



General Information System (GIS) Message

Section 1

Transmittal:	25DC005 Upstate and New York City
Date:	January 17, 2025
To:	Subscribers
Suggested Distribution:	Commissioners, 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:	Changes to the SNAP Work Requirements mandated by the <i>Fiscal Responsibility Act of 2023</i> Final Rule
Effective Date:	Immediately
Contact Information:	Employment and Advancement Services Bureau (518) 486-6106 or EASBureau@otda.ny.gov
Attachments:	None

Section 2

The purpose of this General Information System (GIS) message is to inform social services districts (districts) of several provisions introduced by the Food and Nutrition Service (FNS) to support the implementation of the Fiscal Responsibility Act (FRA) of 2023 (P.L. 118-5). These provisions were codified through the final rule, [Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023](#) (89 FR 102342) published on December 17, 2024, and effective January 16, 2025.

Background

On June 3, 2023, the President signed into law the FRA. The Office of Temporary and Disability Assistance (OTDA) issued [23DC051 - Summary of TANF and SNAP Changes in Fiscal Responsibility Act of 2023](#) to inform districts of the provisions in the legislation that impact work requirements related to Temporary Assistance for Needy Families (TANF) and SNAP. Detailed guidance informing districts of the changes to the Able-Bodied Adults Without Dependents (ABAWD) exemptions, screening procedures, and verification requirements that resulted from the FRA was provided through [23-ADM-08 - Modifications of the Able-Bodied Adults Without Dependents \(ABAWD\) Time Limit Exemptions Mandated by the Fiscal Responsibility Act of 2023](#). As a reminder, the FRA added three new 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 their 18th birthday or later. The FRA also gradually increased the age of those subject to the ABAWD time limit as follows:

- to “51 or older” on September 1, 2023;
- to “53 or older” on October 1, 2023; and
- to “55 or older” on October 1, 2024.

Please note that the modifications to the ABAWD exemption criteria mandated by the FRA sunset on October 1, 2030, barring any federal action to extend them.

Additionally, effective October 1, 2023, the FRA reduced the annual allotment of discretionary exemptions, referred to as “exclusions” in New York State, from 12 percent to 8 percent of a state’s caseload subject to the ABAWD time limit.

The final rule published on December 17, 2024, codifies the requirements of the FRA described above and introduces some additional requirements to assist in complying with SNAP work requirements policy. These additional provisions are described below.

Revised Definitions

- *Definition of Homeless Individual - 7 CFR 271.2*

The final rule amends the definition of “homeless individual” at 7 CFR 271.2 by adding language to clarify that individuals who are “imminently homeless” are also considered homeless because they will soon lose their primary fixed and regular nighttime residence. The adjusted definition is below:

A “Homeless individual” is defined as:

- (1) An individual who lacks a fixed and regular nighttime residence, including, but not limited to, an individual who will imminently lose their nighttime residence; or
- (2) An individual whose primary nighttime residence is:
 - (i) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - (ii) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - (iii) A temporary accommodation for not more than 90 days in the residence of another individual; or
 - (iv) A public or private 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).

An individual is “imminently homeless” if they will soon lose their primary nighttime residence and do not have an alternative residence and lack the resources to secure permanent housing. For SNAP purposes, OTDA is adopting a definition of “imminently homeless” that aligns with the definition of the Department of Housing and Urban Development (HUD). HUD’s definition includes individuals who are within 14 days of losing their housing, do not have another residence, and do not have the resources to secure another residence. Housing includes housing they own, rent, are sharing with others, or are living in without paying rent.

Districts must incorporate safeguards into their processes for identifying individuals experiencing homelessness to ensure that those who are simply facing a change in housing within a certain timeframe do not receive an exemption from the ABAWD time limit under this criterion. If an individual is leaving their current residence for another

fixed and regular nighttime residence, they would not be considered imminently homeless and would not qualify for an exemption from the ABAWD time limit under this exemption criterion.

Individuals fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking who have no residence other than one shared with or known to the abuser, and inadequate resources to secure housing are experiencing homelessness because they lack a fixed and regular nighttime residence.

Similarly, an individual fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking who stays in temporary nighttime residences would also be considered homeless. This includes, but is not limited to, individuals who are temporarily residing in the residence of another individual for no more than 90 days or living in a supervised shelter.

Please note that the final rule amends the definition for “Homeless individual” at 7 CFR 271.2, a section of the federal regulations which applies to all SNAP households. Therefore, the definition itself will not expire on October 1, 2030, and it is applicable to all other areas of SNAP policy that currently consider the homeless status of SNAP applicants and recipients. Further guidance on this revised definition is forthcoming.

- *Definition of Veteran - 7 CFR 273.24(c)(8)*

The final rule amends the definition of “Veteran” by adding another group of individuals who are considered veterans for purposes of receiving veterans’ benefits: individuals who were commissioned officers of the Public Health Service, Environmental Scientific Services Administration, or the National Oceanic and Atmospheric Administration. These individuals are eligible for veterans’ benefits, such as disability compensation, veterans’ pensions, and educational benefits, because they are considered to have served in “active military service” under 38 CFR 3.7 and, therefore, qualify for an exemption from the ABAWD time limit. The adjusted definition is below:

A “Veteran” is an individual who, regardless of the conditions of their discharge or release, served:

- In the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard),
- In a reserve component of the Armed Forces, **or**
- As a commissioned officer of the Public Health Service, Environmental Scientific Services Administration, or the National Oceanic and Atmospheric Administration.

- *Definition of Individual Aging Out of Foster Care - 7 CFR 273.24(c)(9)*

The final rule defines an individual aging out of foster care as an individual who:

- Is 24 years of age or younger, **and**
- Turned 18 while in foster care under the responsibility of any State, District, U.S. Territories, Indian Tribal Organization, or Unaccompanied Refugee Minors Program, regardless of if the individual remained in extended foster care until the maximum age or left extended foster care before the maximum age.

The final rule adds language to the definition to clarify that “in foster care under the responsibility of a State” also includes the Unaccompanied Refugee Minors Program.

- *Definition of Screening - 7 CFR 271.2 “Screening”*

The final rule amends the definition of “screening” to include evaluating individuals for all exemptions from the general work requirements and from the ABAWD time limit. This is in addition to evaluating if an individual should be referred for participation in an employment and training program. Districts were most recently notified of the requirement to screen all SNAP applicants and recipients including those who are concurrently applying for or receiving Temporary Assistance (TA) for exemptions from the general SNAP work requirements and the ABAWD time limit in [24-LCM-18 - Revisions to the LDSS-5062A SNAP Employability/ABAWD Code Desk Guide](#). The policy release provided an updated version of the *LDSS-5062A - SNAP Employability/ABAWD Status Screening and Code Assignment Desk Guide* to be used by district staff to assist with screening SNAP household members for exemptions, making correct SNAP employability determinations, and assigning appropriate ABAWD status codes. Additional guidance related to screening and referral for participation in an employment and training program is forthcoming.

Requirements for Screening for Exemptions from the SNAP Work Requirements

- *Screening at Certification and Recertification Application - 7 CFR 273.7(b)(3) and 273.24(k)*

The final rule requires that, based on the screening for exemptions conducted at application and recertification, the most appropriate exemption from the general SNAP work requirements and the ABAWD time limit be applied to each individual. The most appropriate exemption is defined as the exemption that will remain effective for the individual for the longest period of time.

- *Changes in ABAWD Status during Certification Period - 7 CFR 273.24(k)(1)(i) and (ii)*
The final rule requires that if an individual’s ABAWD status changes from exempt to non-exempt during the certification period, the individual must be screened for exemptions before they are assigned ABAWD countable months.

Requirements for Verification of ABAWD Status - 7 CFR 273.24(l)

Districts are not required to verify an individual’s ABAWD exempt status and must accept an individual’s self-attestation that they or another household member meets an exemption from the ABAWD time limit unless the information is questionable. Districts must not consider information provided through self-attestation to be questionable without reviewing on a case-by-case basis.

In situations where the district must verify questionable information related to an individual’s ABAWD exempt status, the final rule requires that all information available to the district is utilized to verify the exemption from the ABAWD time limit before requiring an individual to provide verification.