

# HEARTLAND ALLIANCE

## RESEARCH & POLICY

April 1, 2019

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

RE: **Opposition to** 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 provide comments in response to USDA's Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults without Dependents. The proposed changes would cause serious harm to Heartland Alliance participants, Illinoisans experiencing hunger and poverty, and hundreds of thousands of people across the country.

Headquartered in Chicago and serving over 100 communities nationwide, [Heartland Alliance](#) sees the difference the SNAP program makes in the lives of our participants every day—especially in Illinois. Heartland Alliance is grounded in over 130 years of experience providing housing, healthcare, jobs, and justice to individuals living in poverty and extreme poverty. As a result, we have a unique understanding of the program, policy, and systems-level barriers that can prevent people living in poverty from getting ahead. Heartland Alliance's [Research & Policy Division](#) leverages this experience in combination with cutting-edge research to identify and advance proven solutions to poverty. Within this division, our [Policy and Advocacy Team](#) plays a strong state-level leadership role in advancing anti-poverty work by developing and advancing innovative policy proposals, building strategic alliances, and pursuing legislative and budgetary action. Also within this division, our [National Initiatives \(NI\) on Poverty & Economic Opportunity Team](#) is dedicated to ending chronic unemployment and poverty. Through field building work across the country, NI provides support and guidance that fosters more effective and sustainable employment efforts. NI's federal policy and advocacy work advances solutions to the systemic issues that drive chronic unemployment.

Heartland Alliance is deeply concerned by the Administration's attempts to restrict access to food and nutrition assistance for low-income individuals. SNAP is the country's most important anti-hunger program: it helps people who have lost their job or are experiencing extreme hardship put food on the table. In Fiscal Year 2018, SNAP helped put food on the table for over 40 million people across the country,<sup>1</sup> and in Illinois over 1.77 million people receive food assistance through SNAP.<sup>2</sup> **The primary purpose and intent of the SNAP program is to ensure that people in the United States do not go hungry. The Administration's proposed rule runs counter to SNAP's purpose. By the Administration's own estimates, this proposed rule, if implemented, will take away food and nutrition assistance from**

**approximately 755,000 low-income individuals.**

In particular, this proposed rule targets Able-Bodied Adults Without Dependents (ABAWDs). Federal law generally limits the amount of time that ABAWDs can receive basic food assistance through SNAP to only 3 months within a 36-month time period, unless that person is participating in a qualifying work program or employed for a least 20 hours per week. Currently, states can temporarily waive this time limit and its corresponding work requirement in areas that have an unemployment rate of over 10 percent or, based on other economic indicators, lack sufficient jobs. States also have discretion to exempt individuals from the time limit by using a pool of exemptions known 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.

**The core purpose of this proposed rule change is to curtail states’ ability to waive the SNAP time limit for ABAWDs, thus making more adults without children subject to harsh work requirements in order to receive basic food and nutrition support.** The proposed rule does so in many ways, including by: 1) making it harder for areas with elevated unemployment rates to qualify for time limit waivers by adding a 7 percent unemployment rate floor as a condition; 2) dropping statewide waivers except when a state triggers extended benefits under Unemployment Insurance; 3) limiting the economic factors considered in assessing an area’s eligibility for a waiver; 4) limiting the duration of waivers to 12 months; and 5) removing states’ ability to use exemptions accumulated prior to the rule’s implementation as well as limit the time states’ have to use exemptions they receive in the future.

These proposed changes are especially troubling for Illinois. Based on the state’s lackluster employment statistics, Illinois has requested and received this waiver for 101 of its 102 counties every year for over 20 years.<sup>3</sup> **Under the proposed rule, only four Illinois counties would likely qualify for a waiver and as many as 415,000 Illinoisans who receive SNAP could be newly subject to work requirements as soon as October 2019.** These individuals would be at high risk of losing their SNAP benefits and going hungry if they are unable to find steady employment or receive services through Illinois’ SNAP Employment and Training (E&T) Program. Currently, Illinois’ SNAP E&T program serves only a small fraction of SNAP recipients that need additional support getting back to work. The State of Illinois operates a SNAP E&T program that provides workforce development services such as job preparation, skill building and placement to approximately 3,200 participants a month.<sup>4</sup> Illinois’ under-resourced and inefficient program will only be able to serve a small fraction of jobseekers newly subject to work requirements, leaving thousands of Illinoisans at risk of going hungry. .

**The Administration states that its rationale for making hundreds of thousands of SNAP ABAWDs subject to work requirements is because work requirements “improve employment outcomes and economic independence” as well as help increase “self-sufficiency, well-being, and economic mobility.”** As discussed in greater detail below, this rationale is not borne out by [existing and extensive evidence](#). Work requirements do not work in the way the Administration describes and therefore will not help the Administration achieve its stated goals. **Put simply, the entire premise of this proposed rule change is false.**

**Extensive research spanning multiple decades shows that taking away basic supports such as SNAP from people who are unable either to document work-related activities, work, or find work will cause far more harm than good.**<sup>5</sup> Contrary to the Administration’s assertion, work requirements are not an effective approach for reducing poverty through increased employment and earnings.<sup>6</sup> In fact, mandatory work requirements can result in deepening or increasing poverty among people already struggling to make ends meet.<sup>7</sup> As it relates to SNAP, taking away food assistance from people experiencing poverty and struggling to make ends meet will only serve to exacerbate hardship, hunger, and health issues—conditions that will do nothing to help people increase their employment, economic mobility, or well-being. We strongly urge the Administration to review the robust body of existing evidence about the inefficacy of work requirements, which is documented in detail in [this resource](#).

The proposed rule also seems to assume that people who are receiving SNAP, including ABAWDs, do not work or do not want to work and therefore must be “required” to do so in order to receive basic supports. This is not true. **Available data show that most childless adults on SNAP who can work do so. At least 25 percent of households with childless adults work while receiving SNAP, and about 75 percent work in the year before or after receiving SNAP.**<sup>8</sup> Many childless adults receiving SNAP, however, do face significant personal and structural barriers to employment that can make it difficult to access quality employment with livable wages, adequate benefits, and opportunities for advancement. The proposed rule change does nothing to address these barriers or mitigate their effects.

The barriers to employment that ABAWDs may experience include, among others: limited education and work history, lack of access to training and skill building opportunities, homelessness or housing instability, a criminal record, caregiving responsibilities, and having a disability that does not meet the standard for receiving support through the Social Security system.<sup>9</sup> **Because the low-wage work that is most readily available to people facing significant barriers to employment is precarious and offers unstable schedules, few if any benefits, and limited opportunities for advancement,**<sup>10</sup> **ABAWDs who take “any job” in order to meet work requirements under the proposed rule are very likely to still struggle to make ends meet.** To truly achieve its stated goal of helping childless adults receiving SNAP improve their employment outcomes and achieve economic mobility, the Administration will need to invest in [robust and effective](#) employment, training, education, and support services for ABAWDs.

**Of particular concern to Heartland Alliance is that the proposed rule change is likely to disparately harm certain groups of people, including people of color and those directly impacted by the criminal justice system.** Nationwide, among those who report their race, about one third of ABAWDs are African-American and a tenth are Hispanic.<sup>11</sup> In Illinois, the majority of ABAWDs are people of color.<sup>12</sup> In addition, the proposed rule’s work requirements, if implemented, would be especially onerous for people directly impacted by the criminal justice system because of the myriad barriers to employment that stem from having a criminal record. Research shows that unemployment among formerly incarcerated people hovers around 27 percent<sup>13</sup>—which is higher than national unemployment rates during the Great Depression. While data limitations make it difficult to know how many Illinois ABAWDs have a criminal record, they are likely disproportionately represented among the estimated 50 percent of Illinois adults, or 5.0 million people, who have arrest or conviction records.<sup>14</sup>

Also as it relates to equity, the Department states that its own Civil Rights Impact Analysis of the proposed rule indicates that it has the “potential for disparately impacting certain protected groups [such as people of color, women, and people with disabilities] due to factors affecting rates of employment of members of these groups.” The analysis goes on to say that “implementation of mitigation strategies and monitoring by the Civil Rights Division of [the USDA Food and Nutrition Service] will lessen these impacts,” but provides no explanation of what these mitigation strategies and monitoring entail. As a result, there is no opportunity for Heartland Alliance to comment on whether the acknowledged disparate impacts will be lessened.

Finally, the Administration also states that one of the core reasons for this proposed rule change is that despite the decline in the national unemployment rate in recent years, a significant number of states continue to qualify for ABAWD waivers. It is true that the national unemployment rate has lowered since the height of the Great Recession. However, **it is also essential to understand that the national unemployment rate—also known as the “official unemployment rate”—does not reflect the level of unemployment among the individuals who will be impacted by this proposed rule change.** The official unemployment rate does not take into account: 1) jobseekers who have looked for work unsuccessfully in the last year and indicate they want and are available to work; or 2) workers who are available for full-time work but have had to settle for a part-time schedule as a result of economic reasons. **In February 2019, the more comprehensive measure of unemployment that includes these individuals was at 7.3 percent<sup>15</sup>—nearly double the comparative official unemployment rate<sup>i</sup> that the Administration is using as the basis of this proposed rule change.** This more comprehensive measure of unemployment is particularly relevant as it relates to the experience of ABAWDs, as available data show that many ABAWDs work part-time in high-turnover jobs.<sup>16</sup> It is also an indicator that the economy overall is not as strong as it may appear.

Moreover, because ABAWDs face significant barriers to employment, they are likely to experience even higher rates of unemployment than these data suggest. Rates of unemployment may vary among ABAWDs based on their characteristics—something the Department acknowledges in its above-described Civil Rights Impact Analysis. For example:

- In Illinois, the majority of SNAP ABAWDs are people of color. Illinoisans of color experience unemployment rates that are 1.4 to 2.4 times higher than white Illinoisans.<sup>17</sup>
- In Illinois, it is very likely that many ABAWDs have been directly impacted by the criminal justice system. One detailed study of ABAWDs found that more than one-third have felony convictions.<sup>18</sup> Research shows that unemployment among formerly incarcerated people is about 27 percent.<sup>19</sup>
- In Illinois, two in five ABAWDs have more than 50 percent of their household income going to rent,<sup>20</sup> and other available data indicate that ABAWDs are likely to experience homelessness and housing instability.<sup>21</sup> People experiencing homelessness and housing instability face disproportionately high rates of unemployment. For example, using data from a large-scale federal housing study, the U.S. Department of Health and Human Services found that in the

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<sup>i</sup> The official unemployment rate for February 2019 was 3.8%. Please see: <https://www.bls.gov/news.release/empsit.t15.htm>

week prior to entering emergency shelter, only 17 percent of heads of households had worked for pay.<sup>22</sup> In Illinois, data from Chicago show that over 60 percent of individuals who complete an assessment for housing also want help finding a job.<sup>23</sup>

Many ABAWDs face multiple and overlapping barriers to employment that, when taken together, only further exacerbate their risk of unemployment. **The Administration’s efforts via this proposed rule to assess waiver eligibility based on measures relative to the official unemployment rate—including, for example, requiring a 7 percent unemployment floor for an area to qualify—and to limit the other economic factors that can be considered in waiver eligibility assessment simply do not reflect the labor market realities experienced by childless adults receiving SNAP.**

The changes suggested in this proposed rule will result in over three quarters of a million individuals losing critical food assistance. The rules governing areas’ eligibility for waivers and individual exemptions have been in place for nearly 20 years. During that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize—and have helped countless individuals keep food on the table during periods of extreme hardship. **These rule changes are not necessary and, by the Department’s own assessment, will “adversely affect potential participants...who are unable to meet the employment requirements.”**

Heartland Alliance strongly opposes any rule changes that will result in people losing access to basic supports such as food and nutrition assistance. Instead, **we urge the Administration to focus its time, attention, and resources on implementing proven approaches to ending poverty and advancing employment and economic opportunity for ALL.** Our teams at Heartland Alliance are happy to discuss these approaches with the Department or answer any questions about our comments in greater detail.

Sincerely,

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- <sup>1</sup> U.S. Department of Agriculture, Food and Nutrition Service. (2018, December). *Supplemental Nutrition Assistance Program (SNAP) persons, households, benefits, and average monthly benefit per person & household* [Table]. Retrieved from <https://fns-prod.azureedge.net/sites/default/files/pd/34SNAPmonthly.pdf>
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- <sup>3</sup> Castaldi, M., & Eastlund, A. (2019). Pathways not punishment: A roadmap for SNAP Employment and Training in Illinois. Retrieved from the Chicago Jobs Council website: [https://cjc.net/wp-content/uploads/2019/02/Pathways\\_Not\\_Punishment\\_SNAP\\_ET\\_Illinois\\_Feb\\_2019-1.pdf](https://cjc.net/wp-content/uploads/2019/02/Pathways_Not_Punishment_SNAP_ET_Illinois_Feb_2019-1.pdf)
- <sup>4</sup> Castaldi & Eastlund, 2019.
- <sup>5</sup> Grant, K., Aderonmu, F., Khan, S., Chahand, K., Goldvale, C., Dutta-Gupta, I., Carr, A., & Steiger, D. (2019). *Unworkable & unwise: Conditioning access to programs that ensure a basic foundation for families on work requirements*. Retrieved from the Center on Poverty and Inequality at Georgetown Law website: <http://www.georgetownpoverty.org/wp-content/uploads/2019/02/Unworkable-Unwise-20190201.pdf>
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- <sup>9</sup> Carlson, Rosenbaum, & Keith-Jennings, 2016.
- <sup>10</sup> Pavetti, L. (2016). *Work requirements don't cut poverty, evidence shows*. Retrieved from the Center on Budget and Policy Priorities website: <https://www.cbpp.org/research/poverty-and-inequality/work-requirements-dont-cut-poverty-evidence-shows>
- <sup>11</sup> Carlson, Rosenbaum, & Keith-Jennings, 2016.
- <sup>12</sup> Buitrago, K., & Farooqui, S. (2017). *Data matters: Who are the Illinoisans likely to lose food assistance in 2018?* Retrieved from the Heartland Alliance Social IMPACT Research Center website: <http://socialimpactresearchcenter.issuelab.org/resource/data-matters-who-are-the-illinoisans-likely-to-lose-food-assistance-in-2018.html>
- <sup>13</sup> Couloute, L., & Kopf, D. (2018). *Out of prison & out of work: Unemployment among formerly incarcerated people*. Retrieved from the Prison Policy Initiative website: <https://www.prisonpolicy.org/reports/outofwork.html>
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- <sup>18</sup> Carlson, Rosenbaum, & Keith-Jennings, 2016.
- <sup>19</sup> Couloute & Kopf, 2018.
- <sup>20</sup> Buitrago & Farooqui, 2017.
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