

September 20, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 19-96**

The purpose of this letter is to transmit and provide guidance to County Welfare Departments (CWDs) regarding waiver #2150019 which waives the Supplemental Nutrition Assistance Program (SNAP) Able-Bodied Adults Without Dependents (ABAWD) time limit requirements under [7 CFR 273.24](#). The waiver is effective September 1, 2019, through August 31, 2020, and requires implementation of the ABAWD time limit in six California counties during that time period. A copy of the approved waiver is attached to this letter.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

September 20, 2019

ALL COUNTY LETTER NO. 19-96

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

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) 18926](#); [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) 273.24](#); ALL COUNTY LETTER (ACL) 19-93; AND [ACL 14-91](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) 63-408](#), AND [MPP 63-410](#)

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The [W&IC Section 18926](#) 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) must waive the ABAWD time limit in a state or regions within a state that meet specified criteria.

### **ABAWD TIME LIMIT WAIVER COUNTIES**

In accordance with requirements of 7 CFR 273.24(f), a request for a waiver of the ABAWD time limit was submitted to FNS on September 27, 2018. Federal approval was received on August 1, 2019. The waiver will last for a period of twelve months beginning September 1, 2019 and ending August 31, 2020.

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

- Alameda
- Contra Costa
- Marin
- 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 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 who are 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 may 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.

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If you have any questions or need additional guidance regarding the information in this letter, please contact the CalFresh Policy Bureau at (916) 651-8047  
Sincerely,

***Original Document Signed By:***

ALI SUTTON  
Acting Deputy Director  
Family Engagement and Empowerment Division

**Attachment**



Food and  
Nutrition  
Service

Park  
Office  
Center

3101 Park  
Center  
Drive

Alexandria  
VA, 22302

Date: August 1, 2019

Alexis Fernández  
Chief, CalFresh and Nutrition Branch  
California Department of Social Services  
744 P Street  
Sacramento, California 95814

**Supplemental Nutrition Assistance Program (SNAP) - California Request to Waive Able-Bodied Adults Without Dependents Time Limit - Approval**

Dear Ms. Fernández:

This is in response to the California State agency's September 27, 2018, request to waive the SNAP time limit for able-bodied adults without dependents in 52 counties from September, 2019, through August 31, 2020.

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 the State to waive the time limit for a 12-month period as requested. The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. Please contact your FNS Regional Office with any questions.

FNS notes that the State agency followed up with FNS in April 2019. In the letter, the State agency asked for timely approval of the waiver request so that California can plan to implement program policy in impacted counties. The State also indicated that any delay in these activities could impact quality control and program integrity, and require a shift in State and county staffing resources. Based on these points, we are concerned that California mistakenly thinks that its responsibility to track ABAWDs time limit is contingent upon FNS's response to its pending waiver request. To be clear, this is not the case.

ABAWD waivers are temporary, and do not permit a State to ignore ABAWD tracking. Generally speaking, tracking means identifying ABAWDs, or screening all household members for exemptions, as well as documenting whether or not an ABAWD is meeting the work requirement and measuring the 3-year period. States must continue to track ABAWDs, even in waived areas, so that they will be ready transition off-of the temporary waiver and reintroduce the time limit when a waiver expires.

As you may be aware, FNS has proposed regulations that would strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. The rule, once finalized, could change the qualifying areas and approval period for this waiver.

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**

**Able-Bodied Adults Without Dependents (ABAWD) Waiver Response**

1. **Serial Number:** 2150019
2. **Request Type:** Amendment and Extension
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** California
6. **Food and Nutrition Service (FNS) Region:** Western
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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) and 7 CFR 273.24 also provide 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. **Requested Area(s) and Support:** The California State agency requested to waive the ABAWD time limit in a total of 52 counties from September 1, 2019, through August 31, 2020. The State agency grouped 52 counties for consideration as an economically tied, combined area. The State agency supported its request based upon these areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of January 2016 through December 2017. During this time period the national average unemployment rate was 4.6 percent; 20 percent above that rate is 5.5 percent. The unemployment rate for the 52 county combined area was 5.5 percent during the same time period (areas listed below in Table 1).

**Table 1: Combined Area 1 (Bureau of Labor Statistics Local Area Unemployment Data January 2016 through December 2017)**

<b>Counties</b>
1. Alpine County
2. Amador County
3. Butte County
4. Calaveras County
5. Colusa County
6. Del Norte County
7. El Dorado County

<b>Counties</b>
8. Fresno County
9. Glenn County
10. Humboldt County
11. Imperial County
12. Inyo County
13. Kern County
14. Kings County
15. Lake County
16. Lassen County
17. Los Angeles County.
18. Madera County
19. Mariposa County
20. Mendocino County
21. Merced County
22. Modoc County
23. Mono County
24. Monterey County
25. Napa County
26. Nevada County
27. Orange County
28. Placer County
29. Plumas County
30. Riverside County
31. Sacramento County
32. San Benito County
33. San Bernardino County
34. San Diego County
35. San Joaquin County
36. San Luis Obispo County
37. Santa Barbara County
38. Santa Cruz County
39. Shasta County
40. Sierra County
41. Siskiyou County
42. Solano County
43. Sonoma County
44. Stanislaus County
45. Sutter County
46. Tehama County
47. Trinity County



<b>Counties</b>
48. Tulare County
49. Tuolumne County
50. Ventura County
51. Yolo County
52. Yuba County
<b>Combined Area Unemployment Rate: 5.5%</b>
Data extracted from <a href="http://www.bls.gov">http://www.bls.gov</a> on July 16, 2019

**9. FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit as requested. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

**10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).

**11. Implementation Date:** September 1, 2019

**12. Expiration Date:** August 31, 2020

**13. Information Required for Amendment or 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 rate must include data spreadsheets and supporting documentation.

**14. State Agency Contact Information:**

Name: Alexis Fernández

Phone Number: (916) 653-6162

Email: alexis.fernandez@dss.ca.gov

**15. FNS Regional Office Contact Information:**

Name: Jacqueline Bourne

Phone Number: (415) 293-3717

Email: jacqueline.boume@usda.gov