APA-4

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
Othni Lathram, Director

Pursuant to *Code of Alabama* 1975, §§41-22-5(b) and 41-22-6(c)(3).

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 26th day of March, 2020.

AGENCY NAME: Department of Human Resources

RULE NO. AND TITLE: 660-4-1-.03-.01ER Temporary Suspension of Time-Limited Participation for Able-Bodied Adults Without Dependents (ABAWDs)

EFFECTIVE DATE OF RULE: March 26, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner.

NATURE OF EMERGENCY: See attached Statement of Reasons for Issuing Emergency Rule.

STATUTORY AUTHORITY: 7 U.S.C. §2020, 7 C.F.R. §273.7 and §273.24, *Code of Alabama* 1975, §38-2-6

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Gail M. Grobe, AP Secretary
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REC'D & FILED

MAR 26 2020

LEGISLATIVE SVC AGENCY
FILING DATE

Nancy T. Buckner
Commissioner

(For APA Use Only)

Kay Ivey
Governor

State of Alabama
Department of Human Resources

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Nancy T. Buckner
Commissioner

Statement of Reasons for Issuing Emergency Rules
Pursuant to Ala. Code § 41-22-5 (b)

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life.

The Families First Coronavirus Act-Title 3, Section 2301, gives permission to states to give a good cause exemption to receive food assistance benefits to all Able-Bodied Adults Without Dependents (ABAWDs). In addition, the Act allows states to temporarily waive the work requirements for Able-Bodied Adults Without Dependents (ABAWDs) as described in Rule 660-4-1-.03(3)(b) effective April 1, 2020 through the end of the month subsequent to the month in which the public health emergency declaration based on the outbreak of COVID-19 is lifted.

Due to current health challenges, Alabama Department of Human Resources, Food Assistance Division, finds the need to issue a good cause exemption for all ABAWDs for the month of March 2020 and to temporarily suspend time limited participation for those individuals otherwise subject to the Able-Bodied Adults Without Dependents time limits.

Other states in the Southeast Region, which includes Tennessee and Georgia, are also opting to grant good cause to ABAWD individuals for the month of March 2020.

ALABAMA DEPARTMENT OF HUMAN RESOURCES
FOOD ASSISTANCE DIVISION ADMINISTRATIVE CODE

CHAPTER 660-4-1
SCOPE AND AUTHORITY

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660-4-1-.03-01 ER Temporary Suspension of Time-Limited Participation for Able-Bodied Adults Without Dependents (ABAWDs)

(1) Preamble. On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life. The Department's policy and section 6(o) of the Food and Nutrition Act limits Able-Bodied Adults Without Dependents (ABAWDs) to no more than three (3) months of SNAP benefits over any 3-year period unless they: work, participate in a work program at least 20 hours a week; participate in a workfare program, or; are otherwise exempt.

2) Due to the current health care challenges, and the impact on Able-Bodied Adults Without Dependents (ABAWDs), the Alabama Department of Human Resources finds the need to issue a good cause exemption to ABAWD individuals for the month of March 2020 based on regulations found at §273.24(b)(2) and to temporarily suspend time-limited participation to those individuals who are otherwise subject to the ABAWD time-limit as described in Rule 660-4-1-.03(3)(b). County staff were notified of the needed suspension of the time limits on March 25, 2020.

Author: Viola Betton

Statutory Authority: 7 U.S.C. §2020, 7 C.F.R. §273.7 and §273.24, Code of Alabama 1975 §38-2-6.

History: Emergency New Rule Pursuant to Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, Approved: March 24, 2020. Effective Date of Emergency Rule: March 26, 2020.