

**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 DANA 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, 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 TIKKI BROWN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Tikki Brown, 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, and investigation of facts provided to me by the Minnesota Department of Human Services.

2. I am the Director of Economic Opportunity and Nutrition Assistance for the Minnesota Department of Human Services. My responsibilities include overseeing the Office of Economic Opportunity and the statewide administration of the Supplemental Nutrition Assistance Program ("SNAP") in Minnesota.

3. I am aware that the federal government recently issued a final rule, “Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents” 84 Fed. Reg. 66,782 (Dec. 5, 2019) (“the Rule”). Able-bodied adults without dependents (“ABAWDs”) are generally barred from receiving SNAP benefits for more than three months in any thirty-six-month period unless they work or participate in job training at least 20 hours a week. Currently, states or areas within a state may qualify for a waiver of the three-month time limit if they have high unemployment rates, and states may use exemptions to extend benefits for additional months to certain ABAWDs. Implementation of the Rule, however, will restrict the ways in which states can obtain waivers and use exemptions to provide SNAP benefits to ABAWDs who are unemployed for more than three months. I have reviewed the Rule and am aware of its direct implications on the administration of the SNAP program in Minnesota. I understand that this lawsuit challenges the Rule.

4. ABAWDs who receive SNAP benefits in Minnesota face barriers to employment. Their average education level is 11.48 years, and 28 percent have less than a high school education. Twenty-two percent are homeless under the McKinney-Vento definition. ABAWDs who receive SNAP benefits in Minnesota have an average annual income of \$2,290.

5. From the 2009 to 2013 federal fiscal years, Minnesota had a statewide waiver from the SNAP work requirements for ABAWDs. Minnesota has since been approved for partial ABAWD time limit waivers. There are 87 counties within Minnesota. It is anticipated that only three of Minnesota’s 26 currently-waived counties will continue to qualify for a waiver under the Rule.

6. Approximately 14,500 SNAP recipients in Minnesota are ABAWDs. About 4,000 of those 14,500 reside in counties or tribal nations with a time limit waiver. It is anticipated that approximately 2,100 of those 4,000 will be subject to the time limit and lose benefits under the Rule.

7. Minnesota began using exemptions in January 2016 to extend SNAP benefits for ABAWDs in non-waived areas. In federal fiscal year 2019, Minnesota used 64,539 exemptions, which reached approximately 16,500 ABAWDs. After the Rule’s restriction on carrying over exemptions takes effect October 1, 2020, approximately 6,000 ABAWDs per month in Minnesota are expected to lose their SNAP benefits by December 2020.

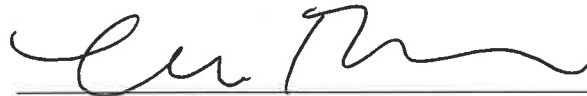
8. With changes to the waiver requirements and exemption use, approximately 8,000 ABAWDs per month in Minnesota are expected to lose their SNAP benefits under the Rule.

9. In Minnesota, SNAP eligibility is determined by counties and tribal nations, and they are responsible for administering the program. The Minnesota Department of Human Services is responsible for statewide oversight of the program. For areas no longer waived under the Rule, SNAP eligibility will need to be reassessed for all ABAWD recipients.

10. Eligibility workers will have limited time to reassess affected cases and send proper 10-day notices to ABAWDs whose SNAP benefits must stop after implementation of the Rule. Eligibility workers for agencies in areas that were once waived will also need training on ABAWD policies. It is anticipated that this staff time and training alone will cost the state at least \$500,000. In addition, ABAWDs will have the right to appeal the termination of their benefits, and substantial local and state resources could be exhausted through those proceedings.

11. During the 2015 legislative session in Minnesota, the Minnesota Department of Human Services was tasked with finding ways to reduce health disparities in Minnesota. A team of researchers from the Minnesota Department of Human Services investigated whether Minnesota's ABAWD population has lower Medicaid expenditures when they have consistent access to SNAP, as academic researchers have found with SNAP recipients nationally. Two years of research indicates that ABAWDs had higher health care expenditures in the year when they received few or no months of SNAP benefits, and lower health care expenditures in the year they received more SNAP benefits.

I declare under penalty of perjury that the forgoing is true and correct. Executed on January 14, 2020, in St. Paul, Ramsey County, Minnesota.



Tikki Brown
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