

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 700

BY SENATOR CLEMENTS

[Introduced February 21, 2022; referred
to the Committee on the Workforce]

1 A BILL to amend and reenact §9-8-2 of the Code of West Virginia, 1931, as amended, relating to
2 eligibility requirements for public assistance; federal waivers from work requirements for
3 able bodied adults without dependents; and removing provision that provided that all
4 counties were ineligible for the waiver.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

§9-8-2. Work requirements.

1 (a) All able bodied adults may receive Supplemental Nutrition Assistance benefits for only
2 three months in each 36-month period. Recipients are exempt from the time limit if they are
3 employed or are participating and complying with the requirements of a work, education, or
4 volunteer program for at least 20 hours per week: *Provided*, That further exemptions may apply
5 and shall be determined in accordance with federal law: *Provided, however*, That any such
6 exemptions shall not exceed those granted by federal law.

7 (b) Beginning October 1, 2018, the department shall discontinue and shall not seek federal
8 waivers granted pursuant to 7 U.S.C. §2015(o) for Able Bodied Adults Without Dependents
9 (ABAWD) for any county that cannot be demonstrated to have, through data in conformance with
10 U.S. Bureau of Labor Statistics methodology set forth under federal law, a recent 12-month
11 average unemployment rate above 10 percent; a recent 24-month average unemployment rate
12 20 percent above the national average for the same 24-month period; qualification for extended
13 unemployment benefits; or designation as a "labor surplus area" by the U.S. Department of Labor.
14 These waivers exempt able bodied adults with no children from work requirements for receipt of
15 SNAP benefits. ~~Notwithstanding any provision in this code to the contrary, all counties shall be~~
16 ~~ineligible for any such waiver effective October 1, 2022~~

17 (c) The department shall submit a report to the Legislative Oversight Committee on Health
18 and Human Resources Accountability, no later than October 1, 2020, on the employment impact
19 of ABAWD requirements in those counties where they were implemented as of October 1, 2018.

20 The report shall include, on a county-by-county basis, information on the number of SNAP
21 recipients subject to work requirements; the number exempted from work requirements and the
22 reasons for exemption; the number of applicants denied benefits due to noncompliance with work
23 requirements; the dollar amount of benefits withheld due to noncompliance; the estimated fiscal
24 impact on SNAP retailers of withholding those benefits; the number of recipients who engaged in
25 work, education, or volunteerism in order to maintain benefits; the efforts made to assist recipients
26 with meeting work requirements in order to maintain benefits; and any such recommendations
27 pertaining to work requirements as the department deems advisable.

28 (d) If a recipient resides in a county subject to the provisions of this article, an applicant
29 shall be deemed as complying with the requirements of a work, education, or volunteer program
30 if any of the following requirements are satisfied:

31 (1) Working at least 20 hours per week, averaged monthly, or 80 hours a month;

32 (2) Participating in, and complying with, the requirements of a work force training program
33 of 20 hours per week, as determined by the department in rule;

34 (3) Volunteering 20 hours a week, as determined by the department in rule;

35 (4) Any combination of working, volunteering and/or participating in a work program for a
36 total of 20 hours per week, as determined by the department in legislative rule; or

37 (5) Participating in, and complying with, a workfare program as set out in 7 C.F.R.
38 273.24(a)(3).

39 (e) As determined by the department, if a recipient would have worked an average of 20
40 hours per week but missed some work for good cause, the recipient shall be considered to have
41 met the work requirement if the absence from work is temporary and the recipient retains his or
42 her job. Good cause includes circumstances beyond the household's control, such as, but not
43 limited to, illness, illness of another household member requiring the presence of the member, a
44 household emergency, natural disaster, a declared state of emergency due to inclement weather,
45 or the unavailability of transportation.

46 (f) If the department determines that a waiver, or an amendment to a waiver, is necessary
47 to implement a policy that complies with 7 C.F.R. 273.24, it shall request the waiver or the
48 amendment to the waiver from the United States Department of Agriculture.

49 (g) The department shall propose legislative rules in accordance with the provisions of this
50 code for a plan for implementation of the requirements set forth in this section in counties that are
51 subject to the requirements set forth in §9-8-2 (d) of this code.

NOTE: The purpose of this bill is to remove the provision that provided that all counties were ineligible for the public assistance federal waivers for able bodied adults without dependents that allows SNAP benefits without work requirements to receive the benefits.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.