

The Board of Supervisors

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Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

March 29, 2019

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, VA 22302

RE: **Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57**

Dear Certification Policy Branch,

As Chair of the Board of Supervisors of Contra Costa County, I write to communicate our comments in opposition to USDA's Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults Without Dependents (ABAWDs). The proposed changes would cause serious harm to vulnerable individuals and families in our county, as well as to our community and the nation overall.

SNAP Matters: To People and To The Economy

SNAP (CalFresh in California) plays a critical role in addressing hunger and food insecurity in our community. It is the first line of defense against hunger for low-income residents. In our county, more than 60,000 individuals are able to gain food security and access to nutritious food through the CalFresh program.

In addition to addressing hunger, research demonstrates that SNAP supports better health. The proposed rule ignores core parts of the problem sought to be addressed by the previous agency policy concerning the ABAWD waiver: namely the impact on general health and welfare – including public health – that would be caused by a potential chilling on individuals' participation in the food program.

From a fiscal perspective, SNAP drives over \$115 million in total economic activity annually in Contra Costa County. Any reduction in this activity caused by the proposed rule would harm our local economy, retailers and agricultural producers by reducing the amount of SNAP dollars people have to spend on food.

Thousands at Risk in Contra Costa County

Current federal law limits SNAP eligibility for childless unemployed and underemployed adults age 18 – 49 (except for those who are exempt) to just three months out of every three years, unless they are able to obtain and maintain employment for an average of 20 hours a week. These individuals are also referred to as Able-Bodied Adults without Dependents (ABAWDs).

For several years since the Great Recession, Contra Costa County has been operating its CalFresh program under a waiver granted to California that exempted ABAWDs from the time-limiting regulation. The current waiver expires on September 1, 2019, putting more than 4,000 ABAWDs in our county at risk of losing CalFresh benefits. By limiting the flexibility that waivers and exemptions provide, the proposed rule changes would significantly hamper our County's ability to implement a smooth transition to non-waiver status. The proposed rule changes would also make it more difficult for the state – and therefore our County – to obtain waivers and individual exemptions in the future.

The Realities of Life for Low-Income ABAWDs

The proposed rule changes, which limit flexibility in administering the SNAP (CalFresh) program, disregard the realities of everyday life for thousands of Contra Costa ABAWD residents as they seek employment and seek to maintain a sustainable livelihood. There are many reasons why people are unable to maintain consistently a 20-hour/week work schedule, and depriving them of access to food will only hurt them more.

While job growth in the San Francisco Bay area receives a lot of attention, many of the new jobs are highly technical and not accessible to a broad range of workers. The nature of the work and the industries in which many ABAWDs are employed (e.g., retail and restaurant) can make it difficult to maintain predictable and consistent hours from week to week. Many of these individuals have average work hours just on the edge of what may exempt them from ABAWD status. In addition, for individuals who are in temporary or contract jobs, it may be difficult to provide proof of all of their work hours or to maintain a consistent schedule.

Additionally, the rule changes would disproportionately affect members of minority populations, such as people of color, who experience higher rates of food insecurity. The proposed rule offers insufficient information about the extent of the disparate impacts, any mitigation strategies that the USDA and/or states may undertake to address those impacts, or details about the civil rights plan to monitor or address the issue.

Finally, in our high-cost county, the estimated expenses for an individual's basic needs are more than \$3,000 per month. At that level, even working individuals may need assistance, especially as the cost of living has outpaced wage increases in recent years. This is all the more reason we want to maintain the flexibility to provide safety valves for people in challenging times.

Changes to State Waiver Flexibilities Would Also Harm Children and Youth

Because SNAP is so important for low-income and food-insecure children, those under 18 and the adults who live with them are technically exempt from the three-month time limit for SNAP.

However, though current rules around the SNAP time-limit explicitly exempt adults who have a dependent child under 18 or live in a household with children under 18, this definition may not allow for the complex financial arrangements that low-income families utilize to put food on the table.

We are also concerned about the more than 100 vulnerable youth who age out of foster care in our County every year, as well as unaccompanied homeless youth. Youth in foster care and unaccompanied homeless youth disproportionately experience significant barriers to obtaining a high school diploma, entering college, obtaining a driver's license, accessing health insurance, maintaining housing stability, and obtaining steady employment. SNAP plays a significant role in the health and well-being of youth aging out of care and unaccompanied homeless youth with no support systems.

Proposed Rule Undermines Current Law's Safety Valves

Under current law, states have some flexibility to ameliorate the impact of the cutoff. They can request a waiver of the time limit for areas within the state that have 10 percent or higher unemployment rates or, based on other economic indicators, have "insufficient jobs." Moreover, states have discretion to exempt individuals from the time limit by utilizing a pool of exemptions (referred to as "15 percent exemptions"). While the 2018 Farm Bill modified the number of exemptions that states can receive each year from 15 percent to 12 percent, it did not change their ability to carry over unused ("banked") exemptions forward. Area waivers and individual exemptions are critical backstops to protecting food assistance for individuals looking for work but unable to find sufficient hours.

California has structured the use of exemptions such that they can be used to encourage individuals to engage in employment and training activities. For example, exemptions may be used for individuals who are engaged in employment and training but may not happen to meet hours during a given month, or if an individual falls ill for a day and therefore falls short of meeting the hourly requirement in the month. Reducing or eliminating the use of these exemptions also hurts the economy as they are meant to assist individuals who are complying or attempting to comply with program requirements.

We strongly oppose the proposed rule that would expose even more people to the arbitrary food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions. By the Administration's own calculations, the proposed rule would take food away from 755,000 low-income Americans, cutting food benefits by \$15 billion over ten years. The Administration does not estimate any improvements in health or employment among the affected population.

Administrative Burden

In addition to limiting our staff's ability to provide ongoing food security to low-income members of the ABAWD population, restricting individual exemptions will neither help save money nor reduce costs. In fact, the proposed changes would actually add a significant administrative burden on Contra Costa County. The elimination of the current waiver is already going to require additional staff time and training. An elimination of the state's banked exemptions will impair our ability to implement a smooth transition – for our staff and for those we serve.

Risk of Economic Downturn

The proposed rule changes, for which the underlying argument is a strong economy, are scheduled to be implemented right at a time when the economy may be poised to weaken. Both California and the United States at large have experienced historically lengthy economic expansions since 2009, and there are concerns that this period of growth may be reaching a natural pause or downturn.

Furthermore, while the economy may be booming for some, not everyone has shared equally in the rewards. Even within Contra Costa County, where the overall unemployment rate was under 3% in 2018, the most disadvantaged region in the county was experiencing 6.3% unemployment. It is easy to envision a near-term scenario in which areas like that quickly tip back into a higher unemployment range, yet the proposed rule changes would dramatically reduce the state's and county's flexibility to provide nutritional support for our residents who face the most challenging work obstacles.

Proposed Rule Changes Contradict Recent Congressional Action

The proposed rule rejects the approach taken by the 2018 bi-partisan Farm Bill, which fought to protect SNAP benefits, maintain current area waivers and provide ongoing investments to support job opportunity through employment and training efforts. The rules governing areas' eligibility for waivers and individual exemptions have been in place for nearly 20 years. In that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize.

For all of the reasons outlined above, Contra Costa County strongly opposes the proposed rule that would expose even more people to the arbitrary SNAP food cutoff policy, and respectfully requests that the proposal be withdrawn from consideration.

Sincerely,



JOHN M. GIOIA
Chair, Board of Supervisors

cc: Members, Board of Supervisors
David Twa, County Administrator
Kathy Gallagher, EHSD Director
Paul Schlesinger, Alcalde & Fay