



HB 4001: OCTOBER 2018-MARCH 2020

An overview of the impact of HB 4001 for SNAP participants who are also Able-Bodied Adults Without Dependents (ABAWD).

Acronyms

ABAWD	Abled-Bodied Adults Without Dependents
BCF	Bureau for Children and Families
DFA	Division of Family Assistance
DHHR	Department of Health and Human Resources
FNS	Food and Nutrition Service (USDA agency)
FFCRA	Families First Coronavirus Response Act
IMM	Income Maintenance Manual
ILC	Issuance Limited County
NILC	Non-Issuance Limited County
SNAP	Supplemental Nutrition Assistance Program
SNAP E&T	SNAP Employment and Training program
USDA	United States Department of Agriculture
WDB	Workforce Development Board
WIOA	Workforce Innovation Opportunity Act

Definitions

36-month period: Every 36-month period a non-exempt ABAWD in an ILC may receive up to 3 month of SNAP benefits without completing a work requirement.

ABAWD (Able-bodied Adults Without Dependents): Any individual age 18-49 who does not have a minor in their SNAP assistance group, (i.e. people that live together and who purchase and prepare meals together).

ABAWD clock: For each month that a non-exempt ABAWD does not meet the work requirement, they will receive a month on their individual clock. After receiving three months on their individual clock, the client will receive a SNAP closure letter for exhausting SNAP eligibility due to ABAWD policy.

ABAWD exemption: A verified, ongoing qualifying event that would otherwise keep an individual from meeting the ABAWD work requirement.

ABAWD work requirement: An individual must complete 20 hours per week or average 80 hours per month in a work or educational activity. For ABAWD purposes, work is defined as any activity performed for momentary compensation, in-kind services, or unpaid work (volunteering).

Non-exempt ABAWD: Any individual in the ABAWD population who does not have a minor in their SNAP assistance group and is not otherwise exempt.

SNAP E&T: A program designed for anyone age 16-60 years old, which provides SNAP clients the opportunity to gain skills, training, experience to improve opportunities and reduce reliance on SNAP benefits. SNAP E&T can assist non-exempt ABAWDs in meeting the work requirement. The only eligibility requirements to participate in SNAP E&T are (1) the individual must be actively receiving SNAP benefits; (2) the individual must be at least 16 years old; and (3) the individual must be reasonably expected to be able to gain employment upon completion of the program.

Background

On January 1, 2016, West Virginia began instituting the ABAWD work requirement to all non-exempt individuals ages 18-49 in nine pilot counties. Those ILC pilot counties included Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan, and Putnam. These nine pilot counties were chosen first due to their relatively low unemployment numbers and availability of jobs within each county. The initial 36-month period began January 1, 2016, and concluded December 31, 2018. During this 36-month period, no additional West Virginia counties began enforcing the ABAWD work requirement.

ABAWD Exemptions

- The individual has a minor in his/her SNAP assistance group.
- The individual is responsible for the care of an incapacitated person and caring for that incapacitated person must keep the client from meeting the work requirement.
- The individual is receiving Unemployment Compensation Insurance.
- The individual is certified as physically or mentally unfit for employment.
- The individual is receiving any percentage of Veteran's Administration disability income.
- The individual is pregnant, and the pregnancy has been verified.
- The individual is a regular participant in a drug/alcohol treatment facility and treatment that keeps the client from meeting the work requirement.
- The individual is a student enrolled in at least half/part-time in any recognized school, training program or institute of higher learning. Half/part-time enrollment status is defined by the school, training program or institute of higher learning.
- The individual is hired to work at least 30 hours per week or is being paid the equivalent of 30 times the federal minimum wage per week.
- The individual is homeless and receiving a discretionary exemption from the DFA.

Total ABAWD exemptions issued per county from October 1, 2018 – February 29, 2020

NOTE: For the charts following, there is no exemption data for the 15 remaining NILC counties and the last four counties that became ILC effective April 1, 2016: Clay, Fayette, Lincoln, and Wirt. The numbers below do not represent unduplicated counts of individuals receiving SNAP; these numbers are total exemptions issued. Each exemption represents one person for one month. For example, if a person were disabled and exempt for an entire calendar year during 2019, that individual would count as 12 exemptions in the totals below. The same methodology is followed for finding totals for those who met the ABAWD work requirement through employment and education.

County	Total ABAWD Exemptions 10/18 – 02/20	County	Total ABAWD Exemptions 10/18 – 02/20
Barbour	1,779	Mineral	1,868
Berkeley	83,518	Monongalia	45,195
Boone	3,026	Monroe	7,502
Cabell	97,415	Morgan	11,227
Doddridge	4,097	Ohio	28,800
Grant	1,033	Pendleton	3,905
Greenbrier	23,806	Preston	21,386
Hampshire	14,579	Putnam	32,300
Hancock/Brooke	3,829	Raleigh	9,370
Hardy	1,270	Randolph	2,665
Harrison	50,045	Ritchie	1,011
Jackson	3,270	Summers	1,587
Jefferson	26,049	Taylor	10,401
Kanawha	154,709	Tucker	3,580
Lewis	2,119	Upshur	2,966
Marion	50,332	Wayne	4,602
Marshall	2,654	Wood	9,180
Mercer	8,422	Statewide Total	729,497

Total number of non-exempt ABAWDs who met the work requirement through *Employment* from October 1, 2018 – February 29, 2020

County	Work requirement met through employment 10/18 – 02/20	County	Work requirement met through employment 10/18 – 02/20
Barbour	435	Mineral	501
Berkeley	19,842	Monongalia	11,858
Boone	313	Monroe	1,858
Cabell	22,020	Morgan	2,673
Doddridge	763	Ohio	7,615
Grant	289	Pendleton	777
Greenbrier	5,656	Preston	4,815
Hampshire	3,038	Putnam	8,286
Hancock/Brooke	1,013	Raleigh	2,111
Hardy	429	Randolph	749
Harrison	11,226	Ritchie	187
Jackson	713	Summers	318
Jefferson	5,114	Taylor	2,588
Kanawha	33,823	Tucker	921
Lewis	504	Upshur	659
Marion	12,514	Wayne	898
Marshall	670	Wood	2,474

Mercer	2,076	Statewide Total	168,726
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Total number of non-exempt ABAWDs who met the work requirement through *Education* from October 1, 2018 – February 29, 2020

County	Work requirement met through education 10/18 – 02/20	County	Work requirement met through education 10/18 – 02/20
Barbour	130	Mineral	112
Berkeley	8,077	Monongalia	4,449
Boone	257	Monroe	454
Cabell	9,002	Morgan	914
Doddridge	156	Ohio	2,467
Grant	96	Pendleton	318
Greenbrier	1,688	Preston	934
Hampshire	873	Putnam	3,230
Hancock/Brooke	305	Raleigh	774
Hardy	87	Randolph	170
Harrison	3,148	Ritchie	61
Jackson	272	Summers	121
Jefferson	2,109	Taylor	747
Kanawha	13,624	Tucker	166
Lewis	1223	Upshur	200
Marion	3,667	Wayne	431
Marshall	190	Wood	642
Mercer	775	Statewide Total	61,869

HB 4001

West Virginia House Bill 4001 was passed in 2018. The purpose of this bill is to set eligibility and fraud requirements for public assistance, specifically for SNAP participation. The bill requires DHHR to enforce the ABAWD work requirement to all non-exempt ABAWDs in ILCs and to further expand the ABAWD work requirement to additional counties.

The bill set forth that DHHR could no longer request a federal waiver to assist communities with high unemployment rates effective October 1, 2022. HB 4001 created a timetable for DHHR to systematically implement the ABAWD work requirement in all counties, regardless of the current ongoing COVID-19 pandemic, unemployment rate status or job availability in all counties.

DHHR Response

In response to the established timetable, DHHR began to implement the ABAWD work requirement in the remaining 46 counties. For a county to be exempt from the federal ABAWD rule, states must submit calculations and justification for each county seeking a waiver. A waiver lasts for a 12-month period

before a state must reapply if the waiver continues to be warranted. DHHR implemented the ABAWD work requirement for the second set of counties on October 1, 2018.

DFA continues to work extensively with county DHHR staff to develop ABAWD policy that is clear and understandable. The BCF Training Department has completed face-to-face training with each county office that has enforced the ABAWD work requirement; counties who are waived from ABAWD policy also receive annual ABAWD training.

DHHR's Division of Planning and Quality Improvement completes monthly Management Evaluations (ME) reviews for county offices. ME reviews help identify trends and issues, and provide accountability for DHHR's corrective action plan with FNS.

Counties and ABAWD implementation dates: 40 West Virginia counties are currently operating as ILCs

January 1, 2016 - Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan, and Putnam counties

January 1, 2019 – Doddridge, Greenbrier, Hampshire, Monroe, Morgan, Ohio, Pendleton, Preston, Taylor, and Tucker counties

January 1, 2020 – Barbour, Boone, Brooke, Grant, Hancock, Hardy, Jackson, Lewis, Marshall, Mercer, Mineral, Raleigh, Randolph, Ritchie, Summers, Upshur, Wayne, and Wood counties

April 1, 2020 – Clay, Fayette, Lincoln, and Wirt counties [Under the new rules(see *Rules Changes on the Federal Level*), these counties were expected to roll out ABAWD work requirements in April 2020. Due to the COVID-19 pandemic, the Families First Coronavirus Response Act temporarily waived ABAWD work requirements and time limits nationwide effective April 1, 2020.]

* There are 15 remaining counties that must become ILC by October 1, 2022 per HB 4001: Braxton, Calhoun, Gilmer, Logan, Mason, Mingo, McDowell, Nicholas, Pleasants, Pocahontas, Roane, Tyler, Webster, Wetzel and Wyoming counties.

SNAP closure due to non-compliance of ABAWD work requirements

After receiving three months of SNAP, if a non-exempt ABAWD is not meeting the work requirement, their SNAP eligibility will cease for non-compliance. Individuals whose SNAP eligibility is closed for non-compliance receive a closure letter explaining their failure to meet the work requirement.

The following chart shows the total number of individuals per county whose SNAP eligibility closed due to non-compliance with the ABAWD work requirement from October 2018 – December 2018 and April 2019 – February 2020. There is no data represented from January 2019 – March 2019; the West Virginia 36-month clock restarted effective January 2019 and no individuals lost SNAP due to non-compliance with the ABAWD work requirement during this period. The counties included in the chart are issuance limited and required to enforce the ABAWD work requirement. These numbers are unduplicated counts.

County	Total number of individuals who closed due to ABAWD	County	Total number of individuals who closed due to ABAWD
Barbour	4	Mineral	2
Berkeley	599	Monongalia	465
Boone	0	Monroe	136
Cabell	1,379	Morgan	99
Doddridge	104	Ohio	489
Grant	5	Pendleton	50
Greenbrier	461	Preston	253
Hampshire	231	Putnam	272
Hancock/Brooke	4	Raleigh	10
Hardy	6	Randolph	9
Harrison	626	Ritchie	1
Jackson	7	Summers	2
Jefferson	208	Taylor	159
Kanawha	1,828	Tucker	44
Lewis	5	Upshur	2
Marion	611	Wayne	7
Marshall	3	Wood	5
Mercer	7	Statewide Total Closures	8,093

Total dollar amount of SNAP withheld due to ABAWD closure and the estimated fiscal impact on SNAP retailers

To find the total dollar amount of SNAP withheld due to non-compliance and the estimated fiscal impact on the local economy, the SNAP Policy Unit looked at each individual SNAP case where the benefits were closed/reduced due to ABAWD. To find the net change in SNAP issuance, DHHR used the SNAP allotment amount of the household for the month prior and subtracted the SNAP allotment the month following ABAWD closure/reduction. This net change was then multiplied by the number of months remaining until February 2020 (the end month of analysis due to the pandemic) minus any months in which the individual received SNAP benefits due to meeting the work requirements or a later exemption.

Formula: Total SNAP dollars withheld = (\$ amount prior to closure - \$ amount after closure) * (number of months remaining until 02/2020 – eligible months received after closure until 02/2020)

Example: A 2-person SNAP household containing 1 non-exempt ABAWD experiences a reduction in SNAP on April 30, 2019, due to non-compliance with ABAWD. The SNAP amount the month prior was \$357, the month following the reduction was \$121, multiplied by 10 months remaining in the certification period. $\$357 - \$121 = -236 * 10 = -\$2,360$

In this example, \$2,360 is the amount of SNAP lost to the individual, the local economy and SNAP retailers. In the chart below, the individual case amounts were added together and are broken down per county. The county totals then were added to get the statewide SNAP dollar amount withheld due to non-compliance with the ABAWD work requirement from October 1, 2018 – February 29, 2020. The amounts are listed as negative amounts to show the loss of economic activity in West Virginia.

County	Total SNAP dollar amount withheld due to ABAWD non-compliance	County	Total SNAP dollar amount withheld due to ABAWD non-compliance
Barbour	-\$530	Mineral	-\$388
Berkeley	-\$581,930	Monongalia	-\$444,151
Boone	-\$0	Monroe	-\$147,890
Cabell	-\$1,385,312	Morgan	-\$85,534
Doddridge	-\$119,404	Ohio	-\$475,377
Grant	-\$194	Pendleton	-\$51,849
Greenbrier	-\$510,792	Preston	-\$264,952
Hampshire	-\$280,890	Putnam	-\$214,910
Hancock/Brooke	-\$570	Raleigh	-\$1,843
Hardy	-\$388	Randolph	-\$1,320
Harrison	-\$629,414	Ritchie	-\$388
Jackson	-\$769	Summers	-\$388
Jefferson	-\$189,333	Taylor	-\$167,800
Kanawha	-\$1,716,709	Tucker	-\$41,909
Lewis	-\$1,676	Upshur	-\$194
Marion	-\$581,221	Wayne	-\$806
Marshall	-\$381	Wood	-\$937
Mercer	-\$769	Statewide SNAP dollar amount withheld due to ABAWD non-compliance	-\$7,900,918

Rule changes on the federal level

For the first two ABAWD rollouts (January 1, 2016 and January 1, 2019), FNS allowed states to request ABAWD waivers for counties using information from multiple sources to verify lack of jobs in an area. States could use unemployment rates, federal labor surplus area designation, academic studies, and other information from local organizations showing a lack of jobs and workforce participation. West Virginia requested waivers using data regarding labor surplus areas

Effective December 5, 2019, USDA changed the regulations for types of justification states can submit to receive ABAWD waivers for individual counties. The new rules use a 6% unemployment national floor; counties can be waived only if unemployment exceeds 20% above the national average and unemployment rate exceeds 6%. The new rules restricted the scope of justification for ABAWD waivers to unemployment rates alone.

Previously, West Virginia could seek individual waivers for counties using data specific to that county. Under the new regulations, information for unemployment rates must be based on labor market area information (metropolitan and micropolitan data), if available. Additionally, the sources of information states may use have been limited to the U.S. Bureau of Labor Statistics and Workforce WV.

The effect of the federal rule change caused rural counties with above average unemployment rates to implement ABAWD prior to October 1, 2022, as mandated by state law. Under the prior rules for determining ABAWD implementation, Clay, Fayette, Lincoln, and Wirt counties would have continued to be waived.

SNAP Employment and Training

In West Virginia, SNAP E&T is a voluntary program. An individual cannot lose their SNAP benefits solely due to not participating in SNAP E&T. The program is a means to connect SNAP participants with job readiness, skill building, career training or vocational programs, apprenticeships and higher education through local community and technical colleges.

Case management services through SNAP E&T are delivered through the WV Workforce Development Board system's seven regions. Through the WDBs, eligible SNAP recipients have access to WIOA programming and training. WDBs maintain up-to-date local resources and career opportunities to assist SNAP participants in meeting goals and reducing reliance on SNAP. Participation in an eligible SNAP E&T activity can help the SNAP participant meet the ABAWD work requirement.

DHHR workers are required by IMM policy 17.2.1 to explain how participating in SNAP E&T can help a client meet the ABAWD work requirement and must ask the client if they would like to volunteer for SNAP E&T services at each eligibility interview. If the client chooses to not participate with the SNAP E&T program, they may choose to participate with another state or federally managed employment and training program or meet the ABAWD work requirement independently.

Chart #1 is a breakdown of individuals who met the work requirement by participating in SNAP E&T and their corresponding approved SNAP E&T activity from October 1, 2018 – February 29, 2020. These totals are not unduplicated. There is possibility that a client could participate in SNAP E&T more than once due to the program being voluntary. Chart #2 contains the total number of ABAWDs per county who met the work requirement through SNAP E&T. These totals are unduplicated.

SNAP E&T Chart #1

SNAP E&T approved activity/eligibility system components	Total individuals who met ABAWD work requirement using SNAP E&T components
AB – Adult Basic Education	66
CF – Community Service	16
CL – College	5
FU – Full-Time Employment/Unsubsidized	26
HS – High School Equivalency	7
JS – Supervised Job Search	302
LS – Literacy Skill	0
PU – Part-Time Employment/Unsubsidized	322
VT – Vocational Training	19

SNAP E&T Chart # 2

County	Total number of individuals who participated in SNAP E&T to meet ABAWD work requirement	County	Total number of individuals who participated in SNAP E&T to meet ABAWD work requirement
Barbour	3	Mineral	2
Berkeley	93	Monongalia	59

Boone	1	Monroe	0
Cabell	61	Morgan	14
Doddridge	12	Ohio	27
Grant	0	Pendleton	5
Greenbrier	2	Preston	32
Hampshire	21	Putnam	34
Hancock/Brooke	4	Raleigh	4
Hardy	0	Randolph	2
Harrison	106	Ritchie	2
Jackson	1	Summers	0
Jefferson	34	Taylor	33
Kanawha	59	Tucker	6
Lewis	5	Upshur	1
Marion	89	Wayne	4
Marshall	1	Wood	5
Mercer	41	Statewide SNAP E&T participation	763

Moving forward into FY2021

The data presented in this document is from October 2018 – February 2020. Data from March 2020 – August 2020 was excluded from this document due to skewed numbers caused by the ongoing COVID-19 pandemic. The Families First Coronavirus Response Act (FFCRA) temporarily waived the ABAWD work requirement and time limits effective April 1, 2020.

ABAWD policy is expected to be reinstated the month following the month the public health crisis is lifted on the federal level. FNS recently clarified that any months received by a non-exempt ABAWD prior to the onset of the pandemic are waived. Any months received from January 2019 – March 2020 are no longer an eligibility factor for SNAP. All SNAP households containing non-exempt ABAWDs will have zero months on their ABAWD clock post pandemic.

Due to high unemployment rates attributed to the ongoing COVID-19 pandemic, no additional counties are expected to begin implementing the ABAWD work requirement during fiscal year 2021. The 40 existing ILC counties will remain as ILC for 2021.

During the pandemic, BCF remains committed to delivering correct, timely benefits to individuals in their most vulnerable time. DHHR county offices continue to maintain up-to-date community resource lists that include information on local education and training programs available for participants, and will continue to assist in locating work opportunities that interest the client and lead to decreased reliance on public assistance.