



# CCWRO Welfare News

## January 2025 Edition

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### **CalFresh/SNAP ABAWD Exemption Continued Through January 2027**

What is ABAWD? The term "ABAWD" refers to Able-Bodied Adults Without Dependents, or adults without minor children under age 6 in their custody. Federal law at 7 U.S.C. Section 2015(o) prevents needy, hungry people from receiving Supplemental Nutrition Assistance Program (SNAP) benefits to three months in any three years for ABAWDS if they are not working or accepting work. This is known as the "ABAWD time limit" for SNAP/CalFresh eligibility. An individual identified as an "ABAWD" must provide proof that he or she is doing some type of legal and compensable work, even as a "volunteer" or participating in some type of vocational training or workfare program to receive SNAP.

ABAWD Waived Through January 1, 2027. Per a January 15, 2025, email from CDSS's CalFresh Policy bureau, the United States Department of Agriculture, Food and Nutrition Services (FNS), has approved a new two-year statewide ABAWD time limit waiver in California, effective from February 1, 2025, through January 31, 2027. CDSS said that this two year waiver will replace California's current statewide waiver set to expire on October 31, 2025. On February 14, 2025, CDSS issued All County Letter No. 25-14 about the waiver approval.

The waiver approval is fantastic because application of the ABAWD rule will result in more food insecure people in an environment where poor adults, including those with children aged 6 and above, are also struggling to pay for food. There are already too many food insecure Americans, with food insecurity rising in 2022 and 2023, as grocery prices continue to increase. Forcing people to go hungry as a form of punishment for not working is draconian and mean.

ABAWD Background. Federal law, per 7 CFR 273.24, provides that states may obtain waivers if an area has an unemployment rate of over 10 percent or does not have a sufficient number of jobs to provide employment for individuals. The waiver can also be for a particular county or multiple counties or geographic region. This waiver exists because the availability of actual work for ABAWDS is strongly dependent on the availability of employment in the community generally.

ACL 25-14 specified that the recent ABAWD waiver was approved based on California having an average unemployment rate 20 percent above the national average based on the unemployment data from the Bureau of Labor Statistics for the 36-month period of December 2021 to November 2024.

Additionally, the Fiscal Responsibility Act of 2023 (FRA) increased the age for those subject to ABAWD rules. On September 1, 2023, those aged 50 and under were subject to the rule. Effective October 1, 2023, those aged 52 and under were subject. Effective October 1, 2024, those aged 54 and under were subject to the rule. And Effective October 2025, those aged 56 and under were subject to the rule. ABAWDs then, are currently in the 18 to 53 year-old age range. (The FRA designates these age changes as temporary for now; the changes will no longer be in effect on October 1, 2030.)

Further note that the FRA expanded individual exemptions from the FRA of 2023 to include:

- Homeless individuals as defined at 7 CFR 271.2, such as those in a supervised shelter; halfway houses; temporary accommodation of not more than 90 days in the residence of another; and those in places not designed for human beings.
- A veteran as defined in Section 5126(f)(23)(F) of the James M. Inhofe National Defense Authorization Act of 2023.
- Foster youth aged 24 or younger who were in care on their 18th birthday.

CDSS specified, per All County Letter 23-80, that the three-month time limit will not apply if an individual:

- Lives in a county or area with a waiver of the ABAWD time limit (as is California's case through January 2027)
- Receives a discretionary exemption
- Is exempt from the ABAWD time limit
  - Medically certified as physically unfit for employment
  - Pregnant
  - Unable to work for at least 20 hours a week because of alcohol and drug problems, or domestic violence
  - Taking care of an incapacitated person
  - A student enrolled at least half time in any recognized school, training program, or higher education institutions (7 USC Section 2015(d)(2))
- Satisfies the ABAWD work requirement

### **What is a Discretionary CalFresh/SNAP ABAWD Exemption?**

Current federal law provides that each state shall be allotted a number of discretionary exemptions equal to a percent of the state's annual SNAP caseload that is subject to the ABAWD time limit. Effective October 1, 2023, the FRA decreased the state's annual allotment of ABAWD discretionary exemptions from 12 percent to 8 percent of the caseload subject to the ABAWD time limit. In a discretionary exemption scenario, each exemption the state uses is good for one individual for one month. The federal government has also limited carrying over unused ABAWD exemptions to no more than one year.

Because the state has been granted a statewide exemption, there will be no need to rely on its discretionary exemptions through January 31, 2027, unless the federal government reneges on this approval, or changes direction.

We note three things here:

- 1) According to the FNS memo from September 30, 2024, in FY 2025, California earned no new discretionary exemptions;
- 2) The total discretionary exemption available for FY 2024 is 851,432; and
- 3) Recent changes in federal leadership makes things uncertain. There are other on-going conversations being had about the ways public benefits will change given the political fallout.

Without a statewide or other geographically based waiver, and without a discretionary exemption, individuals could still be exempt based on conditions such as pregnancy, going to school, being in a drug or treatment program, dealing with homelessness, being a former foster youth or veteran, etc. And finally, if there are no individual exemptions that could apply to an individual, they would have to participate in programming or work to receive benefits.

Future Concerns Related to SNAP, Including ABAWD. The SNAP ABAWD waivers could still face problems in the future as noted in the January 13th post from the Center on Budget and Policy Priorities by Katie Bergh, Dottie Rosenbaum and Catlin Nchako. As laid out in Project 2025, the Trump administration could likely try to:

- Dismantle some of the good work done in the FRA, and seek to reduce waivers and exemptions, by taking “food away from people living in areas with insufficient jobs, older adults up to age 65, parents of school-age children, veterans, people experiencing homelessness, and youth who have aged out of foster care by expanding SNAP’s existing harsh and ineffective work requirement.
- Force states to make deep SNAP benefit cuts and eliminate the national commitment to adequate food assistance by radically altering SNAP’s funding structure.
- End food assistance for millions of people in households who were able to modestly increase their earnings or build savings, while increasing red tape for states and participants, by gutting broad-based categorical eligibility, a long-standing SNAP option currently used by more than 40 states whose governments run the political spectrum.
- Add misguided restrictions on the types of foods participants can buy, creating stigma for low-income families and costly red tape for program administrators, retailers, and participants.”
- “Cut future benefits for all 40 million participants, including 1 in 5 children in the U.S., and make SNAP benefits increasingly inadequate to afford a healthy diet over time by restricting future updates to the Thrifty Food Plan (TFP), the basis for SNAP benefits, or immediately slash benefits for all participants more deeply by rolling back the recent TFP revision.

The situation could shift very quickly on ABAWDs. CCWRO will continue to stay abreast of this situation and share content as needed.

by Daphne Macklin and Luan Huynh

## Los Angeles County’s Laptop Policy Exposed

Los Angeles County’s Supportive Services and Ancillary Expenses Policy. The Los Angeles County Department of Public Social Services’ (LADPSS) Bureau of Program, and Policy utilizes “Call Outs” to issue policy issuances. On December 19, 2024, the Bureau of Program and Policy issued Call-Out 24-89, which provides:

*„The purpose of this Call-Out is to inform all Greater Avenues for Independence (GAIN) Regions, MAXIMUS, Refugee Employment Program (REP), and Cal-Learn Contracted staff about necessary changes to the Ancillary Supportive Services currently provided. Due to recent budget reductions, the department is reducing and/or eliminating certain Ancillary Supportive Services effective with the release of this Call-Out.*

*The below ancillary service is changed:*

*Low-Cost laptop allowance:*

*Low-cost laptop allowance issuances are reduced from \$400 to \$300*

*The below ancillary services are eliminated and should no longer be offered to participants:*

- *One-Time Employment Clothing Allowance*
- *Personal Protective Supplies*

*Although reductions and/or elimination of certain ancillary supportive services are being implemented, staff should continue to evaluate all ancillary requests and process them on an as-needed basis and in consideration of assigned activities or to accept or retain employment."*

## **History of the Welfare to Work Supportive Services and Ancillary Expenses and Legal Provisions.**

CalWORKs was implemented in 1998 to provide timely and appropriate services to assist individuals develop or use whatever capacity they can maintain and achieve for self-care or self-support, and since then, recipients (with certain exceptions) have been required to participate first in Greater Avenues for Independence (GAIN), which later became Welfare to Work (WtW). See Welf. & Inst. Code § 10001(b) and California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) § 42-701. The purpose of participation is to learn skills through education and training in degree or certificate programs that will lead to employment. Welf. & Inst. Code § 11325.23(a)(1) et. seq. Participation could include appraisals; assessments; evaluations; engaging in activities to address substance abuse, domestic violence, mental health; searching for jobs; participating in subsidized employment, etc. MPP §§ 42-711.5 et seq.

WtW participants are entitled to receive necessary supportive services to enable them to participate in the assigned WtW activity. Welf. & Inst. Code § 11323.4; MPP § 42-750.11. MPP §§ 42-750 and 751 authorizes necessary services such as mental health, substance abuse, and domestic abuse services, child care, transportation, and ancillary services to be provided under the WtW program to enable participation in an individual's chosen WtW activity. See also Welf. & Inst. Code § 11323.2(a). We highlight that supportive services also include ancillary expenses that counties are obligated to pay. WtW expenses expressly covered as ancillary expenses include "the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs." Welf. & Inst. Code § 11323.2 et. seq.; MPP § 42-751 et. seq. Determination of the necessary supportive services and ancillary expenses to be covered depends upon the activity identified in the WtW plan. For example if a degree course like graphics design requires the student to have a laptop computer that handles specialized programs to maintain satisfactory progress, then the WtW plan should include the computer with the capacity to meet the student's functional needs. (Note, to illustrate how LADPSS policy might work in our hypothetical situation, we checked to see how much a cheaper computer with graphic designs capacity would cost and found that the Acer Swift Go 14 Intel Edition laptop cost about \$650 on Amazon, more than the \$300 amount LADPSS suggests as being the upper limit).

### **Why is LA County's Low-Cost Laptop Allowance Illegal?**

All County Letter 04-04, issued by CDSS provides that a county cannot cap support services to help CalWORKs families participating in WtW activities, and to us, the \$300 (and even \$400 dollar previously in place) appears to operate like a cap by likely misleading workers to believe that they cannot approve computers that cost more than \$300.

Specifically, ACL 04-04 states the following:

*"Question #1: Can counties impose caps on ancillary service payments?"*

*Answer: No.*

*While capping necessary ancillary services is prohibited, there is no prohibition against a secondary review of proposed service costs beyond a predetermined level of expenditures. For example, under the county's written policies, a county could permit staff to authorize or pay up to a certain amount in ancillary service costs.*

*Expenditures above this amount could be subject to verification of need through a process involving a narrative explanation in the case file and a review by a supervisor.*

*However, such processing should not interfere with the individual's participation and advance payment shall be made when necessary and desired so that the participant need not use personal funds to pay for these services (see ACL No. 00-12 and MPP Section 42-750.21)."*

*Question #7: Are counties required to pay ancillary expenses for high costs items, such as equipment or supplies necessary for participation or to obtain or retain employment, or very low cost items, such as basic school supplies (e.g. notebooks and pens)?*

*Answer: Supportive services are to be made available to every participant when necessary to participate in the program activity to which he or she is assigned or to accept or retain employment. Counties must decide what is reasonable and what level of equipment is needed and may want to consider renting, leasing, or requiring students to use equipment that is available in school laboratories to meet the individual's needs, when the equipment is too expensive to purchase."*

*As stated in the response to Question #1, counties can set a limit over which additional review is required, as long as the review does not interfere with participation by the recipient."*

We acknowledge that ACL 04-04 allows the county to set a limit over which additional review is required, as long as the review does not interfere with participation by the recipient. Arguably, the \$300 may not operate as a cap and could be overridden with a review that includes additional verification of need through a narrative explanation on the case file or review, but Call Out 24-89 does not appear to explicitly state that for workers to let them know that is not the end of the analysis or steps. Instead it provides vague language saying that while the reduction in computer cost and elimination of employment clothing allowance and personal protective supplies are being eliminated, "staff should continue to evaluate all ancillary requests and process them on an as-needed basis and in consideration of assigned activities or to accept or retain employment." At the very least, this part of the Call-Out lacks nuance and may lead workers to deny needed services in violation of the law by not providing more information about the proper procedural steps to follow. Either way, LADPSS is making the bottle neck to get services even more narrow when the bottle neck needs to be widened to help people meet their needs. There is nothing equitable about this policy.

### **Why is LA County's Elimination of One-Time Employment Clothing Allowance Questionable, and Likely Illegal?**

ACL 04-04 states, "Participants should be informed about the various ancillary services available, including the availability of advance payments, and be provided an explanation that includes the cost of books, tools, fees, clothing, and other necessary costs specifically required for a job or approved WTW activities."

*ACL 04-04 further provides:*

*Question #10: Must counties pay for clothing and shoes when a participant in WTW activity other than Job Club/Job Search has a job interview?*

*Answer: Yes, if they are items necessary for a participant to secure or retain employment or participate in any other approved assignment or activity."*

Here, we simply point out that CalWORKs recipients who need clothing and even personal protective supplies should get them under state law and guidance if it is necessary for a participant to secure or retain employment, or participate in any other approved assignment or activity. For example, if a nursing student needs personal protective supplies for their internship at a hospital, LADPSS policy should not prohibit that as a blanket policy, but rather construct a policy driven by individual need. That is also the case with any clothing needed to secure or retain employment or participate in approved assignment or activity. LADPSS should rescind and or modify this policy guidance to conform to state law and guidance and to keep supportive services as widely available as possible.

Stated Reasons for the Policy Changes. Finally, the LADPSS Policy issuance Call-Out 24-98 asserts budget reductions in December 2024 as the reason for the changes. We were not able to identify any budgeted reductions, particularly as it pertains to employment services allocation for Los Angeles County, but did find a history of LADPSS not spending their "employment services" single allocation.

A CalWORKs single allocation report issued by CDSS reveals that LADPSS has not been using all of their employment service allocations for the past three years (where expenditure information has been reported). Table #1 below reveals 27% to 35% of the state allocated dollars for employment services and support expenses, like for laptops, were not fully used by LADPSS. In addition, data shows that for state fiscal year (SFY) 2024-25, \$368,747,356 was allocated to LA County for CalWORKs employment services. This represents an increase of over \$24 million year-over-year. Given that so much of the employment services allocation goes unspent and given the funding increase provided last year, we do not see the need nor the rationale to lower the threshold for computers and eliminate protective supplies and clothing needed for work.

### **Practice Pointers and Our Ask.**

Remember, if you have a client that is not receiving the support services or ancillary expenses that the WtW participant needs for satisfactory progress to comply with the program, then MPP § 42-751.3 may be beneficial. MPP § 42-751.3 specifies that when an underpayment or denial of supportive services occurs and as a result, the applicant or recipient does not receive the amount to which he or she should have received, the CWD shall pay the applicant/recipient the balance or provide supportive services equal to the full amount of the underpayment.

Further note, if the county does not provide necessary supportive services, WtW participants shall have good cause for not participating under section MPP § 42-713.21.

We encourage any legal aid providers encountering a similar situation to encourage the recipients to contest county policies that limit support services or ancillary expenses below the necessary amount needed to comply with the requirements of the WtW program. A hearing can be requested to contest any negative supportive services decision. Welf. & Inst. Code § 10950(a).

CCWRO is also interested in knowing whether 1) any other counties are limiting or terminating support services or ancillary expenses, and 2) if legal aid providers need for assistance related to supportive services. If so, please contact Grace Galligher at [Grace.Galligher@ccwro.org](mailto:Grace.Galligher@ccwro.org).

by Luan Huynh, Grace Gallagher, and Kevin Aslanian

# Get to Know Our Staff

## Heather Willoughby CCWRO CalFresh/CalWORKs Analyst

### Is there anything you would like to share about your name? If so, what?

My name is so basic they made a movie about it (Heathers'88).

When I named my child after the borough I did disaster relief in after hurricane Sandy, I thought they would be spared the same fate. Ironically, their name is trending in the top 200 baby names - so probably not

### What is it that you do at CCWRO?

I am a CalWORKs/CalFresh Analyst and I am focused on the intersection of public benefits and higher education in California.

### What are some past experiences, including work experiences, you have had that make you better prepared for your current job?

I have spent a LOT of time learning systems of power in higher education while trying to get a meal plan started for parenting students to eat in the dining halls with their kids on campus when I was in college. The administration on campus was not very open to the idea and tried to dissuade me initially. It pushed me toward student government, to try and resolve that issue and others that were specific to other parenting students. They helped me escalate the issues to UCOP - the office of the president for the UC. UCOP had myself, other students, and administrators that were also invested in these issues prepare a white paper to all the UC's for guidance on the issues and best practices to resolve them.

I was later hired by the university that I had attended to help distribute funds and create programming for student parents via the Coronavirus Aid, Relief, and Economic Security (CARES) Act. It was an excellent opportunity to understand what challenges impede supporting this population from the administrative side.

### What are your view(s) about welfare benefits?

For a system that is supposed to promote self reliance, it does a pretty good job of setting people up for failure. The "safety net" has a lot of shame imbued in it. It doesn't really account for the totality of the fiscal cliff you can experience once you transition off of benefits.

It is necessary, especially in this individualistic society, to fill that space that an extended family or village once held. But it could be better. Having a personal lived experience with being on aid has led me to the conclusion there is a lot of work that needs to be done to make the system more user friendly and holistic.

### What is a law or laws that you like or think is important?

I first met Kevin, CCWRO's Executive Director, when he was running [SB 1232](#). It was my first experience in the Capitol and I had little knowledge beyond "[I'm Just a Bill](#)" as to how the whole process played out. It really alleviated some of the pessimism I had toward the "system" when the bill passed and I was able to see the people it was helping in real time. It was really satisfying working with students after the bill had passed, knowing that they would now be getting money for books and supplies upfront, before the term started.

It really inspired me to stay engaged with the legislative process. I have had the opportunity to advocate for a few more bills in the last few years that resonated with policy issues important to me. California Competes and Ed Trust West co-lead the Student Parent Alliance in California which has had two successful bills concurrently: AB 2881 and AB 2458. These bills provide better website information, data collection, cost of attendance adjustments and priority registration for student parents.

### **Who inspires you? Why?**

There are multiple student parents who have earned PhD's that I admire with all my heart. Their research makes me believe that someday, I too, can reach that level of expertise. Many of them give back to our student parent community far more than their current positions in policy and academia call for.

I am also really inspired by Kevin Aslanian, my boss. He unapologetically fights for what he thinks is right. He has an extraordinary level of understanding of all the systems that intersect with the benefits world and a level of policy recall that I can only aspire to have some day.

What has drawn me to all these individuals is their intense desire to make a difference coupled with their deep knowledge. They don't gatekeep... they bring people in and lift them up. I have really been blessed to see the positive changes that they continue to influence.

### **What else would you like us to know about you or anything that matters to you?**

I never thought I would be a parent and it was absolutely never something that I thought I could take on by myself. But life had other plans for me. During a difficult pregnancy, I had to apply for CalWORKs, CalFresh and Medi-Cal to survive; I had no support and no job. I utilized the two year work exemption to heal and bond with my baby. I often didn't have enough to make ends meet, especially because toiletries and diapers were never calculated into my grant budget. It felt very isolating.

I consider myself lucky for having chosen an educational pathway for my welfare to work activity. It gave me a level of social capital that helped me navigate so many of the complexities of experiencing motherhood alone. There were wrap-around services that supported me beyond what my county was able to offer through CalWORKs or CalFresh. For example, I could visit the on campus dentist, physician and therapist; make it to three classes; and still arrive at the on campus childcare by 5 p.m. I was able to build community with other students that had children. They became the "village" that I didn't have outside the university. We would trade off childcare and parenting tips during all night study sessions.

Today, I am as close with most of these families as traditional students in sororities and fraternities might be with their sisters and brothers. I needed welfare benefits to keep our basic needs met - but I needed social interaction and a sense of belonging just as much. This is why I am committed to promoting higher education as an economic pathway to social mobility for families.

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