



Food and  
Nutrition  
Service

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DATE: May 11, 2021

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Fiscal Year  
2021 Allocations of Discretionary Exemptions for Able-Bodied Adults  
Without Dependents

TO: All SNAP State Agencies  
All Regions

Section 6(o) of the Food and Nutrition Act of 2008 (the Act) limits the amount of time able-bodied adults without dependents (ABAWDs) may participate in the Supplemental Nutrition Assistance Program (SNAP) to 3 months in any 36-month period, unless an individual fulfills certain work requirements or is otherwise exempt from the time limit. However, the Act allocates a number of monthly discretionary exemptions to the ABAWD time limit each fiscal year (FY), based on 12 percent of a State's estimated number of covered individuals, as defined in section 6(o)(6)(A)(ii) of the Act.

This memorandum adjusts the total number of exemptions available to each State for FY 2021, as shown in the table on the next page. This includes increases in the number of exemptions available to States in which caseloads increased by more than 10 percent, as described in section 6(o)(6)(F) of the Act.

Please note that the totals do not account for any exemption usage in FY 2021 (those figures must be reported in final by States on the Form FNS-583, due 45-days after the end of the FY.) While States have great flexibility in applying discretionary exemptions, States must track and report the number of discretionary exemptions used each month on a quarterly basis to their respective FNS regional office via the FNS-583 form. In addition, discretionary exemptions must be properly documented in the case file prior to monthly Quality Control sample selections.

### **Special Considerations**

As a reminder, the Families First Coronavirus Response Act (FFCRA) temporarily and partially suspends the time limit for ABAWDs' participation in SNAP from April 1, 2020, through the end of the month subsequent to the month in which the public health emergency declaration by the Secretary of Health and Human Services based on an outbreak of COVID-19 is lifted. If a State offers an ABAWD a slot in a work or workfare program, including a SNAP Employment and Training (E&T) program under section 6(d)(4), the individual is still subject to the time-limit. Therefore, many States

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did not need to use any discretionary exemptions during the third and fourth quarters of FY 2020. For more information, please see the memo [SNAP – Families First Coronavirus Response Act and Impact on Time Limit for Able-Bodied Adults Without Dependents \(ABAWDs\)](#).

On October 18, 2020, the U.S. District Court for the District of Columbia vacated the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents* (84 FR 66782), which would have revised the carryover of discretionary exemptions. The Department is pursuing publication of a final rule that will restore regulatory language at 7 CFR 273.24 to the language that existed prior to the 2019 final rule. Since the 2019 final rule is no longer in effect, States may carry over unused discretionary exemptions from previous fiscal years.

State agencies with questions should contact their respective Regional Office representatives. Regional Offices should contact Arpan Dasgupta or Riley Link with any questions.

Arpan Dasgupta  
Chief  
Certification Policy Branch  
Program Development Division

Enclosure

**Enclosure**

**Table 1: ABAWD Discretionary Exemption Totals for FY 2021**

<b>State</b>	<b>Total Available for FY 2021</b>	<b>New Earned for FY 2021</b>	<b>Used in FY 2020</b>	<b>Total Available in FY 2020</b>
Alabama	276,038	34,877	0	241,161
Alaska	14,391	4,925	0	9,466
Arizona	154,548	17,785	106	136,869
Arkansas	133,641	18,886*	8,036	122,791
California	851,432	0	9,283	860,715
Colorado	38,695	13,690*	9,792	34,797
Connecticut	55,308	7,626	3	47,685
Delaware	76,019	4,410*	1,833	73,442
District of Columbia	0	0	0	0
Florida	792,201	182,818	1,285	610,668
Georgia	13,132	0	1,047	14,179
Guam	3,850	378	0	3,472
Hawaii	74,907	0	558	75,465
Idaho	57,678	7,294*	0	50,384

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\* Indicates the State's new exemptions earned for FY 2021 have been adjusted to reflect newly available caseload data.

<b>State</b>	<b>Total Available for FY 2021</b>	<b>New Earned for FY 2021</b>	<b>Used in FY 2020</b>	<b>Total Available in FY 2020</b>
Illinois	23,383	0	41,825	65,208
Indiana	243,437	26,853*	1,078	217,662
Iowa	137,247	11,454*	Re 2	125,795
Kansas	70,161	5,495	0	64,666
Kentucky	153,664	41,768*	230	112,126
Louisiana	12,820	0	0	12,820
Maine	65,755	7,655	0	58,100
Maryland	50,254	0	0	50,254
Massachusetts	145,822	46,021*	1,309	101,110
Michigan	605,877	93,466	10	512,421
Minnesota	59,526	0	38,564	98,090
Mississippi	189,461	20,804	893	169,550
Missouri	234,488	4	0	196,824
Montana	48,262	2,905	0	45,357
Nebraska	70,515	5,304	1,591	66,802
Nevada	57,910	0	2,176	60,086
New Hampshire	9,208	1,082	389	8,515
New Jersey	141,938	28,422*	1,329	114,845

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<b>State</b>	<b>Total Available for FY 2021</b>	<b>New Earned for FY 2021</b>	<b>Used in FY 2020</b>	<b>Total Available in FY 2020</b>
New Mexico <sup>1</sup>	-1,868	0	0	-1,868
New York	181,415	48,275*	30,513	163,653
North Carolina	271,887	65,881*	0	206,006
North Dakota	18,437	0	213	18,650
Ohio	344,039	61,531*	75,274	357,782
Oklahoma	414,333	51,873*	674	363,134
Oregon	178,519	50,657*	8,469	136,331
Pennsylvania	169,988	9,168	2,047	162,867
Rhode Island	14,508	5,707*	9	8,810
South Carolina	122,736	22,540*	227	100,423
South Dakota	10,802	1,936	1,894	10,760
Tennessee	255,403	71,198*	7,178	191,383
Texas	2,276,148	143,288*	5,469	2,138,329
Utah	43,127	4,586*	473	39,014
Vermont	26,880	3,870	11	23,021
Virgin Islands	3,948	0	0	3,948
Virginia	402,182	50,704*	16,588	368,066

<sup>1</sup> New Mexico overused 15 percent exemptions in the first and second quarters of FY 2009. The State has had waivers since that time and therefore has not earned any exemptions since that time. The State cannot use 15 percent exemptions until its negative balance is eliminated.

\* Indicates the State's new exemptions earned for FY 2021 have been adjusted to reflect newly available caseload data.

<b>State</b>	<b>Total Available for FY 2021</b>	<b>New Earned for FY 2021</b>	<b>Used in FY 2020</b>	<b>Total Available in FY 2020</b>
Washington	53,116	15,849*	7,123	44,390
West Virginia	163,222	22,220	2,207	143,209
Wisconsin	115,701	25,125*	55,610	146,186
Wyoming	37,122	1,656*	0	35,466

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