



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	25-ADM-03
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	May 16, 2025
<b>Subject:</b>	Able-Bodied Adult Without Dependents (ABAWD) Time Limit Policy Update and Guidance
<b>Suggested Distribution:</b>	Employment Coordinators, Temporary Assistance Directors, SNAP Directors, Staff Development Coordinators, WMS Coordinators
<b>Contact Person(s):</b>	Employment and Advancement Services Bureau at (518) 486-6106 or <a href="mailto:EASBureau@otda.ny.gov">EASBureau@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 - ABAWD Qualifying Work Programs</a>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
23-ADM-08 22-ADM-01 21-ADM-05 20-INF-07 18-ADM-09 18-ADM-07 17-ADM-01 16-ADM-01 14-ADM-06 13-ADM-04 05-ADM-15 04-ADM-01	18-ADM-09 17-ADM-01	18 NYCRR 385.3 18 NYCRR 387.17(e)	PRWORA of 1996 (P.L. 104-193) Sec. 6 of the Food Stamp Act Fiscal Responsibility Act (FRA) of 2023 (P.L. 118-5)	TA and SNAP Employment Policy Manual Section 358.3, Appendix A, Appendix B, and Appendix C	7 CFR 273.24

## Section 2

### I. Summary

This Administrative Directive (ADM) is to inform social services districts (districts) of updated policies and procedures they must follow for the administration of the Able-Bodied Adult without Dependents (ABAWD) time limit for Supplemental Nutrition Assistance Program (SNAP) applicants and recipients. This ADM replaces the following policy releases on ABAWD policy, [18 ADM-09](#) issued on December 31, 2018, [17 ADM-01](#) issued on April 13, 2017, and consolidates [18 ADM-07](#) issued on November 15, 2018 and [23-ADM-08](#) issued on December 15, 2023.

### II. Purpose

This ADM outlines the policies and procedures that districts must follow to put in place federal ABAWD work requirements and time limits for SNAP applicants and recipients. The updates reflect recent changes from the Fiscal Responsibility Act (FRA) of 2023 (P.L. 118-5) and the final rule, Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023 (89 FR 102342).

### III. Background

Federal statute and regulations limit the amount of time an ABAWD can participate in SNAP to three months in a 36-month period unless the individual resides in an area that has an approved ABAWD waiver; the ABAWD is granted an exclusion from the ABAWD work requirements for the calendar month consistent with the exclusion policy established by the district; or is meeting the ABAWD work requirements each month. The ABAWD must also otherwise be eligible for SNAP benefits.

#### **General Overview of the ABAWD Time Limit**

##### ***The 36-Month Period***

New York has implemented a “fixed statewide clock”. Under this option, the 36-month period has the same beginning and end date in all districts for all ABAWDs. The current fixed 36-month period began on October 1, 2023, and will expire on September 30, 2026. A new 36-month period will begin on October 1, 2026.

##### ***ABAWD Eligibility***

An ABAWD is a SNAP applicant or recipient, aged 18 to 54, who does not meet any of the criteria for an exemption from the general SNAP work requirements outlined in 18 NYCRR 385.3(a) or the ABAWD time limit outlined at 18 NYCRR 385.3(d)(5). An ABAWD’s eligibility for SNAP benefits is limited to three months of benefits in a 36-month period unless the individual:

- meets the ABAWD work requirements;
- is exempt from the ABAWD time limit;
- lives in a district or an area within a district with a waiver of the ABAWD time limit;
- receives an exclusion from the ABAWD work requirements consistent with the district’s ABAWD exclusion policy; or
- qualifies for an additional set of three consecutive months of SNAP benefits referred to as a “grace period”.

### ***Meeting the ABAWD Work Requirements***

To maintain their SNAP eligibility beyond the three-month time limit, ABAWDs must work (including in-kind or volunteer work) or participate in a qualifying employment/education/training program/activity for at least 80 hours per month; or 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.

### ***Losing and Re-establishing Eligibility***

ABAWDs who become ineligible for SNAP because they did not meet the ABAWD work requirements for three months may subsequently re-establish eligibility if they:

- Become a resident of a district or area within a district with a waiver of the ABAWD time limit; or
- Become exempt; or
- Satisfy the ABAWD work requirements during any period of 30 consecutive days.

Note: An ABAWD who reestablishes eligibility by meeting the ABAWD work requirements during a period of 30 consecutive days must continue to work or participate in ABAWD qualifying activities as required each month to maintain SNAP eligibility unless they qualify for a grace period (see Paragraph M of Required Action for details about the ABAWD grace period).

## **IV. Program Implications**

All districts, including those that qualify for a waiver of the ABAWD time limit, must evaluate each SNAP applicant's and recipient's employability status and ABAWD status and enter the appropriate SNAP employability and ABAWD status codes on the Welfare Management System (WMS). Additionally, districts that do not have an approved ABAWD waiver for all residents of the district must offer and provide an ABAWD a qualifying work activity to assist ABAWDs in maintaining their SNAP eligibility, monitor each ABAWD's compliance with the ABAWD work requirements on a monthly basis, and notify a SNAP household when an ABAWD becomes ineligible for SNAP due to not meeting the ABAWD work requirements. The notice of adverse action (NOAA) informing a SNAP household that an ABAWD is no longer eligible for SNAP benefits because the ABAWD is subject to, but not meeting the ABAWD requirement, must be issued before the end of the 3<sup>rd</sup> month of SNAP benefits, to preclude an unauthorized issuance of a 4<sup>th</sup> month of SNAP benefits to an ineligible ABAWD. The NOAA must be issued on a timely and adequate basis, unless the adverse action is taken at application or recertification for SNAP benefits.

### **Public Assistance (PA) Implications**

The ABAWD work requirements and time limit do not apply towards PA eligibility. As long as the PA recipient is compliant with PA program requirements, including employment requirements, PA benefits will remain unaffected by an individual's non-compliance with the ABAWD work requirements.

## **V. Required Action**

Consistent with federal regulations, districts are required to evaluate the employability status of each SNAP applicant and recipient. An individual's SNAP employability status indicates whether they are subject to the general SNAP work requirements.

Districts must ensure that workers are evaluating each individual's SNAP employability and ABAWD status correctly. They also need to enter the appropriate SNAP employability and ABAWD status codes into WMS (or myWorkspace). This information helps identify who must follow the ABAWD work requirements each month. Additionally, districts must ensure workers update an individual's SNAP employability and ABAWD status codes promptly when changes are reported and documented consistent with the guidance in this ADM and established SNAP eligibility policy.

## **A. Screening for Exemptions**

Districts are required to screen all household members for exemptions from the general SNAP work requirements and from the ABAWD time limit in order to correctly determine the employability status and to document the ABAWD status for each individual applying for or receiving SNAP benefits, including those who are concurrently applying for or receiving PA. Eligibility staff must screen for exemptions at certification, recertification, and when changes in the household's circumstances are reported if appropriate.

Because ABAWDs are a subset of the larger SNAP population who are subject to the general SNAP work requirements, districts must determine each individual's SNAP employability status in order to evaluate whether an individual is exempt from the ABAWD time limit or they are subject to the time limit. An individual who is determined to be exempt from the general SNAP work requirements is not an ABAWD. However, an individual who is exempt from the ABAWD time limit may still be required to comply with the general SNAP work requirements, unless they qualify for any exemption listed at 18 NYCRR 385.3(a).

To support districts in strengthening their processes to screen for exemptions from the general SNAP work requirements and the ABAWD time limit, the Office of Temporary and Disability Assistance (OTDA) has developed the [LDSS-5062A - SNAP Employability Code/ABAWD Status Screening and Code Assignment Desk Guide](#). District eligibility staff are strongly encouraged to use the form to screen all household members for exemptions.

### ***What to do if an individual's ABAWD status changes***

*Loss of an exemption.* An individual who loses exempt status due to any change in circumstances subject to the reporting requirements of 18 NYCRR 387.17(e) must be re-screened for exemptions from the SNAP work requirements and ABAWD time limit when the change is reported. Such screening must be conducted with the individual when the change is reported. If the district is unable to reach the individual to conduct the screening during the certification period, the screening must be conducted with the individual at the next required contact. If based on the screening process it is established that the individual does not qualify for any exemptions, they must be determined to be non-exempt. At that time, the district must also screen for exemptions from the ABAWD time limit and evaluate whether the individual is an ABAWD subject to the time limit. If based on the screening it is evaluated that the individual is an ABAWD subject to the time limit, the district must inform the household of their applicable SNAP work requirements including the general SNAP work rules, mandatory SNAP Employment and Training (E&T), and the ABAWD work requirements as appropriate and begin tracking the individual as an ABAWD subject to the time limit. If the district is

unable to reach the household to screen during the certification period, the district must document the attempt to contact the household in the case record but must not begin assigning countable months as attempts to screen do not constitute screening for exemptions. Countable months are the three months during which an ABAWD subject to the time limit receives SNAP benefits without meeting the ABAWD work requirements. For additional information regarding countable months, see Paragraph E of Required Action.

An individual who loses exempt status due to a change in circumstances not subject to the reporting requirements of 18 NYCRR 387.17(e) must be screened for exemptions as part of the household's next recertification. If based on the screening process it is established that the individual does not qualify for any exemptions from the general SNAP work requirements, they must be determined to be non-exempt at that time. As part of the process, the district must also screen for exemptions from the ABAWD time limit and evaluate whether the individual is an ABAWD subject to the time limit. If it is evaluated that the individual is an ABAWD subject to the time limit, the district must inform the household of the SNAP work requirements including the general SNAP work rules, mandatory SNAP E&T, and the ABAWD work requirements as appropriate and begin tracking the individual as an ABAWD subject to the time limit.

*Newly meeting an exemption.* If during the certification period an individual subject to the time limit has a change in circumstance that results in the individual now meeting an exemption from the ABAWD time limit, the district must act promptly to apply the exemption and cannot assign a countable month once the district receives information that is not questionable. If the district determines the information is questionable, the district must act promptly to verify the information. Once verified, the district must apply the exemption and cannot assign countable months.

The district must not assign countable months unless it has screened the individual and determined that no exemption from the general SNAP work rules or the ABAWD time limit applies. When an individual qualifies for more than one exemption, the district must apply the exemption that will be in effect for the longest period based on the household's circumstances.

## **B. Exemptions from the ABAWD Time Limit**

As mentioned previously, ABAWDs are a subset of the larger SNAP population who are subject to the general SNAP work requirements. ABAWDs are individuals who are not exempt from the general SNAP work rules and who do not qualify for an exemption from the ABAWD time limit.

Federal regulations at 7 CFR 273.24 outline the ABAWD exemption criteria. Individuals who meet any of these criteria are exempt from the time limit and are not required to comply with the ABAWD work requirements. The ABAWD time limit does not apply to an individual if they are:

1. under 18 years of age or 55 years of age or older;
2. pregnant;
3. residing in a SNAP household with a child under the age of 18;
4. homeless;
5. a veteran;
6. an individual age 24 or younger who was in foster care on their 18<sup>th</sup> birthday;
7. medically certified as physically or mentally unfit for employment for one of the



following reasons:

- a. in receipt of disability benefits from a public or private source;
  - b. unable to work at least 80 hours per month due to physical or mental health limitation;
  - c. obviously mentally or physically unfit for employment.
8. otherwise exempt from the general SNAP work requirements as they qualify for any exemption listed at 18 NYCRR 385.3(a).

Note: The exemptions from the ABAWD time limit for individuals experiencing homelessness, veterans, and youth aging out of foster care were introduced through the FRA and will sunset on October 1, 2030, barring any federal action to extend them. Additionally, the age limit for those who are subject to the ABAWD time limit will revert from “55 years of age or older” to “50 years of age or older” on the same date.

### ***Verification of Exemptions from the ABAWD Time Limit***

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 district is required to utilize all information available to it including data from other public assistance programs, before requiring the individual to provide documentary evidence or other sources of verification.

### ***ABAWD Exemptions Defined***

#### **1. Under 18 or 55 years of age or older:**

- a. An individual who is under the age of 18 is not an ABAWD and is not subject to the time limit. The month in which an individual turns 18 is an exempt month from the ABAWD work requirements, unless the individual turns 18 on the first of the month.
- b. An individual becomes exempt from the ABAWD time limit in the month they turn 55 years of age. An ABAWD who was determined to be ineligible for SNAP benefits due to exhausting their three countable months but turns 55 during a certification period is no longer subject to the ABAWD work requirements from the month of their 55<sup>th</sup> birthday and becomes eligible upon application, if otherwise eligible for SNAP benefits.

#### ***Verification:***

Information is known to the district. Please note that if an individual turns 18 during the certification period, the district cannot begin assigning countable months until it screens the individual for exemptions from the general SNAP work rules and the ABAWD time limit to determine whether any other exemption applies.

#### **2. Pregnant:**

Individuals at any stage of pregnancy are exempt from the ABAWD time limit. The exemption applies until the individual is no longer pregnant and includes the month of the child’s birth.

*Verification:*

Self-attestation is sufficient, unless the information is questionable. An individual must be allowed at least 10 days to provide verification if required. In situations where questionable information related to an individual's ABAWD exempt status must be verified, the district must utilize all information available to it before requiring an individual to provide verification.

**3. An adult residing in a SNAP household with a child under the age of 18:**

All adults who reside in a SNAP household that includes a child under the age of 18 are exempt from the ABAWD time limit even if the SNAP household member that is under age 18 is not eligible for SNAP benefits. The phrase "even if the SNAP household member who is under 18 is not eligible for SNAP benefits" refers to a minor who would be a member of the SNAP household, but who is ineligible to participate in SNAP such as an ineligible non-citizen child or other circumstance as described in 7 CFR 273.1(b)(7). Adults who reside in the same dwelling as a child under 18 but who are not part of the SNAP household do not qualify for an exemption under this criterion.

*Verification:*

Information is known to the district.

**4. Homeless:**

A homeless individual is defined in federal regulations at 7 CFR 271.2 as:

- 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
- 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 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 has adopted 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.

*Verification:*

Homeless households are specifically exempt from the requirement to verify residency. Examples of verification that districts can use to confirm this exemption if the information is questionable, include but are not limited to collateral contact with

a homeless shelter, person the homeless individual is staying with, or any other individual aware of the household's circumstances.

**5. A veteran:**

A veteran is defined in federal regulations at 7 CFR 273.24(c)(8) as 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

*Verification:*

Self-attestation is sufficient, unless the information is questionable. An individual must be allowed at least 10 days to provide verification if required. In situations where questionable information related to an individual's ABAWD exempt status must be verified, the district is required to utilize all information available to it before requiring an individual to provide verification. Examples of verification districts can use to confirm this exemption if the information is questionable include, but are not limited to 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.

**6. An individual age 24 or younger who was in foster care on their 18<sup>th</sup> birthday:**

An individual who is 24 years of age or younger and who was in foster care under the responsibility of any State, District, U.S. Territories, Indian Tribal Organization, or Unaccompanied Refugee Minors Program on the date of their 18<sup>th</sup> birthday.

*Verification:*

Self-attestation is sufficient, unless the information is questionable. In situations where questionable information related to an individual's ABAWD exempt status must be verified, the district is required to utilize all information available to it before requiring an individual to provide verification. Examples of verification that districts can use to confirm this exemption if the information is questionable include but are not limited to authorized data sharing and/or collateral contact from other social service workers or agencies, such as the agency administering the foster care program or Medicaid.

**7. Medically certified as physically or mentally unfit for employment due to one of the following reasons:**

- Is receiving disability benefits from a public or private source;
- Is obviously mentally or physically unfit for employment as determined by the district; or



- If the unfitness is not obvious, provides a statement from medical personnel the district determines appropriate, that they are physically or mentally unfit for employment.

Individuals who are medically certified as physically or mentally unfit to work are exempt from the ABAWD time limit. Being medically certified as physically or mentally unfit to work under the ABAWD policy is a broader exemption than the exemption from the general SNAP work requirements outlined in 18 NYCRR 385.3(a). Under the ABAWD time limit rules, the physical or mental condition must make an individual unfit to work 20 hours per week or 80 hours per month, not unfit to work at all.

As noted above, under the ABAWD policy, an individual is considered medically certified as physically or mentally unfit for work if they meet any of the following criteria:

*a. Receiving disability benefits from a public or private source*

Individuals receiving public or private disability benefits are exempt from the ABAWD time limit. An individual may provide proof of receipt of disability benefits from public or private sources such as:

- Workers' compensation
- NYS disability benefits

*Verification:*

Requesting additional verification is not required if the information regarding the receipt of disability benefits is known to the district. If the information is not known to the district, the worker may request proof of receipt of disability benefits. The [LDSS-2642 Documentation Requirements](#) form or an OTDA-approved local equivalent must be used to request verification, and the individual must be allowed at least 10 days to provide the necessary verification if required.

*b. Obviously physically or mentally unfit for employment*

When an individual's unfitness for work is obvious to the eligibility worker, the district should exempt the individual from ABAWD work requirements without requiring a statement or verification from an appropriate medical professional. For the purposes of determining an exemption from the ABAWD time limit, obviously unfit for employment is based on the eligibility worker's observation/judgement. This determination requires a discussion with the individual about their fitness for employment and ability to work 80 hours a month. The ability to work 80 hours per month is key; even if a person is able to work, if they are physically, mentally, or emotionally unable to work 80 hours a month they should qualify for the exemption from ABAWD work requirements. Districts should consider an exemption from the ABAWD time limit for individuals who display a physical health or mental health condition that makes them unable to work at least 80 hours per month. Some examples to consider as factors depending on the totality of the circumstances might include, but are not limited to, the following: 1) A client having a walking boot, neck cast, or a cast on a leg or arm; 2) A client using an oxygen tank; 3) A client struggling to walk or stand; or 4) A client demonstrating an intellectual disability. For more

information regarding the ABAWD exemption for those who are obviously unfit for employment, please refer to [20-INF-07 - Exemption from SNAP ABAWD Requirements for Individuals who are Obviously Unfit for Employment](#).

*Verification:*

Eligibility worker observation is the only required verification when the reason for the unfitness to work is obvious. The eligibility worker must clearly document the basis for such determination in the individual's case record. No further information or verification is necessary. The determination that a person is obviously unfit for employment and is exempt from the ABAWD time limit must be reviewed at recertification and the basis used to determine that the individual continues to be obviously unfit for employment must be clearly documented in the case record, if the district continues to exempt the individual from the ABAWD time limit under this criterion.

*c. Medically certified as physically or mentally unfit for employment by medical personnel*

In situations where the reason for the individual's unfitness for employment is not obvious, the individual must provide verification to be identified as exempt from the ABAWD work requirements because of a physical or mental health condition that prevents them from working 80 or more hours per month. The eligibility worker must explain to the individual how they can provide verification of their condition or circumstance and assist if necessary. Qualified medical professionals who can provide such statement include, but are not limited to, a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the district determines appropriate.

*Verification:*

A medical form or written statement completed by a medical or mental health professional is adequate proof of a physical or mental health condition.

Note: Individuals who meet at least one of the criteria noted above and provide the necessary documentation if needed are exempt from the ABAWD work requirements but may still be subject to SNAP work requirements (and/or PA work requirements in those instances where an individual is concurrently receiving PA and SNAP), unless the SNAP household documents that the individual is exempt from SNAP work requirements consistent with 18 NYCRR 385.3(a).

**8. Exempt from the general SNAP work requirements:**

An individual is exempt from the ABAWD time limit if they qualify for any exemption from the general SNAP work rules listed at 18 NYCRR 385.3(a).

**C. Informing SNAP Households of the ABAWD Work Requirements**

Districts were informed in [22-ADM-01 - Oral and Written Requirements to inform SNAP Applicants and Recipients of SNAP Work Rules](#) of the requirement to provide a written notice and oral explanation to notify SNAP applicants and recipients of their

SNAP work requirements by issuing the [LDSS-5193 Important Information about SNAP Work Rules \(General, Mandatory E&T, and ABAWD\)](#) or the [LDSS-5193A - Important Information About SNAP Work Rules \(General and Mandatory E&T\)](#).

The written notice and oral explanation of all applicable work requirements including the ABAWD work rules must be provided to the household at application, recertification and when a previously exempt household member or a new household member becomes subject to work requirements. The LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E&T, and ABAWD)* contains all relevant information that must be provided to the household regarding the ABAWD work requirements and eliminates the need for issuing a separate notice to inform the household of the ABAWD time limit. Districts must retain copies of all LDSS-5193 provided to the household in the case record. Districts must also document the case record through case notes/comments, in a timely manner, when the comprehensive oral explanation pertaining to SNAP work requirements including ABAWD work requirements occurs at certification, recertification, and at any time an exempt household member or new household member becomes subject to work requirements.

Information to explain the ABAWD work requirements including which individuals are subject to the ABAWD time limit, the consequences for refusing or failing to comply with the ABAWD work requirements without good cause and the action that may be taken by the ABAWD to maintain or re-establish eligibility for SNAP benefits for more than 3 months in the 36-month period is made available in print and online to all SNAP households through [LDSS-4148A Book 1 - What You Should Know About Your Rights and Responsibilities](#) and [LDSS-4826A How to Complete the SNAP Application/Recertification and Applicant/Recipient Rights and Responsibilities for SNAP](#). Information regarding the ABAWD work requirements and time limit and the consequences for not complying with the ABAWD work requirements is also included in the SNAP opening and recertification letters that are generated through the Client Notices System (CNS).

#### **D. Meeting the ABAWD Work Requirements**

An ABAWD may meet the ABAWD work requirements for a calendar month through one of the following methods:

- Work (including work in exchange for money; work in exchange for goods or services also referred to as “in-kind” work; and volunteer work) for at least 80 hours per month;
- Participate in a qualifying work/training program approved by the district for at least 80 hours per month;
- Participate in a program under the Workforce Innovation and Opportunity Act (WIOA) which may include job search, job readiness, occupational skills training, and education activities for at least 80 hours per month;
- Participate in a program under section 236 of the Trade Act of 1974 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;

- Participate in a combination of work or qualifying work programs for at least 80 hours per month; or
- 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;

Note: According to federal rules, participation in stand-alone job search or job readiness training provided under the PA or SNAP E&T Program does not count toward meeting the ABAWD work requirements. For purposes of satisfying the ABAWD work requirements, work programs may include job search and job readiness training as a subsidiary component as long as the number of hours spent in job search and/or job readiness training provided under PA and/or SNAP E&T constitutes less than one-half of the total monthly hours. For example, to meet the 80-hour monthly ABAWD work requirement, an individual could participate in 39 hours of job search or job readiness training and at least 41 hours of paid employment or volunteer work.

Details about each qualifying work program are provided in Attachment I *ABAWD Qualifying Work Programs*.

#### *Determining the Number of Work Experience Hours Required to Meet the ABAWD Work Requirements*

An ABAWD may meet the ABAWD work requirements by participating in work experience, if offered by the district, for the number of hours per month determined by dividing the household's SNAP benefit by the higher of the federal or State minimum wage, even if less than 20 hours per week. Two ABAWDs in the same SNAP household can maintain their individual SNAP eligibility by participating in work experience for a total of the maximum hours supported by the household's SNAP benefit. To allow multiple ABAWDs in a household to meet the ABAWD work requirements, districts should allocate the hours of work experience among the active adult SNAP household members by dividing the household's SNAP benefit by the number of active adults in the SNAP household and then dividing the result by the higher of the federal or State minimum wage and rounding the hours down to the nearest whole hour. An ABAWD is not allowed to participate on behalf of another ABAWD. Therefore, an ABAWD who is assigned to work experience must participate for the number of hours per month based on the calculation described above to meet the ABAWD work requirements.

Example: Peter and Sally are a two-person household residing in Albany County and receive SNAP benefits on the same case. Peter and Sally's monthly SNAP allotment is \$536. The current minimum wage for ROS districts is \$15.50 per hour. The district will calculate each individual's share of the SNAP benefit by dividing \$536 by 2 ( $\$536 \div 2$  adults = \$268). The total number of required work experience hours for one adult in the household is calculated by dividing the individual's share of the SNAP benefit which is \$268 by the State minimum wage of \$15.50 and then rounding down to the nearest whole hour ( $\$268 \text{ SNAP benefit} \div \$15.50/\text{hour minimum wage} = 17.29$ , rounded down to 17 hours per month for one adult). The district determines that an ABAWD in this household must be assigned to 17 hours of work experience monthly to meet the ABAWD work requirements.

Note:

- Districts are reminded that the State minimum wage varies by region (see [24-INF-08 - 2025 State Minimum Wage Increase and the Effect on Temporary Assistance and Supplemental Nutrition Assistance Programs](#) for additional information). Therefore, districts should ensure that the calculation to determine the number of hours that an ABAWD is required to participate in work experience for purposes of meeting the ABAWD work requirements is based on the higher of the federal or State minimum wage that is in effect for their region of the State.
- An ABAWD who does not participate in work experience for the required number of hours as calculated above must participate in other ABAWD qualifying activities to meet the participation requirement of 80 hours per month. Additionally, the calculation to determine the required number of hours that an ABAWD would need to participate in work experience to meet the ABAWD work requirements does not preclude districts from assigning individuals to additional SNAP E&T activities (and/or additional PA work activities if the ABAWD is concurrently receiving PA benefits), as appropriate.

The ABAWD remains eligible for SNAP benefits if the ABAWD meets the ABAWD work requirements through one of these methods each calendar month, is granted an ABAWD exclusion for the calendar month, documents they reside in a waived area during the calendar month, had good cause for not meeting the ABAWD work requirements, or documents that they are exempt from the ABAWD work requirements for the calendar month.

#### *Good Cause for not Meeting the ABAWD Work Requirements*

ABAWDs subject to the time limit who would have met the ABAWD work requirements but did not do so for reasons outside of their control may be granted good cause. Good cause must be determined on a case-by-case basis. The month in which good cause is applied must not be considered a countable month even though the ABAWD did not meet the work requirement for 80 hours per month.

Good cause includes circumstances beyond the individual's control, such as, but not limited to:

- Illness of the individual;
- Illness of a household member that required the presence of the ABAWD;
- A household emergency; or
- Lack of transportation.

The good cause must be reported timely to the district and the district must document the reason for the good cause determination in the case record. Documentation to support the claim of good cause may be required.

Furthermore, in accordance with federal regulations at 7 CFR 273.24(b)(2), if an ABAWD who is required to participate in SNAP E&T is granted good cause for failure to comply with the mandatory E&T requirements, they must also receive good cause for failure to comply with the ABAWD work requirements, with one exception. An ABAWD may receive good cause for a lack of an appropriate and available opening in E&T for the mandatory E&T requirement, but this form of good cause does not extend to the ABAWD work requirements. This is because the ABAWD has other ways to



meet the ABAWD work requirements outside of E&T. It is expected the ABAWD will seek out other opportunities even if there is not an appropriate and available opening in E&T. Districts implementing the ABAWD time limit must still offer a slot in a qualifying ABAWD work activity to permit ABAWDs to remain eligible for SNAP beyond the three-month time limit.

#### *Provider Determinations*

As outlined in [21-ADM-05](#), districts must inform their local SNAP E&T providers of their authority and responsibility to determine if an individual is not a good fit for a particular E&T work activity component. Such determinations are referred to as provider determinations. In the case of an ABAWD who has received a provider determination, districts implementing the ABAWD time limit must also notify the ABAWD of the accrual of countable months. In particular, the district must notify the ABAWD that they will accrue countable months toward their three-month time limit the next full benefit month after the month during which the district notifies the ABAWD of the provider determination, unless the ABAWD meets the ABAWD work requirements in accordance with 7 CFR 273.24, has good cause, lives in a waived area, or is otherwise exempt.

#### *Requirement to Offer and Provide an ABAWD Qualifying Activity*

Districts that do not have an approved districtwide ABAWD waiver are required to offer and provide an ABAWD qualifying work or training opportunity to all ABAWDs who are subject to the ABAWD work requirements. The offer of a qualifying work or training opportunity must be provided at certification, recertification, and anytime during the certification period when an individual's status changes and they become subject to the ABAWD time limit. Eligibility staff in districts that do not have a districtwide ABAWD waiver must issue the LDSS-5127 *Able-Bodied Adults Without Dependent (ABAWD) Work Activity Letter* (or locally developed equivalent approved by OTDA) to each ABAWD subject to the ABAWD work requirements. This form provides ABAWDs with a scheduled appointment to meet with a district staff member or contracted employment provider for the purpose of offering the ABAWD the opportunity to engage in a qualifying work activity assignment so that they may retain eligibility for SNAP benefits beyond the three-month time limit. SNAP households are also notified of the availability of ABAWD qualifying work or training opportunities through information included in the [LDSS-4148A Book 1 - What You Should Know About Your Rights and Responsibilities](#) and in the SNAP opening and recertification letters generated through CNS.

Note: The LDSS-5127 *ABAWD Work Activity Letter* does not replace the LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E&T, and ABAWD)* which is a mandatory notice informing SNAP households of their pertinent work requirements including the ABAWD work requirements. Households containing at least one ABAWD subject to the ABAWD time limit must be provided with both, the LDSS-5127 and the LDSS-5193.

A copy of the completed LDSS-5127 *ABAWD Work Activity Letter* must be retained in the case record, along with an entry in case notes, to document that the district offered the ABAWD the opportunity to meet with the district for assignment to an ABAWD qualifying work activity. The ABAWD's compliance with the work activity appointment is not mandatory as a matter of eligibility, and failure to appear will not result in the offer of

conciliation or imposition of a SNAP sanction. The appointment for the offer of engagement in an ABAWD qualifying work activity is separate and apart from any other mandatory work activity appointments or assignments given as part of the individual's PA work assignment or SNAP E&T work assignment. When an ABAWD attends the appointment and requests the district's assistance with providing an ABAWD qualifying work activity, staff from the district's employment unit or contracted employment vendor must meet with the ABAWD to assign an appropriate activity that will satisfy the ABAWD work requirements. SNAP E&T activity assignments must be approved by the district. Individuals participating in SNAP E&T on a mandatory or voluntary basis must also receive case management and necessary supportive services directly related to their engagement in SNAP E&T work activities.

As noted above, districts must offer an ABAWD qualifying work or training opportunity to all ABAWDs subject to the ABAWD work requirements. Such opportunities can be provided through SNAP E&T including the Venture V Program for SNAP Participants if available in the local area or other local work, educational, or training programs for which the individual is eligible that will help them meet the ABAWD work requirements. Information about currently operating Venture V providers can be found at [County Employment & Training Contractors](#).

#### **E. Countable Months (Months not Meeting the ABAWD Work Requirements)**

The three months during which an ABAWD subject to the time limit receives SNAP benefits without meeting the ABAWD work requirements are referred to as countable months. For purposes of tracking ABAWD compliance, a month is not considered countable under the following circumstances:

- A calendar month during which the household did not receive SNAP benefits for the full month, including the month of application (unless the SNAP application is filed on the 1<sup>st</sup> of the month);
- A calendar month during which an individual is exempt from the ABAWD work requirements for the entire month or for any part of the month;
- A calendar month during which an individual resides in an area of the State with an approved ABAWD waiver;
- A calendar month during which an individual is granted an ABAWD exclusion by the district;
- A calendar month during which the district notifies the individual of a provider determination;
- A calendar month during which an individual has good cause for missing some work or work assignment hours, as long as the absence is temporary and the individual retains their job or otherwise resumes participation in an ABAWD qualifying work activity. (For additional information regarding good cause, see Paragraph D of Required Action.)

When determining the number of an ABAWD's countable months during the 36-month period, districts are required to verify whether an ABAWD has received SNAP benefits in another district in New York or in any other state. Districts should use the ABAWD tracking information on the WTRK31 screen which is available through the Employment Tracking Inquiry Menu (Selection 17 on ROS WMS/Selection 11 of NYC

WMS) in WMS to verify ABAWD countable months in other districts within New York State. When an ABAWD applies for SNAP benefits and there is an indication that the individual has received SNAP in another state, the district must verify the number of countable months in the other state and document this information in the case record. Any month in which an ABAWD did not meet the ABAWD work requirements and has a countable month in another state during New York's current 36-month period (October 1, 2023, through September 30, 2026) will count as one of the ABAWD's three countable months in New York. Specific information about out-of-state SNAP participation for ABAWDs can be found in [GIS 18 TA/DC020 Out-of-State SNAP Participation for Able-Bodied Adults Without Dependents \(ABAWD\) Tracking](#).

## **F. ABAWD Waivers**

Some districts or areas within a district may be eligible for a waiver from the ABAWD time limit based on their rate of unemployment or other criteria consistent with the requirements of 7 CFR 273.24(f). Information regarding eligibility for a waiver is provided to districts on an annual basis, subject to USDA review and approval of a waiver request submitted by OTDA. In general, waivers are approved for a period of 12 months. Districts and areas within a district with an ABAWD waiver are listed at: [Frequently Asked Questions | SNAP | OTDA](#).

ABAWDs who live in a waived district or waived area within a district are not subject to the ABAWD time limit and are not required to meet the ABAWD work requirements but must continue to meet all other SNAP eligibility criteria to receive benefits.

ABAWDs who were previously subject to the time limit and discontinued for failing to meet the ABAWD work requirements may receive SNAP benefits again if the district or area within a district where they reside becomes eligible for a waiver. These individuals must also meet all other SNAP eligibility criteria.

A waiver of the ABAWD time limit does not eliminate the requirement to evaluate the employability status and ABAWD status for each SNAP applicant and recipient. A waiver only determines whether the time limit will be imposed. All districts, including those that qualify for a waiver, must evaluate each SNAP applicant's and recipient's employability and ABAWD status and enter the appropriate SNAP employability and ABAWD codes in WMS.

Additionally, a waiver of the ABAWD time limit does not impact the implementation of policies related to the general SNAP work requirements. SNAP recipients residing in a district or area with a waiver of the ABAWD time limit remain subject to the general SNAP work requirements if they do not qualify for an exemption consistent with federal regulations at 7 CFR 273.7(b)(1).

A waiver of the ABAWD time limit also has no effect on SNAP E&T requirements and disqualification rules for mandatory SNAP E&T participants.

Districts that have been approved to waive the ABAWD time limit for a jurisdictional area within the district, but not for the entire district, must enter the ABAWD code of "W" in WMS (or myWorkspace) for ABAWDs who live in the jurisdictional area with an approved ABAWD waiver. Use of this ABAWD code is necessary to ensure that ABAWDs who reside in a waived jurisdictional area are removed from the ABAWD

selection process used by OTDA to identify which ABAWDs will receive a countable month.

Note: Districts with a districtwide waiver are required to use an ABAWD code of “N” for individuals exempt from the ABAWD time limit but have the option to assign an ABAWD code of “A” or “W” to those who are evaluated as ABAWDs. For these districts, the use of an ABAWD code of “A” instead of “W” during the waiver period eliminates the need to update the ABAWD code from “W” to “A” if the district loses its full county waiver in the future. An ABAWD who resides in a district with a districtwide waiver is removed from the ABAWD selection process used by OTDA regardless of whether the ABAWD code assigned to them is “W” or “A”.

When an individual relocates to a jurisdictional area with an approved ABAWD waiver, they are no longer subject to the ABAWD work requirements, beginning the month of their move to the waived area. ABAWDs who are not subject to the ABAWD work requirements due to living in a waived area must still be assigned the appropriate SNAP employability and ABAWD status codes for reporting purposes and remain subject to the general SNAP work requirements and SNAP E&T requirements as assigned by the district, unless the individual is exempt from the general SNAP work requirements.

## **G. ABAWD Exclusions (Discretionary Exemptions)**

Federal law provides that each state be allotted a number of individual exemptions equal to a percentage of the state's annual SNAP caseload that is subject to the ABAWD time limit. These individual exemptions are known as discretionary exemptions at the federal level and are referred to as ABAWD exclusions in New York.

The Fiscal Responsibility Act (FRA) of 2023 reduced the number of exclusions from 12 percent of a state's ABAWD caseload to 8 percent. Additionally, effective Federal Fiscal Year (FFY) 2026, the FRA limits the carryover of unused exclusions to only those earned in the previous year. It is also important to note that states do not earn ABAWD exclusions in areas that are covered by an ABAWD waiver.

OTDA distributes the ABAWD exclusions allotted to New York, if any, to districts that do not have an approved districtwide ABAWD waiver.

An ABAWD exclusion allows a district to exclude one ABAWD from the ABAWD work requirements for one calendar month. Districts that do not qualify for a districtwide ABAWD waiver have the option to exclude a portion of non-waived ABAWDs from the ABAWD work requirements to the extent that the district has a sufficient number of ABAWD exclusions available for the year. The total number of exclusions used by a district must not exceed the number approved for use by OTDA.

The availability of exclusions provides districts with certain flexibility. However, given the reduction in the number of exclusions available to states which resulted from the FRA, districts should implement an exclusion utilization approach which emphasizes first effective screening for exemptions from the general SNAP work rules and the

ABAWD time limit and second engaging ABAWDs subject to the time limit in work or qualifying activities to support them in maintaining their SNAP eligibility.

Each district is responsible for developing an exclusion policy and establishing its own exclusion criteria. The criteria selected by the district must account for the limit on the number of exclusions available to the district and must be applied consistently across the caseload. District exclusion policies are subject to review and approval by OTDA. Districts can limit the number of months an ABAWD is excluded from the ABAWD work requirements. However, if a district chooses to set such limits, this must be included in the district exclusion policy.

Federal law allows broad discretion in determining how exclusions are allocated. There is no set policy limiting the number of exclusions an ABAWD can receive, nor the circumstances under which they may be provided. Each district has discretion in determining the criteria for when exclusions will be granted to ABAWDs as well as the number of exclusions an ABAWD may receive. Districts are encouraged to implement exclusion policies based on the unique characteristics of their ABAWD caseload. The recommended statewide exclusion criteria outlined below are intended to guide districts in applying exclusions strategically to maximize utilization. Additionally, OTDA strongly encourages districts to develop detailed guidance and staff training that clearly communicate local exclusion criteria and support consistent use of the exclusions allocated to the district.

#### *Exclusion Utilization Guidelines*

To maximize exclusion utilization, OTDA sets forth the following recommendations for the allocation of exclusions to ABAWDs. These guidelines aim to assist districts in developing effective local exclusion policies.

The recommended statewide exclusion criteria include:

1. *Special circumstances*

The district may consider granting an exclusion to ABAWDs experiencing one of the following:

- a. Lack of a high school diploma or GED;
- b. Limited English proficiency;
- c. Ongoing transportation barriers;
- d. Current or past involvement in the justice system (re-entry).

2. *Eligibility extension for ABAWDs demonstrating an effort to comply*

Exclusions may be granted to ABAWDs subject to the time limit who demonstrate an effort to meet the ABAWD work requirements but fall short on the number of required hours. For example, an exclusion may be provided to an ABAWD who works 10 to 14 hours per week (40 – 56 hours per month) but falls short of meeting the requirement. Please note that an individual working 15.5 hours weekly (average of 62 hours monthly) at \$15.50 per hour would be exempt from the general SNAP work rules as they earn more than \$217.50 per week and therefore will not be subject to the ABAWD time limit.



Additionally, if an ABAWD subject to the time limit is close to no longer being considered an ABAWD subject to the time limit (i.e. due to age) an exclusion may be applied to prevent churn. For example, an ABAWD may be excluded during the month or months before their 55<sup>th</sup> birthday.

#### *Monitoring and Reporting the Use of Exclusions*

Each district is required to monitor its use of ABAWD exclusions to ensure that its ABAWD exclusion policy is applied consistently on a monthly basis and that the district does not exceed the number of ABAWD exclusions made available to it by OTDA for the year. Districts must also ensure that the use of ABAWD exclusions is reported to OTDA. An ABAWD code of “X” (ABAWD Excluded) should be entered on Screen 4 of WMS [Individual Inquiry Screen NQIN2A for NYC WMS] or the Individuals Tab on myWorkspace for each month that an ABAWD has been granted an ABAWD exclusion by the district. The use of the ABAWD exclusion must also be documented in the case record.

Districts are also responsible for updating the ABAWD status code on WMS (or myWorkspace) in a timely manner when an ABAWD no longer qualifies for an ABAWD exclusion. Failure to update the ABAWD status code in the same calendar month that an individual’s status changes (no longer qualifies for an ABAWD exclusion) may require the processing of an ABAWD related override transaction as described below.

### **H. ABAWD Related Override Transactions**

The district must process an override transaction when an adjustment needs to be made to an ABAWD’s tracking record. The following adjustments may be made through the ABAWD override process:

- Add or delete a calendar month from the ABAWD counter (Total Number of Months Non-Participating);
- Add or delete a calendar month that involved an ABAWD exclusion;
- Add or delete a calendar month that involved an ABAWD grace period month; or,
- Add or delete an ABAWD re-establish date when an ABAWD who had previously become ineligible for SNAP benefits because they had exhausted their three countable months re-established eligibility by meeting the ABAWD work requirements.

ABAWD related override transactions are processed using the WTRK43 – FS ABAWD OVERRIDE INPUT screen (selection R) on the Employment Tracking Inquiry, accessed via the Time Limit Tracking Menu (Upstate WMS Menu Selection 17/NYC WMS Menu Selection 11). Only staff designated by the district should process ABAWD related override transactions. Instructions on completing these transactions are provided in Appendix B of the Employment Policy Manual which can be accessed at [Employment Manual: Appendix B - Employment Tracking and Welfare Reporting and Tracking System \(WRTS\)](#). Districts must ensure that the reason for the override is clearly documented in the case record.

### **I. Tracking an Individual’s Compliance with the ABAWD Work Requirements**

Districts are required to monitor compliance with the ABAWD work requirements on a monthly basis and take timely action in those instances where the district has determined that the ABAWD has accrued three countable months, is otherwise subject to the ABAWD work requirements, and based on the information available to the district, is not meeting the requirements. When the district determines an ABAWD has not met the ABAWD work requirements for three months in the 36-month period, the district must issue a NOAA at least 10 days before the end of the third month to inform the household that an ABAWD is ineligible for SNAP benefits because they are not complying with the ABAWD work requirements. The NOAA must be issued in time to preclude the issuance of a fourth month of SNAP benefits.

ABAWDs have specific requirements for reporting changes in work. They must notify the district and provide documentation when their hours of work fall below 80 per month. This change must be reported to the district within 10 days after the end of the month during which the change occurred.

Information regarding the SNAP household's responsibility to notify the district when an ABAWD's hours of work fall below 80 per month is included in the [LDSS-5193 - Important Information About SNAP Work Rules \(General, Mandatory E&T and ABAWD\)](#), [LDSS-4148A Book 1 - What You Should Know About Your Rights and Responsibilities](#), [LDSS-4310 Periodic Report](#), and [LDSS-4826A How to Complete the SNAP Application/Recertification and Applicant/Recipient Rights and Responsibilities for SNAP](#). Information on this reporting requirement is also available in the SNAP opening and SNAP recertification letters that are generated through CNS. ABAWDs should also notify the district of any reasons why the individual was not able to meet the ABAWD work requirements for the month or of changes in the individual's ABAWD status on a timely basis and provide documentation of the change, as requested by the district.

If the SNAP household takes certain actions before the end of the ABAWD's third countable month, the district may need to reevaluate the ABAWD's eligibility for SNAP and issue benefits for the following month, provided the household is otherwise eligible. Such actions may include:

- The household could respond to the NOAA with information verifying the ABAWD is meeting an exemption;
- The household could provide information showing that the individual is meeting the ABAWD work requirements; or
- The household could request a fair hearing and continuation of benefits (pending the fair hearing decision).

A household that provides information and/or necessary documentation after the effective date of the case closing would need to reapply for SNAP benefits, unless the household meets the requirements for reactivation as outlined in [13-ADM-04](#).

As indicated above, an ABAWD must report when their hours of work fall below 80 hours per month. An ABAWD is also required to provide documentation of gross earned income and their hours of paid work at application, periodic report, and recertification.

Districts use the documentation provided to determine the average number of hours of paid work the individual is working during the month and enter the gross earnings and the number of hours of paid work on the Automated Budgeting and Eligibility Logic (ABEL) budget to determine the household's eligibility for PA and/or SNAP benefits. The hours of paid work based on the documentation maintained in the case record should also be entered on the Welfare-to-Work Caseload Management System (WTWCMS) (NYC Human Resources Administration uses an FIA-3A form to record an individual's hours of paid work and enters the hours of paid work on the ABEL budget), especially in those instances when the earned income/hours of paid work may not be immediately entered on the ABEL budget because of the requirement to provide timely and adequate notice when reducing or discontinuing a household's PA and/or SNAP benefits or other reasons. Districts must ensure that the hours of paid work and the gross earnings are supported by documentation which is maintained as part of the case record and entered correctly on ABEL and WTWCMS (NYC systems in NYC).

When an ABAWD reports a change in the number of hours of paid work, the change must be documented and the hours of paid work adjusted on ABEL/WTWCMS on a timely basis, regardless of whether or not the change results in a change in PA and/or SNAP benefits otherwise payable to the household. This is to ensure that the ABAWD tracking logic used by OTDA correctly establishes whether or not the ABAWD met the ABAWD requirement for the calendar month.

Note: Individuals who are working 30 or more hours per week or are earning weekly wages equal to at least the federal minimum wage multiplied by 30 are exempt from the general work requirements, and therefore, are not subject to the ABAWD time limit. If an individual has a change in circumstances during the certification period that results in them not meeting this exemption, such as involuntarily quitting a job or reducing work hours, then the district must screen the individual and determine if they meet any other exemption from the general SNAP work requirements or from the ABAWD time limit, before assigning countable months. If the district is unable to reach the individual to screen them during the certification period, the district must not begin assigning countable months as attempts to screen do not constitute screening for exemptions.

#### *ABAWDs Participating in Unpaid ABAWD Qualifying Work Activities*

When an ABAWD reports that they are participating in an ABAWD qualifying activity or the district provides an ABAWD qualifying activity, the district must enter the enrollment in unpaid activities in WTWCMS (NYC systems for ABAWDs that reside in NYC) in a timely manner.

Districts must establish procedures for monitoring an ABAWD's ongoing participation in work activities, such as education, training, work experience, or the combination of work and work activities. Districts could use time sheets to be completed by the individual's activity provider/worksites supervisor and returned to the district. In many instances, districts will receive this information directly from the provider/worksites based on their agreement.

The actual hours of participation and any hours of excused absence in each unpaid work activity as verified by the district must be entered on WTWCMS for each week of

the calendar month by the 15<sup>th</sup> of the following month for the ABAWD tracking logic to consider this participation when establishing whether or not the ABAWD met the ABAWD work requirements for the calendar month. Hours of participation in unpaid activities must meet work activity component definitions and must be documented as part of the case record.

## **J. Failure to Meet the ABAWD Work Requirements**

Districts are required to monitor compliance with the ABAWD work requirements on a monthly basis and take appropriate and timely action when the district has determined that an individual subject to the ABAWD work requirements has received SNAP benefits (either individually or as part of a multi-person SNAP household) for three months in a 36-month period and based on the information available to the district is not meeting the requirements, is not excluded, exempt, or living in an waived area. If upon review of the case record the district concludes that the ABAWD is not expected to participate in ABAWD qualifying work activities for a sufficient number of hours in the month to meet the ABAWD work requirements, the SNAP case for a household of one should be closed or the ABAWD in a multi-person SNAP case should be made ineligible before the end of the 3<sup>rd</sup> countable month to prevent the issuance of a fourth month of SNAP benefits to the ineligible ABAWD. SNAP reason code F94 (ABAWD Ineligible) is used to process a reduction or discontinuance of SNAP benefits when an ABAWD has become ineligible due to not meeting the ABAWD work requirements. The NOAA should be issued in time to preclude the issuance of a 4<sup>th</sup> month of SNAP benefits to the ineligible ABAWD. Any SNAP benefits issued to an ineligible ABAWD are subject to recoupment. Districts should refer to [05-ADM-15](#) for case processing standards for SNAP overpayment claims.

Districts must ensure that timely and adequate notice is given when reducing or discontinuing SNAP benefits other than at time of application or recertification, which require the issuance of an adequate notice.

## **K. Re-establishing Eligibility for SNAP Benefits**

An ABAWD subject to the time limit who has exhausted their three countable months may prospectively restore eligibility in several ways. Details are provided below.

- *Applicant Prospective Compliance* – Eligibility is re-established if an applicant ABAWD can verify to the satisfaction of the district that they will meet the ABAWD work requirements within the 30 calendar days following application. For example, an individual who lost eligibility due to not meeting the ABAWD work requirements has started a new job and applies for SNAP benefits. As long as the individual can verify that they will work enough hours within the consecutive 30-day period following application to meet the ABAWD work requirements, eligibility is re-established. The ABAWD must continue to work or participate in ABAWD qualifying activities for at least 80 hours per month to maintain SNAP eligibility.
- *80 Hours of Participation* – Eligibility may be re-established by participating in one or more ABAWD qualifying activities for at least 80 hours within any consecutive 30-day period since losing eligibility for SNAP benefits for not meeting the ABAWD work requirements. The consecutive 30-day period does not need to be in the same

calendar month. Additionally, the consecutive 30-day period does not have to immediately precede the date of application. An example to illustrate this scenario is an individual who lost eligibility due to noncompliance with the ABAWD work requirements 9 months ago but volunteered 80 hours per month for three months and now applies for SNAP benefits. Eligibility may be re-established if the individual provides verification that they volunteered at least 80 hours in a consecutive 30-day period since becoming ineligible for SNAP benefits due to not meeting the ABAWD requirement. The individual would then have to secure employment or be placed in an ABAWD qualifying work activity and participate at least 80 hours per month to maintain SNAP eligibility. An individual who is offered a work experience assignment would need to participate in work experience for the number of hours per month determined by dividing the household's SNAP benefit by the higher of the federal or State minimum wage.

- *30-Day Job Search/Work Experience* – Districts have the option to allow ABAWDs the opportunity to re-establish eligibility after having exhausted their three countable months by participating in a 30-day period of job search or supervised job search followed by a work experience placement if the individual does not find a job by the end of the 30-day period. An applicant ABAWD who, except for having exhausted their three countable months, is eligible for SNAP, may be assigned to 30 days of job search or supervised job search followed by work experience. The ABAWD is required to complete job search or supervised job search for a minimum of 12 hours in the 30-day period to re-establish eligibility. Districts have the discretion to require more than 12 hours of job search or supervised job search during the 30-day period. If the ABAWD satisfies the job search requirement, thereby re-establishing eligibility, but does not find an adequate job, they must be placed in a work experience assignment in the next month. No other SNAP E&T activity may substitute for work experience if this method to re-establish SNAP eligibility is used.
- *Recipient Prospective Compliance* – A recipient who has not met the ABAWD requirement for three countable months, but who is able to provide proof before the end of the month in which an adverse action takes effect that they will meet the ABAWD work requirements in the next benefit month (i.e., enrolled in a district approved ABAWD qualifying work program which will provide 80 hours or more of participation per month, or enrolled in a work experience activity, as long as the individual is participating the maximum number of hours per month based on the SNAP benefit divided by the higher of the State or federal minimum wage), should continue to be included in the household that receives SNAP benefits until it is determined that the work activity or work experience assignment will not meet the ABAWD work requirements. In instances where the district has already issued a NOAA, the notice must be rescinded based on verification of the prospective compliance for the next benefit month.

If a district authorizes continued SNAP benefits based on prospective compliance, they must clearly document the reason in the case record. Failure to do so may result in a quality control error.

Note: When an ABAWD has demonstrated that they have re-established eligibility by meeting the ABAWD work requirements and the ABAWD is otherwise eligible for SNAP, benefits must be issued from the date of



application. The date an ABAWD re-establishes eligibility for SNAP by meeting the ABAWD work requirements through one of the methods described above may be different than the date of application (see information below regarding the ABAWD re-establish date).

Individuals may also re-establish SNAP eligibility if they become exempt or if they reside in a waived area. ABAWDs who lose their SNAP eligibility for not meeting the ABAWD work requirements and subsequently become exempt from the general SNAP work requirements or the ABAWD work requirements or begin residing in a waived area can have their SNAP eligibility restored, provided the individual is otherwise eligible for SNAP benefits. This restoration of benefits occurs no sooner than the date the exemption began, but not before the individual reapplies for SNAP.

Note: While an ABAWD may re-establish SNAP eligibility by becoming exempt or residing in a waived area, federal guidance indicates that these methods of re-establishing eligibility do not qualify an ABAWD for the grace period. See Paragraph M below for more information about the ABAWD grace period.

Once an individual's case is closed, they may be required to file a new application to begin receiving SNAP benefits again, unless the household meets the reactivation requirements outlined in [13-ADM-04](#). By law, a SNAP application must be accepted whenever it is submitted. The normal eligibility rules apply and SNAP benefits should be issued back to the date of application if the individual has re-established eligibility through one of the previously mentioned ways and is otherwise eligible for SNAP.

A SNAP household of one whose case is closed due to noncompliance with the ABAWD work requirements who then re-establishes eligibility for SNAP is required to file a new application. For example, an ABAWD subject to the time limit fails to meet the ABAWD work requirements and is discontinued from SNAP. They start volunteering on March 15<sup>th</sup> and complete 80 hours of volunteering by April 14<sup>th</sup>. The individual applies for benefits on April 14<sup>th</sup> and is otherwise eligible. Their SNAP benefits should be prorated from the date of application, April 14<sup>th</sup>. In another example an individual applies for SNAP by themselves on May 4<sup>th</sup> and completes the required hours of job search delivered through WIOA by May 25<sup>th</sup>. If the individual is otherwise eligible for SNAP, benefits should be issued from the date of application, May 4<sup>th</sup>. An individual who documents prospective compliance at application would also receive SNAP benefits from the date of application, if otherwise eligible.

For multi-person households, when a member of a SNAP household is removed from the case for failing to meet the ABAWD work requirements, the household must request that the member be added back to the case and the individual must meet all eligibility requirements including compliance with the ABAWD work requirements or documenting an exemption if appropriate. In this instance, the household member should be added to the household effective the first day of the month following the month the change was reported.

## **L. Removed due to ABAWD Field**

Districts must use SNAP reason code F94 (ABAWD ineligible) when reducing or discontinuing SNAP benefits for ABAWDs who have exhausted their three countable

months and are not meeting the ABAWD work requirements. The reason code F94 is entered on Screen 3 of Upstate WMS or through the Paperless Office System (POS) or Paperless Alternate Module (PAM) for NYC. If the worker enters a SNAP reason code F94 when the transaction to reduce or discontinue SNAP benefits for noncompliance with the ABAWD work requirements is processed, the “Removed Due to ABAWD” field on the WTRK31 screen will display an “X”.

When evaluating whether an ABAWD is eligible for SNAP benefits, districts should review the ABAWD’s countable months as reflected on the WTRK31 screen and on WTCMS, the individual’s SNAP employability code, and ABAWD status code, rather than rely solely on the indicator displayed in the “Removed Due to ABAWD” field.

The “Removed Due to ABAWD” field on the WTRK31 screen will become blank when the individual re-establishes SNAP eligibility, and an ABAWD reestablish date will be displayed on the WTRK31 screen when an ABAWD re-establishes SNAP eligibility by meeting the ABAWD work requirements for the first time during the 36-month period. The ABAWD reestablish date is used to identify when an ABAWD who had become ineligible for SNAP benefits re-establishes eligibility through one of the methods described in Paragraph K of Required Action for the first time in the 36-month period. The ABAWD reestablish date may be system generated or manually entered as described below.

#### *System Generated ABAWD Reestablish Date*

The ABAWD reestablish date may system generate if the individual has met the ABAWD work requirements for a calendar month as determined through the ABAWD tracking logic used by OTDA for districts outside of New York City (NYC). The ABAWD reestablish date will not be system generated in the Welfare Reporting and Tracking System (WRTS) for ABAWDs in NYC but will be displayed on the WTRK31 and WTRK43 screen in those instances where NYC HRA reports that an ABAWD has re-established eligibility by meeting the ABAWD work requirements as described in Paragraph K of Required Action.

#### *Manual Entry of ABAWD Reestablish Date*

Districts should manually enter an ABAWD reestablish date when it is not system generated, provided that the ABAWD re-established SNAP eligibility by meeting the ABAWD work requirements through one of the methods described in Paragraph K of Required Action. Districts should add a reestablish date to indicate an ABAWD’s eligibility for the one-time grace period of three consecutive months in those instances where the reestablish date is not system generated by the ABAWD tracking logic. The ABAWD reestablish date when entered by the district should be the beginning date of the period that the ABAWD reestablished eligibility by meeting the ABAWD work requirements. For example, an ABAWD who was previously determined ineligible due to not meeting the ABAWD work requirements reapplies for SNAP benefits and provides documentation to verify that they met the ABAWD work requirements by volunteering at least 80 hours in a consecutive 30-day period since becoming ineligible for SNAP. The ABAWD tracking logic will not generate the reestablish date in this instance because the hours of volunteering documented by the applicant are outside of the timeframe when the household received SNAP benefits and therefore are not entered on WTCMS/ABEL. Under this scenario, the worker would need to enter the ABAWD reestablish date in the field provided on the WTRK43 screen. Please see [Employment Manual: Appendix B - Employment Tracking and Welfare Reporting and](#)

[Tracking System \(WRTS\)](#) for additional information regarding the process of manually entering a reestablish date.

Note: An ABAWD reestablish date will not be system generated and should not be manually entered when an individual reestablishes eligibility for SNAP by documenting that they reside in a waived area or are exempt from the ABAWD work requirements.

#### **M. ABAWD Grace Period**

In certain circumstances, ABAWDs subject to the time limit may be granted an additional set of three consecutive months of eligibility after they have exhausted their three countable months in the 36-month period. This only applies to ABAWDs who have reestablished eligibility by complying with the ABAWD work requirements for 30 consecutive calendar days but have subsequently stopped meeting the requirement.

An ABAWD who reestablishes eligibility by meeting the ABAWD work requirements for 30 consecutive days, but then stops meeting the ABAWD work requirements again, is entitled to an additional set of three months of SNAP benefits. These three months of eligibility start when the ABAWD is no longer in compliance with the ABAWD work requirements and are referred to as a “grace period.”

The three additional months of benefits have strict limitations. They may not be issued separately throughout the 36-month period. Once the first of the three consecutive months is issued, the other two months will automatically follow even if the ABAWD meets the ABAWD work requirements or becomes exempt during that time. Additionally, the three consecutive months of benefits are only available once during the 36-month period even though there is no limit on how many times an ABAWD could reestablish eligibility by meeting the ABAWD work requirements.

#### **N. Supportive Services (Participant Reimbursements)/Training Related Expenses**

Districts must provide supportive services to individuals participating in the SNAP E&T program, including applicants and volunteers, for expenses that are reasonably necessary and directly related to participation in the E&T program. Individuals who are subject to the ABAWD work requirements and are participating in an ABAWD qualifying work activity that is a SNAP E&T work activity (either as a mandatory assignment or on a voluntary basis) are eligible to receive supportive services related to participation in the SNAP E&T and/or ABAWD qualifying activity.

Supportive services include, but are not limited to, dependent care costs, transportation, or other work, training or education related expenses such as uniforms, personal safety items, and books or training manuals.

The job retention component of SNAP E&T is meant to provide supportive services for up to 90 days to individuals who have secured employment. Only individuals who have received other employment or training services under the SNAP E&T program within the 90 days prior to obtaining employment are eligible for job retention.

## **O. SNAP Conciliation**

Conciliation does not apply when discontinuing SNAP benefits to ABAWDs for not meeting the ABAWD work requirements.

If a district assigns and requires a non-exempt SNAP recipient who is also an ABAWD to participate in Mandatory SNAP E&T work activities and the ABAWD fails to comply during the three ABAWD countable months, the individual is subject to conciliation and may be subject to a SNAP sanction. An ABAWD may avoid a SNAP sanction by demonstrating program compliance but may become ineligible for SNAP benefits due to not meeting the ABAWD work requirements after exhausting their three countable months.

If an ABAWD has received three countable months of SNAP benefits in the 36-month period the district must issue a NOAA to inform the SNAP household that the ABAWD is ineligible for SNAP benefits. The NOAA must be issued in time to preclude the issuance of a 4<sup>th</sup> month of SNAP benefits to the ineligible ABAWD.

Districts should refer to [14-ADM-06](#) for additional information regarding SNAP conciliation and sanction procedures.

## **VI. Systems Implications**

### **A. ABAWD Tracking Information**

ABAWD tracking information is displayed on two different screens, WTRK31 and WTRK43, which can be accessed through the Time Limit Tracking Menu (selection 17 for ROS WMS and selection 11 for NYC WMS). The data displayed on these screens is based on case information maintained by districts. Districts should use the information provided on the WTRK31 and WTRK43 screens to monitor each ABAWD's compliance with the ABAWD work requirements and to determine when an ABAWD is ineligible for SNAP benefits because they have exhausted their three countable months. For detailed information about tracking information displayed on these screens, please refer to [Employment Manual: Appendix B - Employment Tracking and Welfare Reporting and Tracking System \(WRTS\)](#).

### **B. WMS Related Implications**

Districts should use WMS SNAP reason code F94 (ABAWD ineligible) when reducing or discontinuing SNAP benefits for an ABAWD who has exhausted their three countable months and is not meeting the ABAWD requirement. Using this reason code is important because it ensures the household receives a correct notice and helps identify ABAWDs who have become ineligible for SNAP benefits due to not meeting the ABAWD work requirements.

The individual disposition status code that should be used in the same WMS transaction is dependent on which district is providing SNAP benefits (NYC or an ROS district) and whether the individual is concurrently receiving PA benefits. For districts other than NYC, the individual disposition status code of "07" (Active, including individuals who are sanctioned prorata) would be used on screen 5 of WMS when an ABAWD who is concurrently receiving PA becomes ineligible for SNAP benefits, unless the individual also becomes ineligible for PA. However, the individual would be

removed from the SNAP budget and an individual reason code of F94 would be entered on screen 3 of WMS. The worker should also enter the date when the individual becomes ineligible for SNAP benefits in the “FS Individual Effective Date” field on screen 5 of WMS. The individual disposition status code would be changed to “10” (Ineligible or Sanctioned Incrementally) for districts other than NYC when the ABAWD becomes ineligible for PA and SNAP or is on an NPA/SNAP case and is determined ineligible due to not meeting the ABAWD work requirements.

For NYC, the individual’s SNAP status shown on the NQIN2A-Client Information screen would be changed to “CL” when an ABAWD on an active PA or NPA/SNAP case is determined to be ineligible for SNAP benefits due to not meeting the ABAWD work requirements.

### **C. ABAWD Tracking Report**

The ABAWD Tracking Report which can be accessed through Cognos is designed to assist districts with tracking the number of countable months each ABAWD has received during the 36-month period. This monthly report becomes available for the report month on or after the 18<sup>th</sup> of the following month. Prior to taking an adverse action on a case based on information displayed in the report, workers must complete a case record review to confirm that based on the information available to the district the individual was in fact subject to the ABAWD time limit and did not meet the ABAWD work requirements.

### **VII. Effective Date**

Immediately

### **VIII. Issued By:**

**Name:** Valerie T. Figueroa

**Title:** Deputy Commissioner

**Division/Office:** Employment and Income Support Programs/NYS Office of Temporary and Disability Assistance