



General Information System (GIS) Message

Section 1

Transmittal:	23DC063 Upstate and New York City
Date:	August 31, 2023
To:	Subscribers
Suggested Distribution:	Temporary Assistance Directors SNAP Directors Employment Coordinators Staff Development Coordinators WMS Coordinators Fair Hearing Staff
From:	Valerie Figueroa, Deputy Commissioner, Employment and Income Support Programs
Subject:	Implementation of Fiscal Responsibility Act ABAWD Provisions
Effective Date:	Immediately
Contact Information:	Employment and Advancement Services Bureau: (518) 486-6106 or otda.sm.eisp.eas@otda.ny.gov
Attachments:	N/A

Section 2

On July 7, 2023 OTDA issued [GIS 23DC051](#) that provided a summary of the TANF and SNAP changes in the Fiscal Responsibility Act of 2023 (FRA). Since that release, the United States Department of Agriculture’s Food and Nutrition Service (USDA FNS) has provided States with additional information regarding the changes to the Able-Bodied Adults Without Dependents (ABAWD) provisions that resulted from the FRA.

New Exemption Definitions

The FRA adds new criteria for exemptions from the ABAWD time limit for individuals experiencing homelessness, veterans, and individuals who are 24 years of age or younger and were in foster care on or after their 18th birthday. The USDA FNS defines these new exemptions as follows:

- “A **homeless individual**,” as defined in Section 3 of the Food and Nutrition Act (FNA) of 2008 and at 7 CFR 271.2, means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is
 - A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

- A temporary accommodation for not more than 90 days in the residence of another individual; or
 - A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).
- “A **veteran**,” as defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served at any time in the United States Armed Forces (i.e. the Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release. Please note that OTDA has interpreted “veteran” to be inclusive of those in receipt of VA disability compensation.
 - “An **individual who is 24 years of age or younger and in foster care on their 18th birthday**. Individuals who are in foster care when they reach 18 years of age fall under the ABAWD exemption, even if they elect to stay in foster care up to the State’s maximum age. For example, a 19-year-old who was in foster care at age 18 and who elects to remain in a State’s extended foster care program, such as living in a household that applies for SNAP or in an independent living program, would qualify for the ABAWD exemption. This also includes any individual who was in a foster care program run by the State or Indian Tribal Organization as of their 18th birthday or later and who is under 25 years of age.

Changes to Age-Based ABAWD Time Limit Exemptions

The FRA also changes the age-based exemptions. Previously, individuals aged 18 to 49 were subject to the ABAWD time limit. The FRA gradually increases the age of those subject to the ABAWD time limit as follows:

- September 1, 2023: the age of those subject to the ABAWD time limit increases to age 50;
- October 1, 2023: the age of those subject to the ABAWD time limit increases to age 52;
- October 1, 2024: the age of those subject to the ABAWD time limit increases to age 54.

Verification Requirements for the Modified ABAWD Time Limit Exemptions

Districts must follow the SNAP verification requirements at 7 CFR 273.2(f) for the modified exemptions. There are no new verification requirements for the modified exemptions from the ABAWD time limit. Districts are expected to only require verification of information that they determine is questionable. Districts must follow established guidelines for what is considered questionable. Districts must support households in obtaining verification, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. If documentary evidence cannot be obtained or is insufficient, the eligibility worker may use collateral contacts or home visits.

If the information is questionable, examples of verification that districts can use to confirm the modified exemptions include, but are not limited to:

- Homeless individuals - Collateral contact with a homeless shelter, person the homeless individual is staying with, or any other individual aware of the household’s circumstances.
- Veterans - Service department records, such as a DD Form 214, Certificate of Release or Discharge from Active Duty, original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces; correspondence or contact from the Department of Veterans Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veterans Affairs indicating service in the armed forces, or driver's license indicating veteran status.

- Youth aging out of foster care – Data sharing and/or collateral contact from other social service workers or agencies, such as the agency administering the foster care program or Medicaid.

As a reminder, if verification is required districts may accept multiple forms of documentary evidence. Homeless households are specifically exempt from the requirement to verify residency.

Effective Date

To implement these new provisions districts must screen for and apply the modified ABAWD exemption criteria for individuals experiencing homelessness, veterans, and individuals who are under the age of 25 and were in foster care on or after their 18th birthday to all applications and recertification applications received beginning **September 1, 2023**.

Regarding the new age-based provisions, OTDA is currently implementing the necessary systems changes to allow the entry of the ABAWD status code “A” for individuals over the age of 50 based on the modified age-based exemption. To accommodate the increase to the age of those subject to the ABAWD time limit to 52, OTDA will modify a systems edit in WMS that is currently in place to prevent districts from entering the ABAWD status code “A” for individuals over the age of 49. The change will allow users to enter an ABAWD status code “A” in the designated fields on NYC WMS for individuals up to the appropriate age based on the age limit increase schedule included above. Systems changes will also be implemented for upstate WMS (or myWorkspace) to allow users to enter an ABAWD status code “A” in the designated fields for individuals up to the age of 54. These changes are scheduled to become operational on the Production System mid-October 2023. OTDA will formally notify districts when the systems change is implemented for the new age-based provisions. **Due to NY’s Statewide ABAWD waiver, no ABAWDs will be at risk of losing benefits.**

OTDA will be releasing an Administrative Directive (ADM) soon that will provide additional guidance regarding these new provisions. In addition, OTDA is in the process of revising the LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E&T, and ABAWD)* as well as other documents and public-facing notices which contain ABAWD-related information including the *LDSS-5062A SNAP Employability/ABAWD Code Desk Guide* to incorporate the modified exemptions. Prior to the release of the revised LDSS-5062A, districts must document ABAWD time limit exemption determinations based on the modified criteria by notating the case record to indicate the reason an individual was granted an exemption from the ABAWD time limit.