



April 9, 2018

Ms. Sasha Gersten-Paal
SNAP Program Development Division
Food and Nutrition Service
3101 Park Center Drive
Room 812
Alexandria, VA 22302

Re: Advanced Notice of Proposed Rulemaking: Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents RIN 0584–AE57

Dear Ms. Gersten-Paal:

Thank you for the opportunity to comment on USDA's Advanced Notice on Requirements and Services for Able-Bodied Adults Without Dependents (ABAWDs).

The New York Legal Assistance Group (NYLAG) uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. 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 our community, and is the first line of defense against hunger for the majority of our low-income clients. We are concerned about the three-month time limit, as this policy has cut off food assistance to so many in our community who are in need simply because they are unable to find a reliable 20-hour-a-week job. Many of NYLAG's clients, including veterans, people with disabilities, and the homeless have been negatively impacted by this policy. Without access to this food safety net, we have seen communities suffer.

Federal law limits SNAP eligibility for childless unemployed and underemployed adults age 18-50 (except for 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 rule is harsh and unfair. It harms vulnerable people by denying them food benefits at a time when they need them most, and it does not result in increased employment and earnings. At least 500,000 low-income individuals nationwide lost SNAP in 2016 due to the time limit. This put their food security at risk. By time-limiting food assistance to this group, federal law has shifted the burden of providing food to these unemployed individuals from SNAP to local charities.

Through the work of NYLAG's Shelter Advocacy Initiative, which provides legal services to New Yorkers facing homelessness, our organization has seen the importance of SNAP to our homeless clients and communities. Many of the unemployed childless adults on SNAP in New York experience periods of homelessness. For those with limited skills or experience, job

opportunities are very limited. Existing law does not exempt homeless individuals from the time limit, despite the fact that homelessness itself is a barrier to work. Many of these individuals face additional challenges, such as lack of transportation or poor health. While chronic homelessness can indicate that a SNAP participant may have a physical or mental condition that makes them unable to work, New York State and many other states either do not use this option or apply a very strict definition of homelessness that fails to include many individuals who do not have a stable residence. As a result, these individuals lose their SNAP benefits, further destabilizing their lives and making employment less likely. We urge the Department to exempt individuals experiencing homelessness from the time limit.

NYLAG serves many individuals with disabilities, and we have seen that many unemployed childless adults face barriers to work associated with physical or mental health conditions. Though the current law includes an exemption for people with documented medical conditions, this exemption has clearly failed to protect this population from the harsh consequences of the time limit. A mental illness, intellectual disability or physical limitation—such as an injury that makes it hard for a person to stay on their feet — can prevent someone from being able to work 20 hours per week, which can result in the loss of SNAP benefits. In New York, an individual is responsible for proving that they meet this exemption. In practice, this means that if they have difficulty obtaining necessary records from a doctor they can lose their SNAP benefits.

Through the work of our Veterans Legal Assistance Project and work with veterans in VA hospitals, NYLAG has seen that SNAP plays a critical role for some military veterans, providing basic food and supplemental income while they look for employment or work to increase their wages. The time limit can be particularly harmful for veterans returning from active duty. For example, young veterans who leave active duty may have little work experience beyond military service; the skills gained through service in the military do not always recognizably translate to civilian environments. Further, searching for a new job can be especially difficult while they are still in the military, resulting in young recent veterans having higher unemployment rates and lower labor force participation rates than their civilian counterparts. Struggling unemployed veterans may simply require more than three months to find steady full-time employment. Exposing more veterans in need to this strict penalty would be the wrong decision, undermining rather than promoting veterans' economic self-sufficiency.

While this request for comment appears to be open to suggestions on how to make the time limit less harsh via administrative action, we are concerned that the Administration seeks only to make the rule more draconian: to expand the scope of the cutoff and to eliminate the little flexibility states have to limit the damage of the rule. The Department's stance on the time limit is not one that our organization shares. The Secretary of Agriculture has suggested that they need to [“remove those waivers for able-bodied adults without dependents,”](#) because “it's become a lifestyle for some people.” USDA's budget has proposed making the time limit harsher by repealing states' flexibility to exempt certain individuals and most high unemployment areas from the time limit thereby exposing more people to this punitive policy. As a result, we are

deeply concerned that this request for comment is part of an administrative effort to make the time limit even harsher.

We strongly oppose any administrative action by USDA that would expose more people to this cutoff policy. Under the 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 themselves of waivers at some point since the time limit became law. The waiver rules are reasonable, transparent, and manageable for states to operationalize. These waivers are critical in New York as our state has a large diverse community with different challenges impacting various counties, cities, towns and other areas. Any change that would restrict, impede, or add uncertainty to New York's current ability to waive areas with elevated unemployment must not be pursued.

The request for comment also seems to suggest that potential improvements to other aspects of the time limit policy, such as individual exemption policy, would justify weakening states' flexibility to waive the time limit in areas with elevated unemployment. In fact, while New York's current ability to exempt certain individuals from the rule is important, it is wholly insufficient to replace waivers of the time limit in areas with elevated unemployment. Additionally, the underfunded workforce system and SNAP employment and training programs are not able to meet job training requirements under this rule. Put simply, there is no justification for weakening current waiver rules and exposing more vulnerable people to this SNAP eligibility cutoff.

The only action we encourage USDA to take with respect to this time limit rule that impacts Able-Bodied Adults Without Dependents is to propose its elimination. Restoring SNAP's ability to provide food assistance to impoverished unemployed people would be a powerful policy improvement that would reduce food insecurity among those seeking work.

Very truly yours,

A handwritten signature in black ink that reads "Beth Goldman". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Beth Goldman
President & Attorney-In-Charge

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