

DATE: January 21, 2020

TO: Subscribers

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

FROM: Jeffrey Gaskell, Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Able-Bodied Adults Without Dependents (ABAWD) Waiver Status

EFFECTIVE DATE: Immediately

CONTACT PERSON: Employment and Advancement Services Bureau at (518) 486-6106

The purpose of this message is to provide social services districts (districts) with an update on the calendar year 2020 Able-Bodied Adults Without Dependents (ABAWD) waiver status. The United States Department of Agriculture (USDA) limits an ABAWD to three months of Supplemental Nutrition Assistance Program (SNAP) benefits in a 36-month period unless the individual resides in an area that has a federally approved ABAWD waiver, the ABAWD is granted an exclusion from the ABAWD work requirement for the calendar month consistent with the exclusion policy established by the district, or is meeting the ABAWD work requirement each month.

The New York State Office of Temporary and Disability Assistance (OTDA) submitted a request to USDA to waive the ABAWD work-based eligibility requirement for the period January 1, 2020 through December 31, 2020, for those counties/areas which appeared to meet the waiver requirements under 7 CFR 273.24(f). Although OTDA requested a 12-month waiver, USDA approved the waiver request for only 3 months due to new regulatory requirements governing the approval of ABAWD waivers. All districts were previously notified of their ABAWD status for the period January 1, 2020 through March 31, 2020.

In December 2019, the USDA Food and Nutrition Service (FNS) finalized regulations that tighten the criteria necessary for a state to obtain ABAWD waivers. The new waiver requirements become effective April 1, 2020. OTDA has completed our analysis of the potential areas that may qualify for a waiver under the new regulatory standards and is submitting a new waiver request to USDA for evaluation under the new regulatory standards. Based on the new regulatory standards, OTDA has determined that Hamilton County is the only district in New York State that may qualify for a waiver of the ABAWD requirements beginning April 1, 2020.

All districts with an approved ABAWD waiver for the period January 1, 2020 through March 31, 2020 (except for Hamilton County) must prepare to implement ABAWD requirements beginning April 1, 2020.

As such, all districts that will transition off an approved ABAWD waiver on March 31, 2020 must immediately notify all Temporary Assistance (TA)/SNAP and Non-Temporary Assistance (NTA)/SNAP households with a potential ABAWD of the ABAWD work requirements. Districts should send the [LDSS-5072 Informational Letter Regarding ABAWD Requirements](#) or a local equivalent to all such households and maintain a copy of such notification in the case record.

Additionally, all districts that will transition off an approved ABAWD waiver on March 31, 2020 should begin issuing the [LDSS-5127](#) *ABAWD Work Activity Letter* to all ABAWDs in TA/SNAP and NTA/SNAP households to offer and provide an ABAWD qualifying work or training activity to maintain eligibility for SNAP benefits. OTDA recommends sending the LDSS-5127 to all ABAWDs during the month of February 2020 to provide ample time for individuals subject to the ABAWD requirements to be fully engaged in an ABAWD qualifying activity for 80 hours beginning April 1, 2020.

ABAWD qualifying activities include the following:

- Work (including “in-kind” work and volunteer work) for at least 80 hours per month,
- Participate in a qualifying work/training program through SNAP Employment and Training (E&T) assigned by the district for at least 80 hours per month,
- 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,
- Participate in a program under the Workforce Innovation and Opportunity Act (WIOA) or Trade Act which may include job search, job readiness, occupational skills training and education activities for at least 80 hours per month,
- Participate in an employment and training program for veterans operated by the Department of Labor or the Department of Veterans Affairs 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.

Districts transitioning off an approved ABAWD waiver may refer to the attached document, “Able-Bodied Adults Without Dependents (ABAWD) Implementation Action Items”, for guidance on ABAWD preparedness. Districts should also refer to [18-ADM-09](#) and [17-ADM-01](#) for guidance on the ABAWD requirements and [18-ADM-07](#) for additional guidance on issuing the LDSS-5127 *ABAWD Work Activity Letter*.

The Employment and Advancement Services Bureau is available to provide technical assistance and guidance to districts on implementing the ABAWD requirements. Districts should contact their Employment Services Advisor directly or the Employment and Advancement Services Bureau at: (518) 486-6106 or otda.sm.eisp.eas@otda.ny.gov with any questions concerning ABAWD implementation.

Able-Bodied Adults Without Dependents (ABAWD) Implementation Action Items

Assigning and Entering the Appropriate Supplemental Nutrition Assistance Program (SNAP) Employability and ABAWD code on the Welfare Management System

All districts are required to correctly assign the SNAP employability and ABAWD code of each individual applying for or receiving SNAP benefits, including those individuals who are concurrently applying for or receiving Temporary Assistance (TA). Districts must ensure that the correct SNAP employability and ABAWD codes are entered on the Welfare Management System (WMS) at the time of opening and recertification for SNAP benefits. The SNAP employability and ABAWD code must also be updated in a timely manner whenever a change in the individual's SNAP employability and/or ABAWD status is reported and documented.

Informing SNAP households of the ABAWD work requirement

SNAP households with a potential ABAWD must be informed both verbally and in writing of the ABAWD requirements.

Districts must verbally inform all potential ABAWDs of their status and requirements. This information must be relayed at the application and recertification interview for both TA/SNAP households and Non-Temporary Assistance (NTA)/SNAP households. Districts are encouraged to use the LDSS-4826B *Interview/Verification Guide for the LDSS-4826: SNAP Application/Recertification* as a means to document in the case record that all potential ABAWDs in the district were verbally informed of their status and the ABAWD requirements. While the LDSS-4826B is designed as an interview guide for the LDSS-4826 SNAP application, the interview guide may also be used by eligibility workers conducting a TA/SNAP eligibility interview. Part B, Employment Requirements for SNAP Applicants and Recipients, begins on page six of the LDSS-4826B and may be used by eligibility workers as a guide for verbally informing TA/SNAP households of the SNAP work requirements and ABAWD requirements, and for documenting in the case record that the household was verbally informed of the requirements. Districts who do not use the LDSS-4826B *Interview Guide for the LDSS-4826: SNAP Application/Recertification* must make a notation in the case record or on the Welfare-To-Work Caseload Management System (WTWCMS), or appropriate New York City system, to document when the SNAP household was verbally informed of ABAWD status and requirements.

SNAP households are informed in writing of ABAWD requirements through the LDSS-4148A *What You Should Know About Your Rights and Responsibilities*, the LDSS-4826A *How to Complete the Supplemental Nutrition Assistance Program (SNAP) Application/Recertification and Applicant/Recipient Rights and Responsibilities for SNAP*, the optional LDSS-5072 *Informational Letter Regarding ABAWD Requirements*, and as part of the SNAP Opening and SNAP Recertification Letter issued through the Client Notices System (CNS). Districts are strongly encouraged to provide the LDSS-5072 *Informational Letter Regarding ABAWD Requirements* to all households with a potential ABAWD at certification, recertification, and whenever a change in the individual's ABAWD status occurs which makes an individual subject to the ABAWD time limit.

Providing an ABAWD Qualifying Activity

To maintain eligibility for SNAP benefits for more than three (3) months in the 36-month period starting January 1, 2019 through December 31, 2021, beginning with the first full month SNAP benefits are received, each ABAWD must engage in an ABAWD qualifying work or training program for at least 20 hours weekly or 80 hours monthly for each month the ABAWD receives a full month of SNAP benefits.

Districts that do not have an approved ABAWD waiver for all residents of the district are required to offer and provide an ABAWD qualifying work activity or training opportunity to all ABAWDs who are subject to the ABAWD requirements to maintain or re-establish eligibility for SNAP benefits. The offer of a qualifying work activity or training opportunity must be provided at certification, recertification, and anytime during the certification period when an individual's status changes and the individual is subject to the ABAWD time limit.

Districts must provide the LDSS-5127 *ABAWD Work Activity Letter* (or locally developed equivalent approved by OTDA) to all ABAWDs residing in the district who are not meeting the ABAWD requirement at certification, recertification, and anytime during the certification period when an individual's ABAWD status changes. This form provides ABAWDs with a scheduled appointment to meet with a district staff member or contracted employment vendor for the purpose of offering the ABAWD the opportunity to engage in a qualifying work activity assignment.

ABAWD qualifying activities include the following:

- Work (including "in-kind" work and volunteer work) for at least 80 hours per month;
- Participate in a qualifying work/training program through SNAP Employment and Training (E&T) assigned by the district for at least 80 hours per month;
- 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;
- Participate in a program under the Workforce Innovation and Opportunity Act (WIOA) or Trade Act which may include job search, job readiness, occupational skills training and education activities for at least 80 hours per month;
- Participate in an employment and training program for veterans operated by the Department of Labor or the Department of Veterans Affairs 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.

Monitoring and tracking ABAWD compliance

Districts that do not have a federally approved ABAWD waiver for the full County are required to monitor compliance with the ABAWD requirement on a monthly basis.

OTDA will continue to use information maintained by districts on WMS, including the SNAP employability and ABAWD codes entered on WMS by workers as part of the SNAP Employability/ABAWD coding process and hours of paid employment entered on the Automated Budgeting Eligibility Logic (ABEL), hours of participation in unpaid ABAWD qualifying work activities entered on the Welfare-to-Work Caseload Management System (WTWCMS), and the Welfare Reform Tracking System (WRTS) to support a district's ability to monitor each ABAWD's

compliance with the ABAWD work requirement in non-waived areas of New York State. ABAWD tracking information will continue to be displayed on Screen 17 of WMS to help districts monitor compliance with the ABAWD requirement. Tracking reports available through Cognos track the number of months an ABAWD did not meet the ABAWD requirement while receiving SNAP benefits.

Discontinuance of SNAP benefits in the third month

ABAWDs who have failed to meet the ABAWD requirements for two months and are not meeting the ABAWD requirement in the third month must be issued a Notice of Adverse Action (NOAA).

District workers must conduct a review of the case file and if they conclude that the ABAWD is not expected to participate in an ABAWD qualifying work activity for a sufficient number of hours in the third countable month to meet the ABAWD requirement, the SNAP case should be closed (or reduced in a multi-person SNAP household) before the end of the third month to prevent the issuance of the fourth month of SNAP benefits. The NOAA must be a timely and adequate notice and issued at least ten days before the end of the third month in order to provide timely notification.

Suggested Actions to Prepare for January 2020

OTDA encourages districts to review their caseload to identify individuals who are subject to the ABAWD requirements and conduct outreach to inform ABAWDs of the ABAWD time limit and ABAWD qualifying activities that are available in the district. Districts should also identify the availability of ABAWD qualifying work activities in the district, including ABAWD qualifying work activities that may be available through the Workforce Innovation and Opportunity Act (WIOA) and community based organizations.

Training Opportunities

OTDA provides a series of SNAP Employment and Training and ABAWD training modules available to districts. Training modules include:

- Course 1: An overview of the SNAP Employment and Training Program work requirements and proper coding of SNAP work registrant and ABAWD status.
- Courses 2 & 3: ABAWD work requirements include how ABAWDs can maintain eligibility for SNAP benefits, how districts will document and monitor ABAWD compliance, how districts will determine if an ABAWD is eligible for SNAP benefits and action required by the district for those who are not eligible due to not meeting ABAWD work requirements.

These trainings consist of three sessions conducted via WebEx. Registration is available through HSLC.

Districts should contact their ESAs for assistance with training on an as needed basis.