



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	22-ADM-01
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	February 8, 2022
<b>Subject:</b>	Oral and Written Requirements to inform SNAP Applicants and Recipients of SNAP Work Rules
<b>Suggested Distribution:</b>	Employment Coordinators, SNAP Directors, Temporary Assistance Directors, Staff Development Coordinators
<b>Contact Person(s):</b>	Employment and Advancement Services Bureau at: (518)486-6106 or <a href="mailto:otda.sm.eisp.eas@otda.ny.gov">otda.sm.eisp.eas@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 - LDSS-5193 Important Information about SNAP Work Rules (General, Mandatory E&amp;T and ABAWD)</a> <a href="#">Attachment 2 - LDSS-5193A Important Information about SNAP Work Rules (General and Mandatory E&amp;T)</a>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-ADM-05 18-ADM-09 18-ADM-07 17-ADM-01 16-ADM-01	17-INF-13 15-INF-11	18 NYCRR 385.3	Title IV, Section 4005 of the Agriculture Improvement Act of 2018	TA and SNAP Employment Policy Manual Section 385.3	7 CFR 273.7 7 CFR 273.24 GIS 20 TA/DC105

### Section 2

#### I. Summary

Social service districts (districts) were previously notified in [21-ADM-05](#) *Changes to the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Policy Mandated by Section 4005 of the Agriculture Improvement Act of 2018 (the Act)* of the changes regarding the SNAP E&T program and certain Able-Bodied Adults Without Dependents (ABAWD) work policies. One of the changes includes the requirement to provide a new notice of consolidated work requirements and oral explanation to all households where at least one member is subject to a SNAP work requirement, describing the pertinent work requirements.

This Administrative Directive (ADM) outlines the policies and procedures associated with the requirement to provide a written notice and oral explanation to inform SNAP applicants and

recipients about their SNAP work requirements. The ADM also provides the newly developed consolidated work requirement notices that must be used based on household circumstances. The forms are available on e-forms and Intelligent Auto-fill (IAF).

## II. Purpose

The purpose of this ADM is to outline policies and procedures associated with the requirement to provide a written notice and oral explanation to inform SNAP applicants and recipients about their SNAP work requirements. The New York State Office of Temporary and Disability Assistance (OTDA) has developed two new notice options for districts to use depending on the specific SNAP household circumstances:

- *LDSS-5193 Important Information about SNAP Work Rules (General, Mandatory E & T and ABAWD)* – This notice includes information regarding the general SNAP work requirement, mandatory SNAP E&T, and the ABAWD work requirement. This notice should be provided to all SNAP households where at least one household member is subject to the ABAWD work requirements.
- *LDSS-5193A Important Information about SNAP Work Rules (General and Mandatory E & T)* - This notice includes information regarding the general SNAP work requirement and mandatory SNAP E&T but does not explain the ABAWD work requirements. This notice should be provided to households where at least one household member is subject to the general SNAP work requirement or mandatory SNAP E & T but where no household member is subject to the ABAWD work requirements including households where all household members have been determined to be non-ABAWDs and households that reside in an area with an ABAWD waiver approved by the United States Department of Agriculture (USDA).

The appropriate written notice, LDSS-5193 or LDSS-5193A and oral explanation must be provided to the household at certification, recertification, and when a previously exempt household member or new household member becomes subject to work requirements.

In addition, the *LDSS-5193 Important Information about SNAP Work Rules (General, Mandatory E & T and ABAWD)*, which includes all relevant information about the ABAWD work rules, replaces the *LDSS-5072 Informational Letter Regarding Able-Bodied Adults Without Dependents (ABAWD) Requirements*. All versions of the [LDSS-5072 Informational Letter Regarding Able-Bodied Adults Without Dependents \(ABAWD\) Requirements](#) should be destroyed, once the new *LDSS-5193 Important Information About SNAP Work Rules (General, Mandatory E & T and ABAWD)* is available on e-forms and through IAF.

## III. Background

SNAP E&T assists household members in receipt of SNAP benefits gain skills, training, or work experience that will increase the individual's ability to obtain and maintain employment. In New York State, all non-exempt Temporary Assistance (TA)/SNAP applicant and recipient work registrants are mandatory SNAP E&T participants and are subject to certain work requirements as assigned by the district. For non-exempt Non-Temporary Assistance (NTA)/SNAP applicants and recipients, each district determines the extent to which non-exempt (NTA)/SNAP applicants and recipients are required to participate in SNAP E&T activities. District specific policies regarding SNAP E&T are outlined in each district's biennial TA and SNAP Employment Plan.

ABAWDs are a subset of the larger SNAP E&T population and are required by federal law to meet additional work requirements to receive SNAP benefits for more than three months in a 36-month period. To retain eligibility for SNAP, ABAWDs must participate in qualifying work activities for at least 80 hours per month or be granted an exclusion consistent with their district's ABAWD exclusion policy or reside in an area with a waiver approved by the USDA. New York State currently has a statewide waiver of the ABAWD time limit in effect through September 30, 2022. The current

36-month period for New York State is a fixed period that started on January 1, 2022. An ABAWD must also otherwise be eligible for SNAP benefits. Please see [17-ADM-01](#) for more information regarding ABAWD policy.

The purpose of the new LDSS-5193 and LDSS-5193A notices is to provide increased transparency for both the district and SNAP participants on work activity requirements and expectations. They are intended to improve communication between both parties regarding the nature of any work requirement that non-exempt SNAP applicants and recipients may be subject to, the consequences for not complying with work requirements, and how to take appropriate actions to remain eligible for SNAP.

#### IV. Program Implications

Section 4005 of the Act emphasized State agency responsibility to assist SNAP participants in finding and retaining employment. As a result, the USDA Food and Nutrition Service (FNS) final rule introduced a new requirement to provide a written consolidated notice and comprehensive oral explanation of the work requirements to all households where at least one member is subject to a work requirement. The LDSS-5193 and LDSS-5193A were designed by OTDA to meet the federal requirement for providing written notification published in the USDA FNS final rule and contain all pertinent information related to the applicable work requirements as explained previously in [21-ADM-05](#) (Section V, Subsection K).

For the purposes of the written consolidated notice, the work requirements are divided into three categories: General SNAP Work Rules, Mandatory SNAP E&T, and ABAWD Rules. Further information about each category is provided below.

1. General SNAP Work Rules — Individuals must accept job offers unless they have a good cause reason not to do so; clients with a job that pays more than the equivalent of 30 hours times the federal minimum wage (currently \$217.50 per week) should not reduce their work hours below that threshold or voluntarily quit their job without a good cause reason (see [LDSS -5122](#) Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) Sanction Desk Guide for more information); clients should disclose details about their employment status when asked; individuals should participate in SNAP E&T activities as required when assigned by the district.
2. Mandatory SNAP E&T — Clients, who are not otherwise exempt from SNAP work requirements as outlined in 18 NYCRR § 385.3, may be required to participate in supervised job search, job readiness activities, work experience, job skills training, vocational training, educational training, apprenticeships, subsidized employment, or other work activities for no more than 30 hours per week or 120 hours per month.
3. ABAWD Rules — ABAWDs must participate in work (including in-kind or volunteer) or in a qualifying employment/education/training program/activity for at least 80 hours per month or comply with a Work Experience Program (WEP) assignment for the number of hours per month equal to the household's SNAP benefit divided by the higher of the federal or State minimum wage.

The LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E & T and ABAWD)* lists which members of the SNAP household are subject to each of the three categories of work requirements.

To reduce districts' administrative burden of complying with the written requirement to inform SNAP applicants and recipients of their pertinent work requirements and to ensure that each SNAP household is receiving information relevant to the household's specific circumstances, OTDA has also developed the LDSS-5193A *Important Information about SNAP Work Rules (General and*

*Mandatory E & T*) which does not include information related to the ABAWD work requirement and should be provided to households that do not contain members subject to the ABAWD Rules. The LDSS-5193A *Important Information about SNAP Work Rules (General and Mandatory E & T)* should be used for SNAP households where all household members have been determined to be non-ABAWDs as well as households that reside in an area with a federally approved ABAWD waiver.

## V. Required Action

Districts must provide the appropriate notice, the LDSS-5193 or the LDSS- 5193A to all SNAP households where at least one member is subject to a work requirement at certification, recertification, and when a previously exempt household member or new household member becomes subject to work requirements. Additionally, as the LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E & T and ABAWD)* includes comprehensive information regarding the ABAWD work requirements, the [LDSS-5072 Informational Letter Regarding Able-Bodied Adults Without Dependents \(ABAWD\) Requirements](#) has been eliminated.

In addition to providing the LDSS-5193 or the LDSS-5193A as described above, the district must also provide a comprehensive oral explanation to households of each applicable work requirement pertaining to individuals in the household. The LDSS-5193 and the LDSS-5193A are designed to aid in the comprehensive oral explanation and include the following components:

- An explanation of all applicable work requirements including:
  - For households that receive the LDSS-5193, the General SNAP Work Rules, Mandatory SNAP E&T, and ABAWD Rules
  - For households that receive the LDSS-5193A, the General SNAP Work Rules and Mandatory SNAP E&T
- Which household members are subject to each different category of work requirements;
- Exemptions, and how to request an exemption from the work requirement;
- Rights and responsibilities related to each applicable work requirement and what is required to maintain eligibility;
- Pertinent dates by which an individual must take any actions to remain in compliance;
- Consequences for failure to comply;
- An explanation of good cause including examples of good cause reasons and how to request good cause;
- The district's responsibility to pay or reimburse participants, including volunteers for the necessary and reasonable costs associated with participation in a SNAP E & T activity (i.e., transportation, childcare, personal safety items, other); and,
- USDA contact information and instructions for filing a program discrimination complaint.

Before providing the appropriate written notice, to SNAP households, districts are instructed to complete the first page of the notice including: Date, Case Number, and District Contact Number. In the applicable work requirements sections, districts should list all members of the household who are subject to each of the different types of requirements. In a district that does not mandate SNAP E&T for their NTA/SNAP population, a non-exempt adult in an NTA/SNAP household would be listed in the General SNAP Work Rules section but would not be listed in the Mandatory SNAP E&T

section. Additionally, at this time during the statewide waiver of the ABAWD requirements (currently in effect through September 30, 2022) districts should use the LDSS-5193A for all households including those containing individuals who are assigned an ABAWD status code of A. The LDSS-5193A which does not explain the ABAWD requirements should be used throughout the duration of the statewide ABAWD waiver as during that period ABAWDs residing in all areas of New York State are not be subject to the ABAWD requirements.

In the event the ABAWD waiver ends and ABAWDs become subject to the ABAWD Rules, districts without a full county waiver must begin using the LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E & T and ABAWD)* for households containing individuals subject to the ABAWD Rules and must list the names of all individuals in the household who are assigned an ABAWD status code of A in this section.

Additionally, if New York State is not granted a statewide ABAWD waiver as of October 1, 2022, districts that do not have a full county ABAWD waiver will be required to resume providing the [LDSS-5127 Able-Bodied Adults Without Dependent \(ABAWD\) Work Activity Letter](#) (or locally developed equivalent approved by OTDA) to each ABAWD subject to the ABAWD requirements. Further information on the requirement to offer an ABAWD a qualifying work activity assignment can be found in [18-ADM-07](#).

Districts must retain copies of all LDSS-5193 and LDSS-5193A notices provided to the household in the case record. Districts must also document the case record through case notes/comments, in a timely manner, when the comprehensive oral explanations pertaining to SNAP work requirements occur at certification, recertification, and at any time an exempt household member or new household member becomes subject to work requirements.

## VI. Forms Ordering Information

- The English version of the LDSS-5193 and the LDSS-5193A are Web Only forms. These forms are also available on the OTDA Intranet website in the following languages: Arabic, Bengali, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish.
- To access the above referenced document in English and other than English languages go to the OTDA Intranet website at: [http://otda.state.nyenet/ldss\\_eforms/](http://otda.state.nyenet/ldss_eforms/).
- The LDSS-5193 and LDSS-5193A have been posted on the OTDA Intranet website at: [http://otda.state.nyenet/ldss\\_eforms/](http://otda.state.nyenet/ldss_eforms/) and are available for downloading by local districts for reproduction locally.
- The LDSS-5193 and the LDSS-5193A are available in Intelligent Auto Fill (IAF). Copies of the LDSS-5193 and the LDSS-5193A when generated through IAF will be stored in the Imaging and Enterprise Document Repository (IEDR) for districts using IEDR for electronic case files.
- Upon the release of this ADM, all previous versions, including other than English languages of the LDSS-5072 *Informational Letter Regarding ABAWD Requirements* **must immediately be destroyed**.
- The LDSS-5193 and the LDSS-5193A are Web posted only forms; therefore, they are only available online and are not available in hard copy from the New York State Office of Temporary and Disability Assistance (OTDA).
- Questions concerning Web posted only forms should be directed to BMS Document Services at: (518) 474-9522.

- Requests for local equivalent versions of these forms should be submitted to this email address for review and approval: [otda.sm.local.equivalent.requests@otda.ny.gov](mailto:otda.sm.local.equivalent.requests@otda.ny.gov). Any previous local equivalents of the LDSS-5072 should be destroyed, and a new local equivalent request using the LDSS-5193 and the LDSS-5193A should be sent in for approval. PLEASE NOTE: We encourage districts to customize the *Important Information about SNAP Work Rules* notice to align with local policies and procedures. If districts have the capability to develop notices designed to identify only the work requirements specific to the household, they may submit requests for local equivalent versions of the notice. For example, if a district that does not mandate its non-exempt NTA/SNAP participants to SNAP E&T work activities would like to develop a local equivalent notice without the Mandatory SNAP E&T language to provide to this population, they may submit a local equivalent form for approval without the Mandatory SNAP E&T language included.

## VII. Effective Date

Districts must implement the use of the OTDA developed LDSS-5193 and LDSS-5193A notices or approved local equivalent notices as explained in this directive 90 days of the release of this ADM.

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### **Issued By:**

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**Title:** Deputy Commissioner

**Division/Office:** Employment and Income Support Programs / Office of Temporary and Disability Assistance