

# **SNAP TIME LIMITS: WHAT PROVIDERS SHOULD KNOW ABOUT THE IMPACT ON INDIVIDUALS WITH DISABILITIES**



January 19, 2016  
3:00pm

# Agenda

- Quick look at poverty and disability
- Background on SNAP and ABAWD time limits
- Lessons from Massachusetts
- Resources
- Q&A

# Today's Speakers

**Elizabeth Jennings**

Deputy Director  
National Disability Institute

**Helly Lee**

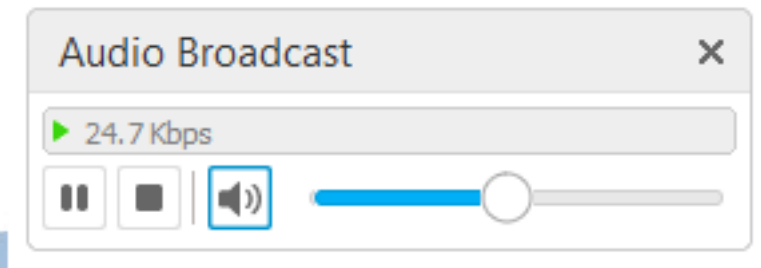
Senior Policy Analyst  
Center for Law and Social Policy

**Pat Baker**

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Massachusetts Law Reform Institute

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# National Disability Institute

The mission of National Disability Institute is to drive social impact to build a better economic future for people with disabilities and their families.



# CLASP

The mission of CLASP is to improve the lives of low-income people.



# Poverty and Disability

## Poverty Rate – 2013

28% of people with disabilities

12.5% of people without disabilities

## Employment Rate – 2013

34.5% of people with disabilities

76.8% of people without disabilities

# Food Insecurity and Disability

- 1/3 of households with a working-age adult who is out of the labor force due to disability experience food insecurity.
- 1/4 of households with a working-age adult with a disability who has remained in the workforce experience food insecurity.
- In 2013, approximately 20% of SNAP households (4.6 million each month) included a nonelderly member with a disability.

USDA's Economic Research Service and Food Research Action Center

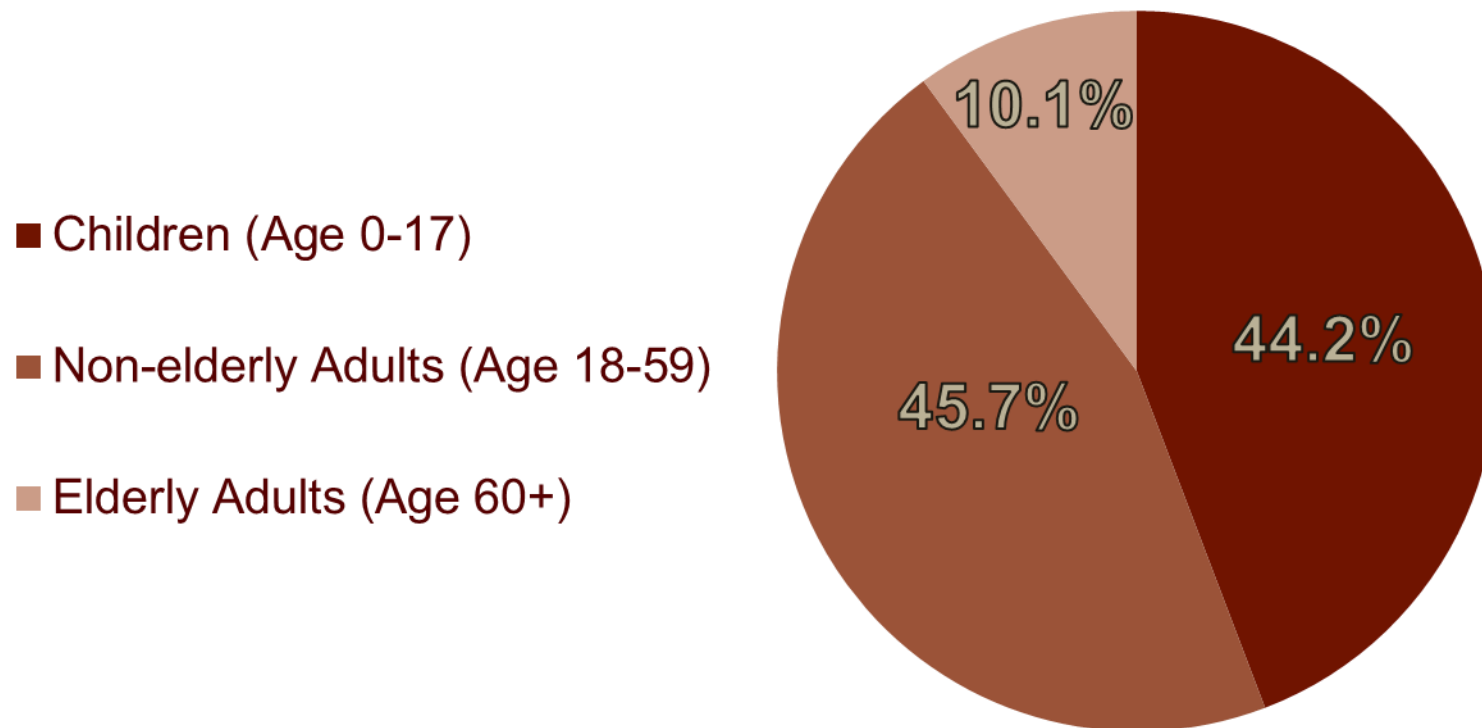
# Background on SNAP and ABAWD Time Limits

Helly Lee, Senior Policy Analyst  
Center for Law and Social Policy  
[hlee@clasp.org](mailto:hlee@clasp.org)

# What is SNAP

- The Supplemental Nutrition Assistance Program (SNAP) is one of the nation's largest and most important anti-hunger and anti-poverty programs.
- Served over 46.5 million people in low-income households in average month of 2014.
- Served monthly average of 4.6 million households with non-elderly individuals with disabilities in 2014.
- Maximum monthly allotment for a household of 1 is \$194; \$354 for a household of 2; and \$511 for a household of 3...

## Percent of SNAP Participants by Age



Source: Characteristics of Supplemental Nutrition Assistance Program Households: FY 2014

# Time Limits

- SNAP is one of the few means-tested benefit programs that is available to non-elderly, non-disabled adults without children (often referred to as Able Bodied Adults Without Dependents, or ABAWDs)
- But, such individuals are subject to time limits on SNAP receipt if they are not exempt or working or participating in a qualifying training activity for at least 20 hours per week
- Limited to 3 months in a 36 month period



# Background on Time Limits

- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limited receipt of SNAP benefits to three months in a 36 month period for certain “able-bodied adults” not working, participating in an Employment and Training Activity, or volunteering.
- Since roughly 2007, many states operated under statewide waivers of the ABAWD rules. Most state waivers expired on Dec. 31, 2015.

# Who is Subject to the Time Limit

Those who must meet the time limit are often referred to as Able Bodied Adults Without Dependents (ABAWD).

- Individuals 18 – 49 years old
- Childless
- Employed less than 20 hrs. a week in job or job training.
- Non-disabled (No documented disability that would preclude employment)

# Who is Exempt from the Time Limits?

- Under 18 or over 49 years old
- Determined “physically or mentally unfit for employment” (Not limited to receiving disability benefits such as SSI and SSDI). Can include -
  - Receiving temporary or permanent disability benefits
  - Determined by state to be “obviously” mentally or physically unfit for employment
  - Medical statement from certified health professionals
- Residing in a household with a child under 18 years old (need not be parent or caregiver)
- Pregnant (any stage)
- Individuals already working or participating in qualifying employment and training activity for an average of 20 hours a week

# Who is Exempt from the Time Limits?

- Those exempt from SNAP work requirements are also **exempt** from the time limits and include:
  - Individuals who are caregivers of someone with a disability
  - Individuals receiving unemployment compensation (UI)
  - Participants in a drug addiction or alcoholic treatment and rehabilitation program
  - Individuals who are employed or self-employed
  - Students enrolled at least half-time in any recognized school, training program, or institution of higher education

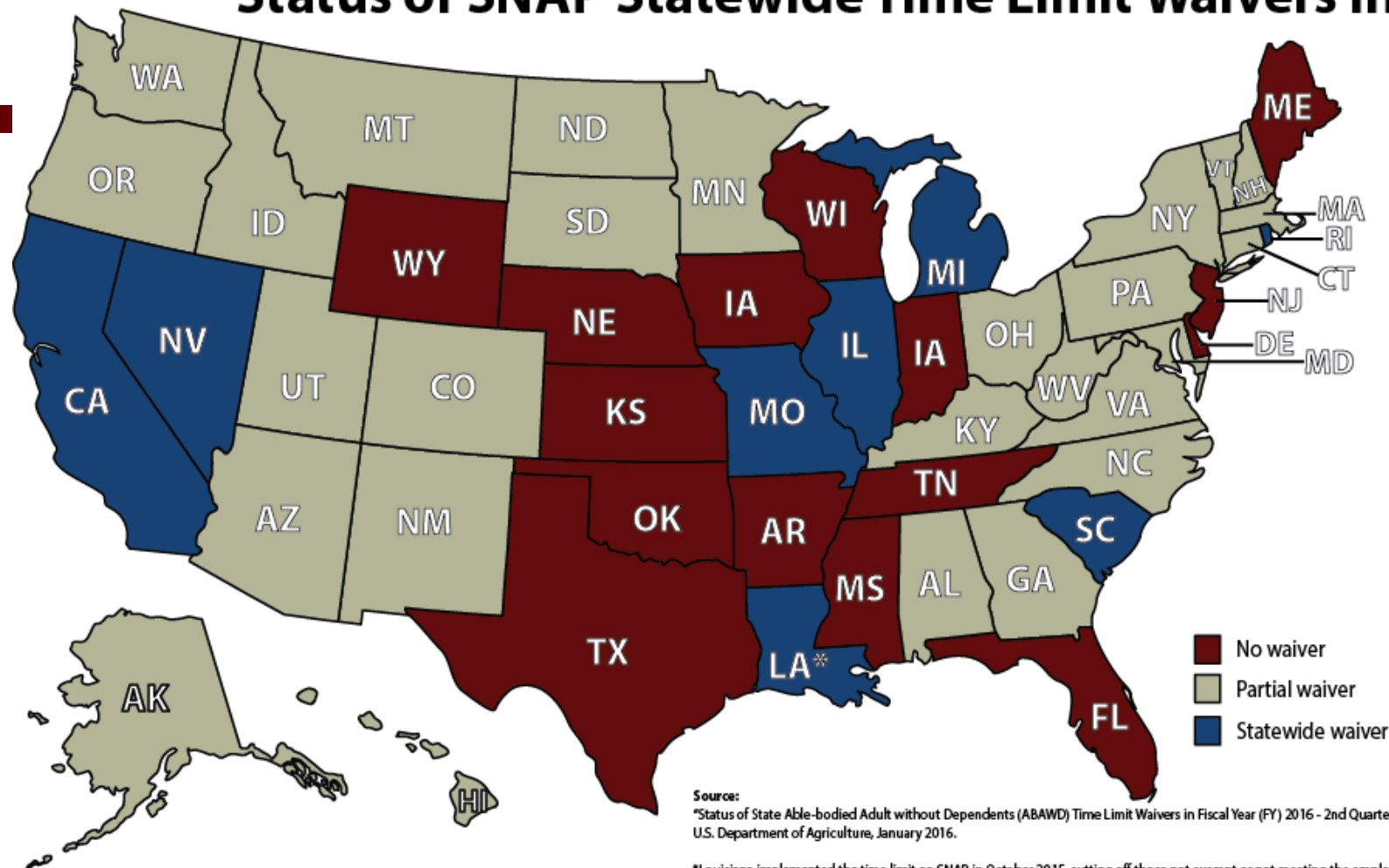
# Who is Exempt from the Time Limits?

- Individuals who are chronically homeless
  - November 2015 the Food and Nutrition Service (FNS), which administers SNAP, released a memo that states that. *“a chronically homeless individual who is living on the street may be considered unfit for employment as determined by the state. Federal rules at 273.24(c)(ii) allow states this flexibility...”*

# Time Limits Waived During Recession

- Throughout the recent recession, many states received state-wide waivers, but as economy rebounds, these state-wide waivers are ending
- In most states time limits are returning for the first time in many years in January 2016.
- States still have option to request waivers from USDA in areas of high unemployment – but some are declining waivers.

# Status of SNAP Statewide Time Limit Waivers in FY 2016



# Many will lose benefits

- States not required to offer employment and training activities for individuals facing time limit
- People willing to participate in employment and training or are actively seeking work may still be cut off
- People working but able to find only intermittent work of less than 20 hours per week may still be cut off
- CBPP estimates between 500,000 and 1 million individuals may lose SNAP benefits in 2016



# What is a Qualified Work or Training Program?

## **20 hours of week of:**

- SNAP Employment and Training (SNAP E&T)
- Workforce Innovation and Opportunity Act (WIOA)
- Other education and training programs approved by the state

20 hours a week in a qualified work training program can be combined with other qualified activities such as volunteer work and job search (job search must be less than 10 hours per week)

# What is a Qualified Work or Training Program?

- Workfare
  - Does not require the 80 hours of participation monthly (20 hours per week) as required by other qualified employment and training programs.
  - Instead, it requires hourly participation equal to the household allotment divided by the minimum wage (generally, this lower than 80 hours a month).
- Volunteer Work
  - States have the flexibility to consider unpaid or volunteer work at a public or non-profit institution as workfare or comparable to workfare which present the lower hourly burden (as mentioned above).

# Important to note for disability advocates:

For those subject to the SNAP time limits, a separate definition of “disability” is used, as opposed to those based on SSA rules. SSA defines disability as the inability to engage in substantial gainful activity (SGA) by impairments that can result in death or last more than 12 months. Those thresholds do not apply here and states have flexibility in determining unfit for work.

# Lessons from Massachusetts

Pat Baker, Senior Policy Analyst  
Massachusetts Law Reform Institute  
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# The Time Limit Cliff in MA

- MA operated under a statewide waiver of ABAWD rules since June 2008
- MA started to alert stakeholders about ABAWD rules in Fall 2015, offered multiple workshops
- MA formed “ABAWD Working Group” with key stakeholders including MLRI and shelters
- MA sent 2 info mailings with exemption forms and made 2 “robo calls” to all identified ABAWDs in November and December of 2015

# Who are the ABAWDs in MA?

- Roughly 62K potential ABAWDs in state out of 780K individual SNAP recipients
- About 50% appear to be exempt based on info known to state from their SNAP case records
- Remaining are most vulnerable and poorest individuals in state
  - Homeless men and women, homeless veterans
  - Chronically unemployed
  - Lack regular health care
  - Many cannot navigate disability benefit process

# Identifying Exempt ABAWDs

- MA used known SNAP case data to identify and exempt individuals 18-49 who are:
  - Receiving any kind of disability-based benefit
    - SSI or RSDI (Social Security),
    - Worker's Compensation
    - Private disability-based pension
    - VA service or non-service connected disability benefits
    - Our state General Assistance benefit (EAEDC) – a tiny cash benefit based on age, disability or caring for disabled person
  - Receiving or pending receipt of Unemployment Insurance (UI)

# Identifying Exempt ABAWDs

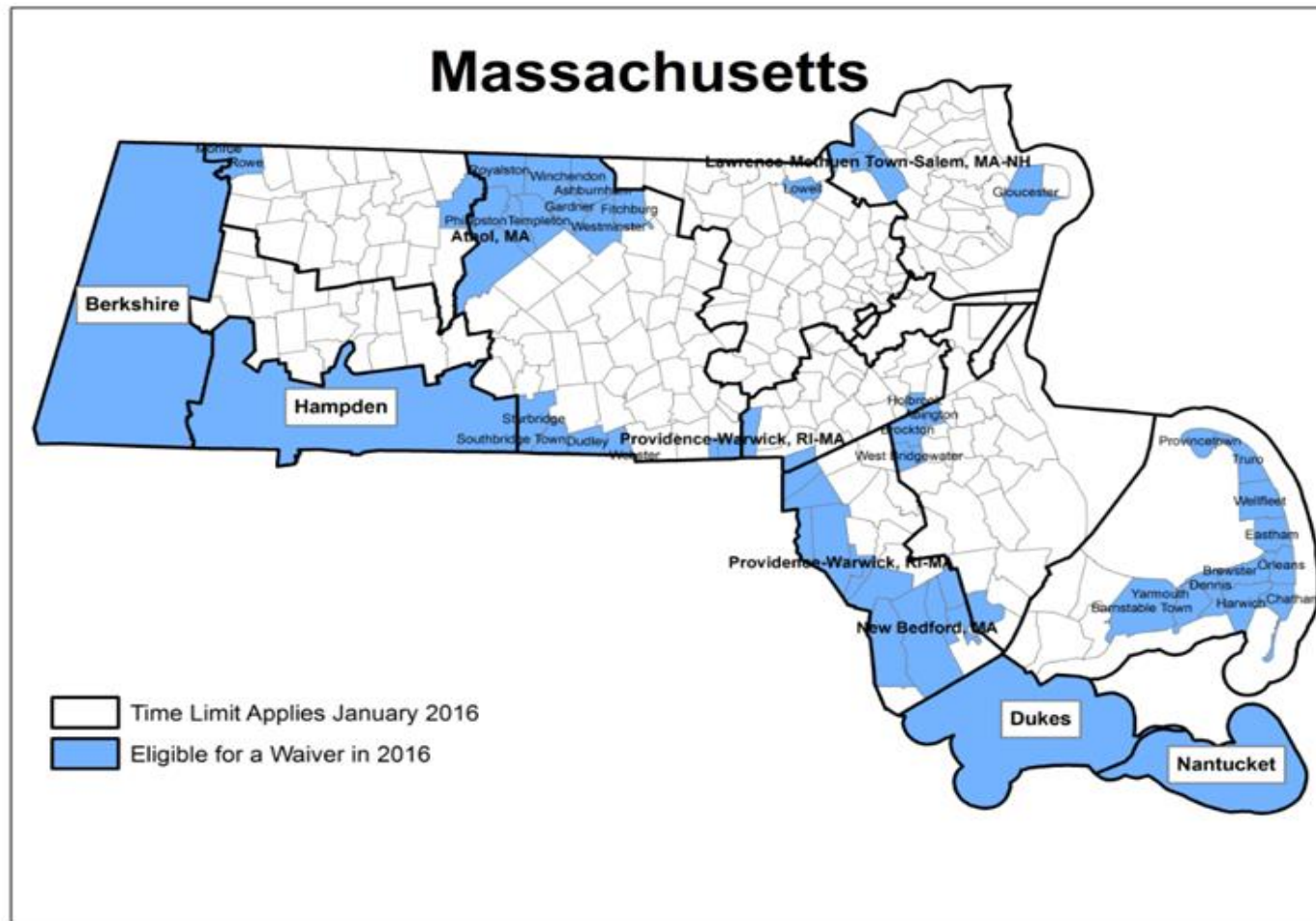
- MA using additional SNAP case data to identify if ABAWD is:
  - Living in a SNAP household with a child < age 18.
  - A student attending at least half-time a high school, voc/tech, ABE, college or other training program
  - Employed at least 20 hours/week
  - Self-employed with net earnings at least \$218/week (equals 30 x fed min wage of \$7.25)



# High Unemployment Area Waivers

- MA was approved for geographic areas that qualify for the USDA labor surplus waivers
- Many of these areas have high “off-season” unemployment including “vacation destinations” such as Cape Cod and the Berkshires
- Some urban pockets suffer from stubborn unemployment due to loss of industry/business
- Roughly 12K of our ABAWDs live in those areas
- Labor surplus waiver is just for 2016, needs to be revised and requested annually

# Massachusetts' Waived Areas 2016



# Implementing “Medically Unit” Exemption

- Unless “obvious” to SNAP workers, ABAWDs need a signed medical statement or report form
  - Note – MA now has a centralized SNAP processing/call centers with no assigned caseworker - making it impossible for any “worker observation”
- ABAWDs are also exempt if:
  - Participating in a vocational rehabilitation program
  - Participating in a drug/alcohol treatment program
- Pregnant women exempt (any stage of pregnancy)

# What is threshold for “medical unfitness” in MA ?

- MA defines “unfit” as a “*reduced ability* to financially support” oneself. Specific diagnosis and supporting medical tests NOT required.

- 1) Is this individual pregnant? ☐ yes ☐ no ☐ unknown      If yes, due date? \_\_\_\_/\_\_\_\_/\_\_\_\_
- 2) Is individual a participant in a vocational rehabilitation program, a mental health counseling program, or a drug or alcohol treatment or counseling program? \_\_\_\_yes \_\_\_\_no  
If yes, anticipated program end date: \_\_\_\_\_
- 3) Does this patient have a mental and/or physical illness or disability, temporary or permanent, which reduces his or her ability to financially support him or herself? \_\_\_\_yes \_\_\_\_no  
If yes, please indicate the duration of the patient’s illness/disability
- |  |                                      |  |
|--|--------------------------------------|--|
| <input type="checkbox"/> less than 30 days | <input type="checkbox"/> 1-3 months  | <input type="checkbox"/> 3-6 months                        |
| <input type="checkbox"/> 6 -9 months       | <input type="checkbox"/> 9-12 months | <input type="checkbox"/> more than 12 months/or indefinite |

# Who Can Sign the MA ABAWD Medical Report Form?

- Physician or designee of medical office
- Physician Assistant
- Nurse practitioner
- Osteopath
- Licensed or certified psychologist
- Drug and alcohol abuse counselor
- Licensed independent clinical social worker
- Licensed certified social worker
- Certified midwife (if pregnant)
- Director of voc rehab, substance abuse or mental health program

# MA's ABAWD Medical Report Form

- Scope of allowable signers stated clearly on ABAWD Medical Report Form



*Massachusetts Department of Transitional Assistance*  
*Supplemental Nutrition Assistance Program*  
**ABAWD Work Program**  
**Requirement Medical Report**

**\*\* This form may be signed by any of the following: physician, physician's assistant, designated representative of the physician's office, nurse practitioner, osteopath, licensed or certified psychologist, drug and alcohol abuse counselor, certified mental health counselor, licensed independent clinical social worker, licensed certified social worker, and certified midwife. For purposes of verifying an individual's participation in a rehab or counseling program (question #2), the director of the program or the individual's counselor may also sign this statement.**

# How Can Health Providers Help?

- Managed Care Plans can educate their providers how to prevent patients from loss of SNAP benefits.

Provider Network Fax Blast  
Monday, December 21, 2015



*Provider Notification*  
**You Can Help Low-Income Single Adults  
Keep their Food Benefits**

SNAP benefits (formerly food stamps) allow low-income people to buy the food they need to stay healthy. Many patients and CeltiCare Health members (single adults ages 18-50) are considered Able-bodied Adults Without Dependents (ABAWDs). They are at risk of losing their SNAP benefits (food stamps) because of a reinstated federal rule that goes into effect on January 1, 2016. The rule limits SNAP benefits to 3 months in a 3 year period - unless your patient meets an exemption or certain work rules.

With just a few minutes of your time, we can easily help. Many ABAWDs may be homeless, lacking regular health care, disabled or unable to work. If you are working with a patient who fits this description, you can easily help him or her in the following ways:



# Chronically Homeless as Exempt

- Recent USDA guidance states that clients who do not have a stable night-time residence can be exempt from ABAWD rules based on “unfit for work.” In making this decision, USDA recognized homeless individuals have more barriers to employment than others.
- MA already codes many homeless SNAP recipients with a special \$143 income deduction
- MA has created a homeless service provider “screening form” to further identify homeless



# Chronically Homeless as Exempt

- MA's ABAWD homeless screening questions include:
  - Do you have a stable night time residence?
  - Do you have a high school diploma or equivalency (GED or HiSet)?
  - During the last 3 years, have you been steadily employed for at least 6 months or a full time student for at least 6 months?
  - Do you regularly access health care that you need, such as dental care, psychiatric care, and treatment for an ongoing illness?
  - Have you been hospitalized during the last 6 months?

# Caregivers of Elder and Person with Disabilities

- Federal ABAWD rules also allow an exemption for individuals who provide regular care or supervision to an individual with disabilities
- Person providing care not required to be in the SNAP household nor co-reside with person needing their caregiving.
- Verification can be a signed statement from person needing care or statement from health care provider attesting to need for caregiving

# Impact of ABAWD Rules on Stakeholders in MA

MA's SNAP State Agency announced ABAWD time limit to stakeholders making the following observations:

- Food banks, pantries and soup kitchens can expect a sustained increase in food requests
- Shelters may see an increase in need as some people forgo rent payments to buy food
- Health care providers may need to know when a patient's food budget is slashed to manage medications and other treatments
- Employment/job search providers may find that clients have fewer resources when they look for work.

# Take Action!

- Minimize number of people affected by time limits – waivers, exemptions
- Make sure people already in countable activities are getting credit
- Expand employment and training opportunities
- Share stories of individuals affected by the time limits with your members of congress to show the impact of the time limits.

# Minimize those affected

States should take up waiver in all areas that qualify based on unemployment, labor surplus area designation

- **Action:** Find out whether your state is taking up ABAWD waivers in all the areas they are eligible for and if not, urge them to.

States should develop processes to identify those who are exempt from time limit, including those who are “unfit for work”, participating in substance abuse treatment, UI receipt, etc.

- **Action:** Learn what your state’s processes are to identify those exempt from the time limits.

# Identify those already participating

**Action:** Help individuals who access our services and programs who may be affected by the time limits identify if they should be exempt or are already participating in a qualifying activity such as:

- Working at least 20 hours per week
  - Volunteer or in-kind work counts (or a combination)
- Participating in a qualifying employment and training program
- Attending school at least half time
- Combining school and work for 20 hours per week

# Expand Employment and Training Activities

States do not have to provide qualifying employment and training activities for individuals subject to the time limits.

**Action:** Learn what qualifying employment and training activities your state is providing and encourage them to provide and strengthen opportunities for individuals affected by the time limit. One program that states can take advantage of is:

## SNAP Employment and Training

- SNAP E&T supports employment and training activities for individuals receiving SNAP
- States receive a limited allocation of 100% federal funds
- States can draw down additional 50-50 reimbursement funds for non-federal spending
  - Philanthropic and local funding can count

# Additional Resources

- **MLRI page on ABAWDs:**  
<http://www.masslegalservices.org/ABAWD>
- **CLASP SNAP page:**  
<http://www.clasp.org/issues/work-supports/topics/supplemental-nutrition-assistance-program-snap>
- **CBPP Food Assistance page:**  
<http://www.cbpp.org/topics/food-assistance>



# Additional Resources

- **Massachusetts Department of Transitional Assistance (SNAP state agency) page:**  
<http://www.mass.gov/eohhs/gov/departments/dta/abawd-work-program.html>
- **NY Hunger Solutions ABAWD Page:**  
<http://hungersolutionsny.org/information-resources/abawd>

# Q&A

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# JOIN NDI's Real Economic Impact Network

- An alliance of organizations & individuals dedicated to advancing the economic empowerment of people with disabilities.
- Consists of more than 4,500 members located throughout the United States.
- Includes non-profits, community tax coalitions, asset development organizations, financial education initiatives, corporations & private-sector businesses, federal/state/local governments & agencies, and individuals & families with disabilities.
- All partners join forces to embrace, promote & pursue access to & inclusion of people with disabilities in the economic mainstream.

**Learn more about the REI Network at**

**[www.realeconomicimpact.org/REI-Network.aspx](http://www.realeconomicimpact.org/REI-Network.aspx)**