



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	23-ADM-04
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	June 20, 2023
<b>Subject:</b>	Temporary Assistance Budgeting: 2023 Earned Income Disregard
<b>Suggested Distribution:</b>	Temporary Assistance Directors and Staff SNAP Directors Employment Coordinators HEAP Coordinators Staff Development Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff
<b>Contact Person(s):</b>	Temporary Assistance Bureau: (518) 474-9344 or <a href="mailto:tabureau@otda.ny.gov">tabureau@otda.ny.gov</a> SNAP Bureau: (518) 473-1469 or <a href="mailto:otda.sm.cees.snap@otda.ny.gov">otda.sm.cees.snap@otda.ny.gov</a> HEAP Bureau: (518) 473-0332 or <a href="mailto:nysheap@otda.ny.gov">nysheap@otda.ny.gov</a> Metropolitan Field Support Bureau: (212) 961-8184 or (212) 961-8185 Medicaid Local District Liaison: Upstate (518) 474-8887; NYC (212) 417-4500

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
20-ADM-06 21-ADM-02 22-ADM-11		352.18 352.19 352.20 352.3(a)-(d) 352.8(b)(1)	SSL 131-a(8)(a)(ii)	TASB Chapter 18, Section I	ABEL Transmittal 23-1 GIS 01 TA/DC049 Federal Register: January 19, 2023

## Section 2

### I. Summary

This Administrative Directive (ADM) advises social services districts (districts) of a change in the Earned Income Disregard (EID) for the Public Assistance (PA) Needs Test budgeting process. Effective June 1, 2023, the EID will increase from 50% to 62% and districts must begin using the new EID for eligible cases with an Automated Budgeting and Eligibility Logic (ABEL) budget “From Date” of June 1, 2023, or later.

### II. Purpose

This directive advises districts of a change in the percentage of the EID used in the PA budgeting process. Annually, as required by Social Services Law (SSL) 131-a(8)(a)(ii), this percentage must be adjusted up or down to reflect the changes in the most recently published Federal Poverty Guidelines from the United States Department of Health and Human Services.

### III. Background

Effective October 1, 2022, ABEL no longer performs the Gross Income Test and Poverty Level Test. ABEL only performs the Needs Test in determining income eligibility for PA. For recipients, net income cannot equal or exceed the PA standard of need after deducting the 62% EID and then the \$150 work expense disregard. If net income equals or exceeds the PA standard of need, the recipient is ineligible. An applicant’s eligibility for PA must be determined without application of the percentage EID unless the applicant is reapplying and has received PA for any one of the four months preceding the date of the current application.

The Division of Employment and Income Support Programs (EISP) issues an update to the threshold on an annual basis.

### IV. Program Implications

The EID will increase from 50% to 62% effective June 1, 2023. Districts must begin using the new EID for eligible cases with ABEL budgets effective June 1, 2023, or later. ABEL supported this change effective April 16, 2023, for Rest of State (ROS) and May 19, 2023, for New York City (NYC).

The eligibility criteria for a PA household to receive the EID remains unchanged.

Effective June 1, 2023 the gross earned and unearned income of applicants for and recipients of PA residing in situations subject to the maximum shelter allowances set forth in 18 NYCRR § 352.3(a)-(d) and 352.8(b)(1) cannot exceed the 2023 Federal Poverty Guidelines found in the chart below and as published in the Federal Register, and available at: [Poverty Guidelines | ASPE \(hhs.gov\)](https://www.hhs.gov/poverty-guidelines).

#### **2023 Federal Poverty Guidelines**

<b>Size of Family Unit</b>	<b>Annual Poverty Guidelines</b>
<b>1</b>	<b>\$14,580</b>
<b>2</b>	<b>\$19,720</b>
<b>3</b>	<b>\$24,860</b>
<b>4</b>	<b>\$30,000</b>
<b>5</b>	<b>\$35,140</b>
<b>6</b>	<b>\$40,280</b>
<b>7</b>	<b>\$45,420</b>
<b>8</b>	<b>\$50,560</b>
<b>Each Additional Person</b>	<b>+\$5,140</b>

## V. Required Action

### Applicants

Effective June 1, 2023, an applicant's eligibility for PA must be determined **without** application of the 62% EID unless the applicant is reapplying and has received PA for any one of the four months preceding the date of the current application.

### Recipients

Effective June 1, 2023, a recipient's eligibility for PA must be determined **with** the application of the 62% EID.

A mass re-budgeting of all cases with earned income currently receiving the EID and with an authorization "To Date" of 06/01/2023 or later (budget effective "To Date" of 06/01/2023 or later) took place prior to June 1, 2023. Recipients received a notice of the change through the automated Client Notice System (CNS).

## VI. Systems Implications

### Rest of State (ROS) ABEL

To determine an applicant's eligibility for PA, workers must use ABEL Disregard Indicator code "1-If Eligible, Give Disregard", unless the applicant has received PA for any one of the four months preceding the date of the current application. If the applicant has received PA for any one of the four months preceding the date of the current application, workers must use ABEL Disregard Indicator code "2-Calculate With Disregard".

If an applicant is determined eligible for PA using ABEL Disregard Indicator code "1-If Eligible, Give Disregard", the code must be manually changed to "2-Calculate With Disregard" before the PA budget is saved.

### MRB/A

The 62% EID and the new poverty levels for the Needs Test migrated on April 16, 2023, for budgets with the "Budget From" dates of June 1, 2023, or later. The 2023 EID MRB/A was run Final Phase Only, with PA and PA/SNAP Budget Store and WMS Transaction Dates of April 22, 2023. Authorized cases were sent a CNS Notice. Districts should examine and resolve Exceptions by calculating and storing a new PA or PA/SNAP Budget with a "From Date" of June 1, 2023 and processing the appropriate Undercare Change Transaction. For further information please refer to the [ABEL 23-1 Transmittal](#).

### New York City (NYC)

The mass re-budgeting (MRB) of NYC cases took place as follows: Pass 1 – Notices non-update ran on the weekend of April 15 – April 16, 2023, with budgets and reports available on April 17, 2023. Pass 2 – Update ran on the weekend of May 20 - May 21, 2023, with budgets and reports available on May 22, 2023.

## VII. Additional Information

### Supplemental Nutrition Assistance Program (SNAP) Implications

PA/SNAP cases were mass re-budgeted and had their SNAP benefits adjusted automatically. SNAP only cases with PA income (mixed cases) must be re-budgeted with the increase in available PA income due to the increase in the PA EID. This does not apply to NPA/SNAP cases.

SNAP households continue to receive a 20% earned income disregard from their gross earned income. Please note that the Federal Poverty Level Guidelines do **not** change for the SNAP Program on June 1, 2023. SNAP Poverty Level changes will be adjusted on October 1, 2023, as usual.

### **Medicaid Implications**

There are no Medicaid implications.

### **VIII. Effective Date**

June 1, 2023

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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