



Food and
Nutrition
Service

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SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – SNAP Provisions of the Fiscal Responsibility Act of 2023 – Questions and Answers

TO: All SNAP State Agencies

The Food and Nutrition Service (FNS) is issuing this set of questions and answers in response to inquiries received from Supplemental Nutrition Assistance Program (SNAP) State agencies concerning implementation of Section 311 (a), Section 311 (b), and Section 314 of the Fiscal Responsibility Act (FRA) of 2023. For additional information please see the June 30, 2023, memorandum, "[Implementing SNAP Provisions of the Fiscal Responsibility Act of 2023.](#)"

FNS anticipates releasing a second set of responses later this month. State agencies with additional questions should contact their respective Regional Office representative. 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.

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Acting Director
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Attachment

**Supplemental Nutrition Assistance Program (SNAP)
SNAP Provisions of the Fiscal Responsibility Act of 2023 (FRA)
Questions and Answers**

**New Able-Bodied Adults without Dependents (ABAWD) Time Limit Exceptions
(Section 311(a) of FRA)**

Question 1: The November 2015 memo, “[ABAWD Time Limit Policy and Program Access Memo](#),” provided guidance to State agencies that individuals experiencing chronic homelessness should be exempt from the ABAWD time limit since chronic homelessness in an indication of unfitness for work. Is this new exception included in the FRA different than the previous guidance?

Response: Yes. This new exception is in addition to this previously issued policy guidance. Under the FRA, individuals do not have to be experiencing chronic homelessness in order to meet an exception from the ABAWD time limit. Rather, State agencies will be required to except individuals who meet the broader definition of homeless found at Section 3(l) of the Food and Nutrition Act and 7 CFR 271.2. This new exception is broader than chronic homelessness and includes individuals who lack a fixed and regular nighttime residence or whose primary nighttime residence is temporary. Please see below for entire description.

Per 7 CFR 271.2, *Homeless individual* means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- (1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- (2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- (3) A temporary accommodation for not more than 90 days in the residence of another individual; or
- (4) A 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).

Question 2: When must States begin applying the ABAWD time limit to individuals aged 51 and 52?

Response: State agencies must apply the upper age of 52 to initial and recertification applications received on or after October 1, 2023. The FRA provided that for fiscal year (FY) 2023, the age increases to 50, and for FY 2024, the age increases to 52. Therefore, State agencies must not subject individuals aged 51 and 52 to the ABAWD time limit prior to October 1, 2023. As a reminder, State agencies may choose to use discretionary exemptions for 50-year-olds in the month of September.

Question 3: Are all veterans, including those who were dishonorably discharged excepted from the ABAWD time limit?

Response: Yes. The veteran exception applies regardless of discharge conditions. This means veterans who were honorably or dishonorably discharged are excepted from the ABAWD time limit. FNS uses the definition of veteran found at section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, which means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.

Application of Modified Exception Criteria (Section 311(b) of FRA)

Question 4: Are State agencies that have an approved Statewide waiver of the ABAWD time limit required to implement the modified exception criteria (i.e., to make changes to eligibility systems and notices)?

Response: As of September 1, 2023, State agencies with Statewide ABAWD waivers will need to make necessary changes, including updating systems and notices, to implement the modified exception criteria even while under a waiver. This is because State agencies are required to screen for exceptions and track ABAWDs even when covered by a waiver so that it is able to accurately administer the ABAWD time limit when the waiver ends.

Applying Exceptions to Initial and Recertification Applications

Question 5: When are States agencies required to start applying the modified exception criteria?

Response: State agencies **must** apply the modified exception criteria to initial and recertification applications received no later than September 1, 2023. State agencies **may** screen for and apply the modified exceptions to initial and recertification applications and to ongoing households as of July 1, 2023. Applying the modified exceptions as soon as possible rather than waiting until September 1 or for households to reapply will help state agencies reduce and prevent unnecessary churn for individuals who are eligible for a new exception.

Applying Exceptions During the Certification Period

Question 6: Can State agencies apply the modified exception criteria to ongoing households during the certification period?

Response: Yes. State agencies may screen for and apply the modified exceptions to ongoing households during the certification period starting July 1, 2023, and are expected to do so by September 1, 2023. Acting on changes during the certification period for the new exceptions in the same manner State agencies act on changes for the current ABAWD exemptions will reduce the administrative burden for state workers and confusion for clients. State agencies must follow rules for acting on changes at 7 CFR 273.12(c) when acting on changes during the certification period including rules for handling unclear information.

Question 7: If the State agency learns information that indicates a household member meets an exception during the certification period, what are the requirements for acting on the change?

Response: Under current program rules, if the State agency receives clear and verified information during the certification period that a household member is eligible for an exception, the State agency must take prompt action on the reported change in accordance with 7 CFR 273.12(c)(1). In relation to these new exceptions, the State agency should ensure the exception is applied in the case record and the household member no longer accrues a countable month. If it is unclear from the information received whether or not the household meets an exception, the State agency should follow regulations at 7 CFR 273.12(c)(3) on unclear information.

Question 8: If the State agency learns information that indicates a household member no longer meets an exception from the time limit during the certification period, what are the requirements for acting on the change?

Response: If during the certification period, the State agency receives information that indicates a household member no longer meets an exception, the State agency must understand if the impact on the case is clear before taking action. For example, if the State agency has not screened the household member for other exceptions from the time limit, the impact of no longer meeting a specific exception may not be clear. If the State agency is unclear whether the household member meets another exception or exemption, the State agency must not act on the information and must not subject the household member to the ABAWD time limit until the household's next certification action or periodic report.

Screening for Modified Exceptions:

Question 9: Are State agencies required to screen for the modified exceptions?

Response: As of September 1, 2023, State agencies are required to follow screening procedures for the general work requirements under 7 CFR 273.7(c)(2) and to screen for modified ABAWD exceptions. State agency eligibility workers must first determine whether individuals are exempt from the general work requirements. Individuals who are not work registrants must not be subject to the ABAWD time limit. Individuals who are not exempt from the general work requirements are “work registrants.” The State agency must screen work registrants to determine if they meet an exception from the ABAWD time limit. Many work registrants are exempt from the ABAWD time limit. Screening is a crucial step in ensuring participant access. FNS also strongly encourages State agencies to inform the public about the modified exceptions, including by collaborating with external partners, as detailed in question 14 (below).

Question 10: If the State agency has an approved waiver of the interview, must it screen for and apply the modified exceptions?

Response: As of September 1, 2023, State agencies that have an approved waiver of the interview must abide by the terms and conditions of the waiver approval, which requires the State agency to screen for exemptions from the general work requirements at 7 CFR 273.7(b) and the ABAWD time limit at 7 CFR 273.24(c). FNS reminds State agencies that they must have all information necessary to make an eligibility determination, which includes exception status. If the State agency does not have all the required information, it must contact the household before determining eligibility. FNS will assess State agencies that have an approved waiver of the interview to determine if they are able to collect the information, screen for, and apply the modified exception criteria in the absence of an interview. *FNS will also assess whether applicant households have a meaningful opportunity to provide the information and to understand its meaning with respect to their potential eligibility.*

Question 11: How can State agencies mitigate the administrative burden of changing the upper age limit exception by September 1, 2023, and again on October 1, 2023?

Response: FNS encourages State agencies to start collecting information through their systems on the modified exception criteria as soon as possible and either apply these exceptions now or document the information in the case file and apply these exceptions at recertification beginning September 1, 2023, and October 1, 2023. In addition, FNS encourages State agencies to use their discretionary exemptions to the maximum extent possible at both initial and recertification. As a reminder, prorated benefit months must not count towards the ABAWD time limit; therefore, initial applications received after September 1, 2023, must not get a countable month for September. FNS strongly encourages State agencies to fully utilize all available discretionary exemptions as an implementation

strategy during this short transition period.

Question 12: Are State agencies still required to send a consolidated work notice and give the oral explanation to ABAWDs?

Response: Yes. State agencies must follow the existing requirements for notifying households about the ABAWD exceptions. The FRA does not make any changes to the notice requirements. Under existing requirements, the State agency must provide a consolidated work notice and an oral explanation describing the applicable work requirements, including ABAWD requirements, for each household member at certification, recertification and whenever a household member becomes subject to the work requirements. To assist with noticing efforts, FNS has revised applicable work requirement [model notice templates](#).

Question 13: Are State agencies required to modify their Notice of Adverse Action (NOAA) to include the modified exceptions?

Response: State agencies that apply the modified exceptions to ongoing households during the certification period are required to modify their NOAA to include the new exception criteria. FNS expects State agencies to apply the exceptions to ongoing households in alignment with their processes for making changes during the certification period for the current exceptions. To be considered adequate under 7 CFR 273.13(a)(2), the NOAA issued to an ABAWD that has accrued all of their countable months must explain that the case is being closed because the ABAWD is subject to the time limit and has failed to fulfill the ABAWD work requirement. The NOAA must also include the criteria for meeting an exception, fulfilling the ABAWD work requirement, and regaining eligibility as per 7 CFR 273.24(d). Please also note that although the NOAA must be sent at least 10 days prior to case closure, the State agency has flexibility to send it sooner to provide the household more time to respond.

Question 14: Are State agencies required to inform the public about the ABAWD time limit and the availability of these modified exceptions?

Response: FNS expects State agencies to share information about the modified exceptions on public facing sites, such as SNAP State webpages, mobile applications, social media sites, and at local eligibility offices to notify the public of the modified exceptions using plain language. This will help applicants and recipients understand who the time limit applies to and potentially reduce caseload churn and fair hearing requests. Additionally, State agencies should coordinate and collaborate with partners to implement an information campaign on the modified exception criteria, especially external organizations, and other State agencies with trusted relationships in communities likely to be affected by the modified exceptions. State agencies should also work with their existing SNAP outreach network to identify local community partners and advocacy groups that provide services to persons experiencing

homelessness, foster care, and veteran organizations. These partners are crucial to increasing awareness among impacted SNAP applicants and participants and will help streamline implementation.

Verification Requirements for Modified Exceptions:

Question 15: Are State agencies allowed to accept a client's statement that they or another household meet an exception?

Response: Yes. State agencies may accept a statement from a household member that they or another household member meets one of the modified exceptions. There are no new verification requirements for the modified exceptions. This means that State agencies are only required to verify information that they determine is questionable. However, if the State agency determines the information received is questionable, State agencies must verify the information in accordance with verification requirements at 7 CFR 273.2(f).

Question 16: If a State agency determines the information is questionable and requires verification, what are some acceptable forms of verification for youth aging out of foster care?

Response: State agencies can accept information from independent living coordinators who administer programs for supporting youth in and transitioning out of foster care, information from Medicaid or foster care programs, and statements from someone familiar with the individual's circumstances.

Question 17: If the State agency determines the information is questionable and requires verification, what are some acceptable forms of verification for veteran status?

Response: State agencies can verify veteran status can through official documentation from the military such as an individual's DD Form 214 (Certificate of Release or Discharge from Active Duty), DD Form 256 (Honorable Discharge Certificate), NGB Form 22 (National Guard Report of Separation and Record of Service), receipt of veteran payments or veteran disability, a military ID, provider information from a partnering agency that partners with the U.S. Department of Veteran's Affairs (VA) or Veteran's Benefits Administration, VA issued health identification card, or other readily available evidence. State agencies can also enter into data-sharing agreements with the U.S. Department of Veteran Affairs but must ensure proper disclosure safeguards are in place. An individual does not need to be receiving veteran benefits in order to meet the veteran exception criteria. As a reminder, veterans who received other than honorable discharge or dishonorable discharge meet the modified exception criteria.

Question 18: Can a State agency use information it gets from other programs to verify the modified exception criteria?

Response: Yes. Many State agencies have integrated systems that include multiple programs, and State agencies may have access to information that it could use to determine if an individual meets an exception. For example, the State agency may receive information from Medicaid on youth aging out of foster care. Other programs may collect and share information on veteran status. In addition, State agencies should have information on whether a household is experiencing homelessness since it uses this definition to provide a homeless shelter deduction.

FNS highly encourages State agencies to consider the information they receive from other programs when determining whether an individual qualifies for an exception. Information from other programs within the same State agency is considered verified upon receipt. Further verification is not required unless the SNAP definition of the exception is more restrictive than the program from which the verification is received. Please refer to the June 2023 memo, "[SNAP Use of Information from Other Public Assistance Programs](#)," for further guidance.

Question 19: What if the other program's definition of homeless, veteran, or youth aging out of foster care, differs from that of SNAP?

Response: Other programs' definitions do not control or determine SNAP ABAWD status. Please refer to the definitions in the June 30, 2023 memo, "[Implementing SNAP Provisions of the Fiscal Responsibility Act of 2023](#)," State agencies must follow the verification requirements at 7 CFR 273.2(f).

Modification of ABAWD Discretionary Exemptions (Section 312 of FRA)

Question 20: How long do State agencies have to use their balance of unused discretionary exemptions accrued in previous fiscal years?

Response: In FY 2024 and 2025, State agencies will carry over unused discretionary exemptions from prior years. Starting in FY 2026, State agencies' carryover will be limited to unused exemptions earned in the previous fiscal year. FNS encourages State agencies to use discretionary exemptions to the maximum extent allowable to mitigate any implementation challenges and ensure access to vulnerable populations. For example, State agencies may choose to use discretionary exemptions for 50-year-olds in the month of September 2023. At the same time, FNS cautions State agencies to track their use of discretionary exemptions carefully to avoid going over their allocations. To avoid overusing discretionary exemptions, State agencies should refer to the November 2007 memo, "[Overuse of the 15 Percent ABAWD Exemptions by State Agencies](#)," for guidance.

ABAWD Waiver Transparency (Section 314 of FRA)

Question 21: Did the FRA change the way State agencies submit a waiver of the ABAWD time limit to FNS?

Response: No. The FRA did not make any changes to the processes and procedures State agencies must follow when requesting a waiver of the time limit. For more information on how to submit a waiver of the limit, including what data to include, please review the [Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents \(ABAWD\)](#). When submitting ABAWD waiver requests to FNS, State agencies should be aware that the request, supporting documentation, and approval will be made public and posted to the [FNS public website](#).

Quality Control

Question 22: Will there be a hold-harmless period if State agencies do not have enough time to make system changes?

Response: 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 FRA did not address QC variance exclusions, therefore existing SNAP statutory and regulatory requirements apply. Per the FRA and associated implementation guidance, State agencies are charged with implementing ABAWD changes to the age range and exempted populations as of September 1, 2023, with an option to implement as early as July 1, 2023.

FNS understands State systems may not be designed to regularly update ABAWD age limits and because the FRA requires ABAWD age limits to change for three different Federal fiscal years (FFY), FNS is allowing a variance exclusion period for each change application.

The variance exclusion period cannot apply if the State does not actually implement the FRA provisions. States choosing to implement prior to the required implementation date must notify the appropriate FNS regional office, in writing, prior to implementation that they wish the 120-day variance exclusion to commence with actual implementation. Absent such notification, the exclusionary period will commence with the required implementation date per 7 CFR 275.12(d)(2)(vii)(A). 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.

The chart below provides the exclusionary period start and end dates for each FRA provision based on the required implementation dates.

Provision	Exclusionary Period Start Date	Exclusionary Period End Date
Increase the ABAWD age limit for FFY 2023	September 1, 2023	September 30, 2023*
Increase the ABAWD age limit for FFY 2024	October 1, 2023	January 29, 2024
Increase the ABAWD age limit for FFY 2025	October 1, 2024	January 29, 2025
Apply new ABAWD exempt groups: Veterans, homeless households, and individuals aged 24 or younger in foster care on their 18 th birthday or higher age if the State offers extended foster care to a higher age	September 1, 2023	December 30, 2023
Change discretionary exemption limit from 12% to 8%	October 1, 2023	January 29, 2024

*Please note that FFY 2024's ABAWD age limit increase to 52 goes into effect on October 1, 2023. At that time, QC will review cases using FFY 2024's age limit of 52, rendering the variance exclusionary period for failing to apply the FFY 2023 age limit of 50 obsolete. States that implement the FY 2024 ABAWD age limit increase will instead apply the associated 120-day variance exclusion.