

August 20, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 20-90**

The purpose of this All County Letter is to transmit and provide guidance on the approval of waiver #2150019 which waives the Supplemental Nutrition Assistance Program Able-Bodied Adults Without Dependents (ABAWD) time limit requirements at [7 Code of Federal Regulations Section 273.24](#). The waiver is effective July 1, 2020 through June 30, 2021 and waives the ABAWD time limit statewide 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

August 20, 2020

ALL COUNTY LETTER NO. 20-90

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

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

REFERENCE: [WELFARE AND INSTITUTIONS \(W&I\) CODE 18926; TITLE 7  
CODE OF FEDERAL REGULATIONS \(CFR\) 273.24; MPP  
SECTION 63-408; ALL COUNTY LETTER \(ACL\) 19-93](#)

The purpose of this All County Letter is to transmit and provide guidance on the approval of waiver #2150019 which waives the Supplemental Nutrition Assistance Program (SNAP) Able-Bodied Adults Without Dependents (ABAWD) time limit requirements at [7 Code of Federal Regulations \(CFR\) Section 273.24](#). The waiver is effective July 1, 2020 through June 30, 2021 and waives the ABAWD time limit statewide during that time period. A copy of the approved waiver is attached to this letter.

## Background

On December 5, 2019, the United States Department of Agriculture, Food and Nutrition Service (FNS), published the final rule, SNAP: Requirements for ABAWDs (Final Rule), which revises the conditions under which FNS would approve requests to waive the ABAWD time limit. The changes to waiver standards under the Final Rule were scheduled to take effect April 1, 2020. The Final Rule, however, is currently in litigation in the U.S. District Court for the District of Columbia. On March 13, 2020, the Court granted the plaintiffs' motion for a preliminary injunction and a stay pending judicial review of the provisions related to waivers.

A FNS memo released on May 11, 2020, provided instruction that, while the injunction is in place, the previous ABAWD time limit waiver criteria published in the January 17,

2001, final rule, Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, will be used as the basis for any waiver approvals.

Under the 2001 standards, states may request a waiver of the ABAWD time limit statewide, or for portions of a state, that meet at least one of the federally-established waiver criteria. These criteria include a determination by the U.S. Department of Labor (DOL) Unemployment Insurance Service that an area qualifies for Extended Benefits (EB). States that meet the EB criteria may qualify for a statewide ABAWD time limit waiver up to 12 months after the trigger date. The DOL Unemployment Trigger Notice 2020-17, effective May 10, 2020, identifies California as one of the states that qualify for EB.

Due to the DOL trigger notice, the California Department of Social Services submitted, and was approved for, a waiver of the ABAWD time limit statewide beginning July 1, 2020 through June 30, 2021. It is important to note that this waiver, approved under the 2001 standards, will be in effect until June 30, 2021, or until the date at which new waiver standards become effective, whichever occurs earlier.

### **California Waiver Implementation Policies**

Regardless of waiver status, counties must remain ready to transition off of the waiver when it expires and reintroduce the time limit. All counties must continue to:

- Identify ABAWDs, screen for exemptions, and inform clients of ABAWD rules.
- Track and report work registrant, ABAWD, and Employment and Training (E&T) data on the Non-Assistance CalFresh Work Registrants, ABAWDs, and E&T Program Quarterly Statistical (STAT 47) report.
- Apply sanction requirements described in Manual of Policies and Procedures 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

All County Letter No. 20-90  
Page Three

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.

If you have questions or need additional guidance regarding the information in this letter, contact the CalFresh Policy and Employment Bureau at [CalFreshPolicy@dss.ca.gov](mailto:CalFreshPolicy@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

JENNIFER HERNANDEZ, Deputy Director  
Family Engagement and Empowerment Division

**Attachment**



Food and Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

July 15, 2020

Alexis Fernández  
Chief, CalFresh and Nutrition Branch  
Department of Social Services  
Health and Human Services Agency  
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 agency's June 2, 2020, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents* (84 FR 66782), which revises the conditions under which FNS would approve requests from States to waive the ABAWD time limit. The final rule's changes to waiver standards were scheduled to take effect as of April 1, 2020. However, the final rule is currently in litigation in the U.S. District Court for the District of Columbia. On March 13, 2020, the Court granted the plaintiffs' motion for a preliminary injunction and a stay pending judicial review of the provisions related to waivers.

As discussed in the [May 11, 2020, memo](#) from FNS, while the injunction is in place, the previous waiver criteria published in the January 17, 2001, final rule, *Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (66 FR 4438), will be used as the basis for any waiver approvals. Waivers approved under the 2001 standards will be in effect up until the date specified in the attached waiver response, or until the date at which new waiver standards become effective, whichever occurs earlier.

Alexis Fernández

Page 2

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

Arpan Dasgupta  
Chief  
Certification Policy Branch  
Program Development Division

Enclosure

Enclosure

**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:** West
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 State agency requested to waive the ABAWD time limit throughout the State from July 1, 2020, to June 30, 2021. The State agency supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. The State has provided a copy of the Department of Labor Trigger Notice No. 2020-17, effective May 10, 2020, showing that California qualified for extended unemployment benefits.
9. **FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit in the approved area for one year or until the date at which the new waiver standards become effective, whichever occurs earlier. 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:** July 1, 2020

12. **Expiration Date:** June 30, 2021 or the date at which the new waiver standards become effective, whichever occurs earlier.
  
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 rates 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.bourne@usda.gov