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## SNAP Policy Update #6 15-16'

**DATE:** December 18<sup>th</sup>, 2015

**RE:** SNAP Time Limits ABAWD Status Notification and Waiver Approvals

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This memo highlights information regarding the reinstatement of Able Bodied Adults Without Dependents (ABAWD) time limit rules and waivers, and the letter that some SNAP recipients may receive to let them know about this policy change. This information was provided in part by OTDA through [GIS 15 TA/DC054](#).

Included in this memo is the following:

- History and context regarding SNAP Time Limit Rule for ABAWDs
- Information regarding ABAWD waiver status
- Information about the “Notice of ABAWD Status” letter
- Client Assistance
- How to Comply with ABAWD Requirements

### **History and Context Regarding SNAP Time Limit Rule for ABAWDs**

NYS and many states across the nation must reinstate SNAP Time Limits for ABAWDs on January 1, 2016. This federal rule has not been in place for many years because USDA suspended the rule in most states by 2007 due to high unemployment caused by the Great Recession.

As the economy continues to improve, many states no longer qualify for a full statewide waiver of the time limit and must reinstate the time limit rule in areas of the state that do not meet the waiver criteria.

The time limit rule requires that a person identified as an ABAWD is limited to receiving SNAP benefits for 3 full months in any 3-year period unless they live in a waived area of the state, qualify for an exemption, or are meeting the work requirements.

An ABAWD is defined by federal regulations as a person who is:

- 18 to 49 years old
- Childless (no dependent children under 18)

- Unemployed/underemployed: Less than 20 hours a week working or in job training activity.
- Non-disabled (No documented disability that would preclude employment)

### **Information Regarding ABAWD Waiver Status**

The official list of counties and jurisdictions in New York State that are eligible to take the ABAWD waiver has been released. In NYS 20 counties will be waived along with 7 jurisdictions (cities, zip codes). This leaves 35 counties across the state which were not eligible for any waiver.

**\*The complete list of approved waivers by area is included with this memo.**

As a reminder, the ABAWD Time Limit Rule is currently waived statewide and will not go into effect until January 1<sup>st</sup>, 2016.

### **Information About the “Notice of ABAWD Status” Letter**

OTDA/HRA has generated a letter which is being sent throughout the state to SNAP households where a potential ABAWD has been identified. This letter informs the household that OTDA/HRA has determined someone in the household to be an ABAWD. It provides the household with information on the changes to federal policy which will result in a 3-month time limit for a SNAP recipient determined to be an ABAWD. Included in this letter is information for potential ABAWDs on the changes that are occurring and how they can continue to be eligible for SNAP benefits by meeting an exemption or participating in a qualified work activity.

These letters are being sent as follows:

- In upstate counties with a county-wide waiver, no letters are being sent.
- In upstate counties with a jurisdictional waiver, letters will be sent to all potential ABAWDs in the entire county.
- In NYC, letters will be sent to all potential ABAWDs in all 5 boroughs.

It is important to remember that an individual who is identified as an ABAWD and who lives in a waived county or jurisdiction does not need to meet the time limit and can continue to receive SNAP benefits.

Community organizations working in counties that have a jurisdictional waiver may reach out to their local SNAP office to get more detailed information concerning the waived area of their county. Each county with a jurisdictional waiver will be creating a plan to identify which SNAP households are living in a waived (or non-waived) part of the county.

**\*The Upstate letter in English and Spanish is provided in the GIS under “Resources.”**

**\* The HRA letter in English is provided under “Resources.”**

### **Client Assistance**

It will be important to work with SNAP participants who receive the letter (or who are identified as ABAWDs) to ensure that they were correctly identified. In NYS, ABAWDs are being identified based on information that was in their case files for October 2015. This means that information may be missing

and that individuals receiving the letter from OTDA may, in fact, be exempt from the time limit or already meeting the work requirement.

Exempt individuals include those who do not meet the definition of ABAWD, those who are exempt from regular work rules, individuals who are a part of a SNAP case in which there is a child who is under 18, individuals who are physically or mentally unable to work, and those who are pregnant. These individuals should not be subject to the 3-month time limit.

For example, an individual can be exempt from the 3-month time limit if the person has a physical or mental condition that "reduces their ability to work." Being determined to be unfit for work has a much lower standard of unfitness than SSI or Social Security Disability and does not require a specific diagnosis or submission of medical testing result. There is a list of medical professionals who can write a statement on a person's behalf, stating that the person is mentally or physically unfit for work.

Hunger Solutions New York has developed additional tools and resources that can be used when working with a person who was determined to be an ABAWD, including a checklist for determining if a person must meet the time limit rule, a sample medical statement form, and an ABAWD web page that will continue to be updated with new materials, resources and tools.

### **How to Comply With ABAWD Requirements**

SNAP recipients who are correctly identified as ABAWDs will need to comply with work requirements in order to receive SNAP for more than 3 months in a 36-month period. The letter that is being sent by OTDA/HRA lists the ways that individuals can be in compliance with the requirements. When a SNAP participant is in compliance with the ABAWD work requirements or meets an exemption, the time limits do not apply and they can continue to receive SNAP benefits past 3 months.

Individuals who need to comply with ABAWD requirements should immediately reach out to their local SNAP office for help in finding qualifying work activities so that they can meet the ABAWD work requirement and continue to receive SNAP benefits.

**\* Additional information on ABAWD time limit rules can be found in the webinar and PowerPoint that are listed under "additional resources"**

### **Additional Resources provided with this memo**

- New York State ABAWD Waiver Eligibility List 2016
- [GIS 15 TA/DC054](#) – ABAWD Waiver Status and One-Time Mailing of ABAWD Status Notification Letter
- HRA Notice of Able Bodied Adult Without Dependents (ABAWD) Status for NYC
- ["Understanding SNAP Time Limits: What Community Organizations Should Know"](#) - Webinar and PowerPoint Presentation from Hunger Solutions New York
- SNAP Time Limit Checklist from Hunger Solutions New York
- Template Medical Statement form from Hunger Solutions New York
- Hunger Solutions New York ABAWD webpage: <http://hungersolutionsny.org/abawd>

## **Help for your clients**

There are Nutrition Outreach and Education Program (NOEP) Coordinators in many communities across NYS. NOEP Coordinators are available to help potentially eligible individuals and families apply for SNAP benefits by:

- Conducting confidential pre-screenings to see if a family may be eligible for SNAP
- Assisting with completing the application, including the online application
- Answering any questions
- Working with current recipients around recertification or other issues with their SNAP case (including NYSNIP recipients)

NOEP Coordinators can also come to your community site to help your clients.

To find out if there is a NOEP Coordinator in your community, go to: <http://www.foodhelpny.org>.

Visit <http://otda.ny.gov/workingfamilies/dss.asp> for a listing of SNAP offices and contact information outside of NYC or call 1-800-342-3009.

Visit [http://www.nyc.gov/html/hra/html/services/snap\\_centers.shtml](http://www.nyc.gov/html/hra/html/services/snap_centers.shtml) for a listing of SNAP offices in New York City or call 311.

## **For more information**

If you have any questions about this SNAP update or SNAP time limits in general, please contact Dawn Secor via phone at (518) 436-8757 ext. 112, or by e-mailing [dawn.secor@hungersolutionsny.org](mailto:dawn.secor@hungersolutionsny.org)