



# Office of Temporary and Disability Assistance

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## Informational Letter

### Section 1

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