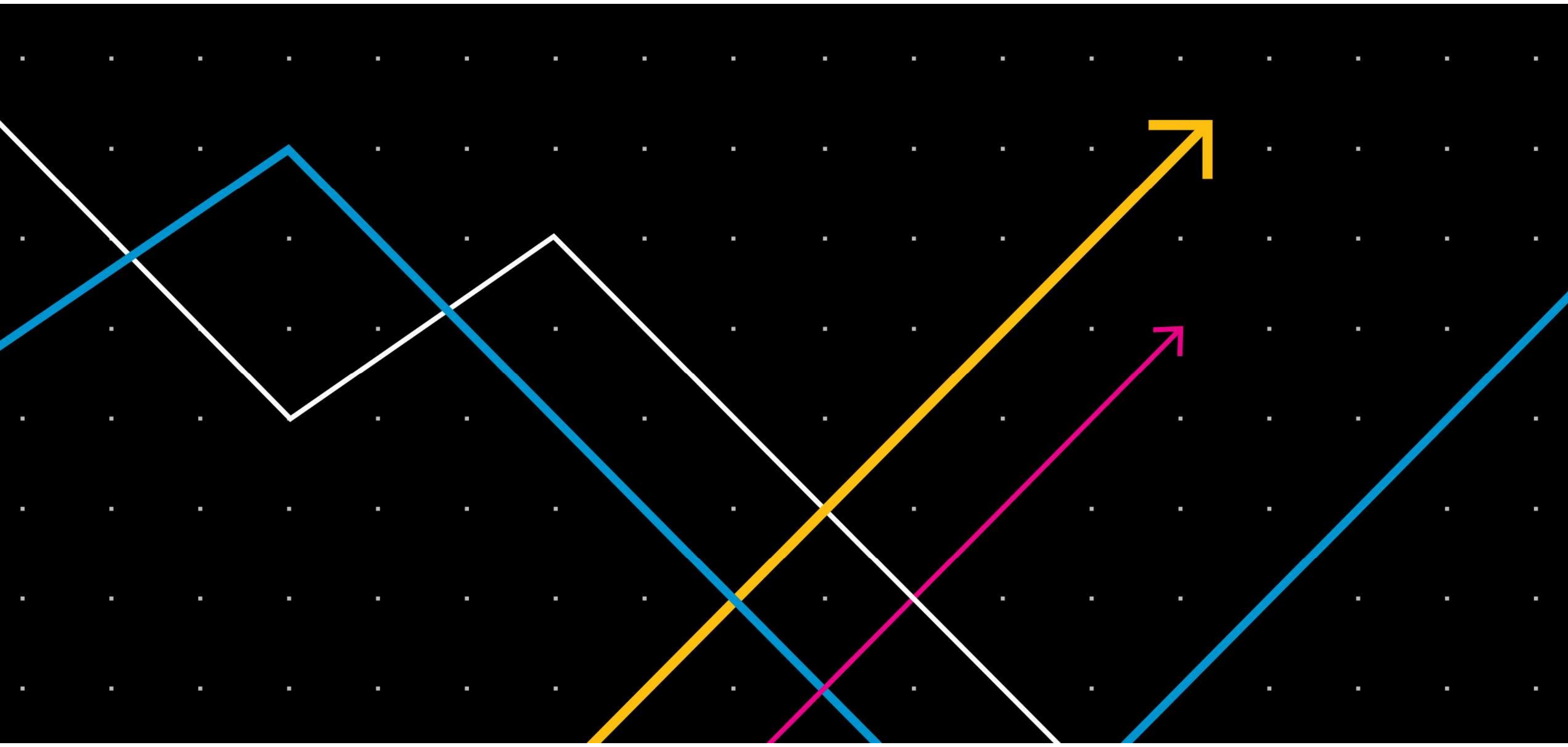


RESEARCH REPORT

Using Labor Market Areas to Determine ABAWD Waiver Eligibility Limits SNAP's Local Flexibility

Danielle Kwon *Nathan Joo* *Elaine Waxman*

April 2020

URBAN INSTITUTE · ELEVATE · THE · DEBATE

ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Contents

Acknowledgments

This report was funded by the Robert Wood Johnson Foundation as part of their support for the From Safety Net to Solid Ground initiative. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute's funding principles is available at urban.org/fundingprinciples.

The authors would like to thank Laura Wheaton, Gregory Acs, Steven Brown, and Archana Pyati for review of this report and Alice Feng for the production of maps and tables.

Executive Summary

In December 2019, the Trump administration announced a final rule narrowing states' ability to obtain waivers from strict time limits and work requirements for the Supplemental Nutrition Assistance Program (SNAP). People who are considered able-bodied adults without dependents are limited to 3 months of benefits in a 36-month period if they do not work 20 hours a week or engage in other eligible employment and training activities. Historically, a variety of geographic areas (cities, counties, and states) could qualify for waivers from these requirements if a state agency could demonstrate high unemployment or "insufficient jobs."

The new rule, which was scheduled to go into effect April 1, 2020, would eliminate a mechanism that has allowed states to respond more quickly to rapidly declining economic circumstances. Previously, a state could apply for a waiver for the entire state if its three-month unemployment rate was high enough to trigger the federal Extended Benefits program, which provides additional weeks of unemployment benefits to jobless workers who exhaust their regular benefits. In addition to eliminating that provision, the rule would establish a higher bar for an area to qualify for a waiver. Previously, a waiver could be granted if an area's unemployment rate over a 24-month period exceeded the national average by 20 percent; now the unemployment rate must be at least 6 percent *and* at least 20 percent higher than the national average over a 24-month period. The new rule still gives areas the ability to qualify for a waiver if the area's 12-month unemployment rate is at least 10 percent.

The new rule[1] also would significantly narrow the types of local areas for which a state can seek a waiver because of economic conditions and narrow the ways states can document the need for a waiver. This aspect of the rule may have significant consequences for SNAP's future responsiveness at the local level. States requesting waivers for certain counties and cities would now be required to use unemployment rates for Labor Market Areas (LMAs) rather than those for counties or other smaller geographic areas. LMAs are often quite large, and the overall unemployment rate of LMAs may mask divergent economic conditions within a region.

As the COVID-19 pandemic has escalated, two new developments have put the implementation of the rule on hold. First, on March 13, 2020, a federal district court judge issued a preliminary nationwide injunction blocking the rule, concluding that aspects of it were "arbitrary and capricious."[2] Although her ruling focused on specific legal concerns, the judge also referenced the particular risk of implementation at this time given the increasing effects of the COVID-19 pandemic on the economy. A few days later, Congress passed and President Trump signed the Families First Coronavirus Response Act,[3] which

suspends work requirements for SNAP participants (among other provisions aimed at providing support to families and businesses affected by the pandemic) during the public health emergency. Without these steps, the final rule's elimination of the Extended Benefits provision could have had dire immediate consequences; in just the two weeks since the crisis began, 10 million people filed new unemployment claims.[4]

These relief measures are only set to last for as long as the HHS Secretary keeps in place the COVID-19 public health emergency, which economic consequences are likely to outlast. What will happen after the immediate health emergency has subsided is still uncertain. The Trump administration may appeal the federal injunction, and the rule may still move forward at a later date.

Using historical data and maps of selected LMAs, this report explores how a broad set of communities across the country could be impacted beyond the immediate future if the administration were to succeed in implementing the rule once the immediate public health crisis has subsided, but higher unemployment rates persist. Specifically, we show how shifting to the LMA as the geographic unit would have affected states' ability to obtain waivers for individual counties and cities (holding other aspects of the new rule constant) at three points in time: 2016, 2018, and 2020. We find impacts across different types of local areas across the United States, from industrial New England towns and dense urban areas to rural counties and areas with large immigrant populations.

These examples show the following:

- LMAs can cover large swaths of geography and contain several counties and cities. For example, the New York–Newark–Jersey City LMA encompasses three states, 25 counties, and 19,990,592 people.[5]
- Overall LMA unemployment rates can mask significant variation in the availability of jobs across counties and cities within the same LMA.
- Counties and cities within the same LMA can also have markedly different demographic characteristics and local unemployment rates, meaning the new rule would often adversely affect disadvantaged communities continuing to experience the impact of racial segregation and discrimination.
- Transportation barriers and other factors may also impede the ability of residents to commute to jobs in areas within the LMA where more jobs are available. This is particularly important in rural areas, such as just outside of Baton Rouge, LA, and St. Louis, MO, where public transportation is far less accessible.

- Although unemployment rates largely declined in the period examined, an analysis of trends between 2016 and 2020 suggests that using the LMA metric during a higher unemployment period, which is likely following the COVID-19 pandemic, could reduce states' ability to respond to uneven local economic conditions across counties and cities.

As a result, the final rule could

- impose work obligations and strict SNAP benefit time limits in communities where work is insufficient within a reasonable commuting distance for low-income households;
- limit states' ability to secure waivers for individual counties and towns when unemployment rates rise in the future, especially if recovery or entry into a high-unemployment period differs across the local areas within any given LMA; and
- reduce the ability of state governments to buffer SNAP participants from benefit losses if they are living in geographic areas within an LMA that have limited employment opportunities shaped by long-standing patterns of persistent poverty and racial segregation.

Using LMAs to Determine ABAWD Waiver Eligibility Limits SNAP's Local Flexibility

In addition to a general work requirement for participants ages 16 to 59, the Supplemental Nutrition Assistance Program (SNAP) imposes additional requirements and benefit time limits for adults without dependents ages 18 to 49. Participants considered able-bodied adults without dependents (ABAWDs) must work or participate in a qualifying education or training activity, including SNAP Employment and Training programs, for at least 80 hours a month. Failing to meet these requirements limits the ability of these participants to receive SNAP benefits for more than 3 months during a 36-month period.

States have been able to secure waivers of these requirements for an area with an unemployment rate of at least 10 percent or an area that "does not have a sufficient number of jobs to provide employment for the individuals."[6] Historically, these waivers could be sought for counties and cities if the state could show that the local area has a recent 24-month average unemployment rate 20 percent above the national unemployment rate for that same period. During the Great Recession the American Recovery and Reinvestment Act waived work requirements and time limits for able-bodied adults, and many states continued to qualify for waivers after the recession officially ended for all or part of a state if the state could demonstrate an unemployment rate 20 percent above the national rate. The US Department of Agriculture's (USDA's) new rule for defining the insufficient-jobs criteria would change this standard in two ways:

1. States can no longer apply for waivers for individual counties and cities based on their local unemployment rates[7] and now must apply based on the rate of the labor market area (LMA) to which the counties and cities belong.
2. For an LMA to qualify for a waiver, the unemployment rate for the LMA must be 20 percent above the national average *and* must be at least 6 percent. In cases where 20 percent above the national average falls short of 6 percent, an LMA unemployment rate of at least 6 percent is required. In cases where 20 percent above the national average is 6 percent or higher, an LMA unemployment rate must meet the "elevated" rate of 20 percent above the national average to qualify for a waiver under the new rule.

In this report, we examine how the switch to the LMA as the geographic unit of analysis could mean more SNAP participants who are subject to ABAWD rules must consistently meet a stricter work

requirement or lose benefits after three months. This report does not address all the changes that will take effect with the new rule. A description of the broader rule changes and their potential implications has been assembled by the Brookings Institution.[8]

BOX 1

What Is the Significance of a Labor Market Area?

LMAs are a level of substate geography developed by the Bureau of Labor Statistics based on population data from the 2010 Census and commuting data from the American Community Survey five-year dataset for 2006–10. LMAs may consist of a singular county or a group of counties. Counties are grouped into an LMA if at least 25 percent of one county's employed residents commute to another county within the LMA or at least 25 percent of one county's workers commuted in from another county. The LMA designation does not consider *how* workers may typically be commuting within the area (such as by personal vehicle or public transportation), nor does it consider the differences in economic circumstances of workers who are able to commute for work and those who are not.

The Trump administration cites the use of LMAs and the 6 percent floor by the US Department of Labor for other purposes[9] as the main rationale for implementing these changes in the ABAWD policy. The final rule notes that "according to [the US Department of Labor], an LMA is an economically integrated area within which individuals can reside and find employment within a reasonable distance[10] or can readily change jobs without changing their place of residence; therefore the Department maintains that they [labor market areas] are the best available and most appropriate area delineation at this time." That said, the Office of Management and Budget has previously explicitly cautioned against "[developing] and implement federal, state, and local non-statistical programs and policies without full consideration of the effects of using these delineations for such purposes."[a] With respect to the 6 percent floor, the rule further notes that it "aligns with DOL's [Labor Surplus Area] standard. Labor Surplus Areas are areas where there are more job seekers than jobs."

Source: "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents," 84 Fed. Reg. 66782 (April 1, 2020).

[a] Office of Management and Budget, "Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of the Delineations of These Areas," bulletin 15-01, July 15, 2015, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/bulletins/2015/15-01.pdf.

Evaluating counties and cities based on the overall LMA unemployment rates rather than their individual rates would pose several issues worthy of attention:

- Using LMA unemployment rates to determine work requirement waivers assumes that workers subject to the rules can get to any job in an LMA. But the delineation of LMAs may not

adequately capture difficult commuting patterns and other barriers faced by low-income workers, such as a lack of public transportation or access to personal vehicles.

- An LMA can also mask significant local variation in economic conditions and unemployment rates, limiting SNAP's ability to respond to current, real-time economic downturns. Literature has found that when recessions emerge, unemployment rates do not increase in all counties at the same time; rather, they initially increase in a few counties that are not necessarily located near each other (Fogli, Hill, and Perri 2012).
- If the rule is ultimately implemented, the policy change may exacerbate persistent inequalities embedded in higher-unemployment areas. Structural racism has given rise to deliberate policies and practices intended to isolate low-income people and communities of color (Schindler 2015). The resulting residential segregation continues to limit access to areas with greater opportunity, and policies that fail to recognize these disparities can perpetuate inequity.
- The LMA geography may also mask the difficulties faced by low-income workers living in rural and suburban areas where concentrated poverty has grown significantly and where barriers to employment and food access may be greater because of a lack of public transportation and job opportunities.

Case Studies of Six Labor Market Areas

To illustrate how using only LMA unemployment rates will impact waiver eligibility for local areas, holding other aspects of the new rule constant, we apply the same conditions of the new rule (an elevated unemployment rate[11] of at least 6 percent) to individual counties and the overall LMA. This allows us to highlight the counties that would be able to qualify under the new rule based on county unemployment but cannot because of the LMA unemployment requirement. We use that focus to examine the long-term implications of the LMA requirement on counties' flexibility to secure waivers, using three example years (2016, 2018, and 2020). We draw examples from across the United States, including an industrial New England area, dense urban areas, rural areas, and areas with large immigrant populations, and show which counties would have been eligible for a waiver in 2016, 2018, and 2020, under the new unemployment rate requirements, if they were allowed to use their *own* unemployment rates. Waivers are based on unemployment data from the previous two years; the 2020 results described here reflect a time of historically low unemployment and do not reflect the economic effects of the COVID-19 pandemic and associated policy responses.

BOX 2

Methodology for Calculating Average 24-Month Unemployment Rates for 2020, 2018, and 2016

We calculate the unemployment rates that would have been used in waiver calculations for waivers effective during the 2020, 2018, and 2016 calendar years. Under the new rule, states may set their own waiver schedule and start date as long as they support their request with “qualifying, recent data” as defined by the USDA. For the unemployment rate data to meet the USDA’s standard for “qualifying, recent data,” USDA requires that the gap between the final month of the 24-month unemployment rate data and the final month the waiver is effective must be no more than 21 months.

In presenting our 2020, 2018, and 2016 scenarios, we applied this standard. We assumed that waivers would be effective on a calendar year schedule (January 1 to December 31) to establish the scenarios for 2020, 2018, and 2016. Consistent with the new rule, we then used the set of 24-month unemployment data ending 21 months before the last effective day of a waiver, December 31, for each of these scenarios. Therefore, for a waiver effective January 1, 2020, through December 31, 2020, we averaged monthly unemployment rates between April 2017 and March 2019, because there are 21 months between March 2019 and December 2020. For a waiver effective in 2018, we average monthly unemployment rates between April 2015 and March 2017. For a waiver effective in 2016, we average monthly unemployment rates between April 2013 and March 2015. The average 24-month unemployment rates, for both local areas and the overall LMA, used for 2020, 2018, and 2016 waiver years are based on non–seasonally adjusted unemployment rate data from the Bureau of Labor Statistics local area unemployment statistics.

We have calculated the average county or city unemployment rates for the same 24-month periods used in waiver calculations for 2016, 2018, and 2020. If the new rule had been in effect in 2016, LMAs would have needed an unemployment rate greater than or equal to 7.8 percent, an unemployment rate 20 percent above the national average and at least 6 percent, to qualify for a waiver. In 2018 and 2020, LMAs would have needed an unemployment rate greater than or equal to 6 percent to qualify for a waiver; an unemployment rate 20 percent above the national average was at or below the new 6 percent threshold required by the new rule. None of the areas highlighted in this report would have qualified for a waiver if the new rule had been in effect in 2016, 2018, or 2020. To isolate the impact of the LMA change in the new rule, we have applied the new unemployment rate criteria, an unemployment rate 20 percent above the national average that is at least 6 percent in absolute terms, to counties, parishes, and cities across the country. We then highlight across a series of maps the counties, parishes, or cities[12] that have individual 24-month unemployment rates in 2016, 2018, and 2020 that meet the new unemployment criteria on their own but that are part of LMAs that do not.

Source: “Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents,” 84 Fed. Reg. 66782 (April 1, 2020).

Examining the areas that, in the recent past, would have been able to meet the new unemployment rate criteria based on their own county-, parish-, or city-level economic conditions but cannot because of the LMA requirement is important for the following reasons:

- The effects of the LMA requirement are likely to have a greater impact in periods of high or moderate unemployment, given the other requirement of the new rule that the unemployment

rate be at least 6 percent. Examining waiver eligibility for 2020, which is based on the strong economic performance in 2018 and 2019, could lead to the conclusion that relying on only LMA rather than local unemployment rates will have a minimal impact on time limit waivers. Looking at waiver eligibility for 2018 and 2016 reveals far more counties and cities potentially impacted by the rule's switch only using LMA-level unemployment rates.

- Although the work requirements throughout the SNAP program have currently been suspended for as long as the COVID-19 public health emergency lasts,[13] associated economic distress is likely to continue to affect some communities more than others. The LMA requirement eliminates states' ability to respond more effectively to the likely lag of some counties and cities in economic recovery despite improving conditions in their broader metropolitan areas.
- Some local areas may have elevated unemployment rates even in more prosperous times, but if they are included in a single LMA, those areas will lose waiver protection because of the new LMA requirement.

These snapshots help illustrate how the use of a broader geographic area would have made certain areas struggling with higher unemployment ineligible for time-limit waivers under the new criteria, potentially leading to the loss of benefits because of limited economic opportunity. The LMAs we examined are

- Hartford–West Hartford–East Hartford, CT;
- Baltimore-Columbia-Towson, MD;
- New York–Newark–Jersey City, NY-NJ-PA;
- Baton Rouge, LA;
- St. Louis, MO-IL; and
- San José–Sunnyvale–Santa Clara, CA.

The maps included in this report for each of those six LMAs highlight local areas that would have qualified for a waiver under the new rule if they had been allowed to apply based on their own unemployment rates but would not qualify based on the LMA unemployment rate.

Industrial New England Area

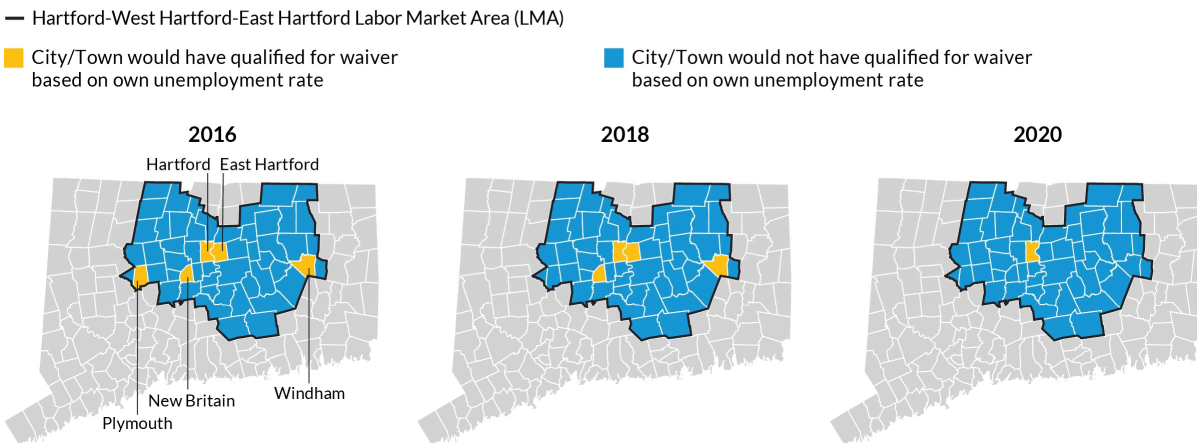
HARTFORD CITY, CT

Hartford City, Connecticut, stands out among the wide range of communities that will be most affected by the shift to using LMA unemployment rates for determining waiver eligibility. Connecticut is among the New England states (in addition to Maine, Vermont, New Hampshire, Rhode Island, and Massachusetts) and has historically used city and town geographies in place of counties for determining

waiver eligibility for ABAWD work requirements. The unique geography of New England towns and cities allowed SNAP the flexibility to respond to the needs of old industrial towns in Connecticut, such as Hartford and New Britain, that were hit especially hard during the Great Recession and have not fully recovered (Kneebone and Holmes 2016).[14] Figure 1 illustrates the variation over time and geography in the 24-month unemployment rates for cities and towns in the Hartford–West Hartford–East Hartford LMA. Although the highlighted cities and towns would have qualified for a waiver based on their own unemployment rates, none would qualify for a waiver based on the broader LMA unemployment rate.

FIGURE 1

Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the Hartford–West Hartford–East Hartford LMA



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

The Hartford LMA would not have qualified for a waiver had the new rule been in effect in 2016, 2018, or 2020. In 2016, five towns (Hartford, East Hartford, New Britain, Plymouth, and Windham) had 24-month city- or town-level unemployment rates greater than 7.8 percent[15] but would not have qualified for a waiver when evaluated as a part of the overall LMA. In 2018, four of the five towns had 24-month unemployment rates greater than 6 percent but still would not have qualified. As unemployment largely fell across the state during the 24-month period for waivers effective in 2020, Hartford City still had a 24-month unemployment rate greater than 6 percent but would not have qualified for a waiver under the LMA requirement.

TABLE 1

Economic Indicators for Five New England Towns in the Hartford-West Hartford-East Hartford LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share Receiving SNAP
Hartford–West Hartford–East Hartford LMA	**6.9%**	**5.3%**	**4.3%**	**10%**	**13%**
East Hartford Town, CT	8.5%	6.6%	5.3%	14%	21%
Hartford City, CT	12.0%	9.4%	7.4%	30%	40%
New Britain City, CT	9.4%	7.2%	5.9%	21%	32%
Plymouth Town, CT	8.0%	5.9%	4.8%	4.9%	7.8%
Windham Town, CT	8.8%	6.5%	5.5%	24%	30%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.
Note: Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

The large gaps in unemployment rates, the share of residents with income below the federal poverty level, and the share of residents receiving SNAP shown in table 1 indicate these areas are highly disadvantaged relative to the broader LMA. Based on five-year estimates from the 2014–18 American Community Survey, 30 percent of residents in Hartford City had incomes below the federal poverty level, and 40 percent of residents were receiving SNAP (compared with 10 percent with income below the federal poverty level and 13 percent receiving SNAP in the LMA).

TABLE 2

Share by Race and Ethnicity of Population below the Federal Poverty Level in Five New England Towns in the Hartford–West Hartford–East Hartford LMA

	Black	Hispanic	AAPI	White	Multiracial
Hartford-West Hartford-East Hartford, CT LMA	19%	39%	3%	37%	5%
East Hartford Town, CT	17%	56%	3%	25%	2%
Hartford City/Town, CT	34%	58%	1%	8%	7%
New Britain City/Town, CT	8%	66%	3%	21%	5%
Plymouth Town, CT	0%	1%	0%	90%	10%
Windham Town, CT	6%	60%	2%	32%	7%

Source: Five- year-estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. “Black” includes Black or African American people. “Hispanic” includes Hispanic people of all races. “White” includes non-Hispanic white people.

The shift to using LMA unemployment rates potentially limits the state’s ability to respond to the needs of Hartford City residents, who continue to experience the effects of government policies that systematically disadvantaged communities of color and enforced racial and ethnic segregation in the city’s neighborhoods and schools (Eaton 2007). Federal housing policies in the 1950s heavily subsidized mortgages for white Hartford residents to purchase homes in suburbs such as Simsbury, Glastonbury,

and Suffield. Meanwhile, Black and Puerto Rican residents were excluded from accessing these federally backed mortgages, and redlining practices of rating Black and Puerto Rican neighborhoods as “undesirable” on the basis of race drove up housing prices and limited housing for Black and Puerto Rican residents to the city’s North End (Eaton 2007). In 1974, the US Commission on Civil Rights concluded that banks in the greater Hartford area remained biased against minorities and women looking for mortgages (US Commission on Civil Rights 1974). Further, the federal government constructed two highways, I-91 and I-84, cutting north-south and east-west, respectively, through Hartford. These highways allowed easy access to city jobs for suburban residents but made it difficult for city residents, especially in the North End neighborhood of Hartford City, to access jobs in the surrounding suburbs (Eaton 2007).

The history of racism and the structural barriers that people of color continue to face contribute to a greater need for SNAP among Hispanic and Black communities in Hartford today, as demonstrated by the share by race and ethnicity of residents with incomes below the federal poverty level (table 2).[16] Although Hispanic residents account for 15 percent of the total population in the LMA, they make up 39 percent of the population with incomes below the federal poverty level. When we compare the demographics of the cities and towns affected by the LMA requirement, we see that the affected counties have even higher shares of Hispanic residents among the population below the federal poverty level relative to the LMA. Fifty-eight percent of Hartford City residents with incomes below the federal poverty level are Hispanic compared with 39 percent of the population in the overall LMA. The table above shows that in all the towns that would not have qualified for a waiver because of the shift to using LMAs, Hispanic residents are overrepresented in the population with incomes below the federal poverty level in all but one. Thirty-four percent of Hartford City residents with incomes below the federal poverty level are Black compared with 19 percent of the population in the overall LMA. These numbers indicate that the LMA requirement may disproportionately impact Hispanic and Black residents who live in segregated neighborhoods with higher rates of poverty and unemployment. However, the new rule may also adversely impact areas with high unemployment among white residents, such as in Plymouth Town, where white residents are overrepresented relative to the broader LMA.

BOX 3

Analyzing Demographic Data by Race and Ethnicity

Though we have collected and analyzed demographic data by race and ethnicity for each of the areas highlighted in this report, we recognize that race and ethnicity are socially constructed categories and do not indicate biological differences. We recognize that the terms listed below to describe people of different racial and ethnic groups are also limited and do not capture the full diversity of language, history, culture, and place of origin, especially for communities of color living in the United States.

We believe, however, that collecting and analyzing data by race and ethnicity is important in analyzing social safety net policy because it allows us to identify and determine ways to reduce racial and ethnic disparities, or when "all things being equal—including need, eligibility, and preferences—one group systematically fares worse than another" (McDaniel et al. 2017). We also believe that racial and ethnic disparities in access to food, employment, and economic opportunity that we discuss in this report should be examined in light of and informed by the history of structural racism in public policies that produced these inequities (Brown et al. 2019). We use the following definitions:

- **Black**: People who reported being Black or African American alone
- **Hispanic:** People who reported being Hispanic and of any one or multiple races[a]
- **AAPI, Asian or Pacific Islander:** People who reported being Asian, Native Hawaiian, or other Pacific Islander alone
- **White:** People who reported being non-Hispanic and white alone
- **Multiracial:** People who reported being of two or more races
- **Immigrants:** People who are foreign born

Source: Based on data from the 2014–18 American Community Survey.

[a] Hispanic people may also have reported belonging to any of the racial categories listed. The American Community Survey tabulations for population by race and ethnicity with incomes below the federal poverty level only specify the number of people who are non-Hispanic and white; they do not specify the number of non-Hispanic people for other racial categories. Therefore, a person who may have reported being Hispanic and belonging to a nonwhite racial category could be counted under both groups.

Dense Urban Areas

In this section, we will highlight Baltimore and New York City–Newark as examples of dense urban areas that stand to be affected by the shift to using LMA unemployment rates. Other major areas may also be affected in the future: in 2018, Chicago, IL; Philadelphia, PA; and Washington, DC would not have qualified for a waiver despite having an unemployment rate that exceeded 6 percent because of the LMA requirement.

BALTIMORE CITY, MD

The Baltimore-Columbia-Towson LMA is composed of Baltimore City and seven neighboring counties that stretch north to the Pennsylvania border. Although the Baltimore-Columbia-Towson LMA would not have qualified for a waiver under the new rule in any of the three example years, the map below illustrates that in 2016 and 2018, the City of Baltimore would have met the new unemployment rate criteria based on its individual rate but would not under the requirement to use the overall LMA rate.

FIGURE 2

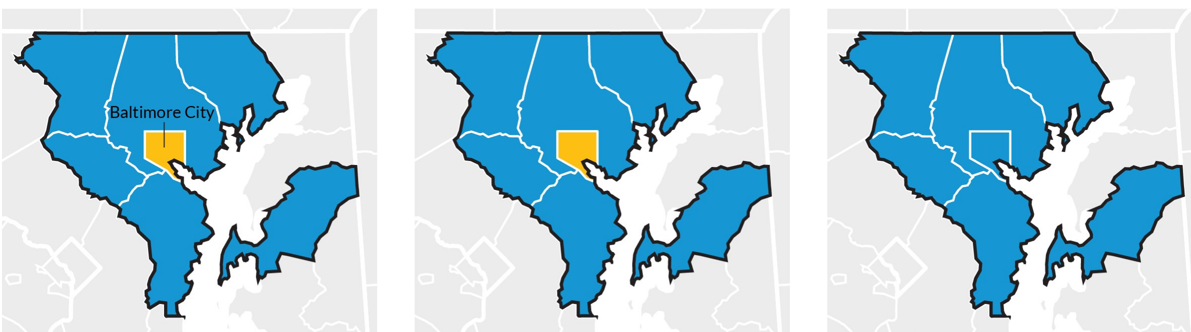
Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the Baltimore-Columbia-Towson LMA

— Baltimore-Columbia-Towson Labor Market Area (LMA)

County/City would have qualified for waiver based on own unemployment rate

City/County would not have qualified for waiver based on own unemployment rate

2016 **2018** **2020**



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

The LMA requirement risks masking the disparities in job availability between Baltimore City residents and residents of the surrounding suburbs, as shown by the large gap in unemployment rates between unemployment rates for Baltimore City and the broader LMA (table 3). As areas grapple with the economic crisis caused by the COVID-19 pandemic and try to recover in the longer term, recent historical data suggests that Baltimore City is likely to see higher unemployment rates continue for a longer period of time than the more affluent, outlying suburbs. Yet the LMA change would tie the city's ability to qualify for a waiver to its wealthier neighbors.

TABLE 3

Economic Indicators for Baltimore City and the Baltimore-Columbia-Towson LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share receiving SNAP
Baltimore-Columbia-Towson, MD LMA	**6.2%**	**4.8%**	**4.1%**	**10%**	**12%**
Baltimore City, MD	8.9%	6.9%	5.8%	21%	25%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

According to data from the US Census Bureau, approximately 77 percent of the workers in the Baltimore metropolitan area drive to work alone, but the cost of owning and maintaining a car may be too expensive for many of the low-income residents who would have the greatest need for SNAP. Even in times of record-low unemployment rates for the LMA, Baltimore City's unemployment rate exceeded that of the overall LMA by 41 percent, and the share with income below the federal poverty level and the share receiving SNAP were more than double the share for the LMA (table 3). Further, Baltimore City has experienced persistent poverty,[17] and the food insecurity rate among all individuals was 21.3 percent in 2017, close to twice the national average.[18]

TABLE 4

Share by Race and Ethnicity of Population Below Federal Poverty Level in Baltimore City and the Baltimore-Columbia-Towson LMA

	Black	Hispanic	AAPI	White	Multiracial
Baltimore-Columbia-Towson, MD LMA	50%	8%	4%	34%	3%
Baltimore City, MD	75%	5%	2%	15%	2%

Source: Five- year-estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. "Black" includes Black or African American people. "Hispanic" includes Hispanic people of all races. "White" includes non-Hispanic white people.

Similar to Hartford City, Baltimore is deeply segregated across racial lines because of a history of redlining and restrictive covenants that barred Black residents from buying homes in white neighborhoods (Rothstein 2017). The pattern of Black neighborhoods that are concentrated around the eastern and western sides of the city has been described as the "Black Butterfly." Racial segregation has also created inequity in public and private investment in the different neighborhoods within Baltimore City. Research has found that neighborhoods that are less than 50 percent Black receive nearly four times the investment of neighborhoods in which more than 85 percent of residents are Black.[19] Moreover, low-poverty neighborhoods receive 1.5 times the investment of high-poverty neighborhoods. When it comes to food access, one study that interviewed East Baltimore residents

found they were more likely to have to rely on small neighborhood stores that lacked healthy food options and that were more expensive than larger supermarkets (Treuhaft and Karpyn 2010).

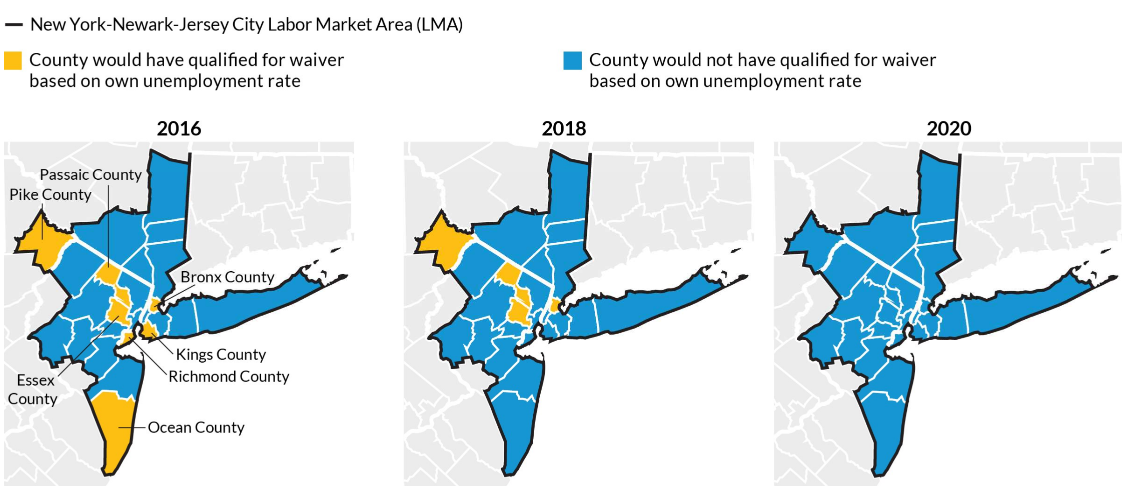
Given Baltimore's history and current racial disparities, it's particularly concerning that Black residents in the Baltimore-Columbia-Towson LMA may be disproportionately affected by the shift to using LMA unemployment rates. Seventy-five percent of Baltimore City residents with incomes below the federal poverty level are Black and 15 percent are white, compared with 50 percent and 34 percent of the population with incomes below the federal poverty level, respectively, in the broader LMA (table 4). Thus, the new rule would likely limit SNAP's ability to respond to the demonstrated need for food assistance of Baltimore's Black residents.

BRONX COUNTY, KINGS COUNTY (BROOKLYN), AND ESSEX COUNTY (NEWARK), NY-NJ

The New York–Newark–Jersey City LMA includes 25 individual counties that span across New York, New Jersey, and Pennsylvania. Among those counties, seven counties (Bronx County, NY; Essex County, NJ; Kings County, NY; Ocean County, NJ; Passaic County, NJ; Pike County, PA; and Richmond County, NY) would have met the new unemployment rate criteria based on their individual rates but would not under the requirement to use the LMA rate. Among these counties, Bronx County, Kings County (Brooklyn), and Essex County (Newark, NJ) stand out because of their high population: Bronx County holds 1,437,872 residents; Kings County holds 2,600,747 residents; and Essex County holds 793,555 residents. For comparison, Hartford City's population was 123,628 based on 2014–18 five-year estimates from the American Community Survey.

FIGURE 3

Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the New York–Newark–Jersey City LMA



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

One aspect of the new rule worth highlighting, and that may be especially relevant in LMAs like the New York–Newark–Jersey City area, is that it assumes residents, especially those with limited incomes, should be able to find employment across such a large and varied area. Research indicates, however, that in many cities, including New York, low-income residents may live far from available jobs because of a spatial mismatch between where jobs are located and where job seekers live.[20]

Further, even when low-income residents are able to secure employment further from where they live and in cities with established public transportation systems, these systems may not always provide safe, reliable or frequent service for residents working multiple jobs or nontraditional hours (Pendall, Blumenberg, and Dawkins 2016). Table 5 shows that county unemployment rates can vary widely within an LMA at different points in time. When applying for a waiver effective in 2018, Bronx County would have had a 24-month average unemployment rate of 7.2 percent compared with the overall LMA unemployment rate of 4.9 percent.

TABLE 5

Economic Indicators for Seven Counties in the New York–Newark–Jersey City LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share receiving SNAP
New York-Newark-Jersey City, NY-NJ-PA LMA	**6.9%**	**4.9%**	**4.2%**	**13%**	**13%**
Bronx County, NY	10.3%	7.2%	5.9%	29%	36%
Essex County, NJ	8.5%	6.2%	5.4%	17%	15%
Kings County, NY	8.1%	5.4%	4.4%	20.5%	23%
Ocean County, NJ	7.9%	5.4%	4.5%	9.2%	7.1%
Passaic County, NJ	8.7%	6.4%	5.3%	16%	20%
Pike County, PA	8.2%	6.4%	5.5%	10%	9%
Richmond County, NY	7.9%	5.3%	4.4%	13.8%	12%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

In addition to varied levels of unemployment, a few of these counties have notably higher levels of need as measured by the share with incomes below the federal poverty level and the share receiving SNAP. Bronx County in particular has a poverty rate and share of its population receiving SNAP that are twice as high as the overall LMA. These data are buttressed by the fact that Bronx County is also listed as a persistent-poverty county[21] and has a high level of food insecurity among all residents: 16 percent in 2017 compared with 12.5 percent nationally.[22] Essex County, NJ, also has a high food insecurity rate, at 16.3 percent in 2017.[23]

TABLE 6

Share by Race and Ethnicity of Population below the Federal Poverty Level in Seven Counties in the New York–Newark–Jersey City LMA

	Black	Hispanic	AAPI	White	Multiracial
New York-Newark-Jersey City, NY-NJ-PA LMA	24%	39%	10%	27%	4%
Bronx County, NY	31%	65%	3%	4%	4%
Essex County, NJ	54%	31%	2%	11%	3%
Kings County, NY	32%	26%	12%	31%	3%
Ocean County, NJ	5%	14%	2%	77%	2%
Passaic County, NJ	16%	63%	3%	19%	4%
Pike County, PA	7%	17%	2%	75%	1%
Richmond County, NY	21%	33%	9%	36%	5%

Source: Five- year-estimates from the 2014–18 American Community Survey.

Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. "Black" includes Black or African American people. "Hispanic" includes Hispanic people of all races. "White" includes non-Hispanic white people.

Much like Hartford and Baltimore, Black residents and other residents of color in New York City were largely excluded from the move to suburban homeownership in the 1950s. Levittown, a government-subsidized suburban community for returning World War II veterans on Long Island (later replicated in other states) offered heavily subsidized mortgages to white New Yorkers. At the same time, explicit restrictive covenants in the lease agreement signed by Levittown residents stated the house could not be "used or occupied by any person other than members of the Caucasian race" (Rothstein 2017). Black residents in New York City were only allowed to access housing in limited areas of the city, where prices were higher because of the short supply for Black New Yorkers seeking housing.

These discriminatory policies in housing and other structural barriers in employment and education created areas of concentrated poverty, such as in Bronx County. Twenty-nine percent of Bronx County residents have incomes below the federal poverty level, and 36 percent of Bronx County residents currently receive SNAP. People of color are also overrepresented among residents with incomes below the federal poverty level in Bronx County. Thirty-one percent of the population below poverty in Bronx County are Black, 65 percent are Hispanic, and only 4 percent are white, compared with the population below poverty in the overall LMA, of which 24 percent are Black, 39 percent are Hispanic, and 27 percent are white. Among New Yorkers with a demonstrated need for SNAP, the new rule would disproportionately impact Black and Hispanic residents in Bronx, Essex, Kings, and Passaic Counties. However, the new rule also stands to affect counties in the surrounding suburbs, such as Ocean County, NJ, and Pike, County, PA, which are less populated and have a higher share of white residents with incomes below the federal poverty level relative to the overall LMA.

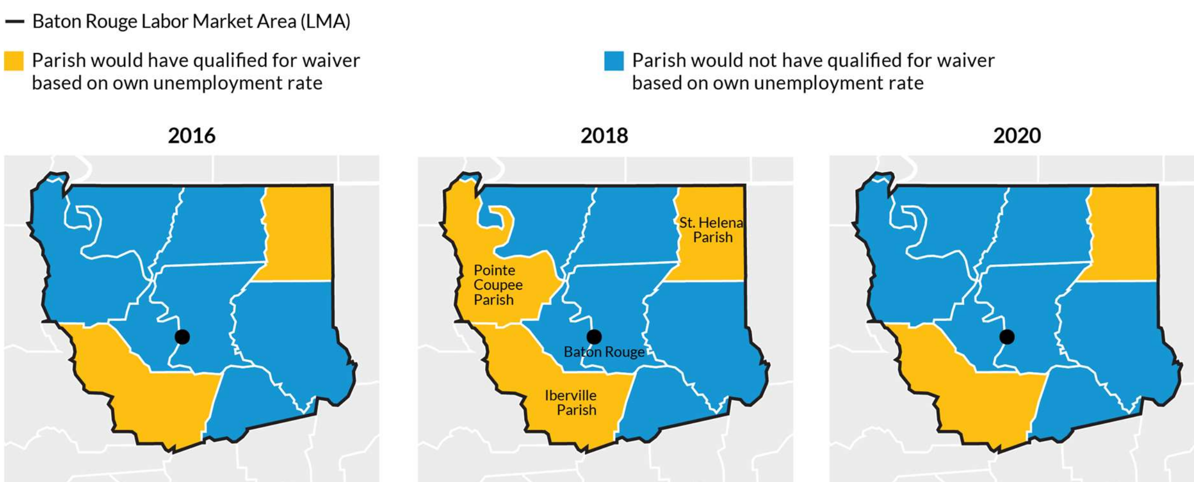
Rural, Semirural, and Suburban Areas

BATON ROUGE, LA

Densely populated cities that are at the center of large metropolitan regions are not the only type of area that are affected by the shift to using LMA unemployment rates for assessing waiver eligibility. Research shows that following the Great Recession, the number of people living in concentrated poverty in suburban areas grew nearly twice as fast as it did in cities (Kneebone and Holmes 2016). Rising concentrated poverty in suburban or semirural areas surrounding midsize metropolitan areas is significant because LMA unemployment rates largely mask variation in employment opportunity for neighborhoods with concentrated poverty. One such example of semirural and suburban areas that will be affected by the shift to LMA-based waivers are three parishes[24] (Iberville, Pointe Coupee, and St. Helena) surrounding the greater Baton Rouge metropolitan area.

FIGURE 4

Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the Baton Rouge LMA



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

In 2018, three parishes in the Baton Rouge, LA, LMA would have met the new unemployment rate criteria based on their individual rates but would not under the requirement to use the overall LMA rate. One hundred percent of the population in the St. Helena Parish live in a rural area, while 59 percent of Iberville Parish residents and 58 percent of Pointe Coupee Parish residents live in rural areas, according to data from the 2010 decennial census. The large share of the population living in

rural areas in all three parishes matters, because prior research on low-income adults in similarly rural areas has shown that weak job markets in rural small-town areas leave jobseekers with few options (Hahn et al. 2019). Further, some rural areas may lack the infrastructure to provide the education and training needed to provide SNAP participants with viable pathways to employment (Hahn et al. 2019). Residents in rural or semirural areas face added barriers because of limited public transportation, which can make commuting to a job that is farther away more difficult. Lack of public transportation in rural areas also acts as a barrier to food access. According to data collected by the USDA Economic Research Service on access and proximity to grocery stores, about 16 percent of the population in Iberville Parish had low access to a grocery store in 2015.[25]

TABLE 7

Economic Indicators for Three Parishes in the Baton Rouge LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share receiving SNAP
Baton Rouge, LA LMA	**5.9%**	**5.2%**	**4.3%**	**16%**	**14%**
Iberville Parish, LA	8.0%	6.9%	6.0%	18%	22%
Pointe Coupee Parish, LA	7.2%	6.4%	5.3%	21%	16%
St. Helena Parish, LA	10.5%	7.9%	6.5%	22%	26%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.

Note: LMA = labor market area. Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

As seen in table 7, some of these counties demonstrate an elevated need for SNAP. Both the share of residents with income below the federal poverty level, which hovers around 1 in 5 residents in each, and the share of residents receiving SNAP are elevated in every highlighted parish. In fact, the share of residents receiving SNAP in St. Helena Parish is almost double the share in the overall LMA. Furthermore, St. Helena Parish is classified as a persistent poverty county and has a food insecurity rate among all individuals of 20 percent in 2017.[26] In a county with this type of economic profile, the loss of a waiver protection from ABAWD work requirements could be felt acutely.

TABLE 8

Share by Race and Ethnicity of Population below the Federal Poverty Level in Three Parishes in the Baton Rouge LMA

	Black	Hispanic	AAPI	White	Multiracial
Baton Rouge, LA LMA	55%	5%	2%	36%	2%
Iberville Parish, LA	48%	3%	0%	48%	1%
Pointe Coupee Parish, LA	36%	3%	0%	60%	2%
St. Helena Parish, LA	54%	0%	0%	44%	0%

Source: Five- year-estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. "Black" includes Black or African American people. "Hispanic" includes Hispanic people of all races. "White" includes non-Hispanic white people.

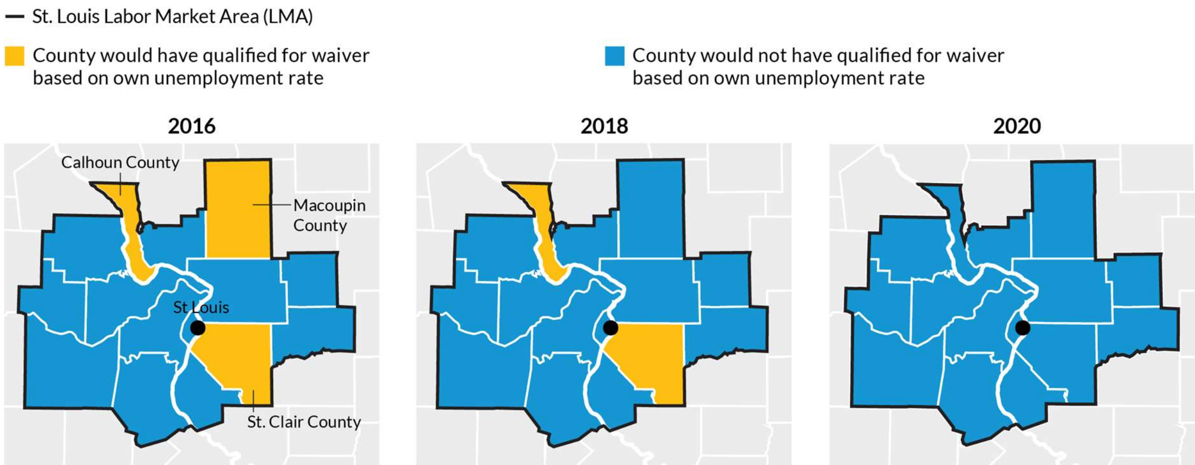
Rural and suburban America is often portrayed by politicians and mainstream media as comprising predominantly white residents (Ajilore and Willingham 2019).[27] Although that is certainly true in some areas, in other regions, especially in the South, people of color constitute a significant share of the rural and semirural populations, in large part because of the history of enslavement of people of African descent in Southern states. In Baton Rouge, the rise in migration to its outlying parishes can also be attributed to outmigration of New Orleans residents in the aftermath of Hurricane Katrina. The two parishes that would not qualify for waivers because of the LMA requirement in all three periods we examine (2016, 2018, and 2020)—Iberville and St. Helena Parishes—have higher shares of Black residents and lower shares of white residents than the broader LMA (not shown). However, when we look at those with incomes below the federal poverty level, the picture changes. In this case, although a substantial share of residents in these counties with incomes below the federal poverty level are Black (close to 50 percent in each), white residents are overrepresented among those in poverty relative to the LMA (table 8). For example, in Iberville Parish, white residents accounted for 48 percent of the population below poverty, compared with 36 percent of the population below poverty in the LMA. Thus, the new rule also has implications for areas with outsized populations of low-income white Americans.

MACOUPIN COUNTY, CALHOUN COUNTY, AND ST. CLAIR COUNTY, IL

Some predominantly white rural or semirural counties in the Midwest may also stand to lose waiver eligibility from a shift to using LMA rates. Macoupin and Calhoun Counties in Illinois are a part of the larger St. Louis, MO-IL LMA, and they typically face higher unemployment rates than the greater St. Louis metropolitan area.

FIGURE 5

Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the St. Louis LMA



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

Although no county would have met the new unemployment rate criteria based on their individual rates in 2020, a few would have in 2018 and 2016, even as the overall LMA would not have. In 2016, three counties, Calhoun, Macoupin, and St. Clair would have met the new unemployment rate criteria based on their county-level unemployment rates. In 2018, St. Clair and Calhoun counties would have continued to qualify based on their own unemployment rates.

TABLE 9

Economic Indicators for Three Counties in the St. Louis LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share receiving SNAP
St. Louis, MO-IL LMA	**6.4%**	**4.7%**	**3.6%**	**12%**	**11%**
Calhoun County, IL	8.6%	6.3%	5.4%	13%	13%
Macoupin County, IL	8.0%	5.9%	4.9%	12.4%	14%
St. Clair County, IL	8.4%	6.1%	5.1%	16%	16%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

According to the 2010 decennial Census, 100 percent of Calhoun residents and 58 percent of Macoupin residents live in rural areas, where they may face added barriers to accessing food, employment, and transportation. In addition to Macoupin and Calhoun counties, St. Clair County will also be affected by the shift to the LMA metric. St. Clair County encompasses East St. Louis, which is the city located directly across the Mississippi river from downtown St. Louis. The construction of a freeway through the city displaced East St. Louis residents who were already experiencing a decline in readily available jobs because of industry changes.[28] Although the majority of Macoupin and Calhoun County residents live in a rural area, St. Clair County is more urban and has a higher population, at 263,463 residents, compared with 45,719 in Macoupin County, and 4,858 in Calhoun County. St. Clair also has a high food insecurity rate of 15.5 percent in 2017 among all individuals[29] and has higher shares of residents with income below the federal poverty level and residents receiving SNAP (table 9).

TABLE 10

Share by Race and Ethnicity of Population below the Federal Poverty Level in Three Counties in the St. Louis LMA

	Black	Hispanic	AAPI	White	Multiracial
St. Louis, MO-IL LMA	40%	5%	2%	49%	3%
Calhoun County, IL	0%	3%	0%	91%	8%
Macoupin County, IL	2%	4%	0%	92%	3%
St. Clair County, IL	61%	6%	1%	30%	3%

Source: Five- year-estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. "Black" includes Black or African American people. "Hispanic" includes Hispanic people of all races. "White" includes non-Hispanic white people.

Because of decades of residential segregation in the greater St. Louis area, Macoupin and Calhoun Counties and St. Clair County vary widely in their demographics by race. According to data from the 2014–18 American Community Survey, 97 percent of all Calhoun County residents and 96.2 percent of all Macoupin County residents are white. In comparison, St. Clair County has a higher share of Black residents. Thirty percent of all St. Clair County residents are Black, and 62 percent are white. These stark differences by county are even greater among residents with incomes below poverty (table 10). For example, among residents with incomes below the federal poverty level in St. Clair County, 61 percent are Black, and 30 percent are white, though Black residents only account for 30 percent of all residents in St. Clair County. These three counties show that the LMA requirement would likely mask high unemployment in predominantly white rural areas as well as in urban areas with higher shares of Black residents with a greater demonstrated need for SNAP.

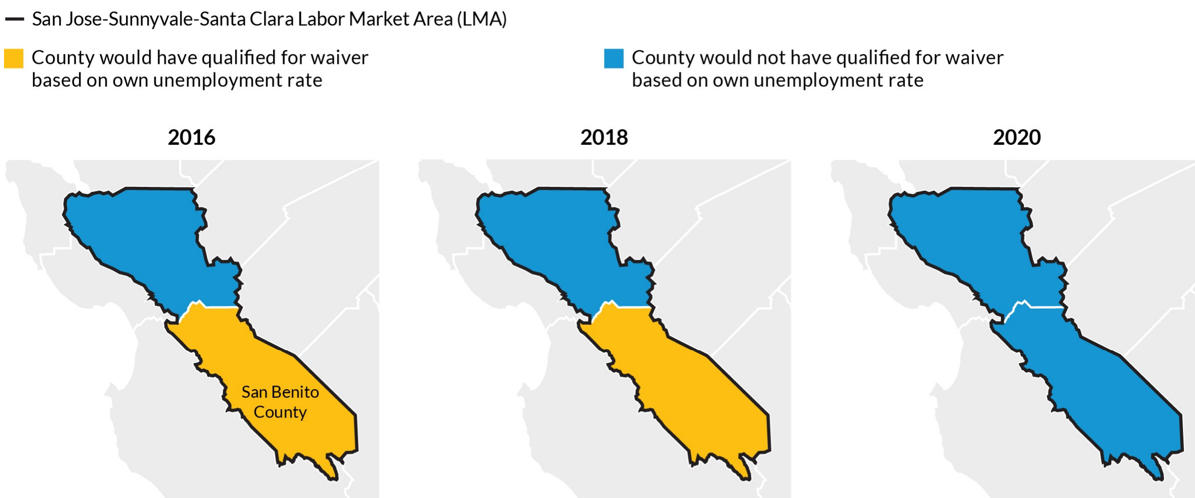
Areas with Large Immigrant Populations

SAN BENITO COUNTY, CA

The San José–Sunnyvale–Santa Clara, CA LMA is composed of two counties: Santa Clara and San Benito. Santa Clara County is home to San José and Silicon Valley and is one of the most affluent counties in the United States. The industry in Santa Clara County with the greatest number of employers is technology, while the industry with the greatest number of employers in San Benito County is construction. Agriculture has also historically been a major industry in San Benito County with farms being among its top employers.[30]

FIGURE 6

Areas That Could Qualify for a Waiver under the New Rule If Not for the LMA Requirement in Three Example Years in the San José–Sunnyvale–Santa Clara LMA



Source: Local area unemployment statistics from the Bureau of Labor Statistics.
Note: The year of the map indicates the calendar year in which the waiver would have been effective.

In 2016 and 2018, San Benito County would have met the new unemployment rate criteria based on its own rate but would not under the requirement to use the overall LMA rate. This LMA is unique in that San Benito's ineligibility to secure a waiver during years of high unemployment for the county (2016 and 2018) largely hinged on the labor market conditions in neighboring Santa Clara County and Silicon Valley. By being grouped with Silicon Valley, despite the differences in the *types* of jobs available in the two counties, San Benito County's residents who may have needed food assistance during times of high unemployment would not have been able to receive it. Further, even if San Benito residents were able to secure jobs in neighboring Santa Clara County, the commute from the southernmost

section of San Benito to downtown San José (where jobs may be located) would typically take 2.5 hours driving a vehicle in no traffic. In fact, the average commute time for workers in San Benito has been steadily increasing in recent years, rising to more than 35 minutes according to 2014–18 American Community Survey data.[31]

TABLE 11

Economic Indicators for San Benito County in the San José–Sunnyvale–Santa Clara LMA

	24-Month Average Unemployment Rate				
	For 2016	For 2018	For 2020	Share below poverty	Share receiving SNAP
San José–Sunnyvale–Santa Clara, CA LMA	**5.6%**	**3.9%**	**2.9%**	**8%**	**5%**
San Benito County, CA	9.7%	6.9%	5.3%	9%	9%

Source: Unemployment rate data based on local area unemployment statistics from the Bureau of Labor Statistics; share below poverty and share receiving SNAP based on five-year estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. Highlighted areas had a local area unemployment rate of at least 6 percent and 20 percent above the national average. The share below poverty refers to the percent of households with income below the federal poverty level in the past 12 months.

In terms of demonstrated need, the share of residents living below the federal poverty level is 9.2 percent in San Benito County compared with 8 percent of residents in the broader LMA (the only other county in the LMA, Santa Clara, has a poverty rate of 7.2 percent). Furthermore, the share of residents receiving SNAP in San Benito County is almost double the share receiving the benefit in the overall LMA.

TABLE 12

Share by Race and Ethnicity of Population below the Federal Poverty Level of San Benito County and the San José-Sunnyvale-Santa Clara LMA

	Black	Hispanic	AAPI	White	Multiracial
San Jose-Sunnyvale-Santa Clara, CA LMA	4%	40%	31%	22%	5%
San Benito County, CA	1%	75%	1%	23%	3%

Source: Five- year-estimates from the 2014–18 American Community Survey.
Note: LMA = labor market area. AAPI = Asian American and Pacific Islander. "Black" includes Black or African American people. "Hispanic" includes Hispanic people of all races. "White" includes non-Hispanic white people.

San Benito County is also one of the affected areas with the highest share of Hispanic residents as well as a large immigrant population. According to the 2014-18 American Community Survey, 59 percent of San Benito County residents are Hispanic compared with 27 percent of residents in the overall LMA. Twenty percent of San Benito residents are immigrants according to the same survey. However, among residents with incomes below the federal poverty level, 75 percent are Hispanic in San

Benito County compared with 40 percent of residents with incomes below the federal poverty level in the broader LMA. Given not only the higher need for SNAP among San Benito residents than among residents in the neighboring Santa Clara County but also the higher share of Hispanic and immigrant residents that stand to be affected by the LMA requirement, it is important for policymakers to understand the implications of the new rule on vulnerable populations. Before the announcement of the new rule, reports indicate that immigrant families have been avoiding SNAP in light of the "public charge" rule, and the new rule is likely to make it more difficult for eligible families to access SNAP in communities like San Benito.[32]

Conclusion

In this report, we examined how the USDA's new rules governing eligibility for waiving SNAP ABAWD requirements, originally scheduled to go into effect April 1, 2020, may affect a variety of communities across the country by limiting the ability of some areas with higher unemployment to receive a waiver from the strict three-month time limits. The new rule will require states to apply for waivers using LMA unemployment rates rather than the unemployment rates of smaller local areas, and states will be required to show an elevated unemployment rate 20 percent above the national average rate in the past 24 months that is *also* at least a 6 percent in absolute terms.

By documenting how unemployment rates within LMAs vary over time, we have identified examples of diverse community types across the country that may be made more vulnerable by the rule's requirement that counties/parishes/cities only use LMA unemployment rates: Hartford, CT; Baltimore City, MD; several counties in the greater New York City–Newark metropolitan area; several parishes outside Baton Rouge, LA; counties outside St. Louis, MO; and San Benito County, CA, near Silicon Valley. In each case, we can identify themes and community facts that may warrant caution. Baltimore City is classified as a persistent poverty county and has had a long history of racial and economic segregation. The New York–Newark–Jersey City LMA (which includes Bronx, Kings, and Essex Counties) spans an incredibly large, densely populated geographic area covering three states. The semirural areas outside Baton Rouge include areas where residents have notably high food insecurity rates and limited transportation options,[33] while the areas outside of St. Louis, MO, have a somewhat similar profile of these challenges. San Benito County in California reflects that even being located near an area with a strong economic base does not buffer all parts of an LMA. San Benito also shows how communities with high immigrant populations may be affected by the rule: narrowing access to SNAP may be particularly concerning given how changes in public charge rules can have potential "chilling

effects" on participation in public benefits programs such as SNAP by eligible individuals in immigrant households (Bernstein, McTarnaghan, and Gonzalez 2019).

Broadly speaking, the new waiver eligibility criteria raises the following concerns:

- LMAs may contain several localities experiencing different economic conditions. As the examples make clear, the new rule may limit the ability of states to secure waivers for individual counties and towns in periods with rising unemployment. In February 2020, the prospect of such rapid change seemed only theoretical; by mid-March 2020, unemployment claims in many areas across the US were escalating rapidly.[34] This context demonstrates how a constrained ability to respond to local conditions could be very problematic, in the longer-term aftermath of economic downturns. For example, when the immediate public health crisis from COVID-19 has subsided, specific local areas within an LMA may still continue to see elevated unemployment rates but would have a harder time securing a waiver if the rule were to be implemented.
- LMAs may not adequately capture the difficult commuting patterns, lack of transportation, or other barriers faced by low-income workers. Thus, the new criteria may impose work requirements and SNAP benefit time limits in communities where work is not available within a reasonable commuting distance for low-income people subject to the policy.
- Many of the affected areas have faced entrenched racial segregation and persistent poverty for years. The new criteria could reduce SNAP's ability to buffer from benefit losses participants facing limited employment opportunities shaped by these barriers.

Policymakers should have a clear understanding of these potential implications. Although the new rule has been blocked for now, the analysis above demonstrates the particularly important role of SNAP ABAWD waiver flexibility in ensuring access to SNAP for vulnerable populations, not only during times of unexpected and rapid onset of economic distress, but also when emergency measures have expired and economic recession and elevated unemployment rates continue to affect some communities more than others, even within the same broad metropolitan area.

Notes

[1] "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents," 84 Fed. Reg. 66782 (April 1, 2020).

[2] Bread for the City et al. v. US Department of Agriculture, civil action no. 20-119, US District Court for the District of Columbia, https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2020cv0119-51.

[3] "Families First Coronavirus Response Act," H.R. 6201, 116th Cong. (2020).

[4] See Ben Casselman and Patricia Cohen, "A Widening Toll on Jobs: 'This Thing Is Going to Come for Us All,'" *New York Times*, April 2, 2020. Ordinarily, states may be able to get exemptions from work requirements in times of rapidly rising unemployment through criteria allowing entire states to use qualification for the federal Extended Benefits Program, which provides additional weeks of unemployment benefits to workers who have exhausted regular unemployment insurance benefits in times of high unemployment, to become eligible for a waiver. The trigger for extended benefits is when unemployment rises to 6.5 percent or more during a three-month period or when unemployment insurance claims rise by 20 percent or more.

[5] Based on 2014-2018 5-year estimates from the American Community Survey

[6] "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents," 84 Fed. Reg. 66782 (April 1, 2020).

[7] The rule also eliminates the ability for states to apply a waiver for the entire state or to group areas together into broader contiguous sub-state areas at a state's own discretion.

[8] Lauren Bauer, Jana Parsons, and Jay Shambaugh, "New SNAP Rule Change Just Made It Harder to Combat Future Recessions," Hamilton Project Blog, Brookings Institution, December 4, 2019.

[9] The Department of Labor also uses the 6 percent floor for its designation of Labor Surplus Areas, a Federal standard for job insufficiency used by Federal and State governments and other workforce development partners.

[10] The Bureau of Labor Statistics does not factor in commuting costs in their criteria for evaluating whether an area is within "reasonable distance" for finding employment.

[11] Defined as a rate 20 percent above the national average.

[12] The geographic unit used for the Hartford-West Hartford-East Hartford LMA is a city or town. The geographic unit used for the Baton Rouge LMA is a parish.

[13] Lucia Mutikani, "Coronavirus Layoffs Push U.S. Weekly Jobless Claims to Two-and-a-Half-Year High," *Reuters*, March 19, 2020.

[14] Stephen Singer, "Unemployment in Connecticut Hit New Lows in 2017, Though Cities Still Struggle," *Hartford Courant*, June 8, 2018.

[15] 20 percent above the national average for the previous 24-month window used to assess waiver eligibility

[16] According to the latest data, 81 percent of households receiving SNAP nationwide have incomes at or below the federal poverty level. See "Characteristics of Supplemental Nutrition Assistance Program Household: Fiscal Year 2018," Food and Nutrition Service, last updated November 21, 2019, https://www.fns.usda.gov/snap/characteristics-supplemental-nutrition-assistance-program-households-fiscal-year-2018.

[17] Baltimore City is listed as a Persistent Poverty County (PPCs) which is defined as "any county, including county equivalent areas in Puerto Rico, that has had 20 percent or more of its population living in poverty over the past

30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5- year data series available from the American Community Survey of the Bureau of the Census" (Pub. L. No. 116-93). For more, see the list of PPCs available at "Research and Data," Community Development Financial Institutions Fund, US Department of the Treasury, accessed March 26, 2020, https://www.cdfifund.gov/research-data/Pages/default.aspx.

[18] "Food Insecurity in Baltimore City | Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/county/2017/overall/maryland/county/baltimore-city.

[19] "The Black Butterfly: Racial Segregation and Investment Patterns in Baltimore," Urban Institute, February 5, 2019, https://apps.urban.org/features/baltimore-investment-flows/.

[20] "Too Far from Jobs: Spatial Mismatch and Hourly Workers," Urban Institute, accessed March 26, 2020, https://www.urban.org/features/too-far-jobs-spatial-mismatch-and-hourly-workers.

[21] See the list of PPCs available at "Research and Data," Community Development Financial Institutions Fund, US Department of the Treasury, accessed March 26, 2020, https://www.cdfifund.gov/research-data/Pages/default.aspx.

[22] "Food Insecurity in Bronx County | Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/county/2017/overall/new-york/county/bronx.

[23] "Food Insecurity in Essex County | Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/county/2017/overall/new-jersey/county/essex

[24] Louisiana uses parishes rather than counties as its substate geography, but they are functionally equivalent to counties.

[25] Low access defined as "living more than 1 mile from a supermarket or large grocery store if in an urban area, or more than 10 miles from a supermarket or large grocery store if in a rural area."

[26] "Food Insecurity in St. Helena County | Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/county/2017/overall/louisiana/county/st-helena.

[27] Sean Illing, "'Rural America' Doesn't Mean 'White America'—Here's Why That Matters," *Vox*, April 24, 2017.

[28] Michael Brickey, "The Interstate's Impact on East St. Louis," *NextSTL*, April 27, 2012.

[29] "Food Insecurity in St. Clair County | Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/county/2017/overall/illinois/county/st-clair.

[30] "Major Employers in San Benito County," State of California Employment Development Department, accessed March 26, 2020, https://www.labormarketinfo.edd.ca.gov/majorer/countymajorer.asp?CountyCode=000069.

[31] "Mean Commuting Time for Workers (5-Year Estimate) in San Benito County, CA," FRED economic data, Federal Reserve Bank of St. Louis, accessed March 26, 2020, https://fred.stlouisfed.org/series/B080ACS006069.

[32] It should be noted that there are already strict limitations on immigrants' use of SNAP. See Bernstein et al. (2019) for more.

[33] See "Map the Meal Gap," Feeding America, accessed March 26, 2020, https://map.feedingamerica.org/; and "AllTransit Metrics," Center for Neighborhood Technology, accessed March 26, 2020, https://alltransit.cnt.org/metrics/.

[34] "Unemployment Insurance Weekly Claims," news release, US Department of Labor, March 19, 2020, https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/ui-claims/20200480.pdf.

References

Ajilore, Olugbenga, and Zoe Willingham. 2019. "Redefining Rural America." Washington, DC: Center for American Progress.

Bernstein, Hamutal, Dulce Gonzalez, Michael Karpman, and Stephen Zuckerman. 2019. "One in Seven Adults in Immigrant Families Reported Avoiding Public Benefit Programs in 2018." Washington, DC: Urban Institute.

Bernstein, Hamutal, Sarah McTarnaghan, and Dulce Gonzalez. 2019. "Safety Net Access in the Context of the Public Charge Rule." Washington, DC: Urban Institute.

Brown, Steven, Kilolo Kijakazi, Charmaine Runes, and Margery Austin Turner. 2019. "Confronting Structural Racism in Research and Policy Analysis: Charting a Course for Policy Research Institutions." Washington, DC: Urban Institute.

Eaton, Susan. 2007. *The Children in Room E4: American Education on Trial*. Chapel Hill, NC: Algonquin Books of Chapel Hill.

Fogli, Alessandra, Enoch Hill, and Fabrizio Perri. 2012. "The Geography of the Great Recession." Working paper 18447. Cambridge, MA: National Bureau of Economic Research.

Hahn, Heather, Laura Sullivan, Victoria Tran, David C. Blount, and Elaine Waxman. 2019. *SNAP Work Requirements in Arkansas for Adults without Dependents or Disabilities*. Washington, DC: Urban Institute.

Kneebone, Elizabeth, and Natalie Holmes. 2016. *U.S. Concentrated Poverty in the Wake of the Great Recession*. Washington, DC: Brookings Institution.

McDaniel, Marla, Tyler Woods, Eleanor Pratt, and Margaret C. Simms. 2017. *Identifying Racial and Ethnic Disparities in Human Services: A Conceptual Framework and Literature Review*. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, US Department of Health and Human Services.

Pendall, Rolf, Evelyn Blumenberg, and Casey Dawkins. 2016. "What If Cities Combined Car-Based Solutions with Transit to Improve Access to Opportunity?" Washington, DC: Urban Institute.

Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing.

Schindler, Sarah B. 2015. "Architectural Exclusion: Discrimination and Segregation through Physical Design of the Built Environment." *Yale Law Journal* 124: 1934–2024.

Treuhaft, Sarah, and Allison Karpyn. 2010. "*The Grocery Gap: Who Has Access to Healthy Food and Why It Matters.*" Oakland, CA: PolicyLink.

US Commission on Civil Rights. 1974. *Mortgage Money: Who Gets It? A Case Study in Mortgage Lending Discrimination in Hartford, Connecticut*. Clearinghouse publication 48. Washington, DC: Government Printing Office.

About the Authors

Danielle Kwon is a research assistant in the Income and Benefits Policy Center at the Urban Institute. She primarily works with the Child Care and Development Fund Policies Database, tracking state and territory child care subsidy policies and on microsimulation modeling of various social safety net programs. Her research interests include racial and ethnic disparities in human services, early child care and education, and the experiences of low-income Asian American and Pacific Islander communities. Kwon received her BA in public policy from Duke University.

Nathan Joo is a research analyst in the Income and Benefits Policy Center, where he focuses on social safety net policy and contributes to the From Safety Net to Solid Ground initiative. He works on several projects related to federal nutrition programs and food insecurity.

Elaine Waxman is a senior fellow in the Income and Benefits Policy Center at the Urban Institute. Her expertise includes food insecurity, nutrition, the food assistance safety net, and social determinants of health disparities, as well as broader issues affecting low-income families and communities. Waxman is part of the leadership team coordinating Urban's From Safety Net to Solid Ground initiative. Before joining Urban, Waxman served for six years as vice president for research and nutrition at Feeding America, where she oversaw research on food insecurity and nutrition, federal nutrition programs, the intersection of hunger and health, and the circumstances and experiences of individuals seeking charitable food assistance. She received her MPP and PhD from the University of Chicago, where she is currently a lecturer at the School of Social Service Administration.

Statement of Independence

URBAN INSTITUTE · ELEVATE · THE · DEBATE

500 L'Enfant Plaza SW
Washington, DC 20024

www.urban.org