



## Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

**DATE:** December 20, 2024

**SUBJECT:** Supplemental Nutrition Assistance Program (SNAP) - Question and Answer #1 for the Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023 Final Rule

**TO:** Supplemental Nutrition Assistance Program  
All Regions

On December 17, 2024, the Food and Nutrition Service (FNS) published the final rule, [Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023](#) (89 FR 102342).

FNS is issuing this set of questions and answers to clarify questions concerning the provisions of the final rule. FNS expects these questions and answers will assist Supplemental Nutrition Assistance Program (SNAP) State agencies in implementing and complying with SNAP policy, especially able-bodied adults without dependents (ABAWD) time limit policy.

FNS anticipates releasing additional guidance in the coming months. State agencies with additional questions should contact their respective Regional Office representatives. Thank you for your continued partnership in serving SNAP households.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to State agencies and the public regarding existing requirements under the law or agency policies.

Sasha Gersten-Paal  
Director  
Program Development Division  
Supplemental Nutrition Assistance Program

Attachment

**Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement  
Provisions of the Fiscal Responsibility Act of 2023 Final Rule  
Questions and Answers**

***A. New Exceptions***

---

**1. How has the definition of homeless individuals changed?**

The final rule adds language to the existing definition to clarify that individuals who “lack a fixed and regular nighttime residence,” includes those who will imminently lose their nighttime residence. In making this change, FNS also added paragraph numbering but made no other changes to the definition. Please see below for how the definition was adjusted.

Program rules at 7 CFR 271.2 define a “Homeless individual” as:

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

**2. Who is considered “imminently homeless”?**

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. State agencies have flexibility in how they define “soon” and may consider adopting other definitions of imminently homeless, such as the Department of Housing and Urban Development (HUD) definition. 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.

In using this flexibility, State agencies must incorporate safeguards into their processes for identifying individuals experiencing homelessness to ensure it does not include individuals who are simply facing a change in housing within a certain timeframe. If an individual is leaving their current residence for another fixed and regular nighttime residence, they would not be considered imminently homeless and would not qualify for the homeless exception.

**3. Are individuals who are fleeing or attempting to flee domestic violence considered homeless?**

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

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

**4. Does the change to the homeless definition at 7 CFR 271.2 only apply to time limited participants?**

No. The rule amends the definition at 7 CFR 271.2, which applies to all SNAP households. Additionally, this definition does not expire on October 1, 2030.

***B. Verifying Exception Status***

---

**5. Are State agencies required to verify an exception from the time limit?**

State agencies are not required to verify exception status, unless questionable. State agencies must accept an individual's attestation that they or another household member meets an exception from the time limit, unless it is questionable. State agencies must verify questionable information consistent with typical SNAP verification rules. States must not consider information provided through self-attestation to be questionable without reviewing on a case-by-case basis.

Consistent with SNAP verification rules, State agencies may not set verification standards that target certain participants as a group in a discriminatory manner for more intensive verification, such as requiring all time-limited participants to verify exception status or by considering all self-attestation of an exception status to be questionable.

**6. How have verification requirements for exceptions from the time limit changed in the final rule?**

State agencies are required to assist cooperating households in obtaining verification, including when verifying questionable exceptions from the time limit. The final rule formalizes existing best practices when verifying questionable exception status. It requires State agencies to first attempt to verify using all available information before requiring individuals to provide verification of their exception status.

This requirement is specific to verification of exceptions from the time limit only. It does not replace existing processes State agencies use to assist households in obtaining verification for other household circumstances. For many exceptions, individuals may have already demonstrated their status as an individual experiencing homelessness, having disabilities, who is pregnant, etc., through participation in another program. Through shared operations, eligibility systems and data sharing agreements, State agencies may already have sufficient information to verify an individual's exception status.

## C. Screening for Work Requirements

---

### 7. *What is screening?*

Screening is an evaluation by an eligibility worker of an individual for:

- all exemptions from the general work requirements,
- all exceptions from the able-bodied adults without dependents time limit, and
- whether the individual should be referred for participation in an employment and training program.

### 8. **Is screening for exemptions from the general work requirements and exceptions from the time limit a new requirement?**

No. Screening is already required for State agencies to determine if an individual is subject to the general work requirements and/or time limit before requiring individuals to meet those requirements. However, before the final rule, the definition section of the regulations only addressed screening for referral to SNAP employment and training (E&T).

The final rule updates regulations to include screening for exemptions from the general work requirements and exceptions from the time limit. In this Q&A, FNS is providing guidance related to screening for exemptions from the general work requirements and exceptions from the time limit. For guidance specific to screening for referral to E&T, please see the July 13, 2022, [guidance](#).

### 9. **How should a State agency apply an exemption or exception if the individual meets more than one?**

The final rule includes a new requirement for State agencies to apply the exemption or exception that would have the longest benefit for the individual. For example, the State agency screens an individual and determines the individual is experiencing homelessness and is a veteran. In this case, the State agency would apply the exception for veterans because that is a permanent exception. FNS previously encouraged, but did not require States to adopt this practice.

**10. How does screening occur?**

State agencies can screen to determine an individual's exemption and exception status in a variety of ways. For example, State agencies may screen individuals by:

- Asking questions during the interview,
- Reviewing information provided on the application, and
- Reviewing information already available to the State agency.

State agencies may not fulfill screening requirements by issuing required notices, such as the Consolidated Work Notice or the Notice of Adverse Action.

**11. When are State agencies required to screen?**

State agencies must screen for all exemptions from the general work requirements and all exceptions from the time limit at certification and recertification. State agencies must not assign countable months prior to screening the individual and determining they do not meet an exemption from the general work requirements and exception from the time limit. State agencies must not begin assigning countable months until screening has been completed, as an attempt to screen does not constitute a screening.

Additionally, if an individual experiences a change in circumstances that results in the loss of their exception status, State agencies must evaluate the individuals' circumstances and screen for all other exceptions from the limit before assigning countable months. For example, when an individual turns 18 during the certification period, the State agency must first screen the individual and determine they do not meet any other exceptions. If the individual does not meet any other exceptions, the State agency would consider the individual subject to the time limit, notify them of the requirements, and then begin assigning countable months if they are not meeting the time limit.

**12. How must States agencies handle information about a new exception during the certification period?**

State agencies may receive information that indicates an individual is newly meeting an exception during their certification period. For example, an individual reports their 14-year-old child has moved in and is now a part of the SNAP household. If the State agency does not consider this report questionable, the State must act promptly to apply the new exception and stop assigning countable months since the individual now has a dependent under 18 in their household.

If the State agency received information about an individual newly meeting an exception during the certification period it considers questionable, the State agency must then act promptly to verify the information using information already available to the State agency.

For example, an individual reports she is now experiencing homelessness, but the State agency determines the information is questionable based on its standards (see question #5 related to verification for standards for questionable). The State agency has a data sharing agreement with a State homeless assistance provider and through that data sharing, it verifies that the individual is experiencing homelessness. The State agency promptly applies the exception for individuals experiencing homelessness and stops assigning countable months.

If the State agency is unable to verify the exception using information available to them, then it would defer to unclear information rules at 7 CFR 273.12(c)(3) for contacting the household. There is discretion if the information does not meet the criteria for a request for contact (RFC). State agencies may either hold the information until their next contact with the household, or send a voluntary notice requesting verification for the new exception. If the State agency chooses to send the notice, it cannot penalize individuals for not responding to a voluntary notice. Once the exception is verified, the State agency would apply the exception and stop applying countable months.

#### ***D. Other Provisions***

---

#### **13. Do State agencies need to make any changes to operations based on the revised SNAP purpose statement?**

No. State agencies do not need to make any changes specific to the updated purpose statement.

#### **14. Will there be a hold harmless period?**

Per Section 16(c)(3)(A) of the Food and Nutrition Act of 2008, as amended, and 7 CFR 275.12(d)(2)(vii), certification errors resulting from the application of a new change in Federal law that occurs during the first 120-days from the required implementation date is excluded from the Quality Control (QC) error analysis.

The 120-day variance exclusion period cannot apply if the State does not implement the new provision in accordance with 7 CFR 275.12(d)(2)(vii)(E). States that implement a provision later than the required implementation date, but before the end date of the exclusionary period, will only be allowed a variance exclusion for the time remaining. States that implement after the exclusionary period end date do not get a variance exclusion.

Several provisions of this final rule already received 120-day variance exclusions upon implementation of FRA provisions in 2023 and 2024. As such, only the provisions listed below are entitled to a variance exclusion for this final rule. None of the below provisions are subject to early implementation rules at 7 CFR 275.12(d)(2)(vii)(A).

<b>Provision</b>	<b>Exclusionary Period Start Date</b>	<b>Exclusionary Period End Date</b>
Apply revised definitions of ABAWD exempt groups: Veterans, homeless households, and individuals aged 24 or younger in foster care on their 18th birthday or higher age if the State offers extended foster care to a higher age	January 16, 2025	May 16, 2025
Work Screening at 7 CFR 273.7(b)(3)	January 16 2025	May 16, 2025
ABAWD Screening at 7 CFR 273.24(k)	January 16, 2025	May 16, 2025