

WAIVER REQUEST

ABAWD Time Limit Waiver

1. **Waiver Request Number:** 215022
2. **Type of Request:** Amendment
3. **Primary Regulation Citation:** 7 CFR 273.24 Prior to December 2019
4. **Secondary Regulation Citation, if any:** Specifically §273.24(f)(2)(ii)
5. **State:** Washington
6. **Region:** Western
7. **Regulatory Requirements:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides that no able-bodied adult without dependents (ABAWD) 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.

CFR §273.24(f)(2)(ii) ii) To support a claim of lack of sufficient jobs, a State may submit evidence that an area: is designated as a Labor Surplus Area (LSA) by the Department of Labor's Employment and Training Administration (ETA); is determined by the Department of Labor's Unemployment Insurance Service as qualifying for extended unemployment benefits; has a low and declining employment-to-population ratio; has a lack of jobs in declining occupations or industries; is described in an academic study or other publications as an area where there are lack of jobs; has a 24-month average unemployment rate 20 percent above the national average for the same 24-month period. This 24-month period may not be any earlier than the same 24-month period the ETA uses to designate LSAs for the current fiscal year.

8. **Proposed Alternative Procedures:** The State of Washington is requesting to exempt able-bodied adults without dependents (ABAWDs) in all 39 counties from SNAP time limits at 7 CFR 273.24 from the time of approval through December 31, 2020.
9. **Justification for Request:**

The State has taken necessary sweeping actions to protect Washingtonians and stop the spread of disease, including the State of Emergency proclamation (2/29/2020), Washington's Major Disaster declaration (3/22/2020), and the "Stay Home, Stay Safe" (3/23/2020) order that bans all non-essential travel outside of the home and for non-essential businesses to close.

All proclamations can be found here: <https://www.governor.wa.gov/issues/issues/covid-19-resources>

Following these proclamations, Washington immediately began experiencing a negative economic impact with an unprecedented reduction in employment and the complete

closures of countless businesses. The Employment Security Department (ESD) reported the number of initial statewide claims for the week ending March 21 are more than twenty times higher than for first week of March. Increasing from 6,548 initial claims to 128,962 initial claims. New reports show the unemployment continuing to climb with the week ending 3/28/2020 in nearly 182,000 initial claims.

| Washington State Employment Security- Washington State Initial Claims by Week | | |
|---|-----------|-------------|
| Accessed 04/2/2020: https://public.tableau.com/views/InitialClaimsapplicationsforUnemploymentInsurance-WA_ET539-/Story1?:display_count=y&origin=viz_share_link | | |
| Week | Statewide | King County |
| 02/23/20 – 02/29/20 | 5,687 | 1,400 |
| 03/01/20 – 03/07/20 | 6,548 | 1,837 |
| 03/08/20 – 03/14/20 | 14,154 | 5,834 |
| 03/15/20 – 03/21/20 | 128,962 | 37,296 |
| 03/22/20 – 03/28/20 | 181,975 | 44,613 |

DSHS has also seen an increase in SNAP applications indicating the economic hardship our residents are enduring.

Furthermore, although our E&T Providers continue to attempt to provide guidance and services to our clients, they must do so virtually. The closing of all public spaces, college campuses, and dine-in restaurants (that may have had free Wi-Fi available) limits the ABAWD population's access to technology that would allow them to receive virtual services.

10. **Anticipated Impact on Households and State Agency Operations:**


Active mandatory ABAWD clients in King County are being given good cause to not participate due to COVID-19 social distancing and business closures. However, the process of giving good cause places a burden on our eligibility staff for processing cases quickly and efficiently versus having an exemption which can be auto-coded by our systems. This accumulated task can impact our ability to process the influx of applications for all SNAP applicants during this crisis. In addition, should the federal injunction on the ABAWD rule change be lifted this workload would increase exponentially as it expands to a statewide level. There is also a risk that due to the increased workload these cases may not be worked timely and may result in overpayments.

Furthermore we believe the economic impacts of this crisis will outreach our Stay at Home order and possibly the injunction on the December 2019 changes to the waiver process. The impacts will be felt statewide across all Labor Market Areas.

Continuing to expect participation from these clients would have harmful impacts to not only ABAWDs but all Washingtonian's. This temporary waiver would:

- Ensure all financially eligible Washingtonians have vital access to SNAP benefits during the pandemic.
- Stop the spread of the virus due to ill or exposed clients continuing participation in the community in order to meet work requirements or requalify.

- Eliminate the choice ABAWDS must make now between qualifying for food and their health and safety. Participating puts clients and their household members, who may have underlying health conditions, at risk.
- Allow DSHS and partner agencies impacted by COVID 19 related staffing shortages to leverage their workforce on essential service delivery functions.

11. **Caseload Information, Including Percent, Characteristics, and Quality Control Error Rate for Affected Portion:** There are about 152,000 ABAWDs statewide with about 8,000 non-exempt mandatory ABAWDs in King County. Allowing King County to become exempt could also give the opportunity for nearly 12,000 ABAWDs that were previously terminated access to SNAP benefits.
12. **Anticipated Implementation Date and Time Period for Which Waiver is Needed:** Implementation upon approval. We request a waiver period to extend through December 31, 2020.
13. **Proposed Quality Control Review Procedures:**
There are no special quality control procedures needed in conjunction with this waiver.
14. **Signature and Title of Requesting Official:**


Babs Roberts, Director
Community Services Division
15. **Date of Request:** April 08, 2020