



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	21 TA/DC049 Upstate and New York City
Date:	July 2, 2021
To:	Subscribers
Suggested Distribution:	Commissioners, Temporary Assistance Directors, SNAP Directors, Employment Coordinators
From:	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
Subject:	Statewide Waiver of the Able-Bodied Adults Without Dependents (ABAWD) Time Limits for Federal Fiscal Year (FFY) 2022
Effective Date:	October 1, 2021
Contact Information:	Employment and Advancement Services Bureau 518-486-6106 or otda.sm.eisp.eas@otda.ny.gov

Section 2

The purpose of this GIS is to inform social services districts (districts) that New York State has received approval from the United States Department of Agriculture (USDA) for a statewide waiver of the federal Able-Bodied Adults Without Dependents (ABAWD) time limit for Federal Fiscal Year (FFY) 2022 (October 1, 2021 through September 30, 2022).

The Food and Nutrition Act of 2018 limits an ABAWD to 3 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. This is referred to as the ABAWD time limit. 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. New York State currently has a federally approved waiver of the ABAWD time limit in all areas of the State for the period October 1, 2020 through September 30, 2021.

On June 1, 2021, 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 FFY 2022. 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 of October 1, 2021 through September 30, 2022. Therefore, **ABAWDs residing in all areas of New York State will continue to not be subject to the ABAWD requirements through September 30, 2022.**

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 the local Temporary Assistance (TA) and SNAP employment plan approved by OTDA for the district. Districts

accessing SNAP Employment & Training (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 limit and correctly assign the SNAP employability and ABAWD status codes to each individual applying for or receiving SNAP benefits, including those individuals who are concurrently applying for or receiving TA benefits. 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 codes 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. As a reminder, 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 due to not meeting the ABAWD requirements during the current 36-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 that reapply for SNAP benefits during the period of the statewide waiver should receive SNAP benefits (if otherwise eligible) without needing to meet the ABAWD requirement before re-establishing eligibility.

OTDA will continue to adjust the ABAWD tracker in the Welfare Reporting and Tracking System (WRTS) to reflect a full district waiver of the ABAWD requirements for every district in the State.