

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 4, 2008

ALL COUNTY INFORMATION NOTICE NO. I-07-08

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY FOOD STAMP COORDINATORS
 FOOD STAMP EMPLOYMENT AND TRAINING
 COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order or Settlement
 Agreement
 Clarification Requested by One
 or More Counties
 Initiated by CDSS

SUBJECT: ABLE-BODIED ADULT WITHOUT DEPENDENTS (ABAWD) WAIVER
 FOR 2008-2009

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 18926

The purpose of this letter is to inform counties of their eligibility for an Able-Bodied Adult Without Dependents (ABAWD) waiver effective May 1, 2008. The waiver would last for one year beginning May 1, 2008, and ending April 30, 2009. The ABAWD work requirement will be waived for all eligible counties unless a county declines to participate. This letter also contains ABAWD policy information for eligible counties who choose to implement the ABAWD waiver and for any counties that elect not to waive the ABAWD work requirement.

County Waiver Eligibility

Welfare and Institutions Code (W&IC) Section 18926 as added by Senate Bill (SB) 68 requires the California Department of Social Services (CDSS) to annually seek a federal waiver of the ABAWD work requirement for all eligible counties. Federal food stamp law and regulation provides that the Food and Nutrition Service (FNS) may waive the ABAWD work requirement for counties that meet specified criteria.

A county can be approved for an ABAWD waiver if it has an unemployment rate above 10 percent for a recent 12-month period or if it does not have a sufficient number of jobs to provide employment for its ABAWD population. For purposes of an ABAWD waiver, an insufficient number of jobs exist if a county is designated as a Labor Surplus Area by the United States Department of Labor. An insufficient number of jobs also exist if the county has an average unemployment rate that was 20 percent above the national average for a recent period of twenty-four consecutive months. In the past, FNS has approved waivers for counties which are part of a larger region when the average unemployment rate for the region as a whole meets the 20 percent unemployment requirement. By using the average unemployment rate across several counties, an aggregate average is determined for a designated region and an ABAWD waiver can be requested for all counties within that region.

To determine counties eligibility for an ABAWD waiver, the unemployment rate for the northern and central regions of California was used. Fifty-one northern and central California counties appear to qualify for a waiver based on a collective average unemployment rate of at least 20 percent above the national average during November 2005 through October 2007.

ABAWD waiver counties

Alameda	Alpine	Amador	Butte
Calaveras	Colusa	Contra Costa	Del Norte
El Dorado	Fresno	Glenn	Humboldt
Inyo	Kern	Kings	Lake
Lassen	Madera	Marin	Mariposa
Mendocino	Merced	Modoc	Mono
Monterey	Napa	Nevada	Placer
Plumas	Sacramento	San Benito	San Francisco
San Joaquin	San Luis Obispo	San Mateo	Santa Barbara,
Santa Clara	Santa Cruz	Shasta	Sierra
Siskiyou	Solano	Sonoma	Stanislaus
Sutter	Tehama	Trinity	Tulare
Tuolumne	Yolo	Yuba	

In addition, Imperial County qualifies for a waiver based on having an average unemployment rate of at least 20 percent above the national average during November 2005 through October 2007.

Waiver Implementation and ABAWD Policies

Counties are reminded of the following:

- The county must continue to track and report the status of any ABAWD residing in the county. The status of ABAWDs must be entered as “exempt” on the Medi-Cal Eligibility Data System until April 30, 2009, or until the end of the ABAWD’s 36-month period, whichever is earlier.
- The county must not establish a 36-month calendar for a new ABAWD applicant during the waiver period or restart the 36-month calendar for any ABAWD whose 36-month period ends while the waiver is in effect.
- The county must continue to apply Food Stamp Employment and Training (FSET) program sanction requirements at Manual of Policies and Procedures (MPP) Section 63-407 and voluntary quit sanction requirements at MPP Section 63-408. This is because the ABAWD waiver has no effect on FSET participation requirements or program sanction rules. Persons under food stamp sanction shall not be approved until the sanction has been completed or they qualify for one of the work registration exemptions at MPP Section 63-407.21.
- Individuals, who were previously discontinued for failure to meet the ABAWD work requirement, and subsequently reapply for non-Assistance food stamps in a waiver county, shall be approved for benefits, if otherwise eligible. Such persons are not subject to the ABAWD work requirement so long as they live in a county where it is waived. FSET and voluntary quit sanctions do not stop when an individual moves to a county with a waiver.
- As appropriate, all counties, including waiver counties, must continue to report work registrants, ABAWDs, and FSET data on the STAT 47 and 48 reporting forms. For purposes of completing the STAT report forms and FSET plan handbook, persons who do not meet one of the ABAWD exemptions at MPP Sections 63-410.31 or .32 are still considered ABAWDs even while residing in a county with a waiver.
- The county must inform the ABAWDs residing in the county that they are not subject to the ABAWD work requirement for those months they reside in the county while the waiver is in effect.

Counties that are not eligible for an ABAWD waiver or opt out of the waiver can exempt a portion of their ABAWDs using the 15 percent ABAWD exemption. These exemptions allow counties to grant food stamps for additional months to ABAWDs who have used their three out of 36-months and whose circumstances make it difficult to satisfy the work requirement.

Counties are given the flexibility to set criteria used in granting the 15 percent exemption as well as the number of months the exemption will be granted. Illiteracy, living in remote areas, an inability to speak, read, or write English, seasonal employment, social and emotional barriers, and temporary employment of less than 20 hours per week are examples of criteria that counties have established in determining those ABAWDs that will receive the 15 percent exemption.

Procedure For Declining A Waiver

Under the provisions of W&IC section 18926, the ABAWD waiver approved by FNS will automatically take effect May 1, 2008, for every eligible county unless the county notifies CDSS via a letter from its county Board of Supervisors that it does not wish to waive the ABAWD work requirement. If your county declines to participate in a waiver, a letter from your county Board must be faxed or mailed to us no later than March 15, 2008. The letter should be sent to Robert Nevins of the Food Stamp Branch using the contact information shown below.

Robert Nevins, Food Stamp Analyst
California Department of Social Services
Food Stamp Branch
744 P Street, M.S. 16-32
Sacramento, CA 95814
E-mail: robert.nevins@dss.ca.gov
Fax: (916) 654-1295

If you have any questions concerning this letter, please contact Robert Nevins at (916) 654-1408.

Sincerely,

Original Document Signed By:

RIGHTON YEE, Chief
Food Stamp Branch