

# West Virginia Policymakers Will Soon Lose Power to Use SNAP Flexibilities to Address Economic Downturns if Action is Not Taken

By Rhonda Rogombe and Kelly Allen  
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## Background

In May 2016, West Virginia implemented a pilot program that placed time limits on Supplemental Nutrition Assistance Program (SNAP) eligibility for adults without children in the home (officially referred to as “able-bodied adults without dependents” or “ABAWDs”) across nine counties.<sup>1</sup> Under these time limits, those affected were ineligible for SNAP if they could not meet certain work requirements. Despite the pilot project’s overwhelming failure to increase employment among impacted folks and clear role in increasing food and economic insecurity, in 2018 West Virginia legislators passed a law, HB 4001, implementing these time limits statewide. This legislation will go into effect later this year while also ending state authority to waive the time limits in future economic downturns.<sup>2</sup> While the federal government has suspended these time limits for the duration of the COVID-19 public health emergency, without further legislative action, HB 4001 will soon apply to adults without dependents in the home across the entire state – regardless of available job opportunities, the unemployment rate, or other factors that may impact these individuals.<sup>3</sup> In addition to a lack of beneficial impact on SNAP enrollees, SNAP time limits harm West Virginia’s economy as the state forgoes millions of dollars that circulate beyond food purchases annually. In transferring the state’s authority to make nuanced food policy decisions to the federal government, West Virginia lawmakers fail to address hunger needs and relinquish their power to address economic downturns in the future. Fortunately, state lawmakers can pass legislation to stop the ticking clock that will soon take away their ability to address future recessions and regional variances in our economy.

## Key Findings

- SNAP time limits in West Virginia and in other states have increased hunger and food insecurity without meeting key goals of increasing employment among impacted SNAP recipients.<sup>4</sup>

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<sup>1</sup> DHHR Announces Changes in Supplemental Nutrition Assistance Program - Able-bodied Adults Without Dependents Must Meet Work Requirements. Retrieved from <https://dhhr.wv.gov/News/2015/Pages/DHHR-Press-Release---DHHR-Announces-Changes-in-Supplemental-Nutrition-Assistance-Program.aspx>.

<sup>2</sup> HB 4001, West Virginia Legislature 2018.

<sup>3</sup> USDA Federal Nutrition Service. SNAP – Families First Coronavirus Response Act and Impact on Time Limit for Able-Bodied Adults Without Dependents (ABAWDs). Retrieved from <https://www.fns.usda.gov/snap/ffcra-impact-time-limit-abawds>.

<sup>4</sup> Urban Institute, *The Impact of SNAP Able Bodied Adults Without Dependents (ABAWD) Time Limit Reinstatement in Nine States*. Retrieved from [https://www.urban.org/sites/default/files/publication/104451/the-impact-of-snap-able-bodied-adults-without-dependents-abawd-time-limit-reinstatement-in-nine-states\\_0.pdf](https://www.urban.org/sites/default/files/publication/104451/the-impact-of-snap-able-bodied-adults-without-dependents-abawd-time-limit-reinstatement-in-nine-states_0.pdf).

- The SNAP program is fully federally funded, meaning that when residents lose benefits, the state saves no money and merely forgoes federal dollars that positively impact our state’s economy. In fact, the state may spend more money and manpower by having to increase use of individual exemptions with the loss of ability to apply for regional waivers.
- Without further legislative action, on October 1, 2022, state policymakers will lose the ability to address future economic downturns or regional variances in our economy by waiving SNAP time limits, transferring that authority to the federal government.<sup>5</sup> Waivers will no longer be available even during future recessions or in regions where unemployment rates are greater than 10 percent.
- Thirty West Virginia counties would currently be eligible for time limit waivers, as they are designated as Labor Surplus Areas (LSAs), with an unemployment rate that is significantly higher than the national average.<sup>6</sup> However, HB 4001 precludes the West Virginia Department of Health and Human Resources from applying for waivers for these counties or any counties in perpetuity.
- Able-bodied adults without dependents who are targeted by this policy are far more likely than the average population to face significant barriers that can prevent them from finding work, including mental and physical disabilities, criminal records, homelessness, lack of a driver’s license and access to transportation, and more.<sup>7</sup>

## SNAP Overview

The Supplemental Nutrition Assistance Program (SNAP, formerly known as the Food Stamp Program) is the most powerful anti-hunger tool in the United States. Serving 21 million households nationally, the program provides critical access to food and nutritional assistance for individuals and families with low incomes.<sup>8</sup> In West Virginia, SNAP served 151,000 households as of December 2021.<sup>9</sup> As Figure 1 indicates, the program is tremendously responsive to economic downturns, such as that triggered by the COVID-19 pandemic. At the cornerstone of anti-poverty and anti-hunger, SNAP is crucial to accessibility and affordability of adequate nutrition.

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<sup>5</sup> HB 4001, West Virginia Legislature 2018.

<sup>6</sup> US Department of Labor, Fiscal Year 2022 Labor Surplus Areas.

<sup>7</sup> Ohio Association of Foodbanks, *Comprehensive Report Able-Bodied Adults Without Dependents*. Retrieved from [http://admin.ohiofoodbanks.org/uploads/news/ABAWD\\_Report\\_2014-2015-v3.pdf](http://admin.ohiofoodbanks.org/uploads/news/ABAWD_Report_2014-2015-v3.pdf).

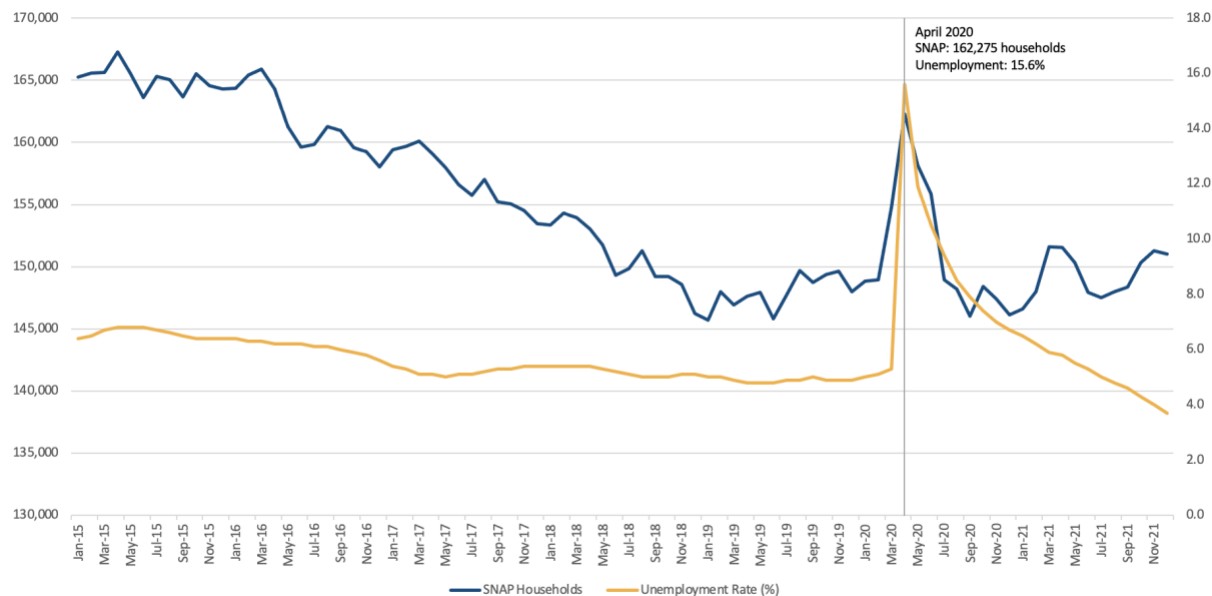
<sup>8</sup> US Department of Agriculture, October 2021 US Summary of Nutrition Assistance Programs Report.

<sup>9</sup> WV Department of Health and Human Resources, January 2022 Monthly Report to the Secretary.

Figure 1

## SNAP Is Responsive to Economic Downturns

West Virginia SNAP enrollment by household and unemployment rate, January 2015 to December 2021



**Alt-text:** Line graph showing positive correlation between SNAP enrollment and unemployment, where both peaked in April 2020.

**Source:** West Virginia Department of Health and Human Resources, US Bureau of Labor Statistics

SNAP is also an essential revenue source in the Mountain State. The federal government fully funds SNAP, which means that the state does not need to contribute any of its own funds in order to receive these dollars. West Virginia splits administrative costs with the federal government. With over 2,000 participating retailers across the state, including farmers’ markets and small businesses, SNAP funds go beyond their core mission to feed families.<sup>10</sup>

Averaging \$263 per month per household for groceries in December 2021, SNAP connects recipients to nutritious foods while increasing their overall purchasing power, which contributes both directly and indirectly to the state economy.<sup>11</sup> In Fiscal Year (FY) 2019, SNAP circulated \$398 million through our economy while costing the state just \$17 million for administrative expenses – a ratio of 24 federal dollars per every state dollar. And of note, these funds go beyond the SNAP program – they multiply across the economy. For every dollar spent, SNAP generates \$1.54 across the economy as of FY 2019.<sup>12</sup>

<sup>10</sup> Bolen, Ed, and Elizabeth Wolkomir. *SNAP Boosts Retailers and Local Economies*. Retrieved from <https://www.cbpp.org/sites/default/files/atoms/files/8-29-17fa.pdf>.

<sup>11</sup> WVCBP analysis of WV Department of Health and Human Resources January 2022 Monthly Report to the Secretary. Divided total benefits by number of SNAP households.

<sup>12</sup> Canning, Patrick, and Brian Stacy. *The Supplemental Nutrition Assistance Program (SNAP) and the Economy: New Estimates of the SNAP Multiplier*. Retrieved from <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8907.3>.

The COVID-19 pandemic has only amplified SNAP's importance and impact across the Mountain State as emergency funds mitigated hunger throughout the crisis.

## Time Limits for Able-Bodied Adults Without Dependents

Like many social safety net programs, SNAP has requirements that differ based on income, family structure, and other variables. One population which is specified in SNAP is referred to as “able-bodied adults without dependents” or ABAWDs. Since the passage of the 1996 Farm Bill, ABAWDs cannot receive more than 90 days of SNAP benefits over a three-year period.<sup>13</sup> After that period, these individuals must meet reporting requirements that they work or volunteer 20 hours per week to maintain enrollment. In West Virginia, 18- to 49-year-olds who do not have children in the home are considered ABAWDs – regardless of if they have children who are dependent on them but do not live in their home. This requirement has been linked to increased food and economic insecurity in impacted populations.<sup>14</sup>

Available data shows that ABAWDs are among the poorest and most vulnerable populations served by SNAP, though they make up only a small fraction of all SNAP participants. Nationally, over one-quarter of childless adults who receive SNAP benefits have less than a high school education and more than half only have a high school diploma or GED.<sup>15</sup> An Ohio study of 5,000 ABAWDs found that this population faced significant barriers to work including lack of transportation, lack of a driver's license, mental and/or physical disabilities (though they may not qualify for full disability), and criminal records. Each of these factors can make it incredibly difficult for someone to secure and keep a job. Additionally, these are populations that can be difficult to serve through case management, meaning that even if someone qualifies for an exemption, they may not be able to navigate the bureaucratic red tape required to receive one.<sup>16</sup>

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<sup>13</sup> US Department of Agriculture, *A Short History of SNAP*. Retrieved from <https://www.fns.usda.gov/snap/short-history-snap>.

<sup>14</sup> Wheaton, Laura et. Al, *The Impact of SNAP Able-Bodied Adults Without Dependents (ABAWD) Time Limit Reinstatement in Nine States*. Retrieved from <https://www.urban.org/sites/default/files/publication/104451/the-impact-of-snap-able-bodied-adults-without-dependents-abawd-time-limit-reinstatement-in-nine-states-0.pdf>.

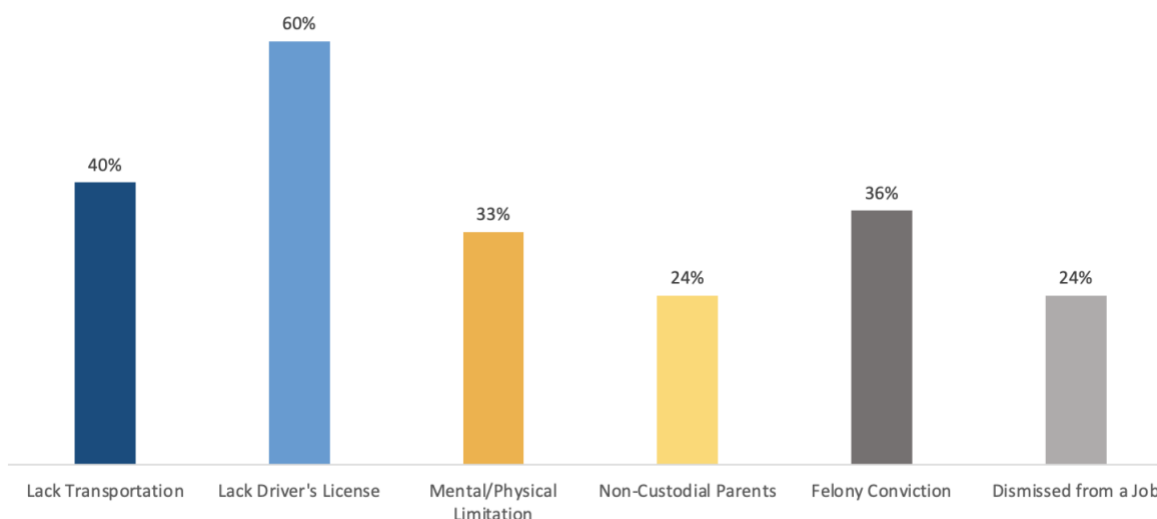
<sup>15</sup> Carlson, Rosenbaum, and Keith-Jennings. *Who Are the Low-income Childless Adults Facing Loss of SNAP in 2016?* Retrieved from <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>.

<sup>16</sup> Ohio Association of Foodbanks, *Comprehensive Report Able-Bodied Adults Without Dependents*. Retrieved from [http://admin.ohiofoodbanks.org/uploads/news/ABAWD\\_Report\\_2014-2015-v3.pdf](http://admin.ohiofoodbanks.org/uploads/news/ABAWD_Report_2014-2015-v3.pdf).

Figure 2

### Low-Income ABAWDs Receiving SNAP Face Many Barriers

Profile of ABAWDs on SNAP referred to work experience program in Franklin County, Ohio



**Alt-text:** Bar graph showing ABAWD characteristics, where they are more likely to face barriers that prevent them from working.

**Source:** Association of Foodbanks, 2015

The state agency that administers SNAP, the Department of Health and Human Resources (DHHR), can utilize both individual and group exemptions from ABAWD time limits. An individual ABAWD can receive an exemption from the time limit for several reasons including having a minor in their care, caring for an incapacitated adult, being enrolled in school, or being certified as physically or mentally unfit for employment.<sup>17</sup> DHHR can also request waivers from the Food and Nutrition Service (FNS) to exempt all ABAWDs in regions that have either an unemployment rate greater than 10 percent or a “lack of sufficient jobs” as defined by the U.S. Department of Labor.<sup>18</sup> Prior to 2016, West Virginia received this waiver for every county, minimizing food insecurity across the state while maximizing the number of federal dollars circulating in our state economy.

A Labor Surplus Area (LSA) is defined as a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states. LSAs are regions which would receive a waiver from the SNAP ABAWD time limits were it to be requested by the state SNAP agency. Figure 3 underscores that in FY 2022, 30 West Virginia counties would be eligible for such waivers, ensuring that individuals living in areas experiencing higher than average unemployment can receive critical SNAP benefits.<sup>19</sup>

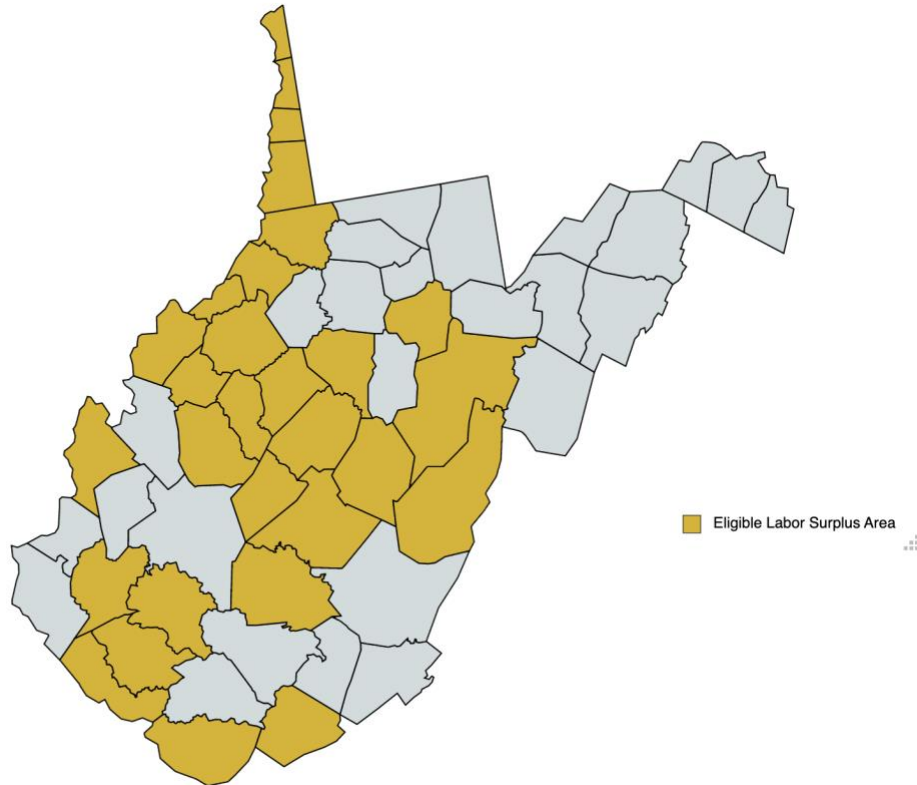
<sup>17</sup> WV Department of Health and Human Resources. *HB 4001: October 2018- February 2020*.

<sup>18</sup> US Department of Agriculture Food and Nutrition Service. *Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents (ABAWD)*. Retrieved from <https://www.fns.usda.gov/snap/guide-supporting-requests-waive-time-limit-abawd>.

<sup>19</sup> US Department of Labor, Fiscal Year 2022 Labor Surplus Areas.

Figure 3

**Over Half of West Virginia Counties Eligible for ABAWD Time Limit Waivers**  
Counties eligible for ABAWD time limit waivers due to labor surplus, FY 2022



**Alt-text:** Map showing Labor Surplus Areas, where over half of West Virginia counties have job shortages that make them eligible for an ABAWD time limit waiver.

**Source:** US Department of Labor

### **Able-Bodied Adults Without Dependents Pilot Program**

In 2016, waivers were eliminated, and time limits were reinstated for ABAWDs in the nine West Virginia counties with the lowest unemployment rates.<sup>20</sup> Table 1 lists these counties and their respective unemployment rates at the time of implementation, as well as the statewide and national averages. Notably, not only are the unemployment levels comparable to the overall state average, but unemployment in these nine counties outpaced that of the United States overall during the same period.<sup>21</sup>

<sup>20</sup> DHHR Announces Changes in Supplemental Nutrition Assistance Program - Able-bodied Adults Without Dependents Must Meet Work Requirements. Retrieved from <https://dhr.wv.gov/News/2015/Pages/DHHR-Press-Release---DHHR-Announces-Changes-in-Supplemental-Nutrition-Assistance-Program.aspx>.

<sup>21</sup> US Bureau of Labor Statistics, The Employment Situation – May 2018. Retrieved from [https://www.bls.gov/news.release/archives/empsit\\_06012018.pdf](https://www.bls.gov/news.release/archives/empsit_06012018.pdf).

Table 1

**Unemployment in Nine-County Pilot Comparable with State and National Average  
Counties and unemployment rates, May 2018**

County	Unemployment Rate (%)
Berkeley	4.0
Cabell	4.5
Harrison	4.2
Jefferson	3.2
Kanawha	4.9
Marion	5.4
Monongalia	3.8
Morgan	4.0
Putnam	4.6
<b>Nine-County Average</b>	<b>4.3</b>
<b>West Virginia Average</b>	<b>5.3</b>
<b>United States Average</b>	<b>3.8</b>

**Alt-text:** Table detailing unemployment in each of the nine counties in pilot program, where the overall average is comparable to state and national unemployment levels.

**Source:** West Virginia State Budget Office

By opting out of the ABAWD waiver for the nine counties with the most economic opportunity, officials suggested that employment would increase among the impacted populations. Instead, analyses found that food and economic insecurity within impacted communities increased while employment numbers saw no significant change. Tying work requirements to food accessibility was primarily effective at reducing the number of people enrolled in SNAP, without any evidence that their economic security or job status improved.

An analysis conducted and published by DHHR in 2017 asserted that their “best data *did not indicate* that the [nine-county pilot program] has had significant impact on employment figures” where it was applied. Instead, over 5,400 otherwise eligible West Virginians lost their SNAP benefits, and with it, critical access to healthy and nutritious foods. Over the same time period, less than two percent of SNAP enrollees who were referred to SNAP’s Employment and Training (E&T) program were connected with employment, likely meaning many lost food benefits with no improvement in their economic stability – increasing hunger and economic insecurity.<sup>22</sup>

Furthermore, DHHR’s analysis of the nine-county pilot program confirmed that the state saved no money by cutting these individuals’ benefits and that “benefits not paid out... [cannot] be used for other cases or other purposes; these are simply Federal dollars that will no longer be circulating the WV economy.” In fact, this program directly cost impacted West Virginia folks and the Mountain State over \$13 million just in the first year.<sup>23</sup> When accounting for its total direct and indirect economic impact, the first year of the nine-county pilot cost West Virginia over \$20 million as each SNAP dollar generates

<sup>22</sup> WV Department of Health and Human Resources, *ABAWD FAQs*. Retrieved from <https://s3.documentcloud.org/documents/5691221/ABAWD-FAQs-03-02-2017.pdf>.

<sup>23</sup> DiStefano, Seth. *SNAP Work Requirements Are Increasing Food Insecurity*. Retrieved from <https://wvpolicy.org/snap-work-requirements-are-increasing-food-insecurity/>.

\$1.54 in economic activity as it circulates the state. This figure equals nearly 0.03 percent of the state’s gross domestic product in FY 2018.<sup>24</sup>

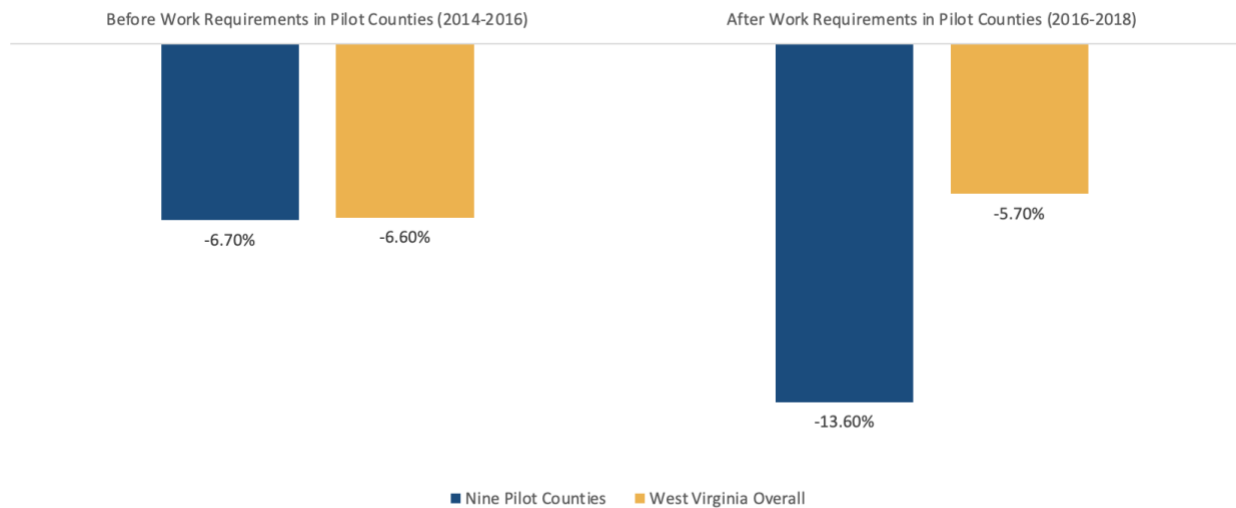
The West Virginia Center on Budget and Policy’s (WVCBP) findings reflect those of DHHR and other experts. In September 2019, the WVCBP analyzed the impact of the nine-county pilot from a different perspective.<sup>25</sup> Figure 4 demonstrates that while changes in SNAP caseloads were comparable between the nine counties and the rest of the state prior to the pilot’s implementation, in the following two years, caseloads dropped by over twofold for counties in the pilot program compared to the state overall average during the same period. This statistic indicates that otherwise eligible enrollees lost SNAP coverage, likely including individuals who were meeting the requirements but did not successfully navigate the increased red tape and paperwork, as has been seen with Medicaid work requirements.

Like DHHR, the WVCBP analysis also found that the SNAP work requirements had virtually no impact on employment. Figure 5 shows that the nine counties had identical employment growth relative to the rest of the state before the pilot program began. However, in the several years post-implementation, West Virginia’s overall employment growth outpaced that of the nine counties by a ratio of two to one.

Figure 4

### Nine Pilot Counties Experienced Sharp Reduction in SNAP Caseloads After Work Requirements Implemented

Percent change in SNAP caseloads, before and after work requirements enacted in nine pilot counties



**Alt-text:** Waterfall graph showing impact of work requirements on SNAP enrollment, where SNAP enrollment in the pilot counties dropped 13.6 percent after work requirements were implemented, compared with 5.7 percent in the state overall.

**Source:** WVCBP analysis of WV Department of Health and Human Resources data

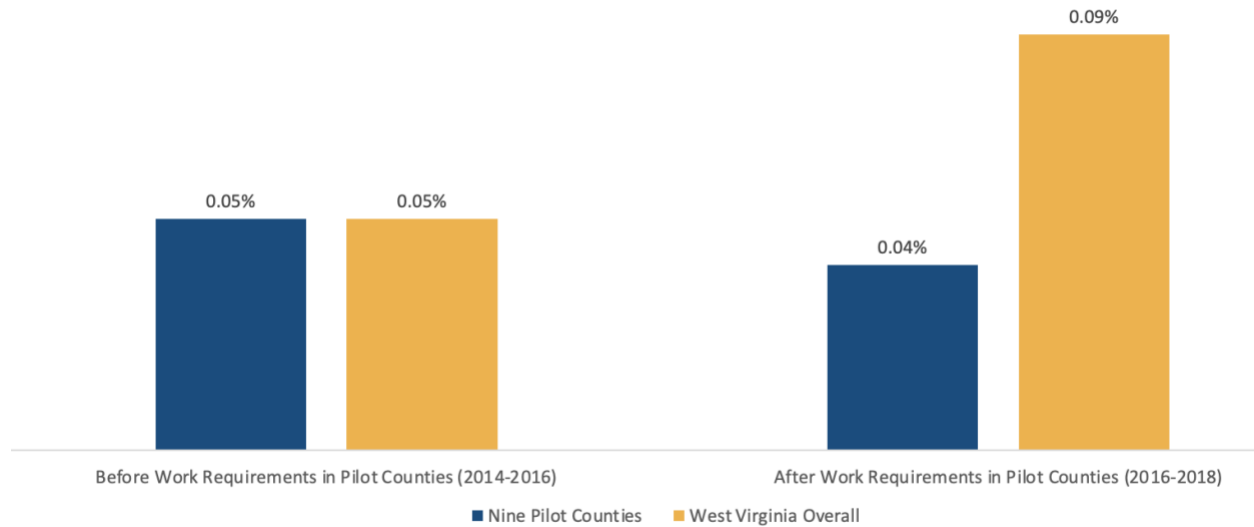
<sup>24</sup> WVCBP analysis of WV Department of Health and Human Resources data. Total economic impact multiplied by 1.54 SNAP multiplier, over GDP.

<sup>25</sup> DiStefano, Seth. *SNAP Work Requirements*, 2019.



Figure 5

**No Strong Correlation Found between SNAP Work Requirements and Employment**  
Average monthly employment growth before and after SNAP work requirements implemented in pilot counties, nine-county pilot and West Virginia overall, May 2014 to May 2019



**Alt-text:** Bar graph showing impact of work requirements on job growth, where overall state employment grew faster than in nine-county pilot program by a ratio of two to one.

**Source:** WVCPB analysis of US Bureau of Labor Statistics data, Local Area Unemployment Statistics data

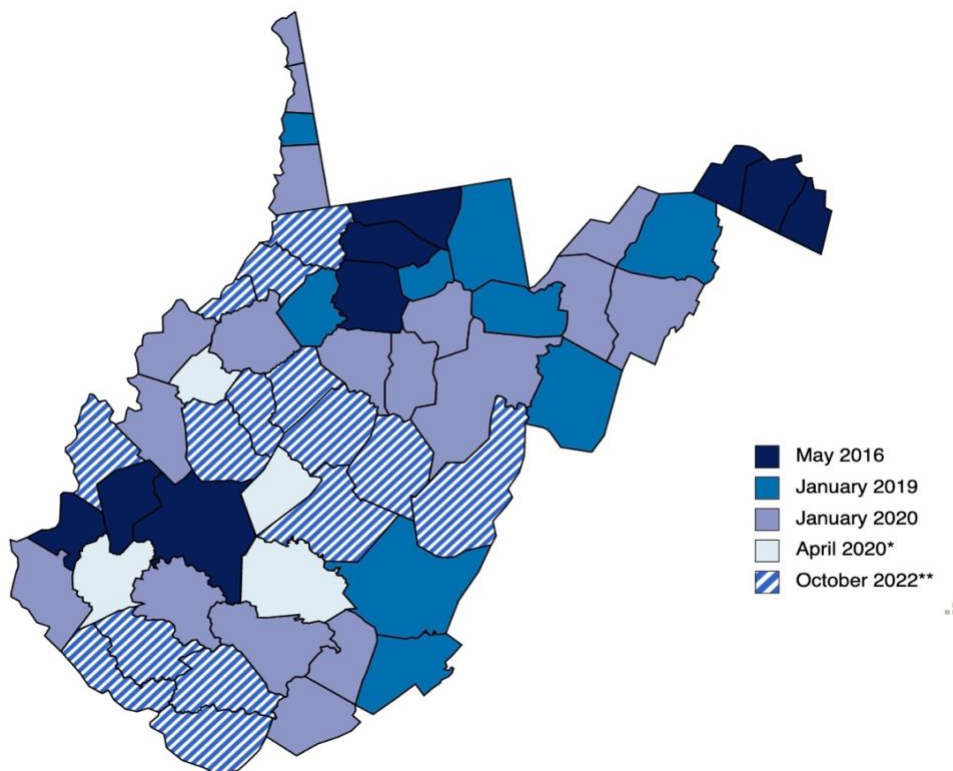
## HB 4001

Despite the pilot program’s clear failure to achieve its goal of increasing employment among the targeted population, HB 4001 – legislation which would essentially take the pilot project statewide – was passed in 2018. In addition to anti-fraud provisions, the bill mandated that DHHR could no longer request a federal waiver to assist communities with high unemployment rates or “lack of sufficient jobs” effective October 1, 2022. It also 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 each county. Figure 6 further details the rollout plan.

Figure 6

## Despite Failure of Nine-County Pilot Program, Statewide Rollout of ABAWD Work Requirements Progressed

Counties and ABAWD work requirement implementation date



\*Did not implement due to start of COVID-19 pandemic.

\*\*Planned implementation as required by HB 4001. As of February 2022, DHHR plans to stop applying for ABAWD waivers in all 55 counties ahead of the end of the public health emergency.

**Alt-text:** Map of West Virginia counties and ABAWD work requirement start dates, where each county has a start date between 2019 and 2022 despite overwhelming failure of initial program

**Source:** WV Department of Health and Human Resources

While the implementation of ABAWD time limits in additional counties was delayed due to the COVID-19 pandemic, the DHHR has released additional data that sheds light on how reinstating the time limits has impacted this population.<sup>26</sup>

Between October 2018 and February 2020, over 8,000 ABAWDs in 35 counties were removed from SNAP due to the time limit. Analysis of the direct impact of this action on the counties' economies is difficult due to the onset of the COVID-19 pandemic recession, but it is likely that the action continued to have no discernible impact on employment while increasing hunger and economic insecurity, as was

<sup>26</sup> WV Department of Health and Human Resources. *HB 4001: October 2018- February 2020*.

seen in prior West Virginia analyses as well as in other states that restricted SNAP benefits for this population.

Over that same time period, only 763 residents participated in SNAP's Employment and Training (E&T) program, a voluntary program that can help SNAP recipients meet their work requirements and through which Workforce West Virginia provides case management services. Of those participants, only three percent were connected with full time employment. Nearly 40 percent of participants utilized "supervised job search," which involves no job training that could help one attain job skills.

DHHR provided over 700,000 monthly exemptions to individuals in 35 counties over the study period, which are available to ABAWDs who meet qualifications that exclude them from the time limit. We can reasonably assume there would be a significant increase in the number of exemptions that will need to be processed when the time limits apply to all 55 counties. This would inevitably increase the workload on DHHR – an agency which is currently understaffed by 22 percent, with over 1,400 job vacancies.<sup>27</sup>

This data makes clear that while many ABAWDs are meeting work requirements which allow them to continue participating in SNAP, those who do not face significant barriers to work which are not being adequately addressed by the state's Employment and Training program. While college and vocational training are listed as E&T approved activities, only three percent of E&T participants utilized those components. Importantly, E&T activities do little to address the barriers that many ABAWDs face highlighted earlier in this brief including felony convictions, mental and/or physical disabilities, and lack of transportation.

## **Recommendations to Address Hunger Among the ABAWD Population**

### **Pass legislation reasserting the right of state policymakers to address needs of their districts in requesting SNAP time limit waivers.**

Federal law allows state SNAP agencies to apply for waivers from the SNAP time limit in regions where unemployment is higher than 10 percent or a where there is a "lack of suitable jobs" as outlined by the Labor Surplus Area (LSA) definition. Currently, West Virginia has 30 counties that qualify as LSAs, meaning there are fewer job opportunities available to residents there relative to other regions. Under West Virginia law, beginning later this year the state will no longer have the authority to request waivers for counties experiencing high unemployment rates or low job opportunities. First and foremost, legislators must pass legislation that will allow them to reassert state policymakers' power to utilize flexibilities available in SNAP by requesting SNAP ABAWD time limit waivers when necessary. Current law takes power away from state policymakers and transfers it to the federal government to intervene when economic conditions warrant, which they are unlikely to do short of widespread national recessions.

### **Allow administrators more time to reimplement SNAP time limits.**

The ABAWD time limit waiver will go back into effect the month after the end of the public health emergency. The timeline that HB 4001 established leaves DHHR very little flexibility, requiring the agency to apply the time limit requirement across all 55 counties in the state – regardless of the current ongoing COVID-19 pandemic, unemployment rate status, or job availability in each county. Such an

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<sup>27</sup> WV Department of Health and Human Resources, 2022 DHHR Budget Presentation.

undertaking creates a significant administrative burden for the understaffed department. At the very least, lawmakers must pass legislation allowing DHHR to apply for SNAP time limit waivers for at least 12 months after the end of the public health emergency to properly address and return the program to pre-pandemic regulations. Medicaid already has such flexibility, which can help ensure a smooth transition as the public health crisis continues. West Virginia decisionmakers must advocate for its most vulnerable populations and meaningfully address hunger across the Mountain State.

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