

DATE: December 2, 2015

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, SNAP Directors, Employment
Coordinators, TA Directors

FROM: Phyllis Morris, Deputy Commissioner
Center for Employment and Economic Supports

SUBJECT: ABAWD Waiver Status and One-Time Mailing of ABAWD Status Notification
Letter

EFFECTIVE DATE: Immediately

CONTACT PERSON: Employment and Advancement Service, Policy and Program
Operations Bureau 518-486-6106 or OTDA Employment Services
Advisor

The purpose of this message is to inform social services districts (districts) that the United States Department of Agriculture (USDA) has approved a waiver of ABAWD requirements for certain districts and jurisdictions. Additionally, this message informs districts that the attached "Notice of ABAWD Status" is being mailed starting on December 3rd to Able-Bodied Adults Without Dependents (ABAWDs) in districts outside of New York City that are not covered by a district-wide waiver of ABAWD requirements. OTDA previously indicated this notice would be mailed in late November.

District Waiver Status

Districts were notified of the expected waiver status for the district in letters dated September 18th and 21st from Deputy Commissioner Morris. Some districts were expected to be approved for a district-wide waiver, some for partial (jurisdictional area) waivers and some not eligible to waive ABAWD requirements for any county residents. This notification informs districts that the expected waiver status provided in that letter is consistent with current waivers approved by the USDA. The Office of Temporary and Disability Assistance continues to seek approval of additional ABAWD waivers, but to date, no additional waiver requests have been approved.

ABAWD Notification Letter

The attached "Notice of ABAWD Status" is being mailed by the OTDA to households that include an individual who appears to be an ABAWD based on information entered into the Welfare Management System (WMS) for the October 2015 report month and remained nonexempt at the time the data was reviewed to produce the letter. This letter reminds individuals of the ABAWD requirements, the consequences for failing to meet the requirements, and advises individuals to contact the district if they believe that they are not an ABAWD or if they would like additional information to help them maintain eligibility for SNAP benefits beyond three months.



This notification is being issued because it has been a long time in most areas of the State since ABAWD requirements were imposed. 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. Workers should also verbally inform ABAWDs of this notification as new applications are accepted or households are recertified.

Date:

Case No:
District Contact:

This is to inform your household of a federal change to the Supplemental Nutrition Assistance Program (SNAP) effective **January 1, 2016**. This change limits the receipt of SNAP benefits to individuals who are determined to be an Able-Bodied Adult without Dependents (ABAWD) to three (3) months in a 36 month period, unless the individual is participating at least 80 hours each month in qualifying work activities. You are receiving this notice because you or someone in your household has been determined to be an ABAWD. If you are an ABAWD, you must meet ABAWD work requirements to maintain SNAP benefits beyond April, 2016.

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”)

Por la presente se le informa a su grupo familiar de una modificación federal al Programa de Asistencia Nutricional Suplementaria (SNAP) a partir del **1º de enero de 2016**. El cambio limita el lapso de tiempo que una persona denominada como Adulto Habilitado para Trabajar sin Dependientes (ABAWD- por sus siglas en inglés), puede recibir el subsidio SNAP, a tres (3) meses en un periodo de 36 meses, a no ser que la persona participe por lo menos 80 horas al mes en una actividad laboral autorizada. Recibe esta notificación porque usted o un miembro de su grupo familiar ha sido clasificado como ABAWD. Si usted está clasificado como una persona ABAWD, debe de cumplir con las pautas establecidas para la categoría de ABAWD para que pueda continuar recibiendo el subsidio SNAP posterior al mes de abril de 2016.

¿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 sus subsidios de 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 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:

- 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
- 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).

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.