

April 2, 2019

Ms. Sasha Gerstan-Paal, Chief
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 Ms. Gerstan-Paal:

We are writing to provide comments on USDA's Notice of Proposed Rule Making (NPRM) regarding the Supplemental Nutrition Assistance Program's (SNAP) Requirements and Services for Able-Bodied Adults Without Dependents (ABAWDs). The proposed rule would restrict longstanding state flexibility to waive the harsh three-month SNAP time limit for geographic areas and needy individuals impacted by economic hardship. Without any evidence to support its proposed rule change, and in direct conflict with Congressional intent reinforced in the 2018 Farm Bill deliberations, USDA's proposed rules seek to up-end long standing SNAP policy that has historically recognized each state's expertise to determine and address the immediate needs of its own workforce and economy. Our comments detail our extensive concerns with the proposed policy, and support our strong recommendation that USDA withdraw the NPRM and maintain current policy.

The Massachusetts Law Reform Institute (MLRI) is a statewide legal advocacy and support center. Our mission is to represent low-income parents, children, persons with disabilities and older adults in their struggle for basic human needs. Our activities include litigation, policy analysis, research, technical assistance and public information. We pay particular attention to the SNAP program because of its critical role in reducing the hunger and food insecurity suffered by low-income households. In addition to providing legal support and technical assistance to legal services field programs, MLRI chairs the Massachusetts SNAP Coalition, made up of hundreds of community partners across Massachusetts. MLRI has substantial expertise on SNAP policy and the ABAWD time limit and has worked extensively on issues related to the time limit in Massachusetts. We submit these comments on behalf of MLRI, the Massachusetts SNAP Coalition, and the low income clients we serve.

Under current law, states have some flexibility to ameliorate the impact of the time limit. 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.

The proposed rule would adversely impact Massachusetts and sister states in multiple ways. It would:

- punish states struggling with elevated unemployment by establishing a seven percent unemployment rate floor below which a state could not qualify for a geographic time limit waiver;
- eliminate most statewide time limit waivers except when a state’s unemployment rate triggers extended unemployment benefits;
- harshly restrict key economic factors historically considered in assessing an area’s eligibility for a waiver, such as “employment to population ratios” that demonstrate economic weakness;
- limit the duration of a state’s waiver to 12 months and delay the waiver start dates until after USDA processes the request;
- remove a states’ ability to use “individual exemption months” that accumulated prior to the rule’s implementation, coupled with limiting the time states would be allowed to use individual exemptions they receive in the future.

By USDA’s calculations, the proposed rule would deny SNAP to over 755,000 low-income Americans, cutting food benefits by \$15 billion over ten years. Strikingly, USDA does not project nor estimate any improvements in health or employment among the affected population - simply the federal savings as a result of denial of SNAP.

Based on our review of state data for the 2019 waived areas in Massachusetts, *the proposed rules would lead to SNAP termination for up to 50,000 Massachusetts residents.*

USDA’s proposed changes ignore the realities of the job market for low-wage and low-skilled workers, and would cause serious harm to unemployed and underemployed adults, while doing nothing to help ABAWDs actually get good jobs. If implemented, these SNAP changes will increase hunger and poverty, harm the economy and undercut Massachusetts’ efforts to meaningfully engage with ABAWDs.

Further, in a departure from responsible rule-making practices under prior Administrations, USDA cites no research or evidence to support its claim that cutting SNAP to this population will result in increased employment or food security. USDA claims repeatedly in its NPRM that the Department is confident that the proposed changes would “encourage more ABAWDs to engage in work or work activities”. USDA suggests that, as a result of the ABAWD rule changes, individuals newly subject to SNAP’s three-month time limit would be likely to work more, have higher earnings, or otherwise be better off. Yet USDA provides no evidence to support these assertions, nor estimates of any quantifiable benefits for any individuals resulting from the changes. USDA’s failure to justify its stated rationale is a serious deficiency and makes it

impossible for members of the public and interested stakeholders – state agencies, state and locally elected officials, community organizations, individual tax payers and individual SNAP recipients – to assess the impact of the proposed rule or to comment on the Department’s justification.

A. SNAP plays a critical role in Massachusetts.

SNAP has been long regarded as the first line of defense against hunger for low-income households in Massachusetts and the nation.¹ SNAP is the most important, effective, and efficient program we have to combat food insecurity.

However, food insecurity rates increased during the Great Recession and have yet to return to pre-recession levels in Massachusetts and across the country.^{2 3} As recently as 2018 - despite nearly nine years of economic recovery - one out of every ten households in Massachusetts still lacks the resources necessary to afford enough food for all household members to lead active, healthy lives.⁴ Although SNAP benefits are woefully low, and not all households who are food insecure are able to access the benefit, SNAP is a critical nutrition resource for vulnerable families and individuals.^{5 6}

One in nine Massachusetts residents currently relies on SNAP to help put food on the table due to the very real economic challenges they face:

- 70 percent of the state’s SNAP households have gross income below 100 percent of the federal poverty level (FPL) -- \$16,240 annual gross income for a household of two.^{7 8}

¹ On the 40th anniversary of the Food Stamp Act of 1977, Massachusetts Governor Charles Baker and Lt. Governor Karen Polito issued a Governor’s Citation in recognition of the importance of SNAP as the “first line of defense against hunger in the nation,” dated September 26, 2017.

² Coleman-Jensen A., Rabbitt MP, Gregory CA, et al. “Household Food Security in the United States in 2016” ERR-237: U.S. Department of Agriculture, Economic Research Service; September 2017. <https://www.ers.usda.gov/publications/pub-details/?pubid=90022>

³ The USDA Economic Research Service (ERS) has found that a reduction in food insecurity does not necessarily correlate with decreasing unemployment - falling unemployment was not tracked by the rate of food insecurity for the years immediately following the Great Recession. Nord, Mark, Coleman-Jensen,A., and Gregory,C.. “Prevalence of U.S. Food Insecurity Is Related to Changes in Unemployment, Inflation, and the Price of Food.” Economic Research Service. U.S. Department of Agriculture. June 2014. <https://www.ers.usda.gov/publications/pub-details/?pubid=45216>

⁴ Cook, John T. and Ana Poblacion. “An avoidable \$2.4 Billion Cost: The Estimated Health Related Costs of Food Insecurity and Hunger in Massachusetts.” Children’s HealthWatch, February 2018. <http://macostofhunger.org/wp-content/uploads/2018/02/full-report.pdf>

⁵ Food Research & Action Center, “Replacing the Thrifty Food Plan in Order to Provide Adequate Allotments for SNAP Beneficiaries.” December 2012. <http://frac.org/research/resource-library/replacing-thrifty-food-plan-order-provide-adequate-allotments-snap-beneficiaries>

⁶ USDA’s Food and Nutrition Service, “Reaching Those in Need: Estimates of State Supplemental Nutrition Assistance Program Participation Rates in FY 2016.” March 2019. <https://www.fns.usda.gov/snap/reaching-those-need-estimates-state-supplemental-nutrition-assistance-program-participation-rates-fy>

⁷ Massachusetts Department of Transitional Assistance (DTA) Performance Scorecard, <https://www.mass.gov/lists/departement-of-transitional-assistance-performance-scorecards>.

- Nearly three-quarters of the state’s SNAP recipient population is comprised of older adults, minor children, and persons with disabilities.⁹
- Approximately one-quarter SNAP recipients fall into three buckets: low-wage working adults (including parents of minor children); parents engaged in work activities through the state’s TANF program; and childless adults struggling to find consistent, reliable jobs. The vast majority of these adults have a prior connection to the work force and need SNAP as a transition between jobs or to address low wages or lack of available job hours.

SNAP helps put food on the table and advances economic opportunity for low income households across the country. When correcting for underreporting on the Census, SNAP removed 8.4 million people from poverty in 2015 – reducing the poverty rate nationwide from 15.4 percent to 12.8 percent. Population groups with the largest number of people removed from poverty and deep poverty due to SNAP receipt included adults aged 18-64 and individuals in families with a working adult – including ABAWDs.^{10 11} SNAP is critical for these households.

1. SNAP has a significant and positive impact in reducing health care costs.

A 2017 research report released by Massachusetts General Hospital found that SNAP reduces individual recipient health care costs by an average of \$1,400 per year.¹² A 2016 study examining the impact of the 2009 boost in SNAP under the American Recovery and Reinvestment Act found a correlation between increased food resources and a decline in inpatient Medicaid usage and cost patterns.¹³

Conversely, 2018 research published by the Centers for Disease Control and Prevention found that the post-Recession decrease in SNAP benefits contributed to increased Medicaid

⁸ USDA Characteristics of SNAP households, FFY17. <https://www.fns.usda.gov/snap/characteristics-supplemental-nutrition-assistance-program-households-fiscal-year-2017> In FFY17, nearly 50% of MA SNAP households had income between 50% and 100% FPL, 13% had income between 1% and 50%; 13% had zero countable income

⁹ Massachusetts Department of Transitional Assistance (DTA) Performance Scorecard, <https://www.mass.gov/lists/department-of-transitional-assistance-performance-scorecards>.

¹⁰ Wheaton, Laura and Victoria Tran. “The Antipoverty Effects of the Supplemental Nutrition Assistance Program.” The Urban Institute, February 2018. https://www.urban.org/sites/default/files/publication/96521/the_antipoverty_effects_of_the_supplemental_nutrition_assistance_program_3.pdf

¹¹ In 2017, according to the Census Bureau the SNAP kept about 3.5 million people out of poverty. Fox, Liana. “The Supplemental Poverty Measure: 2016.” U.S. Census Bureau, revised September 2017. <https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf>

¹² Berkowitz, Seth A., Hilary K. Seligman, et al. “Supplemental Nutrition Assistance Program (SNAP) Participation and Health Care Expenditures Among Low-Income Adults.” *JAMA Internal Medicine*, November 2017. <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2653910>

¹³ Sonik, Rajan A., “Massachusetts Inpatient Medicaid Cost Response to Increased Supplemental Nutrition Assistance Program Benefits”, *American Journal of Public Health*, March 2016. <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2015.302990>

admissions and \$6.4 billion in additional Medicaid inpatient costs.¹⁴ Food insecurity is associated with more emergency department visits, hospitalizations, days hospitalized, outpatient visits, and health care costs.¹⁵

Using peer-review research on food insecurity and health conditions, Children's HealthWatch *estimated that food insecurity and hunger in Massachusetts increased health-related expenditures in the Commonwealth by about \$2.4 billion in 2016 alone.*¹⁶ These data cannot be ignored as states grapple with growing health care costs. Reducing access to food by imposing additional restrictions on SNAP access will increase food insecurity and increase health care costs.

2. SNAP has a positive impact on the Massachusetts economy.

Massachusetts SNAP recipients currently redeem approximately \$1.2 billion in SNAP EBT benefits on an annual basis.¹⁷ Almost all SNAP households use their benefits in the month they receive them.¹⁸ In Massachusetts alone, there are more than 5,600 retailers that accept SNAP benefits for the purchase of approved food items.¹⁹ SNAP has a direct economic stimulus to a state and local economy. During the prior Recession, each \$1 spent in SNAP benefits generated \$1.74 in economic activity, a higher stimulus than tax cuts, increases in unemployment insurance, infrastructure spending or general aid to state governments. The economic stimulus of SNAP is superior to any other federal benefit.²⁰

Further, Massachusetts' agricultural sector is increasingly benefiting from SNAP dollars. According to USDA EBT retailer data, Massachusetts saw a 236 percent increase in farmer's market EBT retailer enrollment between FY 2012 and 2017 - from 122 to 410 authorized farmers -- collectively receiving \$1.9 million in SNAP EBT redemptions.²¹ Following the

¹⁴ Sonik, Rajan A., Susan L. Parish, and Monika Mitra. "Inpatient Medicaid Usage and Expenditure Patterns After Changes in Supplemental Nutrition Assistance Program Benefit Levels." *Preventing Chronic Disease*, October 2018. https://www.cdc.gov/pcd/issues/2018/18_0185.htm

¹⁵ Berkowitz, Seth A., Hilary K. Seligman, James B. Meigs, et al. "Food Insecurity, Healthcare Utilization, and High Cost: A Longitudinal Cohort Study." *The American Journal of Managed Care*, September 2018. <https://www.ajmc.com/journals/issue/2018/2018-vol24-n9/food-insecurity-healthcare-utilization-and-high-cost-a-longitudinal-cohort-study>

¹⁶ Cook, John T. and Ana Poblacion. "An Avoidable \$2.4 Billion Cost: The Estimated Health Related Costs of Food Insecurity and Hunger in Massachusetts." Children's HealthWatch, February 2018. <http://macostofhunger.org/wp-content/uploads/2018/02/full-report.pdf>

¹⁷ Massachusetts DTA Scorecard, January 2019; Food and Nutrition Service SNAP State Project Area Participation and Issuance data: <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>

¹⁸ "Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program." Food and Nutrition Service, USDA, February 2011. <https://fns-prod.azureedge.net/sites/default/files/ARRASpendingPatterns.pdf>

¹⁹ USDA FY 2017 Retailer Management Data, <https://fns-prod.azureedge.net/sites/default/files/snap/2017-SNAP-Retailer-Management-Year-End-Summary.pdf>

²⁰ Zandi, Mark, Moody'sEconomy.com, Assessing the Macro Economic Impact of Fiscal Stimulus 2008, January 2008 <https://www.economy.com/mark-zandi/documents/Stimulus-Impact-2008.pdf>

²¹ USDA Comparison of SNAP Authorized Farmers and Markets FY2012 and FY2017 <https://fns-prod.azureedge.net/sites/default/files/snap/SNAP-Farmers-Markets-Redemptions.pdf>

successful piloting of a USDA-approved Food Insecurity Nutrition Incentive (FINI) grant in 2015, Massachusetts has launched the Healthy Incentives Program (HIP) to support SNAP recipient purchases at local farmers markets, farm stands and community sustainable agriculture (CSA) programs. In the past few years, HIP has provided an additional \$3 to \$4 million of state funds to support the purchases made by low income SNAP recipients.²² These purchases go directly to hundreds of Massachusetts farmers. Each dollar of HIP currently has an additional multiplier effect of \$1.12 – further expanding the impact of SNAP.²³ It is important to note that only active SNAP recipients can participate in this program.²⁴

B. The existing ABAWD three-month time limit is already harsh and harmful in Massachusetts.

Federal law already limits SNAP eligibility for childless unemployed and underemployed adults age 18-49 to just three months out of every three years, unless verified as “exempt.” SNAP benefits continue only if the childless adult can obtain and document an average of 20 hours per week of employment, participates in a DTA-approved employment and training program (SNAP ET), or successfully locates a community service placement that will offer and supervise volunteer tasks for a set number of monthly hours. With the exception of limited SNAP Employment and Training (SNAP ET) slots, there are no support services for ABAWDs and no reimbursement for transportation or other work or community service-related costs.

1. Community resources are already strained by the current ABAWD time limit

Over 500,000 low-income individuals nationwide lost SNAP in 2016 due to the 3-month time limit. **In Massachusetts, roughly 20,000 unemployed or under-employed individuals lost SNAP between 2016 and 2017.** For the areas of Massachusetts that did not qualify for geographic waivers, the demand on food pantries and congregate meal programs increased.

After re-implementation of the time limit, the American Red Cross Food Pantry in Boston shared this concern with USDA:

In 2017, our client utilization numbers increased by about 5% over 2016, and our SNAP application was in high demand. This year more and more people need us. When ABAWDs lose SNAP, it places a tremendous strain on our resources. We simply cannot make up for the loss of SNAP.²⁵

²² DTA HIP data. <https://www.mass.gov/service-details/healthy-incentives-program-hip-for-clients>

²³ Massachusetts Food System Collaborative. <https://mafoodsystem.org/projects/hip-citations/>

²⁴ Low income individuals who lose SNAP, such as ineligible ABAWDs, also lose access to the HIP program.

²⁵ The American Red Cross Food Pantry comments to USDA’s advanced notice of public rule-making on ABAWD changes, April 2018. <https://www.regulations.gov/document?D=FNS-2018-0004-0660>

2. Many ABAWDs who lost SNAP since 2016 were terminated for procedural reasons or were exempt.

Based on MLRI's experience directly representing individual ABAWDs, case examples shared by community partners in the Massachusetts SNAP Coalition members and a review of available state data, a significant number of ABAWDs lost SNAP benefits in the past three years for procedural *versus* eligibility reasons, often beyond their control. ABAWDs struggled with navigating the state's paperwork demands, were unable to get their employers to boost work hours in order to meet the work rules, or could not find available SNAP ET options or accessible community service sites.

Further, the bulk of ABAWDs we and community partners have worked with lacked transportation, cell phone service and/or internet access – making travel and communication with employers, workfare sites, and the SNAP state agency very difficult or impossible.

In many cases MLRI and community partners found that ABAWDs whose SNAP benefits were terminated were actually exempt, but did not know of the exemption process or how to verify the exemption. While some exemptions can be identified by the state based on case record information, other exemptions – such as caring for an incapacitated family member, or suffering from a short or long term disability – are difficult for ABAWDs to verify and complex for the SNAP agency to track. To further complicate matters, the state does not have the capacity to do a thorough and individualized determination of whether every ABAWD in the state is actually exempt from the time limit, without diverting SNAP caseworkers away from regular case maintenance activities.

State data shows that over 440 ABAWDs successfully got back on SNAP benefits based on an exemption since the time limit was re-implemented in 2016, but this is a drop in the bucket. It is likely many more terminated ABAWDs are in fact exempt but have been unable to navigate the process.²⁶ Further, we know from our extensive work with ABAWDs that many ABAWDs do not know they are exempt or have a right to reapply for SNAP; they assume they are not eligible because of extensive confusion about the rules and the exemptions. Restricting the waiver options will likely increase the number of ABAWDs who are incorrectly terminated.

3. Local non-profits struggle to identify community service/workfare activities to help ABAWDs keep their SNAP

Area non-profits often do not have the capacity to create volunteer slots for ABAWDs, and/or are restricted in who they will accept as a volunteer. One of the largest non-profits serving low

²⁶ USDA has also recognized the difficulty states face in thoroughly evaluating exemption status. For example, in 2017, FNS issued a finding that Massachusetts DTA was not appropriately screening for potential ABAWD exemptions in its June 2017 Combined Review Report. While we believe DTA has worked hard to improve screening for ABAWDs, due to the nature and scope of the certification interview, the fact that ABAWDs often become subject to the time limit after they have been certified, and the pure complexity of the rules, we continue to experience exemption related challenges in individual ABAWD cases.

income families in Boston, Action for Boston Community Development (ABCD), was not able to offer any workfare/community service slots for ABAWDs until 2019, and still cannot offer a sizeable number of volunteer slots – even though ABCD has dozens of contracted agencies under its umbrella that provide direct services throughout the city. To serve as a community service site, non-profits must have delegable tasks for often unskilled volunteers, agency staff able to supervise and delegate tasks, and administrative staff follow up with the required paperwork documenting the workfare hours. All of this triggers costs for the agency.

As The Open Door Food Pantry in Gloucester, MA explained to USDA in its April 2018 letter:

“requiring ABAWDs who cannot find employment to volunteer at a charity puts an additional administrative burden on charities to support, place and track ABAWD volunteers. The Open Door already manages more than 1,000 volunteers annually that last year provided 26,494 hours to time, talent and engagement (equal to 13 full-time equivalents) to connect people to good food. We strive to place ABAWD volunteers, but this rule puts us in the unenviable position that if we have no room, or cannot place an ABAWD in our programs, their SNAP could be cut off—in direct opposition to our mission to help feed hungry people.”²⁷

Independent of the need for tasks and supervision, Massachusetts state law requires all non-profit and government organizations whose services involve contact with children, older adults and persons with disabilities to do a criminal record offender (CORI) check on all employees and volunteers, often at the agency’s own cost.²⁸ The Massachusetts CORI law impacts health care agencies, hospitals, schools, day care centers, senior services, home care agencies, and other community organizations. The CORI process and cost involved has had chilling impact on the willingness and/or ability of community-based organizations to provide community service slots.

4. ABAWDs face barriers accessing SNAP Employment and Training.

Massachusetts has been a leadership state in developing and expanding SNAP Employment and Training services (ET). Massachusetts is one of nine states that opted to include the SNAP Employment and Training program (and SNAP clients) in the State’s comprehensive Workforce Innovation Opportunity Act implementation plan. Through this collaboration, SNAP clients, including ABAWDs, have access to the services and supports of the One Stop Career Centers and the training programs available through the broader workforce system. However, the rules, timelines and complexities of the ABAWD time limit have made access to career center services and WIOA training challenging for the ABAWD population.

²⁷ The Open Door comments to USDA’s advanced notice of public rule-making on ABAWD changes, April 2018. <https://www.regulations.gov/document?D=FNS-2018-0004-0902>

²⁸ A CORI is typically \$25, cost is typically incurred by the host agency. MGL c.6, §§ 167-178B; 101 CMR§15 <https://www.mass.gov/regulations/101-CMR-15-criminal-offender-record-checks>

In addition, significant pockets of the state lack either SNAP ET programs or clear pathways to sustainable jobs. Transportation costs are also a significant barrier to accessing SNAP ET services, as discussed below.

C. Massachusetts ABAWDs include very poor and extremely vulnerable populations.

National data confirms that ABAWDs are extremely poor. 73 percent have income below 50 percent of the FPL (\$521 per month for a single person). Another 17 percent have income between 50 and 100 percent of the FPL (between \$522 and \$1041 per month).²⁹ The same poverty characteristics are likely true for the Massachusetts ABAWD population.³⁰ Even with the state minimum wage of now \$12 per hour, individuals able to secure steady, reliable employment of 20 hours per week have gross income below 100 percent poverty.

1. Massachusetts ABAWDs are a deeply complex and needy population.

In addition to extreme poverty, ABAWDs have complex barriers and challenges that reduce their ability to work. Below are the characteristics that Legal Services and community partners have identified working closely with this population over the years:

- *Low-income veterans and recently discharged military service members.*

Massachusetts is home to over 335,000 veterans, of which 12 percent are under age 40. Roughly 12 percent of veterans are very low income and only 30 percent have a college degree or higher.³¹ In 2018, almost 1,000 homeless individuals in Massachusetts were identified as veterans.³² Based on a 2016 report by the Rand Center for Military Health Policy Research, 20 percent of the veterans who served in either Iraq or Afghanistan suffer from either major depression or post-traumatic stress disorder. 19.5 percent of veterans in these two categories have experienced a traumatic brain injury.³³ Nearly 11 percent of the 340,288 Massachusetts veterans served in Iraq or Afghanistan.³⁴ It is

²⁹ Carlson, Steven, Dorothy Rosenbaum, and Brynne Keith-Jennings. "Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?" Center on Budget and Policy Priorities, February 6, 2016. <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>

³⁰ According to state data, about two-thirds of ABAWDs subject to the time limit in January 2019 have no earnings.

³¹ National Center for Veterans Analysis and Statistics, Massachusetts FY2016, www.va.gov/vetdata

³² Massachusetts Homelessness Statistics, United States Interagency on Homelessness, Continuum of Care, December 2018 <https://www.usich.gov/homelessness-statistics/ma/>

³³ Tanielian, Terri, Lisa H. Jaycox, et al. "Invisible Wounds: Mental Health and Cognitive Care Needs of America's Returning Veterans." RAND Corporation, 2008. https://www.rand.org/pubs/research_briefs/RB9336.html

³⁴ Housing Assistance Council Veterans Data Central, Massachusetts State Fact Sheet, 2017: <http://www.veteransdata.info/>

estimated that roughly 24,000 low income veterans in Massachusetts received SNAP between 2014 and 2016.³⁵

- *Homeless individuals, including individuals in doubled-up temporary living situations.*

According to the United States Interagency Council on Homelessness (USICH), over 20,000 individuals on any given day in 2018 were considered homeless in Massachusetts including 6,267 adults over age 24 in households without children and 493 young adults ages 18-24 in households without children.³⁶ The December 2018 homelessness data documents Massachusetts with the largest one-year increase in the nation between 2017 and 2018, a 14.2 percent jump in homelessness, compared with an increase of just 0.3 percent nationally.³⁷ The USICH homelessness tracking data does not account for individuals who are in doubled-up situations with family members, friends, or strangers without any reliable long term living situation.

Although chronically homeless individuals may qualify for an exemption from the SNAP time limits, in the experience of Massachusetts community advocates, many ABAWDs who lost their SNAP benefits after the initial three months and subsequently become homeless do not realize they can qualify for an exemption. More critically, the loss of stable housing can throw these individuals into a downward spiral where they presume there are simply no state services out there for them, including nutrition benefits.

- *Individuals with criminal histories struggling with finding employment.*³⁸

In state FY2018, Massachusetts courts handled 303,026 criminal cases and 8025 juvenile cases in fiscal year 2018.³⁹ Currently, 61,000 Massachusetts residents are on probation, under criminal justice supervision.⁴⁰ In 2014, over 77 million American adults – nearly one in three – were in the FBI master criminal data base- equal to the number of Americans with college degrees.⁴¹

³⁵ Cai, Lexin; 2017, SNAP Helps Almost 1.5 Million Low-Income Veterans, Including Thousands in Every State, Center for Budget and Policy Priorities. <https://www.cbpp.org/research/food-assistance/snap-helps-almost-15-million-low-income-veterans-including-thousands-in>

³⁶ Massachusetts Homelessness Statistics, USIHC.

³⁷ Ibid. Exhibit 1.8 See also <https://www.wbur.org/news/2018/12/18/homelessness-massachusetts-hud-report>

³⁸ Clifford, Robert and Riley Sullivan. “The Criminal Population in New England: Records, Convictions, and Barriers to Employment.” New England Public Policy Center, March 2017. <https://www.bostonfed.org/publications/new-england-public-policy-center-policy-report/2017/the-criminal-population-in-new-england-records-convictions-and-barriers-to-employment.aspx>

³⁹ Executive Office of the Trial Court, Court Statistics for Fiscal 2018, Trial Court Summary of Case Filings by Type. FY 2018. <https://www.mass.gov/lists/trial-court-statistics-for-fiscal-year-2018>

⁴⁰ Prison Policy Initiatives, Massachusetts State Profile 2018. <https://www.prisonpolicy.org/profiles/MA.html>

⁴¹ Washington Post, August 18, 2014. “As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime.” <https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>

According to the New England Public Policy Center, the Massachusetts Criminal Offender Record Information (CORI) database “creates a record for any individual whom the state charges with a crime, even someone who later had the charges dropped or who was acquitted. This means that in Massachusetts, as in many other states, merely being charged with a crime results in someone having a criminal record, even if the person is not convicted.” In addition to work barriers, ABAWDs with CORIs are often unable to access already limited community service (workfare) slots. In 2016, only 20 percent of non-profit organizations that indicated they accept ABAWD volunteers did *not* require a CORI check.⁴²

Increasingly Massachusetts employers require routine CORI checks prior to or as a condition of offering a job. For more information about the impact of past incarceration on employment prospects, see Section E.

- *Individuals with undiagnosed and untreated impairments, often related to mental health or cognitive impairments, and victims of domestic violence.*

Individuals with mental illness have found it increasingly difficult to receive diagnosis and treatment for their condition. In October 2018, the Boston Globe highlighted the growing frustration and challenge for low- and middle-income residents to access private mental health care: “Massachusetts has more mental health care providers per capita than any other state, more psychiatrists than anywhere but Washington, D.C., more child psychiatrists than all but D.C. and Rhode Island. Yet poor and middle-class patients describe an often-frustrating and painful struggle to find a provider who will see them, at a price they can afford. They sometimes suffer longer than necessary, or settle for care by an inexperienced or less-credentialed practitioner.”⁴³

A 2014 study released by the Journal of American Medical Association in Psychiatry documented a significant decline in the percentage of psychiatrists who accepted private non-capitated insurance between 2004/06 and 2009/10, as well as persistent low acceptance of Medicare and Medicaid.⁴⁴

Lack of diagnosis and treatment is a significant barrier for so-called “ABAWDs” who lack a provider able to confirm their disability. Homeless, veterans, and individuals with past criminal histories frequently struggle with undiagnosed and/or untreated mental illness. Further, domestic violence survivors and survivors of trauma, who have higher rates of low work performance, financial problems, and mental and physical health conditions.⁴⁵

⁴² DTA state ABAWD data.

⁴³ “[For many, a struggle to find affordable mental health care](#)”, Boston Globe, October 20, 2018.

⁴⁴ Bishop TF, Press MJ, Keyhani S, Pincus HA. Acceptance of Insurance by Psychiatrists and the Implications for Access to Mental Health Care. *JAMA Psychiatry*. 2014;71(2):176–181. doi:10.1001/jamapsychiatry.2013.2862

⁴⁵ Tam, TW, C Zlotnick, and M.J. Robertson. “Longitudinal Perspective: Adverse Childhood Events, Substance Abuse, and Labor Force Participation among Homeless Adults.” *The American Journal of Drug and Alcohol Abuse*, 2003. <https://www.ncbi.nlm.nih.gov/pubmed/14713142>; Zielinski, D.S. “Child Maltreatment and Adult

Left with no diagnosis and treatment – coupled with immense confusion about how to contend with complex ABAWD rules – many with undiagnosed and untreated impairments quickly fall off of SNAP benefits.

- *Youth turning 18 who are still connected to youth services, or are aging out of foster care or youth services programs.*

The Massachusetts Department of Children and Families (DCF) served 1,560 18-23 year olds through foster care in June 2018, and 2,126 young adults through services in general.⁴⁶ About 1,600 youth age out of DCF services each year.⁴⁷ Due to lack of education, involvement with the criminal justice system, racial discrimination, and/or lack of support structures, youth aging out of foster care experience high rates of unemployment, homelessness and poverty.⁴⁸

- Individuals who experience challenges finding employment after being uprooted from their homes, including victims of domestic violence and most recently Puerto Rican evacuees after Hurricane Maria.⁴⁹

2. Massachusetts ABAWDs often live with others who are harmed by their loss of SNAP.

The SNAP three-month time limit harms food insecure individuals beyond the ABAWD themselves. According to state data, nearly 6,000 Massachusetts SNAP households that included an ABAWD member have lost a portion of their SNAP benefits since 2016. 35 percent of ABAWDs who were subject to the time limit in January 2019 received SNAP with other people.

Socioeconomic Well-Being.” *Child Abuse and Neglect*, October 2009.

<https://www.ncbi.nlm.nih.gov/pubmed/19811826>; Sansone, Randy A., Justin S. Leung, and Michael W. Wiederman. “Five Forms of Childhood Trauma: Relationships with Employment in Adulthood.” *Child Abuse and Neglect*, September 2012.

<https://www.sciencedirect.com/science/artiforcle/pii/S0145213412001469?via%3Dihub>. Anda, Robert F., et al. “Childhood Abuse, Household Dysfunction, and Indicators of Impaired Adult Worker Performance.” *The Permanente Journal*, 2004. <http://www.thepermanentejournal.org/issues/2004/winter/6018-childhood-abuse.html>.

⁴⁶ MA Department of Children and Families (DCF), Annual Progress and Services Report. June 30, 2018.

https://www.mass.gov/files/documents/2019/01/23/MA%20DCF%20Annual%20Progress%20and%20Services%20Report%202019_resubmission%208-31-18.pdf

⁴⁷ Tufts University, “Transition-Age Youth in Massachusetts.” Spring 2016.

<https://as.tufts.edu/uep/sites/all/themes/asbase/assets/documents/fieldProjectReports/2016/transitionYouthMA.pdf>

⁴⁸ Mathematica Policy Research for HUD, *Housing for Youth Aging Out of Foster Care*,

https://www.huduser.gov/publications/pdf/housingfostercare_literaturereview_0412_v2.pdf

⁴⁹ Massachusetts has the fifth largest Puerto Rican population in the US. 31 percent of Puerto Ricans in MA do not have a high school degree. “Puerto Ricans in Massachusetts, the United States, and Puerto Rico The Boston Planning & Development Agency,” Boston Planning & Development Agency Research Division, November 2017.

<http://www.bostonplans.org/getattachment/c34c5190-9d26-498c-8a0c-b14dab6da4f7>

ABAWDs who receive SNAP with others often live with adult siblings, grandparents, parents, adult children, or spouses. Terminating ABAWDs who live in a household with other adults puts the entire household at risk of food insecurity, including the individuals in the household not subject to the time limit due to their age, disability or other factors.

D. Low-wage and low-skilled workers struggle to access the benefits of the Massachusetts economy.

It took Massachusetts almost five years from the onset of the Great Recession to return to pre-recession employment levels.⁵⁰ In recent years, Massachusetts has enjoyed high rates of job growth and low unemployment rates. However, the benefits of this job growth – notably higher wages, jobs with benefits, and a strong career ladder – are not felt equitably across populations. For most low wage/low skilled workers, it takes significantly longer for the work-related benefits of Massachusetts’ strong economy to trickle down, and for some workers, those benefits are out of reach regardless of how strong the economy is.

1. Massachusetts’ core businesses have changed significantly in the past decades

Massachusetts continues to struggle with the loss of core manufacturing businesses in the Central and Western regions of the Commonwealth since the 1970’s, as well as a significant reduction of the fishing industry along the Atlantic seaboard triggered by foreign imports, sharp fish landing catches, introduction of farm-raised salmon and more.^{51 52}

In their earlier comments to USDA, The Open Door Food Pantry in Gloucester shared concerns with USDA related to seasonal employment and the fishing industry:

In the coastal communities that we serve, SNAP is a form of unemployment assistance for the seasonal workers who are employed during the warmer months. This population is working consistently year to year, but need this lifeline during the gaps when their employer is closed (often for 4-5 consecutive months). Additionally, the cuts to the fishing industry have led to fewer Days-At-Sea allowed, and fishing families are left without the training they need to succeed in another industry.⁵³

Health care, insurance, finance and tech industries have grown substantially in Massachusetts in recent decades. These industries increasingly demand a skilled workforce with advanced degrees and IT skills. Low and unskilled workers are frequently relegated to hospitality,

⁵⁰ Massachusetts Budget and Policy Center, 2017 State of Working Massachusetts.
<http://www.massbudget.org/reports/swma/jobs-employment.php>

⁵¹ Quartz, June 16, 2017 “The story of US jobs over the past 40 years is the story of Hampden County, Massachusetts.” <https://qz.com/991336/the-story-of-us-jobs-can-be-told-by-hampden-county-massachusetts/>

⁵² Urban Harbors Institute, U. Mass Boston, “Building the Massachusetts Seafood System”, December 2017.

⁵³ The Open Door comments, April 2018. <https://www.regulations.gov/document?D=FNS-2018-0004-0902>

transportation and other service industry jobs that do not offer reliable or predictable schedules. Meanwhile, housing prices have been rising steadily in Massachusetts. The median price of a single-family home increased 33 percent statewide from 2012 to 2018. With increased housing prices across the state, these jobs do not offer living wages that allow workers to afford housing near their places of employment – requiring extensive travel and cost to get to work.⁵⁴

2. Urban and rural low income Massachusetts residents struggle to access reliable, steady employment.

Nationally, the number of jobs in many rural areas remains below pre-recession levels.⁵⁵ This is true in rural Massachusetts. Economic growth in Berkshire County has lagged far behind economic growth seen in the state as a whole since the Great Recession. The Berkshires have suffered from the loss of manufacturing and industries that historically employed workers with less than a college degree.⁵⁶ Workers without a college degree in Berkshire County struggle at higher rates than the rest of the state and the country.

From 2008 to 2010, more than 60 percent of those unemployed in Berkshire County were people with a high school degree or less - well above the share of unemployment for this population in Massachusetts at that time (49.%) or the US as a whole (56%).⁵⁷ When a major employer closes or when there is an economic recession, rural communities are hit harder, and take longer to bounce back than the Commonwealth as a whole.

Barriers to accessing employment are exacerbated in Western Massachusetts by lack of access to technology and transportation.⁵⁸ Many households we work with struggle to maintain consistent access to a cellphone, cannot afford a car, or cannot pay for repairs or for gas. In 2015 and 2016 the Hilltown Community Development Corporation completed a rural needs assessment, covering the rural western half of Hampden and Hampshire counties.⁵⁹

The findings reinforce the issues we have seen our clients contend with in Western Massachusetts:

⁵⁴ Gorey, Jon. "Home prices in 'gateway cities' bounce back. That's the good — and the bad — news." The Boston Globe, 1/20/2019. <http://realestate.boston.com/buying/2019/01/30/home-prices-gateway-cities-bounce-back/>

⁵⁵ USDA Economic Research Service, "Rural America at a Glance: 2017 Edition," November 2017, <https://www.ers.usda.gov/webdocs/publications/85740/eib-182.pdf?v=43054>.

⁵⁶ Berkshire Regional Planning Commission, "Economy: Berkshire An Element of Sustainable Berkshires, Long-Range Plan for Berkshire County." March 2014.

http://berkshireplanning.org/images/uploads/documents/Sustainable_Berkshires-Economy-20140320.pdf

⁵⁷ Ibid.

⁵⁸ According to DTA state data from 2017, approximately half of ABAWDs lived outside of Metropolitan Boston where public transportation is either nonexistent or unreliable.

⁵⁹ The survey did not ask about income level or food security. 1,449 people participated in the survey. Franklin Regional Council of Governments, "Summary Report of Hilltown Transportation Study." March 2016. <https://www.mass.gov/files/documents/2017/10/02/hilltown-transportation-study.pdf>

- Some rural areas still lack broadband access.⁶⁰
- Cellphone signal strength can vary greatly. 83 percent of respondents relied on land-lines for the majority of their communication.
- Public transportation is generally non-existent. 70 percent of respondents sometimes or always relied on friends or neighbors with cars to get around.

Conversely, Metro-Boston’s economy has grown robustly since the end of the Great Recession. Nonetheless, there is abundant evidence that several population groups continue to experience challenges in finding employment exacerbated by lack of skills and transportation challenges. From 2011 to 2015, the City’s labor force participation rates for people with only a high school degree were 12 percentage points lower than those with a bachelor’s degree, and trending downwards.⁶¹

Further, across the Commonwealth and consistent with national trends, low pay service sector jobs in the country increasingly offer work that is unpredictable and ever-changing.⁶² Employees in the hospitality industry in particular are relegated to “on-call” scheduling practices so that employers pay them for just the hours needed in order to limit labor costs. Workers are expected to set aside time in case they are called into work, often experience scheduling shifts or cancellation of work schedules within a week or less of their shift, and lack of schedule consistency from week to week. To date, fair workweek laws have been enacted in the state of Oregon and in the cities of San Francisco, San Jose, Emeryville (CA), Seattle and New York City – covering nearly two million workers.⁶³

In response to this growing pattern among employers, the Boston City Council deliberated an ordinance in October of 2018 seeking to impose “fair work week standards” for all city contractors. The proposed ordinance noted in its preamble that more than four out of five hourly part-time workers reported their weekly work hours fluctuated by an average of 87 percent week to week. It also noted that one in two hourly workers report their employer schedules them without their input – with higher reports among workers of color (55 percent of Black workers and 58 percent of Latino workers).⁶⁴

The “SHIFT Project” out of the University of California at Berkeley recently published detailed studies documenting the employer-employee work scheduling practices of retail and fast food

⁶⁰ Massachusetts Broadband Institute, “Last Mile Program for Unserved Towns.” <https://broadband.masstech.org/last-mile-programs/program-unserved-towns>

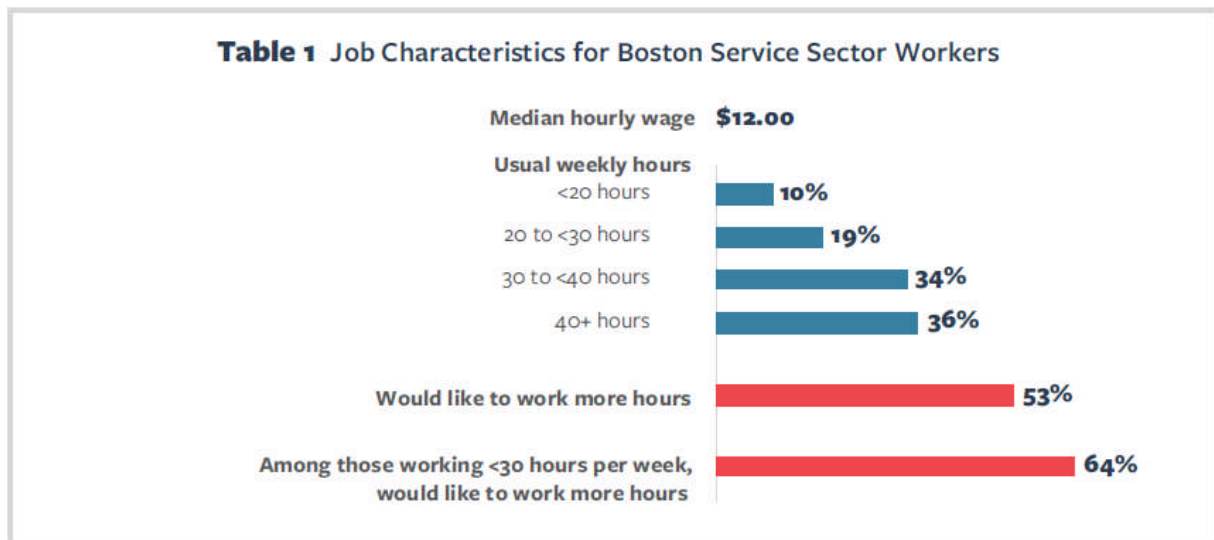
⁶¹ Genea Foster, Kate Ito, Jessie Partridge, Tim Reardon. “Metro Boston Regional Indicators State Of Equity 2017 Update.” Metropolitan Area Planning Council, February 2017. http://www.regionalindicators.org/topic_areas/7

⁶² Johnson, Katie. “Bills seek more stable hours for low-paid workers.” The Boston Globe, July 19, 2015, available at <https://www.bostonglobe.com/business/2015/07/19/growing-movement-stabilize-work-schedules/VdXNFH3AQQID40xaHuzalN/story.html>

⁶³ Wolfe, Julia, Jones, J. and Cooper D., Economic Policy Institute “‘Fair workweek’ laws help more than 1.8 million workers” July 19, 2018 <https://www.epi.org/publication/fair-workweek-laws-help-more-than-1-8-million-workers/>

⁶⁴ Boston City Councilor Michelle Wu, “Ordinance Regarding Fair Workweek Employment Standards for City Contractors.” October 24, 2018. https://www.boston.gov/sites/default/files/document-file-11-2018/docket_1543.pdf

workers, including workers in Boston. The SHIFT Project collected survey data from over 60,000 service sector workers in the nation between August 2016 and July of 2018, including 1,163 service sector workers in the Boston metropolitan area.⁶⁵



Source: Shift survey of 1,163 service sector workers in the Boston Metropolitan Area

The SHIFT Project’s survey included the following findings:

- As noted in the chart above, only a third of Boston service sector workers report working at least 40 hours per week. The rest usually work part-time: 34 percent between 30 and less than 40 hours per week, 19 percent between 20 and less than 30 hours, and 10 percent fewer than 20 hours per week.
- Nearly three-quarters of workers reported non-standard work schedules: 33 percent report “variable” schedules, 19 percent report “rotating” schedules, and another 15 percent reported regularly working night or evening shifts. Only 27 percent of service sector workers report a regular daytime work schedule.
- Boston workers also experience a great deal of variation in the total number of hours worked each week. When asked about their work schedule over the past month, the average worker reported a difference of 12 hours between the week they worked the most hours and the week they worked the fewest hours (a 33 percent gap between most and fewest weekly hours worked).
- In addition to the common experience of schedule instability, many workers receive limited advance notice of their work schedules. Only 40 percent of workers receive more than 2 weeks’ advance notice of their work schedules. 29 percent receive between

⁶⁵ Daniel Schneider, Kristen Harknett and Megan Collins. “Working in the Service Sector in Boston Research Brief.” Berkeley’s The SHIFT Project, January 2019. <https://shift.berkeley.edu/working-in-the-service-sector-in-boston/>

1 and 2 weeks' notice. The remaining 31 percent of workers receive less than 1 week's advance notice, and of those, half receive no more than 2 days' notice.

Low income Bostonians face challenges beyond the labor market, including very high housing prices and inequitable access to public transportation. The Economic Policy Institute estimates the adequate monthly cost of living in the Greater Boston area, for a single adult, is \$3,908 (in Detroit - a city of similar size - monthly cost of living is \$2,663).⁶⁶ In Greater Boston, rents increased an average of 6.9 percent annually between 2009 and 2016.⁶⁷ In 2015, the median income of homeowners in Boston was \$103,256 – compared with \$43,583 for renters. As such, lower income individuals and families often must rent in the Greater Boston area, but must pay a significant portion of their income on rent.

Increasingly high housing costs align with an increase in the percentage of income that residents must pay towards housing. In 2017, over 52 percent of renter households paid more than 30 percent of their gross income on rent—the highest percentage on record and up from 39 percent in 2000.⁶⁸ For low-wage workers, the cost of rent in Greater Boston is prohibitive. As housing costs continue to rise, workers must move further and further away from the city to afford housing.

As low-income households are pushed out of the city or remain on the outskirts of the city's economic hubs, many rely on a costly and unreliable public transportation system to get to work. The Massachusetts Bay Transportation Authority (MBTA's) commuter rail system had more breakdowns than any other transit system in the country in 2016.⁶⁹ Many low-income people – largely communities of color – rely on Greater Boston's bus system for public transportation. Even though white and minority riders use the bus system in roughly equal numbers, black riders spend 64 hours a year longer on Massachusetts Bay Transportation Authority buses than their white counterparts – these differences in reliability and frequency of service on routes that serve mostly black and mostly white riders effectively steal more than a week and a half of work. Additionally, only 19 of the MBTA's 176 bus routes offer frequent, all-day service. 63 percent of area residents are not served by any of those 19 routes.⁷⁰ A canceled commuter rail or late bus can be the difference between getting to work for a shift or not – and missing a shift can cause an ABAWD to fall below 20 hours of work per week and risk loss of SNAP.

⁶⁶ Economic Policy Institute, Family Budget Calculator. <https://www.epi.org/resources/budget/>

⁶⁷ Bluestone, Barry and James Huessy. "The Greater Boston Housing Report Card 2017." The School of Public Policy and Urban Affairs, Northeastern University, November 2017. <https://www.tbf.org/-/media/tbf/reports-and-covers/2017/2017-housingreportcard.pdf>

⁶⁸ Ibid.

⁶⁹ Yee, Erica. "MBTA commuter rail gets unwanted distinction of having the nation's most breakdowns in 2016." Boston.com, October 13, 2017. <https://www.boston.com/news/local-news/2017/10/13/mbta-commuter-rail-gets-unwanted-distinction-of-having-the-nations-most-breakdowns-in-2016>

⁷⁰ Ramos, Nester. "If Rosa Parks rode a bus in Boston today, she'd see nearly the same segregation she fought." The Boston Globe, February 6, 2019. <https://www.bostonglobe.com/metro/2019/02/06/rosa-parks-rode-bus-boston-today-she-see-nearly-same-segregation-she-fought/P4gg5mXpYZu9ZRywDIJAk/story.html>

3. Massachusetts' "Gateway Cities" continue to struggle with significant poverty, a low skilled workforce and employment challenges.

Twenty-six Massachusetts cities are designated "Gateway Cities" -- defined by the Massachusetts State Legislature as midsize urban centers across the state that tend to also struggle with poverty and hindered job creation. Eight Gateway Cities continue to qualify for a geographic waiver under the ABAWD rules.⁷¹ For many years, these communities were home to industries that offered residents good jobs. Over the past several decades, manufacturing jobs have disappeared. Gateway Cities have lacked resources and capacity to rebuild and restructure in a shifting economy, and thus have been slow to draw in new investments and businesses.⁷² The number of Gateway City residents living in census tracts with a poverty rate over 40 percent has roughly doubled since 2000.⁷³ The below data demonstrates that these communities suffer from higher poverty, unemployment rates, and workforce challenges than the state as a whole.

Data Profile: Five Gateway Cities in Massachusetts Currently Waived from the Time Limit

	% Annual Unemployment in 2018 ⁷⁴	% Annual Unemployment in 2008	% change in # of jobs from 2001-2008	% of households that speak a language other than English	% of people over 25 years old without a high school degree	% Poverty rate from 2006-2008
Holyoke ⁷⁵	5.5	9.9	-7.8	45	23	30
Lawrence ⁷⁶	6.2	10.7	-2.4	74	36	27
Springfield ⁷⁷	6.2	7.9	-5.1	32	24	30
Fall River ⁷⁸	5.8	9.5	-11.4	33	34	18
New Bedford ⁷⁹	6.1	9.3	+0.4	37	36	23
Massachusetts⁸⁰	3.3	5.3	-2.5	21	12	10

⁷¹ Fall River, New Bedford, Lawrence, Methuen, Chicopee, Holyoke, Springfield, and Westfield. USDA letter to the Department of Transitional Assistance. "Massachusetts Request to Waive Able-Bodied Adults without Dependents Time Limit- Partial Approval." November 9, 2018.

⁷² MassINC. <https://massinc.org/our-work/policy-center/gateway-cities/about-the-gateway-cities/>

⁷³ Gorey, Jon. "Home prices in 'gateway cities' bounce back. That's the good — and the bad — news." The Boston Globe, January 20, 2019. <http://realestate.boston.com/buying/2019/01/30/home-prices-gateway-cities-bounce-back/>

⁷⁴ Mass.gov Unemployment Rates. <https://www.mass.gov/find-unemployment-rates>

⁷⁵ MassINC. Profile: City of Holyoke. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2015/09/Holyoke-profile.ashx .pdf>

⁷⁶ MassINC. Profile: City of Lawrence. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2015/09/Lawrence-profile.ashx .pdf>

⁷⁷ MassINC. Profile: City of Springfield. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2015/09/Springfield-profile.ashx .pdf>

⁷⁸ MassINC. Profile: City of Fall River. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2015/09/Fall-River-profile.ashx .pdf>

⁷⁹ MassINC. Profile: City of New Bedford. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2015/09/New-Bedford-profile.ashx .pdf>

Gateway Cities face a myriad of challenges beyond these data snapshots. For example, since September 2018, Lawrence has grappled with extensive fall out from widespread Columbia Gas explosions and fires.⁸¹ New Bedford continues to struggle with seasonal employment and decline in jobs in the fishing industry (unemployment in January 2018 was 8.6 percent).⁸² Notwithstanding unemployment rates that are higher than the state average, housing costs in Gateway Cities have also increased dramatically. Since 2012 median condo prices alone have soared more than 100 percent in Fall River, Lawrence, and New Bedford.⁸³

About 40,000 ABAWDs who are currently not subject to the SNAP three-month time limit due to the geographic waiver live in five of the Gateway Cities.⁸⁴ The individuals in these depressed urban areas are likely to be harmed if USDA's proposed seven percent unemployment floor were to be implemented. Further, terminating such a large population of SNAP recipients in Gateway City residents may undermine efforts of local governments and the state to establish networks to good jobs, accessible higher education, and support sustainable and innovative businesses.

E. The proposed rules will harm Massachusetts ABAWDs who face substantial structural barriers to good, consistent jobs.

USDA incorrectly assumes that an average unemployment rate of 7 percent will ensure that every person seeking a job will be able to find one, earning wages that will allow the individual to survive financially without federal nutrition assistance. This would not be the case. The proposed change is flawed and – contrary to USDA's statement in the NPRM – does not consider the “lack of sufficient jobs” criteria in the statute.

1. Many Massachusetts ABAWDs do work but struggle with inconsistent, unreliable jobs.

Job instability—including involuntary unemployment and involuntary part-time employment—and volatile hours with unpredictable earnings are a fact of life for millions of low wage

⁸⁰ Ibid.

⁸¹ Valencia, Milton. “Lawrence disaster estimated at \$800 million and counting.” The Boston Globe, November 1, 2018. <https://www.bostonglobe.com/metro/2018/11/01/columbia-gas-parent-company-cooperating-with-criminal-investigation/Ewp3FdOmwUuQM80frc7pnO/story.html>

⁸² In January 2018, unemployment in New Bedford was 8.6 percent. Mass.gov Unemployment Rates. <https://www.mass.gov/find-unemployment-rates>

⁸³ Ibid.

⁸⁴ Determination based on 7 percent floor proposal and combined area unemployment rates used for the MA 2019 Request to Waive Able-Bodied Adults Without Dependents. 40,000 estimate is according to state data of ABAWDs per zip code for currently waived areas. Additional Gateway Cities that are waived from the time limit in 2019 include Chicopee, Westfield, and Methuen. See USDA letter to the Department of Transitional Assistance. “Massachusetts Request to Waive Able-Bodied Adults without Dependents Time Limit- Partial Approval.” November 9, 2018.

workers. SNAP is essential for workers who are working but do not earn enough to put a month's worth of food on the table, and for those who are between jobs.

Thousands of low-wage workers struggle with getting enough hours of work from employers. In Massachusetts, there are still 25,000 more part-time workers who would like to work full time than prior to the Recession.⁸⁵ Employers use various tactics to cut business costs including: not posting work schedules in advance, sending employees home when business is slow, limiting full time position, and having "on call" shift policies which keep workers on edge not able to plan their activities or take other temp jobs. National research confirms these trends:

- Nearly 40 percent of full-time hourly workers learn of their work schedules a week or less in advance.⁸⁶
- About 17 percent of the workforce experiences unstable work schedules.⁸⁷
- More than 40 percent of early career hourly workers (ages 26 to 32) receive one week or less advance notice of their job schedules. Half of these workers have no input into their schedules and three-quarters experience fluctuations in the number of hours they work, with hours varying by more than eight hours per week on average. Some who work in hourly jobs receive hours that fluctuate by up to 40 percent.⁸⁸

Contrary to the narrative that ABAWDs are voluntarily opting out of the workforce, many ABAWDs work when work is available while temporarily relying on SNAP. SNAP participants often experience brief periods of joblessness and are more likely to participate in SNAP when they are out of work.⁸⁹ Further, ABAWDs consistently struggle to maintain enough hours to meet the 20 hour per week rule. 25 percent fell below the 20 hour per week threshold during at

⁸⁵ Clayton-Matthews, Alan. "Massachusetts Current and Leading Economic Indices." Northeastern University, School of Public Policy and Urban Affairs, January 31, 2019.
http://www.donahue.umassp.edu/documents/Index_Dec2018.pdf

⁸⁶ Desmond, Matthew. "Americans Want to Believe Jobs Are the Solution to Poverty. They're Not." The New York Times. September 11, 2018. Available at <https://www.nytimes.com/2018/09/11/magazine/americans-jobs-poverty-homeless.html>

⁸⁷ Golden, L. "Irregular Work Scheduling and Its Consequences." Economic Policy Institute, April 9, 2015,
<http://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>

⁸⁸ Lambert, Susan J; Peter J. Fugiel; and Julia R. Henly. "Schedule Unpredictability among Early Career Workers in the US Labor Market: A National Snapshot." EINet, July 17, 2014.
https://sascholars.uchicago.edu/sites/default/files/einet/files/lambert.fugiel.henly_executive_summary_b_0.pdf.

⁸⁹ Individuals who participated in SNAP at any point over a 3.5-year period from 2009 through 2013 worked most months over this period, but were more likely to participate when they were out of work. They participated in SNAP in over two-fifths of the months that they were working (44 percent). They participated in SNAP in 62 percent of the months in which they were not working -- when their income was lower and their need for help affording food was higher. Keith-Jennings, Brynne and Raheem Chaudhry. "Most Working-Age SNAP Participants Work, But Often in Unstable Jobs, Center for Budget and Policy Priorities." March 2018.
<https://www.cbpp.org/research/food-assistance/most-working-age-snap-participants-work-but-often-in-unstable-jobs>.

least one month over two years. Very few are always working less than 20 hours a week or always unemployed – less than 2 percent in either case.⁹⁰

Involuntary part-time employment – where workers want to work more, but are not able to get more hours through their employer(s) -- is a key factor in poverty.⁹¹ As such, it is a reality for many ABAWDs connected to the job market. Of the ABAWDs in Massachusetts who became subject to the time limit in January 2016, 11 percent were working but struggled to get enough hours to meet the stringent work rules. In January 2019, 23 percent of ABAWDs subject to the time limit were working, but still subject to termination after 3 months.⁹²

The Economic Policy Institute conducted a study of longitudinal data on workers from the Current Population Survey between 1998 and 2016, for workers between the ages of 16 and 64 (this group includes the ABAWDs, who are aged 18-49). It found that low wage workers cycle in and out of employment at a rate twice that of workers with higher earnings.⁹³ As pay disparities increase, so do job churn disparities. The probability that the lowest wage workers will move from employment to no employment (or vice versa) over a period of three months is 22 percent – while the highest earning workers experience a transition every three months only 5 percent of the time.⁹⁴

Not surprisingly, the businesses and companies that make up low-wage industries –including the hospitality and service industry – lost jobs at a much higher rate than higher- wage industries, either because they shrink payroll or close entirely.⁹⁵ Half of all new jobs that are accessible to those with a high school diploma or less are eliminated within the first year.⁹⁶

USDA’s proposed rules would serve to further punish low-wage workers who, due to circumstances outside their control, have a very difficult time maintaining 20 hours of work every week.

⁹⁰ Bauer, Lauren, Diane Whitmore Schanzenbach, and Jay Shambaugh. “Work Requirements and Safety Net Programs.” The Hamilton Project, October 2018.

http://www.hamiltonproject.org/assets/files/WorkRequirements_EA_web_1010_2.pdf

⁹¹ In 2012, one in four involuntary part-time workers lived in poverty, whereas just one in twenty full-time workers lived in poverty. Glauber, R., “Wanting More Working Getting Less: Involuntary Part-Time Employment and Economic Vulnerability.” Carey Institute, July 2013.

<http://scholars.unh.edu/cgi/viewcontent.cgi?article=1198&context=carsey>

⁹² According to state data.

⁹³ Cooper, David Lawrence Mishel, and Ben Zipperer, “Bold increases in the minimum wage should be evaluated for the benefits of raising low-wage workers’ total earnings.” Economic Policy Institute, April 18, 2018.

<https://www.epi.org/files/pdf/143838.pdf>

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Desmond, Matthew. “Americans Want to Believe Jobs Are the Solution to Poverty. They’re Not.” The New York Times. September 11, 2018. <https://www.nytimes.com/2018/09/11/magazine/americans-jobs-poverty-homeless.html>

2. The general unemployment rate does not reflect the reality of the job market for ABAWDs in Massachusetts.

The official concept of unemployment includes all jobless persons who are available to take a job and have actively sought work in the past four weeks, as a percentage of the civilian labor force.⁹⁷ This definition does not include individuals who are seeking work, face barriers to employment, or are underemployed.

The Bureau of Labor Statistics (BLS) unemployment measure that is more indicative of employment opportunities for ABAWDs includes the total number of unemployed, marginally attached workers and employed part-time workers as a percent of the civilian labor force. This “U-6” measure provides more realistic data about employment rates for ABAWDs because it includes those who want to and are available for work and those are involuntary part-time workers.⁹⁸ In 2018, the U-6 labor underutilization average in Massachusetts was 7 percent (7.7 percent nationally).⁹⁹ When Massachusetts re-implemented the ABAWD time limit in 2016 – making about 22,000 ABAWDs subject to the time limit -- the U-6 average was 8.1 percent.

The BLS U-6 unemployment data underscores the importance of allowing states to qualify for a geographic waiver under current rules. USDA’s proposed rules eliminate criteria that provide valuable information about the state of the labor market in a particular locality and the realities of the job market for this complex unemployed and under-employed population. Given the numerous work and education barriers ABAWDs face, broader unemployment measures should be taken into account when evaluating the ability of ABAWDs to access good jobs.

3. Race has a disparate impact on employment opportunities and job continuity in Massachusetts.

USDA’s proposed rule would further exacerbate existing racial and ethnic inequities in the nation and in Massachusetts. Among adults subject to the time limit and who reported their race, approximately 52 percent are people from communities of color, including an estimated 35 percent who are Black and 13 percent who are Latino.¹⁰⁰

USDA’s proposed ABAWD changes are especially troubling given that rates of food insecurity are already higher than the national average for both Black and Latino headed households.¹⁰¹

⁹⁷ Bureau of Labor Statistics, Alternative Measures of Labor Underutilization for States, 2018 Annual Averages. <https://www.bls.gov/lau/stalt.htm>

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Carlson, Steven, Dorothy Rosenbaum, and Brynne Keith-Jennings, “Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?”, Center on Budget and Policy Priorities, February 2016, <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>.

¹⁰¹ Alisha Coleman-Jensen, Matthew P. Rabbitt, Christian A. Gregory, et al., “Household Food Security in the United States in 2016”, U.S. Department of Agriculture, September 2017, <https://www.ers.usda.gov/webdocs/publications/84973/err-237.pdf> .

The unemployment and underemployment gap is tied to a complex history of racial discrimination.¹⁰² Among other elements, people of color are more likely to live in neighborhoods with poor access to jobs, further driving unemployment and underemployment. People who live closer to jobs are more likely to access work and face shorter job searches and spells of joblessness.^{103 104}

Due to persisting racial economic disparities and discrimination in hiring practices, workers of color are paid less than their white colleagues, have a harder time getting good jobs, and suffer from higher rates of unemployment and underemployment.¹⁰⁵ Nationally, unemployment rates for black workers are generally twice the unemployment rates for white workers. In 2018, the unemployment rate for black or African American workers without a high school degree was 10.4 percent – versus 5.1 percent for whites without a high school degree. For those with a high school degree, unemployment rates were 6.7 percent and 3.5 percent, respectively.¹⁰⁶ In Massachusetts, unemployment in the first quarter of 2018 was 3.5 percent. For black workers, the unemployment rate was 6.1 percent and for Latino workers it was 5.6 percent. Massachusetts currently has the second highest ratio of Latino unemployment to white unemployment in the country (2.1 to 1).¹⁰⁷ In the first quarter of 2016, when the time limit was re-implemented for over 22,000 ABAWDs¹⁰⁸ the statewide unemployment rate was 4.5 percent. For African Americans in Massachusetts, the unemployment rate was 7 percent, and 7.5 percent for Latinos.¹⁰⁹

¹⁰²Horowitz, Evan. “Trump claims the racial divide can be solved with more jobs. The disparity in jobless rates says otherwise.” The Boston Globe, August 31, 2017. <https://www.bostonglobe.com/business/2017/08/31/what-behind-huge-gap-between-black-and-white-jobless-rates/piq4zOZXhl7RLKUscO7HGP/story.html>

¹⁰³Scott W. Allard and Sheldon Danziger, Proximity and Opportunity: How Residence and Race Affect the Employment of Welfare Recipients, Housing Policy Debate, September 2000, <https://pdfs.semanticscholar.org/4936/dfd925b78d9e81f8d5d44b95b6a15f8ba0ab.pdf>.

¹⁰⁴As residents from households with low-incomes and communities of color shifted toward suburbs in the 2000s, their proximity to jobs decreased. Between 2000 and 2012, the number of jobs near the typical Hispanic and Black resident in major metropolitan areas declined much more steeply than for white residents. Elizabeth Kneebone and Natalie Holmes, “The Growing Distance Between People and Jobs in Metropolitan America,” Brookings Institution, March 2015, <https://www.brookings.edu/research/the-growing-distance-between-people-and-jobs-in-metropolitan-america/>.

¹⁰⁵The average hourly wages for Black and Hispanic workers are substantially lower than their white counterparts. Eileen Patten, “Racial, Gender Wage Gaps Persist in U.S. Despite Some Progress,” Pew Research Center, July 2016, <http://www.pewresearch.org/fact-tank/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/>. See also: Quillian, Lincoln, Devah Pager, Ole Hexel, and Arnfinn H. Midtbøen. “Meta-analysis of field experiments shows no change in racial discrimination in hiring over time.” Proceedings of the National Academy of Sciences of the United States of America. September 2017. <https://www.pnas.org/content/114/41/10870>

¹⁰⁶Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey. <https://www.bls.gov/cps/cpsaat07.htm>

¹⁰⁷Latino unemployment estimates are available in 23 states and the District of Columbia. Jones, Janelle. “In 14 states and DC, the African American unemployment rate is at least twice the white unemployment rate.” Economic Policy Institute, May 17, 2018. <https://www.epi.org/publication/state-race-unemployment-2018q1/>

¹⁰⁸According to state data

¹⁰⁹Wilson, Valerie. “State unemployment rates by race and ethnicity at the start of 2016 show a plodding recovery, with some states continuing to lag behind.” Economic Policy Institute, May 17, 2016.

In addition to higher unemployment rates, Latino and Black workers across the country are more likely to be employed involuntarily part-time (6.8 percent and 6.3 percent, respectively) than whites (3.7 percent). Blacks and Latinos are disproportionate shares of involuntary part-time workers - together representing 41.1 percent of all involuntary part-time workers.¹¹⁰ This disparity is due to structural barriers finding full-time work and a stronger likelihood of employment where hours are variable and can be reduced without notice.

In the NPRM, USDA acknowledges that its proposed changes will “have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups,” but nonetheless claims that “implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts.” USDA offers no explanation of the “mitigation strategies and monitoring” it plans to undertake. Nor is there any evidence cited in the NPRM that “mitigation strategies” can fully or appropriately address the disproportionate impact of increased food insecurity and poverty on people of color.

4. Unemployment and underemployment is higher for Massachusetts workers with lower levels of education.

Nationally, about 25 percent of all ABAWDs do not have a high school diploma or GED.¹¹¹ Not surprisingly, the unemployment rate is higher for workers who do not have a high school degree, or who only have a high school degree. For example, in 2018, the unemployment rate for workers without a high school degree was 6.4 percent versus 2.2 percent for those with a bachelor’s degree or higher.¹¹²

Massachusetts has a significant knowledge-based economy that relies on workers with a college degree or higher. Workers with less than a college degree struggle to get jobs that are reliable and pay a living wage. In 2011 and 2012, when the Massachusetts economy was still recovering from the Great Recession, MA workers with lower levels of education had *underemployment* levels that were nearly twice as high as underemployment for workers with a Bachelor’s degree or higher.¹¹³ Between 2012 and 2016, the median hourly wage for a MA

<https://www.epi.org/publication/state-unemployment-rates-by-race-and-ethnicity-at-the-start-of-2016-show-a-plodding-recovery-with-some-states-continuing-to-lag-behind/>

¹¹⁰ Lonnie Golden, “Still Falling Short on Hours and Pay,” Economic Policy Institute, December 2016,

<http://www.epi.org/publication/still-falling-short-on-hours-and-pay-part-time-work-becoming-new-normal/>

¹¹¹ Steven Carlson, Dorothy Rosenbaum, and Brynne Keith-Jennings, “Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?” Center on Budget and Policy Priorities, February 8, 2016,

<http://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>.

¹¹² Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey.

<https://www.bls.gov/cps/cpsaat07.htm>

¹¹³ “The State of Working Massachusetts 2013.” Massachusetts Budget and Policy Center,

<http://massbudget.org/reports/swma13/employment.php>

worker with a college degree was almost twice the wage for a worker with only a high school degree.¹¹⁴

The same trends were true for *unemployed* workers. Between 2011 and 2013, Massachusetts workers with lower levels of education experienced higher rates of unemployment that lasted over a year than workers with a college degree or higher. Despite the improving economy, these trends have continued in recent years.¹¹⁵

Unemployment rates are also higher in job sectors that rely on workers with lower education level. In Massachusetts the unemployment rate in 2017 overall was 3.8 percent.

Unemployment rates in lower- skilled occupations were significantly higher: 5.4 percent in construction, 5.5 percent in wholesale and retail trade, and 5.6 in leisure and hospitality.¹¹⁶

In 2015 – the last calendar year that Massachusetts had a state-wide geographic ABAWD waiver – unemployment across the state was 4.5 percent. Unemployment rates in the construction and hospitality industries were 8.3 percent and 6.7 percent, respectively.¹¹⁷

Terminating SNAP benefits for ABAWDs will not even the playing field for accessing good jobs in Massachusetts. Lack of SNAP benefits increases food insecurity and effectively severs an ABAWD's connection to the SNAP Employment and Training programs – limiting access to programs that could help prepare ABAWDs for a job.

5. Massachusetts residents with criminal records face extensive employment barriers.

Job prospects are dramatically affected by the presence of a criminal record. People who have been involved in the justice system struggle to obtain a driver's license, own a reliable means of transportation, acquire relatively stable housing, and maintain proper identification documents. These obstacles often prevent them from successfully re-entering the job market and are compounded by criminal background checks, which further limit access to employment.¹¹⁸

As of January 1, 2016, there were over 10,000 people in prison in Massachusetts Department of Corrections (DOC) facilities, and Black and Latino inmates are severely over-represented in the

¹¹⁴ "2017 State of Working Massachusetts." Massachusetts Budget and Policy Center, <http://www.massbudget.org/reports/swma/>

¹¹⁵ Ibid.

¹¹⁶ Bureau of Labor Statistics, Geographic Profile of Employment and Unemployment, 2017. <https://www.bls.gov/opub/geographic-profile/home.htm>

¹¹⁷ Bureau of Labor Statistics,, The Geographic Profile of Employment and Unemployment, 2015 <https://www.bls.gov/opub/geographic-profile/2015/home.htm>

¹¹⁸ Marina Duane, Nancy La Vigne, Mathew Lynch, et al., "Criminal Background Checks: Impact on Employment and Recidivism," The Urban Institute, March 2017, https://www.urban.org/sites/default/files/publication/88621/2017.02.28_criminal_background_checks_report_fi nalized_blue_dots_1.pdf.

system.¹¹⁹ Although the state population is 7 percent Black and 11 percent Latino, the state's DOC inmates are 27 percent Black and 25 percent Latino.¹²⁰ 3,029 individuals were released from MA prisons in 2016. The average age of those released was 34 years old.¹²¹

Over 70 percent of employers conduct criminal background checks as a part of the hiring process – nearly double the number who conducted background checks in the 1990s.¹²² Among nearly identical applicants, those with a criminal record are 50 percent less likely to receive an interview request or job offer than their counterparts without records. The impact on black applicants is even more severe.¹²³

Most formerly incarcerated individuals struggle to find a job after release. About half of people formerly incarcerated are still unemployed one year after release.¹²⁴ For those who do find work, it's common to have annual earnings of less than \$500.¹²⁵ Ex-offenders who can get a job have lower wages on average – 10 to 40 percent less compared to individuals without criminal records working at comparable jobs.¹²⁶ Further, during the time spent in prison, many lose work skills and are given little opportunity to gain useful work experience.¹²⁷

Due to these complex factors, unemployment rates are significantly higher for ex-offenders. After the Great Recession (from the end of 2010 to the beginning of 2012) the unemployment

¹¹⁹ Genea Foster, Kate Ito, Jessie Partridge, Tim Reardon. "Metro Boston Regional Indicators State Of Equity 2017 Update." Metropolitan Area Planning Council, February 2017. http://www.regionalindicators.org/topic_areas/7

¹²⁰ Ibid

¹²² Council of Economic Advisers. 2016. "Economic Perspectives on Incarceration and the Costs of the Criminal Justice System." Washington, DC: Executive Office of the President of the United States. https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf

¹²³ Pager, Devah, Bruce Western, and Naomi Sugie. "Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records." *The Annals of the Academy of Political and Social Science*. May 2009. https://scholar.harvard.edu/files/pager/files/annals_sequencingdisadvantage.pdf

¹²⁴ Adam Looney and Nicholas Turner, *Work and Opportunity Before and After Incarceration*, The Brookings Institution, March 2018, <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>; Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry*, Chicago, Ill: University of Chicago Press, 2003, <https://www.amazon.com/When-Prisoners-Come-Home-Prisoner/dp/0195386124>; Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington, D.C.: Urban Institute Press, 2005, <https://www.amazon.com/But-They-All-Come-Back/dp/0877667500>.

¹²⁵ Ibid., 41.

¹²⁶ Clifford, Robert and Riley Sullivan. "The Criminal Population in New England: Records, Convictions, and Barriers to Employment." New England Public Policy Center, March 2017. Available at <https://www.bostonfed.org/publications/new-england-public-policy-center-policy-report/2017/the-criminal-population-in-new-england-records-convictions-and-barriers-to-employment.aspx>

¹²⁷ Christy Visher, Sara Debus, and Jennifer Yahner, "Employment after Prison: A Longitudinal Study of Releases in Three States." The Urban Institute, October 2008, <https://www.urban.org/sites/default/files/publication/32106/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>

rate in Massachusetts for ex-offenders was 8 percentage points higher than for individuals without a criminal record.¹²⁸

In sum, while the current 20 percent standard may not perfectly represent areas that lack jobs for childless adults because the overall unemployment rate masks the unemployment barriers that ABAWDs face, the proposed rule would only exacerbate the shortcomings of current policy.

F. The proposed rule undermines state flexibility and ignores local labor market expertise.

USDA is proposing diminish the ability of states to best evaluate and respond to local economic realities by dramatically tightening eligibility for geographic waivers. USDA's long standing ABAWD waiver criteria has helped assure a consistent standard of evaluation. States are the experts with respect to regional and local variations in employment, economic development and business needs. States are in regular communication with businesses, educational institutions, and municipalities and understand the local transportation and communications infrastructure. States track changes in the job market and needs of burgeoning industries, as well as excess workforce patterns.

The Massachusetts SNAP agency reminded USDA of this core concept in its April 2018 comments to USDA's advanced notice of rulemaking:

*States are the experts in the complexities of their regional job markets and are best situated to assess the true employment market at the local level. The criterion established in the definition of "lack of sufficient jobs" ensures that a consistent standard of evaluation is used but the geographical assessment of that impact is best left to the States. Allowing States discretion to evaluate the true availability and attainability of employment for ABAWDs in a particular region is the only way to ensure clients are not held to a standard that is unachievable.*¹²⁹

In addition to the proposed restrictions on geographic waivers, USDA proposes to eliminate states' ability to accrue unused individual exemptions for more than one fiscal year and retroactively eliminate the carry-over of exemption months. The individual exemption months are a key tool for states to address specific barriers of individuals grappling with the time limit. For example, in Massachusetts, ABAWDs are allowed individual one-month exemptions at a time if 1) participating through the state's SNAP E&T program but in a "non-qualifying

¹²⁸ Jackson, Osborne; Riley Sullivan; and Bo Zhao. "Reintegrating the Ex-Offender Population in the U.S. Labor Market: Lessons from the CORI Reform in Massachusetts." Federal Reserve Bank of Boston, 2017. <https://www.bostonfed.org/publications/new-england-public-policy-center-research-report/2017/reintegrating-the-ex-offender-population-in-the-us-labor-market.aspx>

¹²⁹ MA Department of Transitional Assistance comments to USDA on ABAWD ADPR, April 9, 2018. <https://www.regulations.gov/document?D=FNS-2018-0004-5968>

education or training activity” that best meets their training needs, or 2) working with a Criminal Offender Record Information specialist to resolve CORI issues that interferes with meeting the ABAWD work rules.¹³⁰ These two individual exemption buckets alone highlight the importance of state discretion to not terminate individuals engaged in activities to make them more employable.

The availability of individual exemption or “hardship” months are critical for states to address the real gaps in the existing ABAWD time limit exemptions as well as allow states to address unforeseen events that may impact on the ability of an ABAWD to comply with the strict time limit rules. For example, in September of 2018 Merrimack Valley suffered through Columbia Gas explosions where over 10,000 residents in the Lawrence and two abutting towns lost gas and electrical power for weeks.¹³¹ Fortunately for the ABAWD population, the City of Lawrence – a “Gateway City” with high unemployment – currently qualifies for a geographic area ABAWD waiver. However, were this not the case, the Massachusetts SNAP Coalition would have urged the SNAP state agency to offer individual exemptions to the ABAWDs in that community, low income individuals clearly harmed by an event well beyond their control.

Reducing state flexibility negates USDA’s stated goal in the NPRM of encouraging “greater ABAWD engagement with respect to job training and employment opportunities” and “greater engagement in meaningful work activities and movement towards self-sufficiency among ABAWDs.” This cookie-cutter approach undercuts state’s ability to meet the documented needs of their communities. If USDA wished to actually meaningfully support ABAWDs, it would support the evaluation and expansion of evidence based Employment and Training programs.

G. The proposed rule would increase administrative inefficiencies and workload.

Due to the complexities of SNAP eligibility systems, when the protection of a waiver is removed, states need to do a great deal of work to evaluate the exemption status of those who were previously covered by the waiver, detracting from other priorities. Indeed, USDA’s Office of Inspector General found that one of the reasons state officials utilize time limit waivers is because they are a tool to reduce the burden of tracking ABAWD time limits.¹³² Yet, even with this flexibility, the States have difficulties implementing provisions because the time limit rules are very complex.

The proposed rule would dramatically shrink waived areas very quickly. In Massachusetts, the gradual shrinkage of waived areas since 2016 has helped ensure that the state SNAP agency can

¹³⁰ Ibid.

¹³¹ Statement of Lawrence Mayor Dan Rivera before the U.S. Senate Committee on Commerce, Science and Transportation, Pipeline Safety in the Merrimack Valley: Incident Prevention & Response Field Hearing November 26, 2018. <https://www.cityoflawrence.com/718/Lawrence-Gas-Emergency>

¹³² Office of Inspector General, USDA. “FNS Controls over SNAP Benefits for Able-Bodied Adults without Dependents.” September 2016 <https://www.usda.gov/oig/webdocs/27601-0002-31.pdf>

try to screen ABAWDs for exemptions, while also improving Employment and Training programs. If the state's waived areas are essentially eliminated under the proposed 7 percent unemployment floor, Massachusetts will likely need to spend significant administrative time carefully reviewing each case to try to ensure up to 50,000 ABAWDs are not wrongfully terminated. This process will require extensive oversight, paperwork, case management, administrative time and resources, and systems changes.

In addition to the currently waived areas of Massachusetts, there are about 50,000 adults aged 18-49 who are exempt from the time limit but whose exemption status could change.¹³³ Tracking these ABAWDs and evaluating their ongoing exemption status is already a massive administrative task for the state, requiring review and re-verification on a regular basis. This would only become more burdensome for the state if the number of ABAWDs subject to the time limit was dramatically increased.

Based on how complicated the ABAWD rules already are, state agencies will invariably struggle to ensure uninterrupted benefits for ABAWDs that meet an exemption and timely serve ABAWDs seeking SNAP ET. In order to thoroughly and accurately address up to 50,000 ABAWD cases, the state will likely need to divert resources from work that impacts the entire SNAP caseload, including efforts to improve customer service and maintain timeliness and program accuracy.

DTA echoed these concerns with USDA in its April 2018 comments on the Advanced Notice of Proposed Rulemaking:

Massachusetts' experience with the ABAWD authority and rules is that they pose a barrier to meaningful engagement with SNAP clients and require that Case Managers use their time trying to understand, communicate and comply with ABAWD rules rather than using their time to engage with clients, help them set meaningful employment goals and support them to find appropriate training and job readiness opportunities.¹³⁴

USDA's proposed rules would add further administrative burden to states by eliminating the ability of states to plan ahead with certainty about the waiver process by requiring FNS approval prior to any waiver implementation. In addition to shrinking the options states can use to waive the time limit in areas with elevated unemployment, requiring FNS approval as proposed further cuts down on the ability of states to address the needs of its ABAWD population through waivers.

¹³³ According to state data. Excludes 18-49 year olds in receipt of a disability based benefit or with children under age 18.

¹³⁴ MA Department of Transitional Assistance comments to USDA on ABAWD ADPR, April 9, 2018. <https://www.regulations.gov/document?D=FNS-2018-0004-5968>

Certainly about the waiver approval process is crucial due to the lengthy amount of time states need to prepare- including systems changes, notices and outreach to households, communication with stakeholders and community partners, policy implementation and case manager training. Implementing a waiver is labor intensive and introducing uncertainty into the waiver process will not allow States the time needed to implement necessary changes that ensure they comply with the terms of the waiver. This change, in addition to the proposed changes to the parameters for waived areas, may result in increased SNAP errors and will exacerbate overall confusion.

H. The proposed rules would harm the economy and undermine Massachusetts' ability to respond to a future economic downturn.

Restricting access to SNAP for any population undermines the effectiveness of SNAP in countering the negative impact of economic downturns and increases food insecurity across our state. According to USDA's estimates, the proposed rule impacting ABAWDs would shrink SNAP by \$15 billion over the next 10 years by taking away benefits. Not only would this take food away from workers struggling to find a job or get enough hours at work, it would also shrink U.S. GDP by about \$18.3 billion and result in a reduction of jobs.

The Center for American Progress estimates that every \$1 billion in SNAP currently supports 12,748 jobs¹³⁵. In 2018, more than 780,000 workers were employed as a result of SNAP expenditures in the nation's economy. If these proposed rules were to go into effect, it would result in a loss of about 19,000 jobs in 2020 alone – more than 178,000 over the next decade.¹³⁶

Under USDA's proposed rules, up to 50,000 Massachusetts adults would lose their SNAP benefits in one year alone, triggering a decrease of nearly \$100 million in nutrition dollars, almost \$120 million in lost economic activity in the current Massachusetts economy.¹³⁷ Due to the strong ties in our state between the local food economy and SNAP, as well as the direct link between SNAP and HIP, Massachusetts farmers will also be harmed. By severely restricting the options states have to waive the time limit, when Massachusetts faces an economic downturn in the future, USDA would undermine the ability of the state to respond and ensure ABAWDs living in areas with elevated unemployment can put food on the table.

The emergency food system in Massachusetts cannot make up for the likely loss in SNAP now or in the future. If – as a conservative estimate -35,000 ABAWDs were terminated in

¹³⁵ West, Rachel and Rebecca Vallas. "Trump's Effort to Cut SNAP by Fiat Would Kill 178,000 Jobs Over the Next Decade." Center for American Progress, March 2019. <https://www.americanprogress.org/issues/poverty/news/2019/03/14/466700/trumps-effort-cut-snap-fiat-kill-178000-jobs-next-decade/>

¹³⁶ Ibid.

¹³⁷ Based on FNS data on the average ABAWD household SNAP benefit of \$163 per month <https://fns-prod.azureedge.net/sites/default/files/snap/nondisabled-adults.pdf>

Massachusetts as a result of this rule change, Massachusetts would lose almost \$70 million per year in SNAP.¹³⁸ Federal TEFAP funding (\$4.6 million in FFY18)¹³⁹ plus state funded emergency food money (\$16 million)¹⁴⁰ is designed to support the statewide emergency food delivery system for all food insecure residents – such a limited amount of money is far from sufficient to fill this gap. The four Massachusetts Food Banks, local charitable programs, and congregate meal sites simply cannot make up for such an extreme loss of SNAP in Massachusetts. This gap would only be worsened when Massachusetts faces an economic downturn on a local or statewide level in the future.

I. The Proposed Rule Should Be Withdrawn.

The Massachusetts Law Reform Institute and the Massachusetts SNAP Coalition strongly oppose the proposed changes designed to reduce the ability of our state and our local communities to respond to and bounce back from current and future economic challenges. Massachusetts' current ability to waive the ABAWD time limit in certain areas of the state has ensured that individuals struggling to find work in communities who continued to suffer after the Great Recession were able to look for work without going hungry. The proposed rules would mean that even more single adults would go hungry now and in the future.

USDA states it wants to strengthen waiver criteria to “better align with economic reality.” If that was truly USDA's goal, it would recognize and seek to address the economic realities for single adults struggling to access the job market for the multitude of evidence- based reasons discussed in these comments.

Instead, USDA's proposal is arbitrary and not evidence based. USDA does not seek to improve employment and training options, and does not take into account the realities of the job market for low-wage workers. The proposed rule does not seek to address systemic and structural barriers to employment for low-skilled workers and exacerbates barriers that very poor single adults already face in finding good, consistent jobs that pays a living wage. In fact, it undercuts the ability of our state to work with ABAWDs who need additional jobs skills or more time to get back into a good job. We strongly urge the Department to review the evidence, studies, and facts included in these comments.

¹³⁸ Ibid.

¹³⁹ USDA, TEFAP Administrative Funds And Food Entitlement Allocations, FY2018. <https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-entitlement-allocations.pdf>

¹⁴⁰ Commonwealth of Massachusetts. <https://www.mass.gov/service-details/massachusetts-emergency-food-assistance-program-mefap>

The ABAWD time limit has not resulted in increased employment and earnings in Massachusetts or any state in the nation.¹⁴¹ To the contrary, it has added to the ranks of undernourished individuals more prone to illness and less ready for work or training programs.

We strongly oppose USDA’s extremely flawed proposed rule. We encourage USDA to withdraw the proposed rule.

Sincerely,

Victoria Negus
SNAP Policy Analyst

Patricia Baker
Senior SNAP Policy Analyst

¹⁴¹ For example, after Kentucky reinstated time limits in 2017, analysis found that their health and well-being had not improved after exiting SNAP. In counties with similar economic challenges and where caseload trends were nearly identical prior to the policy change, the ABAWD caseload declined more dramatically in counties where time limits were reinstated— 44 percent compared to a 2 percent decline in the eight counties where the time limits are still waived. This case study indicates that there is no correlation between cutting off food assistance and getting a job. Waxman, Elaine and Nathan Joo. “Reinstating SNAP Work-Related Time Limits: A Case Study of Able-Bodied Adults without Dependents in Kentucky.” The Urban Institute, March 2019.
https://www.urban.org/sites/default/files/publication/100027/reinstating_snap_time_limits_1.pdf