



OFFICE OF POLICY, PROCEDURES, AND TRAINING

POLICY BULLETIN #23-57-ELI

CHANGES IN ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) RULES FROM THE FISCAL RESPONSIBILITY ACT OF 2023

Date: October 4, 2023	Subtopic(s): ABAWD
	<p>The purpose of this policy bulletin is to inform Benefits Access Center (BAC), HIV/AIDS Services Administration (HASA) and Non-Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP) Center staff of the changes in the ABAWD) rules which were included in the Fiscal Responsibility Act (FRA) of 2023.</p> <p>The FRA expands the age range for who may be subject to the ABAWD time limits. Under current law, individuals between 18- 49 who do not live with a child under 18 in their SNAP household and are considered physically and mentally able to work and who are not otherwise exempt, must follow the rules for ABAWDs. The FRA phases in an increase in the ABAWD age limit as follows:</p> <ul style="list-style-type: none"> • 18 - 50 years effective September 1, 2023; • 18 - 52 years effective October 1, 2023; and • 18 - 54 years effective October 1, 2024. <p>Effective September 1, 2023, the FRA adds the following new ABAWD exemptions:</p> <ul style="list-style-type: none"> • Homeless individuals; • Veterans; and • Individuals aged 24 or younger and in foster care on or after their 18th birthday. <p><u>Homeless Exemption</u></p> <p>Homeless is defined as lacking a fixed and regular nighttime residence or having a primary nighttime residence that is:</p> <ul style="list-style-type: none"> • A supervised shelter designed to provide temporary accommodations (such as a hotel or congregate shelter;

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- A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- A temporary accommodation for not more than 90 days in the residence of another individual; or
- A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).

Individuals in a SNAP household with any of the following WMS Shelter Type Codes in their budget are to be considered as meeting the definition of homeless for the ABAWD exemption:

- **06** – Hotel/Motel Temporary
- **13** – Residential Programs for Victims of Domestic Violence
_____ less than 3 meals per day
- **14** – Residential Programs for Domestic Violence –
3 meals per day
- **23** – Undomiciled
- **30** – Scatter Site Homeless Housing
- **33** – Homeless Shelter Tier I or Tier II (less than 3 meals/day)
- **34** – Homeless Shelter Tier I or Tier II (3 meals per day)
- **35** – Homeless Shelter Non-Tier I/ Non-Tier II

Veterans Exemption

A veteran is defined as someone who served in the US Armed Forces (i.e. the Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including service in a reserve component of the Armed Forces, and who was discharged or released, regardless of the conditions of their discharge or release and anyone in receipt of a VA disability compensation.

Individuals with any of the following Veteran's Indicator codes in WMS are exempt from the ABAWD time limits

- **1** – Special Disabled Veteran
- **2** – Vietnam-era veteran
- **3** – Disabled Veteran
- **4** – Combat Theater Veteran
- **5** – Recently Separated Veteran
- **6** – Other Veteran

Foster Care Exemption

This exemption is for individuals 24 or younger and in foster care on or after their 18th birthday including those who choose to stay in foster care up to the State's maximum age. For example, a 19-year-old who was in foster care at age 18 and who elects to remain in an extended foster care program, such as living in a household that applies for SNAP or in an independent living program, would qualify for the ABAWD exemption.

Exemption Verification Requirements

There are no new verification requirements for the homeless, veteran, and foster care exemptions to the ABAWD time limits. Verification will only be required if the information provided by the household regarding these exemptions is questionable.

For the homeless exemption, if the information provided by the household is questionable, verification may include collateral contact with a homeless shelter, person the homeless individual is temporarily staying with or with anyone else aware of household's circumstances.

For the veteran's exemption, if the information provided by the household is questionable, verification may include service department records such as a DD214, Certificate of Release or discharge from Active Duty, original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces, correspondence or contact from the Department of Veterans Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veterans Affairs indicating service in the armed forces, or driver's license indicating veteran status

For the foster care exemption, if the information provided by the household is questionable, verification may include collateral contact with the New York City Administration for Children's Services (ACS).

SNAP Employability Codes and ABAWD Indicator Codes

Even though New York State has a statewide ABAWD waiver through February 28, 2025, workers must still screen SNAP applicants and recipients at application, recertification, and any time that a household member's SNAP employability status and/or ABAWD status may have changed, to determine the appropriate SNAP Employability code and ABAWD Indicator codes to assign.

See PB #23-55-ELI for the statewide ABAWD waiver.

See PB #22-79-OPE for SNAP Employability and ABAWD Indicator codes.

The SNAP Employability code and ABAWD Indicator code determinations take place in the Employment Code Determination within the application and recertification workflow in both CA POS and SNAP POS. The automated POS process of determining an individual's ABAWD Indicator code is being updated to include new questions on homelessness, veteran status, and foster care and to include worker entered responses to those questions in the automated ABAWD Indicator code determination.

Until those updates are completed in POS, if there are any members of the SNAP household who would otherwise be ABAWDs, ask the applicant/participant if those household members are homeless, veterans or were in foster care (as defined in this procedure) to determine if they can be made exempt. If any household members can be made exempt from ABAWD as a result of the new exemptions, enter the exemption as a comment in POS and if the automated determination shows the ABAWD Indicator code as "A", change it to ABAWD Indicator code to "N" on the TAD Individual window.

The Office of Temporary and Disability Assistance (OTDA) will be revising the SNAP Employability/ABAWD Code Desk Guide (**LDSS-5062A**) to reflect the ABAWD rule changes.

ABAWD Script and Notices

See PB #20-05-OPE for the ABAWD and General SNAP Requirements Script.

The ABAWD Script (**FIA-1021r**) has been revised to reflect the ABAWD rule changes. The Important Information About SNAP Work Rules (General, Mandatory E&T, and ABAWD) (**FIA-1250**) which is a local equivalent of the state's **LDSS-5193**, will be revised once the state revises their **LDSS-5193**.

The **FIA-1021r** must be read at application and recertification to households that contain an ABAWD (ABAWD indicator code **A** or **W**) even when there is a statewide ABAWD waiver or a jurisdictional ABAWD waiver in effect.

However, as a result of the current ABAWD waiver, the Agency is not required to send the **FIA-1250** to households that contain an ABAWD.

Note: The Agency is still required to send the Important Information About SNAP Work Rules (General and Mandatory E&T) (**FIA-1251**) to households with individuals subject to the general SNAP work rules and/or the mandatory SNAP Employment and Training (E&T) requirements.

Effective Immediately

References:

23DC067
23DC063
23DC051
23 TA/DC014

Related Items:

PB #23-55-ELI Waiver of the ABAWD Time Limits
PB #22-79-OPE SNAP Employability Codes and ABAWD Indicator Codes
PB #20-05-OPE Introduction to the ABAWD Script and the General SNAP Work Requirements Script

Attachment:

FIA-1021r ABAWD Script (09/26/2023)



ABAWD Script

■ Script for Waived ABAWDS:

You are waived from ABAWD requirements.

■ Script for Non-Waived ABAWDS:

Our records show that you, or someone in your household, are or might be an Able-Bodied Adult Without Dependents (ABAWD) because you are:

- between age 18 and 52;
- able to work;
- not living with someone under 18 in your SNAP household;
- not pregnant;
- not homeless;
- not a veteran; **AND**
- not age 24 or younger and in foster care on or after your 18th birthday.

If you are an ABAWD, you must take part in approved work activities, to receive SNAP for more than three (3) months between January 2022 through December 2024. Approved work activities are:

- Doing community service approved by HRA for the number of hours HRA assigned; **OR**
- For at least eighty (80) hours a month:
 - Working or volunteering; **OR**
 - Participating in an HRA-approved work/training activity; **OR**
 - Participating in a program under the Workforce Innovation and Opportunity Act or Trade Act; **OR**
 - Participating in any combination of the above.

If you did not meet the above requirements, without good cause, for three (3) or more months when you received SNAP benefits, you may become ineligible to receive SNAP benefits. If you become ineligible, you can receive SNAP benefits again if: (1) you met the requirement above for a 30-day period; **OR**, (2) show that you will meet those requirements within thirty (30) days of your SNAP application, and continue meeting the requirements to receive SNAP benefits.

You must tell us if your work hours go below twenty (20) hours weekly/eighty (80) hours monthly within ten (10) days after the end of that month.

If you do not think you are an ABAWD, and you meet one of the criteria below, you must tell us:

- A full-time caretaker of an incapacitated person
- Pregnant
- Physically or mentally unable to work at least eighty (80) hours per month
- A regular participant in a drug addiction or alcohol treatment or rehabilitation program
- Receiving disability benefits from Veterans Affairs, or NYS Disability, or elsewhere
- Receiving Unemployment Insurance Benefits or UIB
- A student enrolled in school or training at least half-time
- Working at least thirty (30) hours per week or earning at least \$217.50 per week

We may ask you for proof.