

April 1, 2019

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

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

Dear Certification Policy Branch:

Thank you for the opportunity to comment on the USDA's Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults Without Dependents (ABAWDs). *The Schuyler Center for Analysis and Advocacy is strongly opposed to the proposed rule.* The changes that are proposed would cause serious harm to ABAWDs and the countless children who rely on non-custodial parents, uncles, aunts, grandparents – for pooled support. This new rule could have a particularly devastating impact on the estimated [150,000](#) New York children who reside with non-custodial kin or family friends.

The Schuyler Center for Analysis and Advocacy is a statewide, non-partisan, human services advocacy organization based in Albany, New York. Our mission is to advance public policies that improve the health and well-being of all New Yorkers, particularly low-income children and families. Our organization pays very close attention to the Supplemental Nutrition Assistance Program (SNAP) because it plays a critical role in addressing hunger and food insecurity in New York.

SNAP Matters to Children and their Caregivers – which includes ABAWDs

The Schuyler Center is dedicated to advancing policies and interventions in New York that help ensure healthy development and reduce adversity in the early years. We know that child health and well-being go hand-in-hand with the health and well-being of caregivers. Key to the health of both children and their caregivers is proper nutrition. The proposed rule to limit states' ability to secure waivers from the ABAWD time limit threatens countless New York caregivers, and as such, countless New York children –those residing with non-custodial relatives and friends, and those who rely on kin and family friends to meet some of their nutritional needs.

The Harsh Impact of Arbitrary Time Limits is not Ameliorated by Limited Waivers and Exemptions

Federal law limits SNAP eligibility for childless unemployed and underemployed adults age 18-50 (except those who are exempt) to just three months out of every three years unless they

are able to obtain and maintain an average of 20 hours a week of employment. This current rule is already harsh and unfair. It harms vulnerable people by denying them food benefits at a time when they most need it and it does not result in increased employment and earnings. By time-limiting food assistance to this group, federal law has shifted the burden of providing food to these unemployed individuals from SNAP to states, cities, and local charities.

The proposed rule would make this already harsh law even more harmful. 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 exemptions forward.)

Under current law, New York and other states have the flexibility to waive areas within their state that have experienced elevated unemployment. The rules governing areas’ eligibility for waivers have been in place for nearly 20 years and New York, along with every state except Delaware, has availed itself of the waiver. The waiver rules are reasonable, transparent, and manageable for states to operationalize. The proposed rule – which would restrict, impede, and add uncertainty to New York’s current ability to waive areas with elevated unemployment -- must not be pursued.

Reject any Rule that Increases Hunger

The Schuyler Center strongly opposes any rule that would expose even more people to the arbitrary food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions. The Administration acknowledges that the proposed rule would take food away from 755,000 low-income Americans over ten years without an estimate of any improvement in health or employment.

- **The proposed rule would make it harder for states to obtain and implement area waivers.** By dropping statewide waivers except when a state triggers extended benefits under Unemployment Insurance, the rule would unduly limit the economic factors considered in assessing an area’s eligibility for a waiver. This would undermine efficient state implementation of area waivers by limiting their duration to 12 months and delaying their start dates until after USDA processes the request. In addition, the proposed rule would remove states’ ability to use exemptions accumulated prior to the rule’s implementation as well limit the time states have to use exemptions in the future
- **The proposed rule is accompanied by very little analysis to explain its conclusions about the impacts the changes would have on individuals and population groups, nor does it provide realistic plans to avert harm from those changes.** USDA merely asserts its expectation that two-thirds of individuals made newly subject to the time limit “would not meet the requirements for failure to engage meaningfully in work or work training.” Moreover, while the Department concedes that the proposed changes “have the potential for disparately impacting certain protected groups due to factors affecting rates of

employment of these groups, [it] find[s] that implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts.” No explanation of the mitigation strategies and monitoring is provided, so there is no opportunity for us to comment on whether the acknowledged disparate impact will be mitigated.

- **This proposed rule is an end run around Congress, which did not make the changes proposed in the 2018 Farm Bill.** 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 these reasons, the Schuyler Center strongly opposes the proposed rule because it would expose even more children and families to the arbitrary SNAP food cutoff policy and harm New York’s communities. Restoring, not cutting, SNAP’s ability to provide food assistance to impoverished, unemployed individuals would be a powerful policy improvement that would reduce food insecurity among those seeking work.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', is written over a light blue horizontal line.

Kate Breslin
President and CEO