or recertification shall be certified for a period of 12 months. Households that include an ABAWD who is satisfying the work requirement must submit a complete periodic report six months after application and an annual recertification to maintain CalFresh eligibility. Individual ABAWDs subject to the time limit must answer the supplemental ABAWD questions on the revised periodic report to determine whether they continue to satisfy the work requirement.

Note that households assigned to simplified reporting (i.e. all households in California) cannot be required to report and verify hours worked each month. CWDs may only determine and verify work hours at application and recertification. That said, ABAWDs who are subject to the time limit and satisfying the work requirement at the time of application or recertification are required to report to the CWD mid-period when they experience a reduction in work hours below 20 hours per week or 80 hours averaged monthly within 10 days of the date the drop in work hours became known to the household.

ABAWD Subject to Time Limit and Not Satisfying the Work Requirement

ABAWDs subject to the time limit who are not satisfying the work requirement at the time of application or recertification may be at risk of reaching the time limit early in their certification period. Therefore, ABAWDs who are subject to the time limit, but not satisfying the work requirement at the time of application or recertification will be certified for a period of 12 months with the addition of monthly engagement by the CWD. Monthly engagement is intended to ensure that ABAWDs who are subject to the time limit, but are not satisfying the work requirement, are aware of options available to them to satisfy the work requirement and retain benefits. Please see Section XI below for more information on ABAWD engagement.

As mentioned previously, households assigned to simplified reporting cannot be required to report and verify hours worked each month. Therefore, if an ABAWD who is not satisfying the work requirement at the time of application or recertification becomes employed or begins participating in a qualifying work activity, it is the responsibility of the ABAWD to inform the CWD of the change or they will continue to accrue countable months. This is not an additional required mid-period report, but CWDs should encourage ABAWDs to report such changes in circumstances as it could prevent the household from inadvertently losing benefits when they may still be eligible.

If an ABAWD subject to the time limit who is not satisfying the work requirement at the time of application or recertification does not inform the CWD that they have engaged in employment, a qualifying work activity or have become exempt, the CWD must assume that the ABAWD has reached the time limit after three countable months of benefits have been issued. The CWD must send the *Notice of Discontinuance for Failure to Meet the ABAWD Work Requirement* (CF 377.11 – in draft at time of publication) prior to enforcing the time limit.

Because ABAWDs must be provided 10 days to report a reduction in work hours, the CF 377.11 *Notice of Discontinuance for Failure to Meet the ABAWD Work Requirement* must be sent at least 10 days prior to discontinuing a case. In some cases, the CWD may have already issued benefits the month after an ABAWD has used their three countable months and reached the time limit. In these circumstances the CWD may apply a 15 percent exemption to avoid an overissuance of benefits.

Note that households may only be assigned a certification period of less than 12 months if the household's individual circumstances require a shorter certification period. This determination may only be made on a case-by-case basis.

XI. ABAWD Monthly Engagement

CDSS strongly encourages CWDs to engage ABAWDs before discontinuing CalFresh benefits. As soon as the CWD becomes aware that an ABAWD subject to the time limit has stopped satisfying the work requirement during the certification period the county shall begin monthly engagement with the ABAWD and apply the strategies described in this section.

In addition to the engagement notices described below, the CWD may attempt to contact the client by phone or electronic means and encourage them to contact the county for assistance in satisfying the work requirement

ABAWD Informing Letters

1. ABAWD Work Reminder Letter (in draft at the time of publication)

CWDs will send ABAWDs who are subject to the time limit, but not satisfying the work requirement at application or recertification, a monthly *ABAWD Work Reminder Letter*. This letter reminds the household of the ABAWD work requirement and provides information regarding how to contact the county for assistance in satisfying the work requirement. Additionally, the work reminder letter will include information about exemption criteria and how to report a change in circumstances. The work reminder letter will be sent no later than the 5th of every month during which the CWD, based on the most recent information available, assumes the ABAWD is not satisfying the work requirement.

The Work Reminder Letter is an informing notice and there is no required client or associated negative action.

2. *ABAWD Countable Month Letter (in draft at the time of publication)*

CWDs will send ABAWDs who are subject to the time limit, but not satisfying the work requirement and accruing countable months an *ABAWD Countable Month Letter* every month the CWD determines, based on the most recent information available, that the ABAWD has received a countable month of benefits. This notice informs the household when they have received a countable month of benefits. Additionally, the countable month notice will include information about how to report a change in circumstances, particularly if the ABAWD individual has started to satisfy the work requirement and has not informed the county or is now meeting the criteria for an exemption.

The *ABAWD Countable Month Letter* for countable month one and two is an informing notice and there is no required client or negative action associated with the notice.

Note that the final *ABAWD Work Reminder Letter* and *ABAWD Countable Month Notice* will be released under separate cover after the publication of this handbook.

Certification Period and Monthly Engagement Examples

The tables below provide a visual representation of example certification periods with the ABAWD certification period policy and ABAWD eligibility rules applied.

Example 1: 12 Month Certification Period – Consecutive Use of Countable Months

Note: In this example, the client made a mandatory mid-period report of a drop in work hours at the beginning of May (month 5) within 10 days of the occurrence. The client's CalFresh benefits had already been issued for the month and the discontinuance notice was mailed no later than 10 days following the mandatory mid-period report.

[illegible]

Example 2: 12 Month Certification Period – Non-consecutive use of Countable Months

Note: In this example, the client notified the CWD they lost their job in October (month 10) and would not satisfy the work requirement that month. The discontinuance notice was sent within 10 days following the mandatory mid-period report (still in October) and CalFresh benefits were discontinued in the third countable month.

Month	JAN 1	FEB 2	MAR 3	APR 4	MAY 5	JUN 6	JUL 7	AUG 8	SEP 9	OCT 10	NOV 11	DEC 12
ABAWD Eligibility	Partial	Countable Month 1	Satisfied Work Req	Satisfied Work Req	Countable Month 2	SAR 7 Satisfied Work Req	Satisfied Work Req	Satisfied Work Req	Satisfied Work Req	Countable Month 3 Discontinue	Ineligible	Ineligible
CWD Action	Send Work Reminder Letter	Send Work Reminder Letter Countable Month 1 Letter	None	None	Send Work Reminder Letter Countable Month 2 Letter	None	None	None	None	Send Discontinuance Notice Apply 15 percent exemption to avoid OI if necessary	None	None

XII. Tracking ABAWD Participation

CWDs must track an ABAWDs eligibility and participation for each month in the 36-month period. The statewide mechanism for tracking and storing ABAWD data is maintained in MEDS and is populated by the SAWS. Each SAWS consortium will also develop its own mechanism for tracking and storing ABAWD data. CWDs track an ABAWD's monthly CalFresh participation using various tracking codes which indicate the ABAWD's status as it relates to the ABAWD time limit for each month. Tracking codes are entered by the county eligibility worker into SAWS. This data is then sent by SAWS to MEDS.

ABAWD Tracking Codes

An ABAWD tracking code must be entered in each cell within the 36-month calendar. The number of tracking codes have been expanded, since the last implementation of the ABAWD time limit, for added clarity. The table below lists the current ABAWD tracking codes and provides a definition for each.

Code	Name	Definition
E	Exempt	<ul style="list-style-type: none"> Individual meets exemption criteria as defined in Section III of this handbook
W	Satisfied the ABAWD work requirement	<ul style="list-style-type: none"> Individual is working (i.e. paid employment) or participating in a qualifying work activity for 20 hours per week (80 hours averaged monthly) or for the required number of activity hours May also be used for combined activities (i.e. paid employment and community service) Satisfied through participation in workfare for the required number of hours
N	Did not satisfy the work requirement, received one countable month	<ul style="list-style-type: none"> Individual is not working or participating in a qualifying work activity for 20 hours per week or average of 80 hours per month Individual is not participating in a qualifying work activity There can only be three "N" codes in the 36-month period
P	Received partial month of benefits	<ul style="list-style-type: none"> Individual received a prorated benefit allotment, prorated months are not countable
C	Received one consecutive month	<ul style="list-style-type: none"> There can only be three "C" codes in the 36-month calendar and must appear consecutively Must appear after the three countable months (N) Individual must have satisfied criteria for regaining eligibility and subsequently stopped satisfying the work requirement
F	15 percent exemption	<ul style="list-style-type: none"> Received one individual 15 percent exemption
G	Good Cause	<ul style="list-style-type: none"> Indicates the ABAWD was subject to the time limit, but had good cause for not satisfying the ABAWD work requirement during the month(s)
Z	Resided in a waiver area	<ul style="list-style-type: none"> Individual is living in a waived county or area for any portion of the month
9	Inactive/Ineligible	<ul style="list-style-type: none"> Inactive/Ineligible (populated by MEDS) Individual did not receive CalFresh
A	Aid Paid Pending/Appealed negative action	<ul style="list-style-type: none"> Client appealed a negative action and received aid paid pending

Example: 36-Month Calendar with Tracking Codes

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Year 2	Z	Z	Z	Z	Z	Z	Z	Z	N	N	N	9
Year 3	9	P	W	W	W	W	W	C	C	C	E	E

9 = Inactive; **C** = Received one of three consecutive months; **E** = Exempt; **N** = Received countable month; **P** = Received partial month; **W** = Satisfied the work requirement; **Z** = Resided in a waiver area

XIII. California Food Assistance Program (CFAP)

California provides state-funded food assistance benefits through the California Food Assistance Program (CFAP) for qualified non-citizens who do not qualify for federal CalFresh benefits. Individuals receiving CFAP benefits are subject to the ABAWD time limit rules.

If a CFAP recipient begins receiving federal CalFresh benefits during the 36-month period, ABAWD status will be reassessed at that time. The ABAWD individual's eligibility for CalFresh will be "reset" and the individual ABAWD will be subject to the time limit as a recipient of federal CalFresh benefits, unless they are otherwise exempt.

The individual ABAWD will receive a new set of three countable months, regardless of whether they lost eligibility due to reaching the ABAWD time limit as a CFAP recipient. A new individual record of the 36-month period will be established in MEDS when they become a recipient of federal CalFresh benefits.