

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA, STATE
OF NEW YORK, STATE OF
CALIFORNIA, STATE OF
CONNECTICUT, STATE OF
MARYLAND, COMMONWEALTH
OF MASSACHUSETTS, ATTORNEY
GENERAL NESSEL ON BEHALF
OF THE PEOPLE OF MICHIGAN,
STATE OF MINNESOTA, STATE OF
NEVADA, STATE OF NEW
JERSEY, STATE OF OREGON,
COMMONWEALTH OF
PENNSYLVANIA, STATE OF
RHODE ISLAND, STATE OF
VERMONT, COMMONWEALTH OF
VIRGINIA, STATE OF
WASHINGTON and CITY OF NEW
YORK,

Plaintiffs,

v.

U.S. DEPARTMENT OF
AGRICULTURE; GEORGE ERVIN
PERDUE III, in his official capacity as
Secretary of the U.S. Department of
Agriculture, and UNITED STATES
OF AMERICA,

Defendants.

Case No. 1:20-cv-00119

**DECLARATION OF DANIEL R. HAUN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Daniel R. Haun, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained herein, and testify based on my personal knowledge and information, including information gathered and prepared by individuals acting my direction or under my supervision.

2. I am the Director of Self Sufficiency Programs (SSP) for the Oregon Department of Human Services (ODHS). SSP provides anti-poverty services to the citizens of the State of Oregon. I have served as Director of SSP since July 2019, as Deputy Director for three years, and as Deputy Director of Oregon Vocational Rehabilitation prior to that. I have over 20 years of professional experience in workforce development, vocational support and rehabilitation, and anti-poverty services. I oversee the work of more than 2,500 employees providing self-sufficiency services to Oregonians, including the operations of the Temporary Assistance for Needy Families program, Supplemental Nutrition Assistance Program, Employment Related Daycare Program, and eligibility for the Oregon Health Plan.

3. I am aware the Department of Agriculture has issued a final rule titled “Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents” 84 Fed. Reg. 66,782 (Dec. 5, 2019) (to be codified at 7 C.F.R. Part 273) (“the Rule”). Under prior authority, able-bodied adults without dependents (ABAWDs) may only receive three months of benefits from the Supplemental Nutrition Assistance Program (SNAP) unless they fulfill certain work requirements. States may apply for waivers for areas with high unemployment. The new final Rule eliminates or restricts many of the criteria upon which states can rely when applying for a waiver of the ABAWD time limit. I have reviewed the Rule and am aware of its direct implications on the administration of the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program in Oregon. I understand this lawsuit challenges the Rule.

4. Oregon has 36 counties with populations ranging from less than 5,000 residents to over 800,000. Access to employment, housing, health care, and other vital services varies widely across the State.

5. Oregon’s anti-poverty and self-sufficiency programs are a coordinated set of initiatives and partnerships working to empower Oregonians struggling with economic self-

sufficiency. SSP connects Oregonians with vocational training, food and housing support, as well as local, state, and federal direct assistance programs including SNAP, Employment Related Daycare and Temporary Assistance for Needy Families (TANF).

6. In November 2019, Oregon had 347,941 households (totaling 586,781 persons) receiving SNAP benefits statewide. From the persons receiving SNAP benefits, 116,403 or 20% were ABAWDs. In November 2018, Oregon had 357,459 households (totaling 615,405 persons) receiving SNAP benefits. From the persons receiving SNAP benefits, 119,593 or 19% were ABAWDs. In November 2017, Oregon had 378,689 households (totaling 659,450 persons) receiving SNAP benefits. From the persons receiving SNAP benefits, 133,376 or 20% were ABAWDs.

7. In November 2019, the average benefit by county for ABAWDs receiving SNAP ranged from \$166 to \$186 monthly.

8. Oregonians classified as ABAWD include but are not limited to veterans, young adults transitioning out of long term foster care, survivors of domestic violence, individuals with substance abuse disorders, and individuals with unidentified health conditions. Some ABAWDs may also have other barriers to employment such as limited education, lack of access to healthcare, and lack of reliable transportation and adequate housing.

9. SSP and ODHS provide resources to assist individuals with complex, multiple needs and barriers to self-sufficiency including:

- a) Housing
- b) Crisis intervention
- c) Drug treatment/referrals
- d) Case management

e) Job training

f) GED

10. SSP and ODHS also perform monitoring, quality control, and reporting functions required by federal law and court orders governing federally funded programs. Including but not limited to: management evaluation of the program and federal reports specific to the ABAWD population. This includes the SNAP Employment & Training (E&T) Program Activity Report (FNS-583).

11. In January 1, 2019 to December 31, 2019 Oregon received a partial waiver for 23 counties and seven reservation areas. As of January 1, 2020, based on the current waiver, 5 counties continue to apply SNAP time limits and the rest (31 counties) are waived. The Rule will terminate those waivers on March 31, 2020 and based on new rule requirements, only 6 Oregon counties may be waived effective April 1, 2020.

12. Using the November 2019 SNAP caseload numbers, this means 57% of ABAWDs will reside in Waived areas and 43% are in Non-waived Areas during the January through March 2020 waiver period. The 57% residing in waived areas are outside of Oregon's major population centers in the Willamette Valley, residing primarily in rural and agricultural areas, or other areas heavily affected by changes in timber industry or other historic sources of geographically localized employment.

13. If implemented on April 1, 2020, only 6 counties may be eligible for a waiver and 30 will have to apply SNAP time limits. Using the November 2019 SNAP caseload numbers, this means 5% of ABAWDs will continue to reside in Waived areas and 109,918 or 95% will be in Non-waived Areas when the new rules take effect. This is an increase of 60,584 participants. Of those ABAWD Oregonians subject to SNAP time limits, 19%, or 21,886 individuals, would lose their SNAP benefits if they do not participate in work activities.

14. In 2018, the number of partial waivers covered 29 counties and three reservation areas and in 2017, 33 counties and nine reservation areas. In 2016 Oregon had partial waivers in 34 counties and eight reservation areas. From 2008 through 2015 Oregon qualified for a statewide waiver.

15. Oregon's statewide unemployment rate is 3.9% relative to the national unemployment rate of 3.5%, however that figure varies widely between urban and rural areas of the State, and among demographic groups. In counties with waivers, the unemployment rate is 4.8% (37% higher than the national unemployment rate).

16. Oregon is a "Pledge State" pursuant to 7 CFR 273.7. This means, that all ABAWDs who are not working or meeting an exemption are required to be offered an invitation to Oregon Employment Department (OED) and be provided with services. The Rule did not provide additional funding for states to provide these services. OED works with referred participants to utilize the array of E&T providers for ABAWD's to meet their work-related activities requirements. Components for these areas are as follows:

- a) Supervised Job Search
- b) Job Search Training
- c) Job Retention
- d) Basic Education/Foundational Skills Instruction
- e) Career/Technical Education or other Vocational Training
- f) English Language Acquisition
- g) Integrated Education and Training/Bridge Program
- h) Work Readiness

- i) Self-Employment Training
- j) On-the-job Training
- k) Pre-Apprenticeship/Apprenticeship
- l) Internship
- m) Work Experience
- n) Workfare (for non-exempt ABAWDS in non-waived counties only)

17. Oregon will need to request a new waiver for counties to be considered beyond March 31, 2020. The Rule requires states receive approval from the Governor before ODHS can submit the waiver request.

18. In the immediate future, the biggest impact is on areas previously waived and now required to apply SNAP time limits. Ten (10) months of onboarding activities will be necessary in a matter of three months prior to the Rule effective date to ensure those areas are ready to serve ABAWDS. These areas are mostly located in rural geographic regions and lack the resources available to areas currently applying SNAP time limits.

19. Based on the impact of prior changes to the waiver requirements SSP estimates the Rule will require the following from ODHS and SSP to prepare for a new time SNAP time limit waiver:

- a) Review and analysis of Bureau of Labor statistics data to identify affected population and applicable waiver and non-waiver areas
- b) Communicate the program changes to local area affected divisions and program partners including:
 - i. Local managers of SSP programs

- ii. The Oregon Employment Department, which is the Employment & Training partner for ABAWDs
- iii. Internal SSP policy leadership and management
- iv. Community based partners in affected counties, reservation, and communities.

c) The E&T Contractor will need to hire and train staff to be an ABAWD employment Specialist prior to the start of the Group Orientation Sessions in mid-August. This will also allow time to prepare staff and to notify the participant and the communities.

20. The proposed Rule would impose a number of administrative burdens without increase in funding, thus SSP and ODHS would have to absorb additional costs of compliance. As a result, resources currently devoted to providing direct support to Oregonians would have to be diverted to program administration.

21. Additional costs to SSP and ODHS would include developing and disseminating notices to impacted and potentially impacted households advising of their ABAWD status, rights and responsibilities with respect to the new work requirements, reporting obligations, and advanced notice of any adverse actions taken on their SNAP cases as a result of the new Rule's implementation. These costs would erode effectiveness of the SNAP program and are counter to the Rule's stated goal.

22. The Rule has not provided additional funding to serve individuals who have become ineligible for the waiver due to this change.

23. Loss of food benefits will negatively impact nutrition in affected populations, with corresponding negative health consequences for Oregonians, including exacerbating existing health conditions such as diabetes and immune disorders. Food insecurity is associated

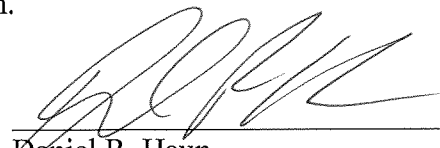
with greater use of health care services. Adults in food-insecure households are about 50 percent more likely to visit an emergency room and to be admitted to a hospital, and they stay hospitalized about 50 percent longer, than adults in food-secure households – thus driving up healthcare costs.¹

24. SNAP recipients use the benefit to purchase food throughout the State, thus supporting the economy. SSP estimates the lost economic value to be up to \$6,894,965.44 per month.

25. The reduction in SNAP that an individual receives directly affects their short and long-term economic stability, but based on impact of SNAP benefits used in their communities, and interrelated factors affecting economically vulnerable individuals, there will also be corresponding impacts to local communities including to foodbanks, retailers, and other community organizations.

I declare under penalty of perjury that the forgoing is true and correct and of my own personal knowledge.

Executed on January 9, 2020 in Salem, Oregon.



Daniel R. Haun
Director of Self Sufficiency Programs
Oregon Department of Human Services

¹ http://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1105&context=ukcpr_papers.