

August 27, 2018

ALL COUNTY LETTER NO. 18-97

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

SUBJECT: CALFRESH ABLE-BODIED ADULTS WITHOUT DEPENDENTS
TIME LIMIT WAIVER

REFERENCES: [WELFARE AND INSTITUTIONS \(W&I\) CODE 18926](#); [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) 273.24](#); [SENATE BILL \(SB\) 68 \(CHAPTER 78, STATUTES OF 2005\)](#); [ALL COUNTY LETTER \(ACL\) 18-08](#)

The purpose of this letter is to transmit and provide guidance to County Welfare Departments (CWDs) regarding waiver #215009, which waives Supplemental Nutrition Assistance Program (SNAP) regulations at [7 CFR 273.24](#). The waiver is effective September 1, 2018 through August 31, 2019 and requires implementation of the Able-Bodied Adult Without Dependents (ABAWD) time limit in three California counties during that time period. A copy of the approved waiver is attached to this letter.

[Welfare and Institutions Code \(W&I\) Section 18926](#), as added by [Senate Bill \(SB\) 68 \(Chapter 78, Statutes of 2005\)](#), requires the California Department of Social Services (CDSS) to annually seek a federal waiver of the ABAWD time limit for all eligible counties. Federal law and regulations provide that the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) shall waive the ABAWD time limit in a state or regions within a state that meet specified criteria.

County Waiver Eligibility

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 FNS. Acceptable ABAWD waiver criteria include the following:

- A recent 12-month average unemployment rate over ten percent;
- A recent three-month average unemployment rate over ten percent;
- A historical seasonal unemployment rate over ten 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 ten percent for the two-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.

ABAWD Time Limit Waiver Counties

A request for a waiver of the ABAWD time limit was submitted to FNS on September 18, 2017, and federal approval was received on July 2, 2018. The waiver will last for a period of twelve months beginning September 1, 2018 and ending August 31, 2019.

Fifty-five counties qualify for a waiver of the ABAWD time limit and three counties do not qualify. The three counties that do not qualify for a waiver of the ABAWD time limit are:

- San Francisco
- San Mateo
- Santa Clara

California Waiver Implementation Policies

Counties are reminded of the following ABAWD time limit waiver policies:

- Counties with a waiver of the ABAWD time limit must continue to report work registrant, ABAWD, and Employment and Training (E&T) data quarterly on the STAT 47 report. An updated report form and accompanying instructions were transmitted via [ACL No. 14-91](#). For purposes of completing the STAT 47, individuals who do not meet one of the ABAWD time limit exemptions at [MPP](#)

[Section 63-410.31](#) or [MPP Section 63-410.32](#) are considered ABAWDs subject to the time limit even while residing in a county with a waiver.

- Counties with a waiver of the ABAWD time limit must continue to apply sanction requirements described in [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.

Individuals who were previously discontinued for failure to satisfy the ABAWD work requirement and subsequently reapply for CalFresh in a county with a waiver of the ABAWD time limit shall be approved for benefits, if otherwise eligible. Such persons are not subject to the ABAWD time limit as long as they live in a county where the time limit is waived. CalFresh E&T and voluntary quit sanctions do not stop when an individual moves to a county with an ABAWD time limit waiver.

Procedure for Declining Waiver

The Federal Fiscal Year 2019 waiver of the ABAWD time limit will continue through August 31, 2019, unless a county notifies CDSS via a letter from its County Board of Supervisors, indicating its intent to pursue opting out of the waiver of the ABAWD time limit. If any county declines to participate in the waiver, it must inform CDSS within two weeks of the issuance of this letter. A letter declining participation should be sent to the CalFresh Policy Bureau of the CalFresh and Nutrition Branch, using the contact information shown below:

CalFresh Policy Bureau, CalFresh and Nutrition Branch
California Department of Social Services
744 P Street, M.S. 8-9-32
Sacramento, CA 95814
Fax: (916) 654-1295

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

Sincerely,

Original Documents Signed By:

TODD R. BLAND
Deputy Director
Family Engagement and Empowerment Division

Attachment



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

JUL 02 2018

Kim McCoy Wade
CalFresh and Nutrition Branch Chief
California Department of Social Services
744 P Street
Sacramento, California 95814

RE: SNAP – California Request to Waive Able-Bodied Adults without Dependents Time
Limit – Approval

Dear Ms. McCoy Wade:

This is in response to the California State agency's request to waive the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents (ADAWDs) in 55 counties from September 1, 2018, through August 31, 2019.

The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant Food and Nutrition Service (FNS) guidance. Therefore, FNS is approving California to waive the time limit in the 55 contiguous counties for the requested 12-month period. The approval amends and extends waiver number 2150019. The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. If you have any questions please contact Jackie Bourne at Jacqueline.Bourne@fns.usda.gov.

FNS is reviewing its policies regarding ABAWD time limit waivers. Moving forward, FNS will be taking actions to support the Administration's priority to provide able-bodied Americans a path to self-sufficiency. This goal requires that we establish a clear and mutual commitment to moving SNAP participants to meaningful employment.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Enclosure

WAIVER RESPONSE

1. **Waiver serial number:** 2150019
2. **Type of request:** Amendment and extension
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** California
6. **Region:** Western
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides that no able-bodied adult without dependents (ABAWD) shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3 year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) also provides that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
8. **Proposed alternative procedures:** The California State agency is requesting to waive the ABAWD time limit in 55 contiguous counties from September 1, 2018, through August 31, 2019. The State agency has supported its request based upon the 55 counties having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of April 2015 through March 2017. During this time period the national average unemployment rate was 4.95 percent; 20 percent above that rate is 5.9 percent. As detailed in the following table, the combined 55 county area had an aggregate unemployment rate of 5.9 percent during the selected 24-month time period.

Bureau of Labor Statistics Local Area Unemployment Data April 2015 – March 2017*		
County	Unemployment	Labor Force
1. Alameda County	865,774	19,990,988
2. Alpine County	885	13,424
3. Amador County	21,048	348,978
4. Butte County	163,443	2,448,878
5. Calaveras County	29,030	499,149
6. Colusa County	40,532	262,866
7. Contra Costa County	604,095	13,281,262
8. Del Norte County	18,159	235,783

9. El Dorado County	111,121	2,140,324
10. Fresno County	1,024,068	10,667,132
11. Glenn County	26,129	313,048
12. Humboldt County	75,455	1,501,744
13. Imperial County	435,674	1,853,922
14. Inyo County	11,481	216,498
15. Kern County	954,791	9,337,323
16. Kings County	138,923	1,376,362
17. Lake County	48,162	702,635
18. Lassen County	17,560	253,968
19. Los Angeles County	6,761,384	120,706,910
20. Madera County	139,006	1,461,490
21. Marin County	110,928	3,371,918
22. Mariposa County	12,523	185,528
23. Mendocino County	50,949	955,605
24. Merced County	294,613	2,753,802
25. Modoc County	6,385	79,745
26. Mono County	11,083	200,609
27. Monterey County	406,891	5,287,958
28. Napa County	76,278	1,765,893
29. Nevada County	56,731	1,157,995
30. Orange County	1,571,561	38,322,456
31. Placer County	196,429	4,288,333
32. Plumas County	18,501	188,622
33. Riverside County	1,552,247	25,133,193
34. Sacramento County	913,941	16,632,532
35. San Benito County	49,618	711,707
36. San Bernardino County	1,308,299	22,358,576
37. San Diego County	1,790,363	37,552,977
38. San Joaquin County	628,433	7,629,681
39. San Luis Obispo County	145,602	3,358,745
40. Santa Barbara County	263,999	5,208,993
41. Santa Cruz County	242,905	3,457,362
42. Shasta County	126,769	1,789,901
43. Sierra County	2,523	32,334
44. Siskiyou County	37,168	429,500
45. Solano County	278,665	4,966,834
46. Sonoma County	252,814	6,229,094
47. Stanislaus County	510,550	5,844,513
48. Sutter County	107,180	1,083,565
49. Tehama County	43,798	604,643
50. Trinity County	8,787	122,348
51. Tulare County	546,984	4,926,346
52. Tuolumne County	33,239	521,983
53. Ventura County	540,022	10,269,902
54. Yolo County	150,772	2,536,974
55. Yuba County	58,638	676,250

Total	23,892,908	408,249,101
Combined Area Unemployment Rate	5.9%	

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on November 7, 2017.

9. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the California State agency's request to waive the ABAWD time limit in the 55 county area because the jurisdictions meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008, as amended and 7 CFR 273.24(f).
11. **Information required for an extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
12. **Implementation date and expiration date:** The waiver is effective September 1, 2018, through August 31, 2019.
13. **Limitation if any on regional office approval of like requests:** The waiver is limited to the California State agency.
14. **Date of national office action:** JUL 02 2018
15. **Date of State agency's request:** September 18, 2017
16. **Date of regional office transmittal of request:** September 18, 2017
17. **State agency contact:**
Alexis Fernández
(916) 653-6162
Alexis.Fernandez@dss.ca.gov
18. **FNS Regional Contact:**
Jackie Bourne
(415) 293-3717
Jacqueline.Bourne@fns.usda.gov