



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	20 TA/DC082 Upstate and New York City
Date:	August 14, 2020
To:	Subscribers
Suggested Distribution:	Commissioners, Temporary Assistance Directors, SNAP Directors, Employment Coordinators
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	Statewide Waiver of the Able-Bodied Adults Without Dependents (ABAWD) Time Limits
Effective Date:	October 1, 2020
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Attachments:

Section 2

The purpose of this GIS is to provide social services districts (districts) with an update on the federal able-bodied adults without dependents (ABAWD) waivers.

The United States Department of Agriculture (USDA) limits an able-bodied adult without dependents (ABAWD) to three months of Supplemental Nutrition Assistance Program (SNAP) benefits in a 36-month period unless the individual is working or participating in certain employment and training activities. Federal statute authorizes the ABAWD requirements to be waived in states or areas within a state which are determined to meet or exceed certain unemployment rates.

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, Supplemental Nutrition Assistance Program: *Requirements for Able-Bodied Adults Without Dependents* (84 FR 66782), which revises the conditions under which FNS would approve requests from States to waive the ABAWD time limit. The final rule's changes to waiver standards were scheduled to take effect as of April 1, 2020. However, the final rule is currently in litigation in the U.S. District Court for the District of Columbia. On March 13, 2020, the Court granted the plaintiffs' motion for a preliminary injunction and a stay pending judicial review of the provisions related to waivers. While the injunction is in place, the previous waiver criteria published in the January 17, 2001, final rule, *Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (66 FR 4438), will be used as the basis for any waiver approvals.

Additionally, as described in [GIS 20 TA/DC021](#), on March 18, 2020, the Families First Coronavirus Response Act (Public Law 116-127) was enacted which temporarily and partially suspends the time limit

for ABAWD participation in SNAP. This suspension began April 1, 2020 and continues until the month following the month in which the public health emergency declaration due to COVID-19 is lifted. Districts must continue to not impose ABAWD requirements at this time.

On June 22, 2020, the New York State Office of Temporary and Disability Assistance (OTDA) submitted a request to USDA for a statewide waiver of the ABAWD work-based eligibility requirements for federal fiscal year (FFY) 2021. This waiver request was based upon New York State's eligibility for extended unemployment benefits, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. USDA has approved OTDA's request to waive the ABAWD time limit in all areas of the State for the period October 1, 2020 through September 30, 2021, or until the date at which the new waiver standards become effective, whichever occurs earlier. Therefore, **ABAWDs residing in all areas of New York State are not subject to the ABAWD requirements beginning October 1, 2020.**

Effective October 1, 2020 all districts must waive the ABAWD time limits. Please note that waiving the ABAWD requirement does not preclude districts from offering or requiring non-exempt SNAP applicants and recipients to participate in work activities consistent with your local employment plan approved by OTDA. Districts accessing SNAP E&T funds are reminded of the need to ensure that, at a minimum, job search assistance is available to SNAP participants.

All districts are required to continue to screen SNAP applicants and recipients for an exemption from SNAP work requirements and/or an exemption from the ABAWD time limits and correctly assign the SNAP employability and ABAWD status code to 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 status codes are entered on the Welfare Management System (WMS) at the time of opening and recertification for SNAP benefits even while under a waiver. The SNAP employability and ABAWD status 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. Effective October 1, 2020, and during the period of the statewide ABAWD waiver, districts are not required to provide households with the [LDSS-5072 Informational Letter for ABAWDS](#) and are not required to offer and provide an ABAWD qualifying work activity by sending the [LDSS-5172 ABAWD Work Activity Letter](#).

Individuals subject to the ABAWD requirements who have 3 tracked months as not meeting the ABAWD requirements during the current 36 fixed month period may continue to receive SNAP benefits during the time period of the statewide waiver of the ABAWD requirements. Individuals who were previously determined ineligible due to failure to comply with the ABAWD requirements for 3 months during the current 36 fixed month period, and reapply for SNAP benefits during the period of the statewide waiver of the ABAWD requirements may receive SNAP benefits (if otherwise eligible) without having to re-establish ABAWD eligibility.

Effective October 1, 2020 OTDA will adjust the ABAWD tracker in the Welfare Reporting and Tracking System (WRTS) to reflect a full district waiver for every district in the State. Additionally, OTDA will discontinue the processing of overrides for all ABAWDS who have an AB record (countable month) or an AX record (ABAWD exclusion), as described in [GIS 20 TA/DC021](#), effective October 1, 2020. These overrides are unnecessary during the time period that a full district waiver is in effect.