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December 2, 2019

SNAP Certification Policy Branch
Program Development Division
Food and Nutrition Services
3101 Park Center Drive
U.S. Department of Agriculture
Alexandria, VA 22302

Submitted online via <http://regulations.gov>

Re: Notice of Proposed Rule Making Regarding Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances -- RIN 0584-AE69

Dear SNAP Certification Policy Branch:

The California Women's Law Center (CWLC) appreciates the opportunity to comment on United States Department of Agriculture's (Department) Notice of Proposed Rule Making regarding Supplemental Nutrition Assistance Program (SNAP) Standardization of State Heating and Cooling Standard Utility Allowances (proposed rule). According to the Department's own estimates, the proposed rule would cut SNAP benefits by \$4.5 billion over five years; nearly 8,000 households would lose eligibility for SNAP.¹

CWLC is a statewide nonprofit law and policy center dedicated to breaking down barriers and advancing the potential of women and girls through impact litigation, policy advocacy, and education. A vital part of CWLC's mission is fighting for women's economic empowerment by advocating for policies that improve their economic security. CWLC strongly believes that all low income women, women of color, immigrant women, and older women, should have access to the resources they need to support themselves and their families.

The proposed rule standardizes state heating and cooling Standard Utility Allowances (SUAs), which would exacerbate the struggles women with low incomes have paying for food and utilities. The proposed rule is flawed and should be withdrawn as it would have harmful impacts on the health and well-being of women and their families as well as on the economy.

SNAP's statutory purpose, as declared by Congress, is "to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households. ... To alleviate such hunger and malnutrition, a supplemental nutrition assistance program is herein authorized which

¹ <https://www.regulations.gov/document?D=FNS-2019-0009-0002> (pg. 2)

will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”²

I. SNAP reduces hunger, food insecurity, and poverty for millions of women and families.

SNAP plays a critical role in reducing hunger, food insecurity, and poverty for millions of women and families. In 2018, SNAP lifted the incomes of more than 3.1 million people above the poverty line.³ On average each month in Fiscal Year (FY), 2018 SNAP served more than 39.6 million people in nearly 19.7 million households.⁴ Women and girls make up 57 percent of all SNAP participants.⁵ Women make up 63 percent of all adult SNAP recipients.⁶ In FY 2017, SNAP, which is called CalFresh in California, reached over 4 million or 1-in-10 California residents.⁷ Over 73 percent of SNAP participants in California are families with children, over 44 percent are working families, and almost 11 percent are families with members who are older adults or are living with disabilities.⁸

SNAP serves a diverse group of women and families. Women of color make up 33 percent of adult recipients.⁹ In 2016, women made up almost 48 percent of noncitizen recipients of SNAP.¹⁰ In 2015, 49 percent of households participating in CalFresh were Latinx;¹¹ 14 percent were Black; 6 percent were Asian, Filipino, or Pacific Islander; 1 percent were American Indian or Alaska Native; and 26 percent were White.¹²

² 7 U.S.C. section 2011.

³ page 10 of <https://census.gov/content/dam/Census/library/publications/2019/demo/p60-268.pdf>

⁴ U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, NATIONAL LEVEL ANNUAL SUMMARY, PARTICIPATION AND COSTS, available at <https://fns-prod.azureedge.net/sites/default/files/resource-files/34SNAPmonthly-5.pdf> (last visited July 11, 2019).

⁵ U.S. DEP’T OF AGRIC., FOOD & NUTRITION SERVS., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2017, at xvii (Feb. 2019), available at <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2017.pdf> (hereinafter “SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017”).

⁶ *Id.*

⁷ Center on Budget and Policy Priorities Factsheet, *California: CalFresh* (Dec. 3, 2018), https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_california.pdf.

⁸ *Id.*

⁹ NAT’L WOMEN’S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2019 CURRENT POPULATION SURVEY using SARAH FLOOD ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018).

¹⁰ Nat’l Women’s Law Ctr. calculations based on U.S. Census Bureau, 2017 Current Population Survey, using Sarah Flood et al., Integrated Public Use Microdata Series (IPUMS): Version 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018) (hereinafter “2017 Current Population Survey”).

¹¹ “Latinx” is a gender-neutral term that challenges the gender binary in the Spanish language and embraces the diversity of genders that often are actively erased from spaces. Due to the limitations of data collection, we use “Latina(s)” or “women” where research only shows findings for cisgender women, including Latinas.

¹² Lucile Packard Foundation for Children’s Health, Kidsdata, CalFresh (Food Stamp) Participation, by Race/Ethnicity (Oct. 2015), <https://www.kidsdata.org/topic/801/food-stamps->

SNAP is the first line of defense against food insecurity for women, children, and families. Nearly one in nine households in the United States experience food insecurity during any given year.¹³ Food insecurity disproportionately impacts women and marginalized communities. In 2018, 14 percent of women living alone faced food insecurity¹⁴ and nearly 28 percent of households with children headed by single women faced food insecurity.¹⁵ In the same year, 21 percent of households with a Black head of household and 16 percent of households with a Latinx head of household were food insecure.¹⁶ In California, 4.7 million adults and 2.0 million children live in low-income households affected by food insecurity.¹⁷

Additionally, food insecurity heightens the risk of rape, physical violence, or stalking by an intimate partner.¹⁸ This is critical considering that in 2017, nationally 31 percent of survivors of domestic violence reported applying for food assistance during the abusive relationship began.¹⁹ The impact of this rule on survivors of intimate partner violence is discussed in more detail below.

Critically, women are already at a higher risk for economic insecurity due to discrimination,²⁰ including the persisting gender pay gap,²¹ overrepresentation in the

[race/table#fmt=2361&loc=2,364&tf=84&ch=7,11,1141,10,9,73,127&sortColumnId=0&sortType=asc.](#)

¹³ Alisha Coleman-Jensen et al., U.S. Dep’t of Agric., Household Food Insecurity in the United States in 2018, at 6 (2019), <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=963>.

¹⁴ *Id.* at 14.

¹⁵ *Id.* at 14.

¹⁶ *Id.* at 14.

¹⁷ CFPA Factsheet, “*Struggling to Make Ends Meet: Food Insecurity in CA*,” available at <https://cfpa.net/GeneralNutrition/CFPAPublications/FoodInsecurity-Factsheet-2019.pdf>

¹⁸ Matthew J. Breiding, Michele C. Black & Jieru Chen, Ctrs. for Disease Control & Prevention, Nat’l Ctr. for Inj. Prevention & Control, Intimate Partner Violence in the United States — 2010, at 34 (2014), available at

https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf.

¹⁹ The Nat’l Domestic Violence Hotline, Nat’l Res. Ctr. on Domestic Violence, & Nat’l Latin@ Network, We Would Have Had to Stay (Nov. 2018), available at

https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf.

²⁰ Discrimination and harassment based on gender, race, sexual orientation, age and disability (or a combination of these) and domestic violence also impose economic costs on women, including by disrupting and jeopardizing their employment. See, e.g., Nat’l Women’s Law Ctr., Sexual Harassment in the Workplace (2016), <https://nwlc.org/wpcontent/uploads/2016/11/Sexual-Harassment-Fact-Sheet.pdf>; Institute for Women’s Policy Research, *The Economic Cost of Intimate Partner Violence, Sexual Assault, and Stalking* (2017), https://iwpr.org/wpcontent/uploads/2017/08/B367_Economic-Impacts-of-IPV-08.14.17.pdf.

²¹ Women on average earn less than men, with even greater wage gaps for women of color, LGBTQ women, older women, and women with disabilities. See Nat’l Women’s Law Ctr., *Frequently Asked Questions About the Wage Gap* (2018), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/09/Wage-Gap-FAQ.pdf>; Nat’l Women’s Law Ctr., *The Wage Gap: The Who, Why, How, and What to Do* (2017), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wpcontent/uploads/2016/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2017-2.pdf>. Immigrant women likewise face a significant wage gap compared to native-born and naturalized men: foreign-born, noncitizen women, on average, earned 58 cents for every dollar earned by native-born men in 2015. Elise Gould, Jessica Schieder & Kathleen Geier,

low-wage workforce,²² and disproportionate responsibility for caregiving,²³ among other exacerbating factors. Nearly 23.8 million people work in the 40 lowest-paying jobs (typically paying less than \$12 per hour),²⁴ and their employers are less likely to provide access to important support systems like paid leave and predictable or flexible work schedules.²⁵ Women make up nearly two-thirds (65 percent) of the workforce in these low-wage jobs, and women of color are particularly disproportionately represented.²⁶

Employers are less likely to hire women than men for high-wage jobs,²⁷ and employers' negative stereotypes about mothers' commitment to higher-level work also contribute to mothers' overrepresentation in the low-wage workforce.²⁸ Women are also systemically (sometimes overtly and sometimes subtly) discouraged from higher-paying job tracks, such as in the Science, Technology, Engineering, and Mathematics (STEM) field.²⁹ "Women's work" is also devalued, in the most literal sense. Caregiving is just one example—paid child care providers are vastly

Econ. Pol. Inst., *What is the Gender Pay Gap and Is It Real?* (2015),

<https://www.epi.org/publication/what-is-the-genderpay-gap-and-is-it-real/>.

²² Women make up two-thirds of the low-wage workforce (defined for the purposes of this discussion as jobs that pay, on average, \$11.50 per hour or less). Kayla Patrick, Meika Berlan & Morgan Harwood, Nat'l Women's Law Ctr., *Low-Wage Jobs Held Primarily by Women Will Grow the Most Over the Next Decade* (2018), <https://nwlc.w49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/04/Low-Wage-Jobs-Held-Primarily-by-Women-Will-Grow-the-Most-Over-the-Next-Decade-2018.pdf>. Immigrant women are overrepresented in low-wage jobs (such as maid or housekeeper, nursing, psychiatric, or home health aide, or cashier), as are women of color. American Immigration Council, *The Impact of Immigrant Women on America's Labor Force* (2017), <https://www.americanimmigrationcouncil.org/research/impact-immigrant-women-americas-labor-force>; National Women's Law Center, *Underpaid & Overloaded: Women in Low-wage Jobs* (2014), https://nwlc.org/wp-content/uploads/2015/08/final_nwlc_lowwagereport2014.pdf. Because many of these jobs, in addition to paying unjustly low wages, are unstable and offer few benefits, many women in the low-wage workforce are unable to support their families on their wages alone. *See, e.g.*, Julie Vogtman & Karen Schulman, Nat'l Women's Law Ctr., *Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success* (2016), <https://nwlc.w49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents'-and-Children's-Success.pdf>.

²³ Women are more likely than men to raise children on their own, *see, e.g.*, U.S. Census Bureau, *America's Families and Living Arrangements 2018*, Tbl. A3, <https://www.census.gov/data/tables/2018/demo/families/cps-2018.html>, meaning that their incomes must stretch to support more family members.

²⁴ NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using Steven Ruggles et al., IPUMS USA: Version 9.0 [dataset] (Minneapolis, 2019), available at <https://ipums.org/>.

²⁵ JULIE VOGTMAN & KAREN SCHULMAN, SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (2016), <https://nwlc.org/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>

²⁶ *Id.* For example, Latinx women and Native women are represented in the low-wage workforce at roughly double the rate of their representation in the workforce overall, while Black women's share of the low-wage workforce is 1.75 times their share of the workforce overall.

²⁷ NAT'L WOMEN'S LAW CTR., THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO 2 (2018), available at <https://nwlc-w49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/10/The-Wage-Gap-Who-How-Why-and-What-to-Do-2018.pdf> (hereinafter "THE WAGE GAP").

²⁸ *Id.* at 3.

²⁹ *Id.* at 2-3.

underpaid for the valuable work they do caring for children and supporting their development,³⁰ and family caregiving responsibilities,³¹ of which mothers also bear a disproportionate share, are completely uncompensated. Studies have also revealed that large numbers of women moving into a given field typically leads to a decline in wages in that field.³²

Gender and racial discrimination, combined with policymakers' failure to increase the minimum wage, negatively impacts the economic security of women in the low-wage workforce. SNAP is a critical support for women earning low incomes, helping them feed themselves and their families amidst an economic system that already poses many barriers to meeting other basic needs, like child care, housing, and health care.

SNAP is also critical to helping maintain good health for low income women and families. Research shows that food insecurity increases the risk of negative physical and mental health outcomes.³³ SNAP is also associated with decreased health care costs³⁴ and improved physical and mental health.³⁵ For instance, when food stamps were initially implemented in the 1960s, "birth weights increased and there were lower rates of diet-related illnesses (including diabetes and obesity) among adults who had access to the program at young ages."³⁶

Additionally, the "same research indicates improved economic self-sufficiency among women exposed to the program as children."³⁷ According to the California Poverty Measure, "CalFresh moved roughly 800,000 Californians out of poverty" in 2015.³⁸ It lowered the poverty rate by 2.1 percentage points—more than any other safety net program—and lowered child poverty by 4 percentage points statewide.³⁹

SNAP not only helps individuals and families, and their communities as well, especially during an economic downturn. According to recent studies, analysts

³⁰ JULIE VOGTMAN, NAT'L WOMEN'S LAW CTR., UNDERVALUED: A BRIEF HISTORY OF WOMEN'S CARE WORK AND CHILD CARE POLICY IN THE UNITED STATES 2 (2017), available at https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/12/final_nwlc_Undervalued2017.pdf.

³¹ THE WAGE GAP, *supra* note 57.

³² *Id.*

³³ HEATHER HARTLINE-GRAFTON, FOOD RES. & ACTION CTR., THE IMPACT OF FOOD INSECURITY ON WOMEN'S HEALTH, <http://frac.org/blog/impact-food-insecurity-womens-health>; FOOD RES. & ACTION CTR., THE IMPACT OF POVERTY, FOOD INSECURITY, AND POOR NUTRITION ON HEALTH AND WELL-BEING 3-6 (Dec. 2017), available at <http://frac.org/wp-content/uploads/hunger-health-impact-poverty-food-insecurity-health-well-being.pdf>.

³⁴ CHRISTIAN A. GREGORY & PARTHA DEB, DOES SNAP IMPROVE YOUR HEALTH?, 50 FOOD POL'Y 11 (2015); SETH BERKOWITZ ET AL., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION AND HEALTH CARE EXPENDITURES AMONG LOW-INCOME ADULTS, 177 JAMA INTERNAL MEDICINE 1642 (2017); HILARY K. SELIGMAN ET AL., EXHAUSTION OF FOOD BUDGETS AT MONTH'S END AND HOSPITAL ADMISSIONS FOR HYPERGLYCEMIA, 33 HEALTH AFFAIRS 116 (2014).

³⁵ HARTLINE-GRAFTON, *supra* note 9.

³⁶ Caroline Danielson, *Just the Facts: The CalFresh Food Assistance Program*, PUB. POL'Y INST. OF CAL. (Feb. 2018).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

estimate that \$1.00 in new SNAP benefits would increase economic activity by \$1.50 to \$1.80 in total economic activity during a recession.⁴⁰ Those dollars help many food retailers operating on thin margins to remain in business and improves food access for all residents.

II. The proposed rule’s changes to SUA calculations will harm women, children, and families.

Policymakers recognize that household resources needed to pay for basics such as shelter – including utility costs – and child care, are not available to purchase food. Under current law, the SNAP benefit calculation takes into account the utility expenses of each SNAP household. Households with no older adults or disabled individuals have a cap on excess shelter costs.

States adjust household benefits based on a state-specific SUA calculated by the state and approved by USDA. The current policy allows variances in SUAs to accommodate for differences in utility costs and rates and allows states flexibility in how they calculate those costs. States are required to update their SUA annually and can revise their methodology, pending USDA approval.

The proposed rule standardizes and caps SUA calculations across the country,⁴¹ curtailing state flexibility. Moreover, the proposed rule’s standardization of the application of SUA to utility costs will disproportionately affect people living with low incomes. USDA provided no explanation for this significant proposed change.

A. The proposed rule threatens vital food assistance for women.

Women account for 63 percent of adult SNAP recipients.⁴² Because most adult SNAP recipients are women, they are likely to be disproportionately impacted by the proposed rule. This will make it harder for women to pay to heat and cool their homes and to pay for food to feed their families.

In California, the availability of affordable air conditioning is a significant problem, particularly in Southern California where climate change is making the region hotter. For example, in the San Fernando Valley, it is estimated that the number of extreme heat days will increase from roughly 50 days per year currently to 100 days by 2050.⁴³ This extreme heat can lead to major health issues and serious disruptions in living conditions.

⁴⁰ PATRICK CANNING & BRIAN STACY, U.S. DEP’T OF AGRIC., ECON. RES. SERV., THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND THE ECONOMY: NEW ESTIMATES OF THE SNAP MULTIPLIER (July 2019), <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7>.

⁴¹ USDA suggests using the American Community Survey (ACS) and the Residential Energy Consumption Survey (RECS).

⁴² SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017, *supra* note 5.

⁴³ Shereen Marisol Meraji & Gene Demby, *It's Getting (Dangerously) Hot in Herre*, CODE SWITCH, NAT’L PUB. RADIO (Sept. 13, 2017, 12:01 AM), <https://www.npr.org/transcripts/550452204>.

Due to housing segregation, people of color and people living with low incomes are often the most impacted.⁴⁴ In an area where access to cooling is critically important for the health and well being of families, the high cost of utilities is yet another barrier to the ability of women and families to survive and thrive. The proposed rule would exacerbate these costs by standardizing and capping SUA calculations.

The impact of the proposed rule would likely be even more negative for women with multiple marginalized identities. Consequently, USDA should withdraw this proposed rule so women can feed themselves and their families, and be able to heat and cool their homes.

B. The proposed rule threatens vital food assistance for survivors of domestic violence or sexual assault.

While domestic violence and sexual assault occur across the socio-economic spectrum, there are unique challenges and barriers for survivors at the intersection of gender-based violence and economic hardship.

Women living in poverty experience domestic violence at twice the rate of those who are not, and this violence can make it nearly impossible to climb out of poverty.⁴⁵ Women who have experienced food insecurity in a 12-month period also face a higher prevalence of rape, stalking, and physical violence from a partner compared to women who do not.⁴⁶ To exercise control over their partners, abusers will actively prevent their partner from attaining economic independence by sabotaging their economic stability. For example, abusers may interfere with survivors' access to financial resources, education, employment, child care, or health care, engage in reproductive coercion, negatively impact the survivor's credit, or leave the survivor with substantial types of debt.⁴⁷

⁴⁴ *Id.*

⁴⁵ See, e.g., Eleanor Lyon, Nat'l Res. Ctr. on Domestic Violence, Welfare, Poverty and Abused Women: New Research and its Implications (Oct. 2000), *available at* https://vawnet.org/sites/default/files/materials/files/2016-09/BCS10_POV.pdf; Mary Kay, Inc., 2012 Mary Kay Truth About Abuse Survey Report (2012), *available at* http://content2.marykayintouch.com/public/PWS_US/PDFs/company/2012Survey.pdf; Eleanor Lyon, Shannon Lane & Anne Menard, Meeting Survivors' Needs: A multistate study of domestic violence shelter experiences (Oct. 2008), *available at* http://www.vawnet.org/Assoc_Files_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf; Eleanor Lyon, Jill Bradshaw & Anne Menard, Meeting Survivors' Needs through Non-Residential Domestic Violence Services & Supports: Results of a Multi-State Study (Nov. 2011), *available at* <https://vawnet.org/sites/default/files/materials/files/2016-07/DVServicesStudy-FINALReport2011.pdf>; Rachel Kimerling et al., Unemployment Among Women: Examining the Relationship of Physical and Psychological Intimate Partner Violence and Posttraumatic Stress Disorder, 24 *J. Interpersonal Violence* 450 (2009).

⁴⁶ Matthew J. Breiding, Michele C. Black & Jieru Chen, Ctrs. for Disease Control & Prevention, Nat'l Ctr. for Inj. Prevention & Control, Intimate Partner Violence in the United States — 2010, at 34 (2014), *available at* https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf.

⁴⁷ See, e.g., Judy Postmus et al., Understanding Economic Abuse in the Lives of Survivors, 27 *J. Interpersonal Violence* 411 (2011), *available at* <https://journals.sagepub.com/doi/abs/10.1177/0886260511421669>; Adrienne Adams et al.,

Abuse can also force a survivor into poverty. Violence often undermines survivors' ability to work, maintain a residence, and do what is necessary to pursue a more stable life for themselves and their children.⁴⁸ Moreover, ending an abusive relationship, may mean losing not only access to a partner's income, but also housing, health care, or child care. Furthermore, survivors in marginalized and underserved communities (such as people of color, LGBTQ people, immigrants, and people with disabilities) often face intersecting forms of discrimination that exacerbate their likelihood of facing or continuing economic instability.⁴⁹ In a recent survey, 67 percent of survivors reported that they stayed longer than they wanted or returned to an abusive relationship because of financial concerns, like not being able to pay bills, afford rent or a mortgage, or feed their family, with 24 percent of those survivors reporting experiencing food insecurity in the past year.⁵⁰

Accessing public benefits that help meet basic needs, including SNAP, is therefore imperative for a woman's safety.⁵¹ Survivors' access to SNAP is fundamental to determining whether they can leave an abusive relationship⁵² and is critical to helping them establish a safer and more stable life. In a 2017 survey of service providers working with survivors, over 88 percent of respondents said that SNAP is a very critical resource for most domestic violence survivors and 55 percent of respondents said SNAP is critical for sexual assault survivors.⁵³

Development of the Scale of Economic Abuse, 13 Violence Against Women 563-588 (2008), available at <https://yaw.msu.edu/wp-content/uploads/2013/10/Scale-of-Economic-Abuse.pdf>; Inst. For Women's Pol'y Res., The Economic Cost of Intimate Partner Violence, Sexual Assault, and Stalking (Aug. 2017), available at https://iwpr.org/wp-content/uploads/2017/08/B367_Economic-Impacts-of-IPV-08.14.17.pdf.

⁴⁸ See, e.g., Inst. For Women's Pol'y Res., *supra* note 26.

⁴⁹ See, e.g., Kaiser Family Foundation, Poverty Rate by Race/Ethnicity (2016), <https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity>; National Poverty Center (2009). Policy Brief – The Colors of Poverty: Why Racial and Ethnic Disparities Persist, available at http://npc.umich.edu/publications/policy_briefs/brief16/PolicyBrief16.pdf; Badgett et al., New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community (2013), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>; Albelda et al., Poverty in the Lesbian, Gay, and Bisexual Community (2009), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>; Bread for the World, Hunger and Poverty Among Immigrants (2016), available at <http://www.bread.org/sites/default/files/downloads/immigrants-fact-sheet-2016.pdf>; Vallas, R. & Fremstad, S., Disability is a Cause and Consequence of Poverty (2014), <https://talkpoverty.org/2014/09/19/disability-cause-consequence-poverty/>.

⁵⁰ The National Domestic Violence Hotline, National Resource Center on Domestic Violence, and National Latin@ Network, *We Would Have Had to Stay*, (2018), available at https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf.

⁵¹ See, e.g., Eleanor Lyon, Nat'l Res. Ctr. on Domestic Violence, Welfare, Poverty and Abused Women: New Research and its Implications (2002), <https://vawnet.org/material/welfare-poverty-and-abused-women-new-research-and-its-implications>.

⁵² Lyon, Lane & Menard, *supra* note 25; Lyon, Bradshaw & Menard, *supra* note 25; Kimerling et al., *supra* note 25.

⁵³ Shaina Goodman, Nat'l Res. Ctr. on Domestic Violence, The Difference Between Surviving and Not Surviving: Public Benefits Programs and Domestic and Sexual Violence Victims' Economic Security 3 (Jan. 2018), https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018_0.pdf.

By the Center for Disease Control’s (CDC) own account, programs and policies strengthening economic supports help reduce the risk factors for intimate partner violence.⁵⁴ The CDC identifies SNAP as a program that can strengthen household financial security through providing cash benefits to low-income households, representing an evidence-based approach to reduce risk factors for intimate partner violence.⁵⁵ Simply put, when survivors have stable access to resources that help them build economic resiliency – including programs like SNAP – they and their families are much more likely to remain safe and secure.

This proposed rule would cut SNAP benefits for many survivors and their families, adding an additional, unnecessary barrier for survivors to heat and cool their homes and put food on their table after escaping their abuser.

In addition, according to the National Consumer Law Center:

Getting utilities set up and kept current can be particularly difficult for domestic violence survivors. Several roadblocks to keeping or acquiring new utility service exist. The utility company may try to hold a survivor responsible for delinquent utility bills on an account managed by the abuser. In addition, a survivor who has any preexisting utility debt may find it hard to get new service.⁵⁶

Because this proposed rule would add unnecessary barriers to survivors accessing SNAP and paying for their utilities, USDA should withdraw this proposed rule and instead focus on improving access to food and nutrition programs to increase the safety and well-being of survivors and their families.

C. The proposed rule threatens vital food assistance for older women.

The Administration concedes that the proposed rule would cause 19 percent of households that currently receive SNAP to get lower SNAP monthly benefits, and that the proposed rule would disproportionately impact older people,⁵⁷ especially older women.

Nearly 26 percent of older adult households would experience a decrease in monthly SNAP benefits, with an average benefit loss of \$36 per month.⁵⁸ USDA states that because these households do not face the excess shelter cost cap, they will face the greater benefit loss.⁵⁹

⁵⁴ Niolon, Kearns, Dills, et al., Center for Disease Control and Prevention, *Preventing intimate partner violence across the lifespan: a technical package of programs, policies, and practices* (2017), available at <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>.

⁵⁵ *Id.*

⁵⁶ Pg. 1 <https://liheapch.acf.hhs.gov/sites/default/files/webfiles/docs/DomesticIssues.pdf>

⁵⁷ <https://www.regulations.gov/document?D=FNS-2019-0009-0002> (pg. 29, tbl. 10)

⁵⁸ <https://www.regulations.gov/document?D=FNS-2019-0009-0002> (pg. 29, tbl. 10)

⁵⁹ NPRM at 52813

Overall, women live longer than men and, as a result, make up the majority of the older adult population.⁶⁰ Living longer increases the risk that older women will outlive their savings,⁶¹ which is compounded by a lifetime of discrimination, including pay inequality.⁶² Thus, “[o]ne in five single older women live below the federal poverty level, while another 32.2 percent have incomes that are higher, yet are still unable to meet their basic living expenses.”⁶³

The impact is greatest on older women of color: “Black women have the highest rate of poverty for those 65 years of age and above (21 percent), followed by Hispanic women (20 percent), [and] Asian women (13 percent) . . . American Indian and Alaska Native elders living in California ‘were 2.1 times as likely as other older Californians to experience some combination of not being able to afford food, skipping meals, going hungry, and not eating balanced meals and were also more likely than other older Californians to be below 200 percent of the poverty level (28 percent more likely).”⁶⁴

This loss in benefits, and resulting increase in food insecurity for people who can least afford it, could be particularly detrimental to the health and well-being of older adults, especially women, in California and the United States more broadly. Given these likely impacts, USDA should withdraw its proposed rule immediately.

USDA should be strengthening SNAP and building on the program’s positive and intended impacts for health, well-being, and economic activity, not making cuts to SNAP benefits. CWLC strongly opposes the proposed rule and requests that the USDA withdraw the rule and work with states that have inadequate SUAs to improve their SUA’s under their flexibility under the current policy.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me at betsy.butler@cwlc.org or (323) 951-1041.

Sincerely,

Betsy Butler
Executive Director

⁶⁰ SANDRA K. FITZPATRICK, CAROL M. SEWELL, & AMBER C. CHRIST, AGING, WOMEN AND POVERTY IN CALIFORNIA: WE MUST DO MORE 9 (2016).

⁶¹ *Id.*

⁶² *Id.* at 14.

⁶³ *Id.* at 9.

⁶⁴ *Id.* at 14.