



Office of Temporary and Disability Assistance

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Informational Letter

Section 1

Transmittal:	15-INF-11
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	December 17, 2015
Subject:	Able-Bodied Adults Without Dependents (ABAWD) Status Notification Letter
Suggested Distribution:	Employment Coordinators SNAP Directors TA Directors Staff Development Coordinators
Contact Person(s):	OTDA Employment Services Advisor, or Employment and Advancement Services at (518) 486-6106
Attachments:	Attachment 1: LDSS-5072 Attachment 2: LDSS-5072 SP
Attachment Available Online:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		385.3(d)	385.3(d)	Temporary Assistance and SNAP Employment Policy Manual Section 385.3	7 CFR 273.24

Section 2

I. Purpose

The purpose of this Informational letter (INF) is to remind social services districts (districts) of the requirement to notify all Able-Bodied Adults Without Dependents (ABAWDs) of the ABAWD work based eligibility requirements and of the consequences for failure to meet the ABAWD requirements.

This INF also provides an updated sample “Notice of ABAWD Status” for districts to use to inform ABAWDs of the work based eligibility requirements and of the consequences for failing to meet these requirements.

II. Background

Federal statute and regulations limit the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits to individuals who are determined to be an ABAWD to three months in a 36 month period, unless the individual resides in an area that is waived from meeting ABAWD requirements, the individual is granted an exclusion from ABAWD requirements for the month consistent with the exclusion policy established by the district, or is meeting ABAWD work requirements each month as described below.

ABAWDs are individuals who are determined to be subject to SNAP work requirements consistent with 18 NYCRR 385.3 and are:

- 18 years of age or older, and under 50 years of age;
- not pregnant;
- not residing in a SNAP household that contains a child under 18 years of age; and,
- physically and mentally able to work for at least 80 hours per month.

To maintain eligibility for SNAP benefits for more than three months in the 36 month period starting January 1, 2016, the ABAWD must complete and document one of the following each month:

- Work (including “in-kind” work and volunteer work) for at least 80 hours per month;
- Participate in a qualifying work/training program approved by the social services district for at least 80 hours per month. These programs may include job search and/or job readiness training, as long as the number of hours in job search or job readiness activities is less than one-half of the total monthly hours;
- Comply with a Work Experience Program (WEP) assignment for the number of hours equal to the household’s SNAP grant divided by the higher of the federal or State minimum wage;
- Participate in a program under the Workforce Investment Opportunity Act which may include job search, job readiness, occupational skills training and adult education and literacy activities or the Trade Act of 1974 for at least 80 hours per month; or,
- Participate in a combination of work or qualifying work or training programs approved by the social services district for at least 80 hours per month.

In addition to complying with the requirements listed above, the ABAWD must provide documentation of actual participation in work activities monthly and report to the social services district if his/her work hours go below 80 hours a month within 10 days after the end of that month.

ABAWD requirements do not currently apply in New York State because the United States Department of Agriculture Food and Nutrition Service (USDA FNS) approved a statewide ABAWD waiver through December 31, 2015. New York State does not meet the federal requirements for a statewide ABAWD waiver beginning January 1, 2016 and must implement ABAWD requirements to be in compliance with federal requirements.

III. Program Implications

Districts are required to correctly determine the work registration status of each individual applying for SNAP benefits, including those individuals who are concurrently applying for or receiving Temporary Assistance, to establish whether or not the individual is subject to SNAP E&T requirements. The work registration status should also be reviewed any time there is a reason to believe that the previous determination may have changed and at recertification. The criteria listed in 18 NYCRR 385.3, including whether or not the individual meets the criteria to be an able bodied adult without dependent children (ABAWD), must be used to determine each individual's work registration status, regardless of the district's eligibility for an ABAWD waiver. Districts are also required to enter an individual's work registration status, which also identifies whether or not the individual has been determined to be ABAWD on the Welfare Management System (WMS) in a timely manner. Individuals determined to be work required may be assigned to SNAP E&T activities, but may or may not be subject to ABAWD requirements.

Because it has been a long time in most areas of the State since ABAWD requirements were imposed, OTDA sent a notification starting on December 8, 2015 to households identified as including an ABAWD based on information entered into WMS as of October 2015 (See GIS 15 TA/DC054). The letter informed ABAWDs of the change in ABAWD requirements effective January 1, 2016 and advised that the individual should contact the district if the individual believes that he/she is not an ABAWD and if the individual wants information on available work activities to enable them to maintain eligibility for SNAP benefits beyond three months.

The "*What You Should Know About Your Rights and Responsibilities*" (LDSS 4148A), "*How to Complete the Supplemental Nutrition Assistance Program (SNAP) Application/Recertification and Applicant/Recipient Rights and Responsibilities for SNAP*" (LDSS 4826A) and other notifications include information to notify ABAWDs of the time limit and what to do to maintain eligibility for SNAP. OTDA encourages districts to provide the "Notice of ABAWD Status" to newly identified ABAWDs and to verbally relay information on ABAWD status to households containing an ABAWD during the application and recertification interview. Households that can reasonably be expected to include an ABAWD during the certification period should also be informed of these requirements (e.g., a household where the youngest household member is 17). An electronic copy of the "Notice of ABAWD Status" (LDSS-5072) in English and Spanish has been included as an attachment to this INF. OTDA is also working to make the letter available in Intelligent Auto Fill (IAF) and through myWorkspace in the near future. The "Notice of ABAWD Status" (LDSS-5072) is also available through OTDA's website at: http://otda.state.nyenet/ldss_eforms/default.asp#e5000.

Information regarding ABAWD requirements effective January 1, 2016 is available in Section Three of the Employment Policy Manual. Districts are reminded that OTDA is offering a series of SNAP Employment and Training and ABAWD training modules via iLinc for district staff. The training announcements for these offerings have been posted to the Human Services Learning Center (HSLC). Districts are encouraged to register staff that is responsible for work registrant determinations, including an individual's ABAWD status and/or implementing and monitoring compliance with ABAWD requirements.

Issued By

Name: Phyllis Morris

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports, NYS Office of Temporary and Disability Assistance

**NOTICE OF ABLE-BODIED ADULT WITHOUT
DEPENDENTS (ABAWD) STATUS**

Date:

Case No:

District Contact No:

You are receiving this notice because you or someone in your household has been determined to be an Able-Bodied Adult without Dependents (ABAWD). Individuals who are determined to be an ABAWD must meet ABAWD work requirements to maintain SNAP benefits for more than three (3) months in a 36 month period.

What is an ABAWD required to do?

To maintain eligibility for SNAP benefits for more than three (3) months in the 36 month period starting January 1, 2016, the ABAWD must complete and document one of the following each month:

- Work (including "in-kind" work and volunteer work) for at least 80 hours per month;
- Participate in a qualifying work/training program approved by the social services district for at least 80 hours per month;
- Comply with a Work Experience Program (WEP) assignment for the number of hours equal to your SNAP grant divided by the higher of the federal or State minimum wage;
- Participate in a program under the Workforce Investment Opportunity Act or Trade Act which may include job search, job readiness, occupational skills training and education activities for at least 80 hours per month; or
- Participate in a combination of work or qualifying work programs for at least 80 hours per month.

Failure to comply with these requirements without good cause may result in the loss of SNAP benefits. If the ABAWD is meeting any of the requirements listed above, the individual should contact the social services district at the District Contact Number provided above. **If the ABAWD is not participating in work or qualifying activities and he/she wants to continue to receive SNAP beyond the three-month time limit, he/she should contact the social services district at the District Contact Number provided above to discuss what work or work programs may be available to permit the ABAWD to meet the work requirement.**

In addition, the ABAWD must provide documentation of participation in unpaid work activities each month and report to the social services district within 10 days after the end of the month if his/her work hours go below 80 hours.

If an ABAWD fails to meet the work requirements and loses eligibility for SNAP, he/she may be able to receive SNAP again, if otherwise eligible, and should contact the social services district to discuss what he/she needs to do to regain SNAP eligibility.

Do you think the adults in your SNAP household are exempt from ABAWD requirements?

Please contact the social services district through the District Contact Number provided above immediately if you believe that everyone in your SNAP household should be exempt from these requirements because each adult individual meets one or more of the conditions listed below:

- A person under 18 years of age, or 50 years of age or older
- An adult in a SNAP household with a child under 18 years of age
- A caretaker of an incapacitated person
- A pregnant woman
- Physically or mentally unable to work 80 hours a month
- Participating in a drug/alcohol treatment or rehabilitation program and deemed unable to work
- A recipient or pending receipt of Unemployment Insurance Benefits (UIB)
- A student enrolled in any recognized school, job skills training, or institution of higher education at least half-time and meeting the student eligibility criteria to receive SNAP
- An applicant for SNAP benefits and Supplemental Security Income (SSI) jointly or in receipt of SSI
- Employed or self-employed and working at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage times 30 (currently \$217.50 per week)

Federal rules permit the work requirement for ABAWDs to not apply to individuals living in certain areas with historically high unemployment. If you reside in one of these areas as determined by the federal government, you will not be subject to ABAWD work requirements.

AVISO DE ESTADO DE ADULTO HABILITADO PARA TRABAJAR SIN DEPENDIENTES (ABAWD)

Fecha:

Nº de Caso:

Nº de contacto de distrito:

Recibe esta notificación porque usted o un miembro de su grupo familiar ha sido clasificado como Adulto Habilitado para Trabajar sin Dependientes (ABAWD-por sus siglas en inglés). Las personas clasificadas como una persona ABAWD, deben cumplir con las pautas establecidas para la categoría de ABAWD para continuar recibiendo el subsidio SNAP por más de tres (3) meses en un periodo de 36 meses.

¿Cuáles son las obligaciones de una persona ABAWD?

Con motivo de poder recibir los subsidios SNAP por más de tres (3) meses en un periodo de 36 meses comenzando el 1º de enero de 2016, toda persona bajo la categoría de ABAWD debe completar y documentar una de las siguientes actividades al mes:

- Trabajar (incluido el trabajo en especie y el trabajo voluntario) por un total de por lo menos 80 horas al mes;
- Participar en un programa laboral o de capacitación aprobado por el distrito de servicios sociales por lo menos 80 horas al mes;
- Cumplir con una asignación del Programa de Experiencia Laboral (WEP) por el número de horas equivalente a su subsidio SNAP dividido por la tarifa mayor del salario mínimo federal o estatal;
- Participar en un programa de la Ley de Inversión en la Fuerza Laboral o la Ley de Comercio, el cual se conforma de una búsqueda laboral, habilidades ocupacionales, capacitación y actividades educativas de una duración de por lo menos 80 horas al mes; o
- Participar en una combinación de trabajo o programas autorizados de trabajo de una duración mínima de 80 horas al mes.

El no cumplir con estos requisitos sin causa justificada, puede tener como resultado la pérdida de su subsidio SNAP. Si la persona ABAWD reúne alguno de los requisitos indicados anteriormente, dicha persona debe comunicarse con el distrito de servicios sociales al número de teléfono de contacto señalado anteriormente. **Si la persona ABAWD no está trabajando o participando en una actividad aprobada y él o ella desea continuar recibiendo el subsidio SNAP posterior al límite de tres meses, él o ella debe comunicarse con el distrito de servicios sociales al número de teléfono indicado anteriormente con motivo de tratar qué tipo de trabajo o programa de trabajo puede realizar que le permita cumplir con el requisito laboral establecido para una persona denominada ABAWD.**

Además, la persona ABAWD debe presentar documentación de participación mensual en actividades laborales no remuneradas e informar al distrito de servicios sociales dentro de 10 días de finalizado el mes si él o ella trabaja menos de 80 horas.

Si la persona ABAWD no cumple con los requisitos laborales y pierde la habilitación para recibir el subsidio SNAP, él o ella puede recibir el subsidio SNAP nuevamente (si cumple con los requisitos). En dado caso, se le sugiere comunicarse con el distrito de servicios sociales con motivo de tratar el tema de qué debe hacer para poder volver a ser apta para recibir el subsidio SNAP.

¿Cree usted que los adultos de su grupo familiar beneficiario de SNAP están exentos de los requisitos de ABAWD?

Favor de comunicarse inmediatamente con el distrito de servicios sociales llamando al número de teléfono del distrito indicado anteriormente si usted cree que todos los miembros de su grupo familiar beneficiario de SNAP están exentos de estos requisitos porque cada adulto del grupo familiar cumple con una o más de las siguientes condiciones:

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| <ul style="list-style-type: none"> • Es menor de 18 años de edad o mayor de 50 años de edad • Es un adulto del grupo beneficiario de SNAP con un menor de 18 años de edad • Es responsable del cuidado de una persona incapacitada • Está embarazada • No puede física o mentalmente trabajar 80 horas al mes. • Participa en un programa de tratamiento o rehabilitación por drogadicción o alcoholismo y se considera que no puede trabajar | <ul style="list-style-type: none"> • Es un beneficiario de Seguro por Desempleo (UIB) o está pendiente por recibirlo • Es un estudiante matriculado por lo menos a medio tiempo en una institución escolar autorizada o en un programa de capacitación laboral o en una institución de educación superior y cumple con el requisito necesario de estudiante para poder recibir el subsidio SNAP • Es un solicitante de ambos subsidios SNAP y Seguridad de Ingreso Suplementario (SSI), o recibe SSI • Está trabajando o es un trabajador autónomo y trabaja por lo menos 30 horas semanales o recibe ingresos devengados semanales por lo menos equivalentes al salario mínimo federal multiplicado por 30 (actualmente \$217.50 por semana). |
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Las pautas federales establecen una exención de los requisitos de ABAWD a los individuos que habitan en ciertas zonas históricamente con un alto desempleo. Si usted reside en una de esas zonas designadas por el gobierno federal, no está sujeto a los requisitos laborales de ABAWD.