



Food and
Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

DATE: June 30, 2023

SUBJECT: Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023

TO: All State Directors
Supplemental Nutrition Assistance Program

On June 3, 2023, the President signed into law the [Fiscal Responsibility Act of 2023](#) (the FRA).

On June 9, 2023, the Food and Nutrition Service (FNS) published a memorandum, "[SNAP Provisions in the Fiscal Responsibility Act of 2023](#)," describing the Supplemental Nutrition Assistance Program (SNAP) provisions of the FRA. Attached is a memorandum with additional information for State agencies implementing the FRA provisions.

The FRA changes the SNAP work requirement policy, including the exceptions from the able-bodied adults without dependents (ABAWD) time limit, and reduces the number of discretionary exemptions State agencies will earn and carry over annually. Implementing these provisions will require State agencies to make extensive changes in a short period of time. FNS encourages State agencies to take necessary steps, such as updating policy manuals, training workers, modifying systems, revising notices using plain language and locally and culturally appropriate messaging, collaborating with partners, and meeting directly with individuals and families who will be impacted by these changes to successfully implement the provisions of the FRA, including other government agencies and community partners that have relationships with the individuals State agencies are attempting to reach.

FNS recognizes it will be challenging for State agencies to implement the provisions of the FRA simultaneously with ongoing efforts to reinstate the ABAWD time limit after the expiration of the partial suspension under the [Families First Coronavirus Response Act \(FFCRA\)](#). The FRA does not impact the timeline for reinstating the ABAWD time limit after the end of the FFCRA partial suspension. Please see the memorandum, "[Preparing for Reinstatement of the Time Limit for Able-Bodied Adults without Dependents \(ABAWDs\)](#)," which provides [important reminders and best practices for State agencies reinstating the ABAWD time limit](#). In addition, FNS encourages State agencies to partner with their State and local workforce agencies and boards to help connect ABAWDs to employment and training opportunities at American Job Centers, as outlined in the [joint letter](#) from FNS and the Department of Labor (DOL) Employment and Training Administration.

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FNS reminds State agencies that quality control active case reviews that identify an error resulting from the application of a mandatory change in Federal law that occurs during the first 120 days from the required implementation date are excluded from error analysis, per 7 CFR 275.12(d)(2)(vii).

FNS is committed to providing ongoing technical assistance to State agencies on issues related to the requirements of the FRA. State agencies with questions regarding these adjustments should contact their respective Regional Office representatives.

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.

Cathy Buhrig Digitally signed by Cathy
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Date: 2023.06.30
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Catherine Buhrig
Associate Administrator
Supplemental Nutrition Assistance Program
Food and Nutrition Service
U.S. Department of Agriculture

Attachment

Modification of Able-Bodied Adults Without Dependents (ABAWD) Time Limit Exceptions

The Fiscal Responsibility Act of 2023 (FRA) modifies the ABAWD time limit exceptions at section 6(o)(3) of the Food and Nutrition Act of 2008 (FNA). The FRA adds new exceptions and changes the age-based exceptions from the ABAWD work requirements. Throughout this document “modified exceptions” refers to the changes the FRA makes to the ABAWD exception criteria. The modified exceptions sunset on October 1, 2030.

New Exception Definitions

The FRA adds new exceptions to the ABAWD time limit for individuals experiencing homelessness, veterans, and individuals who are 24 years of age or younger and in foster care on their 18th birthday (or higher age if the State offers extended foster care to a higher age). FNS defines these new exceptions as follows:

- “A **homeless individual**,” as defined in Section 3 of the Food and Nutrition Act (FNA) of 2008 and at 7 CFR 271.2, 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).

- “A **veteran**,” as defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, 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.

- “An **individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected as defined under Section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii))**.” This includes any individual who was in a foster care program run by the State, District, Territory, or Indian Tribal Organization as of their 18th birthday or later and who is under 25 years of age.

Changes to Age-Based Exceptions

Currently, individuals aged 18 to 49 are subject to the ABAWD time limit. The FRA gradually increases the age of those subject to the ABAWD time limit as follows:

- September 1, 2023: The age of those subject to the ABAWD time limit increases to age 50
- October 1, 2023: The age of those subject to the ABAWD time limit increases to age 52
- October 1, 2024: The age of those subject to the ABAWD time limit increases to age 54

Application of Modified Exceptions (Section 311(b) of FRA)

State agencies may screen for and apply the modified exceptions described in Section 311(a) at initial and recertification applications and to ongoing households as of July 1, 2023. State agencies must begin applying the modified exceptions to initial and recertification applications received beginning September 1, 2023. After such initial or recertification application, State agencies are expected to apply the modified exceptions to the household using normal processing standards. State agencies are also expected to apply the modified exceptions to ongoing households starting September 1, 2023.

Given the amount of discretion available to State agencies with these exceptions, FNS reminds State agencies that they must apply the policy fairly, equitably, and consistently throughout the State. FNS reminds States that Federal law and United States Department of Agriculture civil rights regulations and policies prohibit discrimination on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

The modified exceptions will end on October 1, 2030.

FNS reminds State agencies of the importance of properly screening SNAP applicants and recipients to determine if they are subject to the general work requirements (work registrants). Individuals who are not work registrants must not be subject to the ABAWD time limit. In addition, FNS stresses the importance of screening work registrants to determine if they are exempt from the ABAWD time limit and work requirement and to provide notice to households who are subject to the ABAWD requirements. To ensure State agencies are in the best position to begin applying the modified exceptions, State agencies should start collecting information on these modified exception criteria as soon as possible and must consider all relevant issues impacting the individuals to implement in a manner that ensures both program access and integrity. This approach will help to reduce churn for vulnerable populations, reduce the administrative burden for State workers and ensure continued Program access.

FNS encourages State agencies to implement outreach activities with community partners to increase awareness of the new exceptions.

To assist with noticing efforts, FNS has revised applicable work requirement [model notice](#) templates.

Verification Requirements for Exceptions

State agencies must follow the SNAP verification requirements at 7 CFR 273.2(f) for the modified exceptions. There are no new verification requirements for the modified exceptions from the ABAWD time limit. State agencies are expected to only require verification of information that they determine is questionable. State agencies must follow their established guidelines for what is considered questionable. State agencies must support households in obtaining verification, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. If documentary evidence cannot be obtained or is insufficient, the eligibility worker may use collateral contacts or home visits.

If the information is questionable, examples of verification that State agencies could use to verify *include, but are not limited to:*

- Homeless individuals - Collateral contact with a homeless shelter, person they are staying with, or any other individual aware of the individual's circumstances.
- Veterans - 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 Veteran Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veteran Affairs indicating service in the armed forces, or driver's license indicating veteran status.
- Youth aging out of foster care – Data sharing and/or collateral contact from other social service workers or agencies, such as the agency administering the foster care program or Medicaid.

As a reminder, if verification is required State agencies may accept multiple forms of documentary evidence. Homeless individuals and households are specifically exempted from the requirement to verify residency. For other reminders that may help serve these populations, please see the 2013 memorandum, "[SNAP - Clarification of Policy Barriers Facing Homeless Youth.](#)"

Initial Applications

State agencies may screen for and apply the modified exceptions for initial applications beginning July 1, 2023. State agencies must screen for and apply the modified exception criteria to all initial applications received beginning September 1, 2023.

FNS reminds State agencies that they must not assign a countable month when a household member applies after the first of the month. If benefits are prorated in a month, the month does not count towards the ABAWD time limit.

Recertification Applications

State agencies may screen for and apply the modified exceptions at recertifications starting July 1, 2023. State agencies must screen for and apply the modified exceptions to all recertification applications received beginning September 1, 2023.

State agencies must begin applying the modified exceptions based on the date the application is received, not based on the benefit month or date the State agency processes the application.

Example A: If the State agency receives a late recertification application in September 2023, from a household with a certification period expiring August 31, 2023, it must apply the modified exceptions.

Example B: If the State agency receives a recertification application in August 2023 and processes it in September 2023 or later, the State agency may, but is not required, to apply the modified exceptions.

Applying Exceptions During the Certification Period

State agencies may screen for and apply the modified exceptions during the certification period starting July 1, 2023. State agencies are expected to screen for and apply the modified exceptions to a household during the certification period starting September 1, 2023. State agencies must follow existing rules for acting on changes at 7 CFR 273.12(c), including rules about unclear information. These rules limit State agencies' authority to require information from households during the certification period, although households may report and verify information voluntarily. State agencies must ensure they have all the information they need to determine whether household members are subject to the ABAWD time limit before changing their exception status, including screening for other exceptions.

Example A: If a household reports a change during the certification period that a household member is a veteran and the information is clear, the State agency may except the individual from the ABAWD time limit.

Example B: If the State agency receives information that an individual is now 50 years old, but it is unclear that they meet another exception, the State agency may not apply the ABAWD time limit to such individual until the next certification action or periodic report.

Modification of ABAWD Discretionary Exemptions

The FRA modifies Section 6(o)(6) of the FNA by decreasing State agencies' annual allotment of individual ABAWD discretionary exemptions from 12 percent to 8 percent of the caseload subject to the ABAWD time limit.

In FY 2024 and FY 2025, State agencies may use the discretionary exemptions they earn during the fiscal year and unused exemptions accumulated in prior years. In FY 2026 and subsequent years, State agencies may only carryover unused exemptions allotted from the prior fiscal year.

State agencies have flexibility on how to apply discretionary exemptions. The [Fiscal Year 2023 Allocations of Discretionary Exemptions for Able-Bodied Adults Without Dependents](#) memorandum reports the number of discretionary exemptions currently available to State agencies. State agencies must ensure they do not overuse their discretionary exemptions.

ABAWD Waiver Transparency (Section 314 of FRA)

The FRA requires the Department to make State agency requests to waive the ABAWD time limit, including supporting data, and the related agency waiver approvals available to the public within 30 days after the date of enactment of the FRA. FNS will begin posting this information on the FNS public website on July 3, 2023.