



Local Commissioners Memorandum

Section 1

Transmittal:	23-LCM-21
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	December 19, 2023
Subject:	Revisions to the LDSS-5062A <i>SNAP Employability/ABAWD Code Desk Guide</i>
Contact Person(s):	Employment and Advancement Services Bureau 518-486-6106 or EASBureau@otda.ny.gov
Attachments:	Attachment 1 – LDSS-5062A SNAP Employability/ABAWD Code Desk Guide

Section 2

I. Purpose

The purpose of the Local Commissioners Memorandum (LCM) is to inform social services districts (districts) of revisions to the LDSS-5062A *Supplemental Nutrition Assistance Program (SNAP) Employability/Able-Bodied Adults Without Dependents (ABAWD) Code Desk Guide (Rev. 11/23)* made to reflect changes to the ABAWD exemption criteria resulting from the Fiscal Responsibility Act of 2023 (FRA). Additionally, the LCM provides information about updates to the desk guide implemented to assist district eligibility staff in documenting the case record to show the household was informed of their pertinent work requirements verbally and in writing as outlined in [22-ADM-01](#).

II. Background

Districts are required to establish procedures to screen each SNAP applicant and recipient for exemptions from SNAP work requirements including the general work requirements and the ABAWD work requirements. The information obtained through the screening process must be used to determine the employability status, and to document the ABAWD status of each SNAP household member. An individual's SNAP employability status indicates if they are subject to the general SNAP work requirements. Individuals who do not meet an exemption must comply with the general work requirements. All individuals who are exempt from the general work requirements are also exempt from the ABAWD time limit. If the district determines a SNAP applicant or recipient is subject to the general work requirements, it must then document whether the individual is also subject to the ABAWD work requirements or if they meet an exemption from the ABAWD time limit. It is important to note that an individual who is exempt from the ABAWD work requirements is not necessarily exempt from the general SNAP work requirements, including participation in SNAP Employment and Training (E&T) activities. ABAWDs who reside in an area that does not have a federally approved ABAWD waiver and are not excluded from the ABAWD requirements consistent with the district's ABAWD exclusion policy are subject to additional special work requirements to maintain their SNAP benefits beyond three months in a given 36-month period.

Districts were informed in [GIS 23DC063](#) of changes to the ABAWD exemptions that resulted from the FRA signed into law on June 3, 2023. The LDSS-5062A *SNAP Employability/ABAWD Code Desk Guide* has been updated to add the new ABAWD exemption criteria for individuals experiencing homelessness, veterans, and individuals who are 24 years of age or younger and were in foster care on their 18th birthday or later. Revisions have also been made to reflect the increase to the age of those subject to the ABAWD time limit to age 52 effective October 1, 2023.

The Office of Temporary and Disability Assistance (OTDA) strongly encourages districts to use the LDSS-5062A as a tool to assist staff with making correct SNAP employability determinations and assigning appropriate ABAWD status codes.

III. Program Implications

Districts are required to screen all household members for exemptions from the general work requirements and from the ABAWD time limit in order to correctly determine the employability status and to document the ABAWD status of each individual applying for or receiving SNAP benefits, including those who are concurrently applying for or receiving Temporary Assistance (TA). Each individual's employability status must be evaluated, and ABAWD status documented at initial certification, at recertification and any time there is reason to believe that the employability and/or ABAWD status may have changed.

In addition, districts must adhere to the guidance outlined in 22-ADM-01 to provide a written notice and a comprehensive oral explanation of the SNAP work requirements to all households where at least one member is subject to a work requirement. As a reminder, during the period of the statewide waiver of the ABAWD requirements (currently in effect through February 28, 2025) districts should use the [LDSS-5193A](#) *Important Information about SNAP Work Rules (General and Mandatory E&T)* for all households including those containing individuals who are identified as an ABAWD and assigned an ABAWD status code "A". Additionally, only ABAWD status codes "A" and "N" should be entered into the system while under a waiver. The ABAWD status code "A" should be assigned to individuals who are identified as ABAWDs, and "N" should be assigned to those who are identified as non-ABAWDs. ABAWD status codes "X" (Assigned to individuals who are excluded based on the district exclusion policy) and "W" (Assigned to individuals residing in the area covered by a jurisdictional ABAWD waiver within a district) should not be utilized throughout the duration of the statewide waiver.

The LDSS-5062A has been updated to include the following adjustments:

- The section listing ABAWD exemptions has been revised to include the modified exemption criteria for ABAWDs which resulted from the FRA enactment and to reflect the age increase for those subject to the ABAWD time limit. The revisions are outlined below:
 - "24 years of age or younger and who was in foster care on 18th birthday" was added as an exemption criterion.
 - "Homeless" was added as an exemption criterion.
 - "Served in the US Armed Forces or Reserve Component of the US Armed Forces" was added as an exemption criterion.
 - "Under 18 OR 50 years of age or older" was revised to reflect the age increase of those subject to the ABAWD time limit to 52 effective October 1, 2023. The revised exemption definition reads "Under age 18 OR over age 52". Please note, additional changes to the ABAWD time limit age exemptions will be applied in accordance with the guidance provided in [GIS 23DC063](#).
 - "In receipt of Veterans Affairs (VA) disability compensation" was removed as OTDA has interpreted the modified exemption criterion for veterans to be inclusive of those in receipt of VA disability compensation.

- The desk guide has been modified to allow workers to record SNAP employability codes and ABAWD status codes for multiple household members on a single form. Workers can now enter codes for up to five household members in the *Household Assignment Chart* at the bottom of the form. Please note that workers need to utilize additional forms to document code assignments for households with six or more household members.
- The newly added *Household Assignment Chart* includes three columns to assist workers with documenting the oral and written notification of work rules for each household member. More specifically, the chart contains the following:
 - A column titled *Written Notice* which should be used to indicate whether the household was provided with the LDSS-5193A or the LDSS-5193 as required. Please note that the district must continue to retain copies of all LDSS-5193 and/or LDSS-5193A notices issued to the household in the case record.
 - A column titled *Oral Explanation* which should be used to document which categories of SNAP Work Rules were verbally explained to the household as pertaining to each household member. The options in this column include General SNAP Work Rules, Mandatory SNAP E&T, ABAWD work rules.
 - A column including an N/A checkbox which should be used in cases where a household member is determined to be exempt from SNAP work requirements.

TA eligibility workers should continue to utilize the [LDSS-4925 Employability Code Desk Guide TANF and SNA MOE \(Households with Dependent Children\) \(Rev. 9/19\)](#) and the [LDSS-4926 Employability Code Desk Guide SNA non-MOE \(Household without Dependent Children\) \(Rev. 9/19\)](#) for assigning the appropriate TA employability code. TA eligibility workers should use the revised LDSS-5062A SNAP Employability/ABAWD Code Desk Guide for assigning the appropriate SNAP employability and ABAWD status codes.

IV. Forms Ordering Information

- The revised English version of the LDSS-5062A SNAP Employability/ABAWD Code Desk Guide is a Web Only form.
- The above referenced document has been posted on the OTDA Intranet website at http://otda.state.nyenet/ldss_eforms/default.htm and is available for downloading by local districts for reproduction locally.
- Upon the release of this LCM, all previous versions of the SNAP Employability/ABAWD Code Desk Guide must immediately be destroyed and replaced with the revised 11/23 version.
- Any future requests for master camera ready copies of the English version, should be submitted to the New York State Office of Temporary and Disability Assistance (OTDA). Please use OTDA Form 876 (PDF) and email it to: forms.orders@otda.ny.gov.
- Questions concerning ordering forms should be directed to BMS Document Services at: (518) 474-9522.

Issued By:

Name: Valerie T. Figueroa

Title: Deputy Commissioner

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