**106.1 Purpose**

Federal law generally limits the amount of time an able-bodied adult without dependents (ABAWD) can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in a 36-month period, unless the individual meets certain work requirements. ABAWDs are SNAP recipients aged 18 - 49 who are able-bodied and do not reside in the household with a minor child.

ABAWDs must be working or participating in an approved activity for 20 or more hours per week. This policy defines individuals subject to ABAWD policy, exemptions, screening, and work requirement.

**106.2 General Information**

The Fiscal Responsibility Act (FRA) of 2023 established several changes to the ABAWD policy. Currently, ABAWDs are SNAP recipients aged 18 - 49 who are able-bodied and do not reside in the household with a minor child. FRA extended the age range follows:

* Effective September 1, 2023, ABAWD policy will be subjected to individuals 18-50 years old.
* Effective October 1, 2023, ABAWD policy will be subjected to individuals 18-52 years old.
* Effective October 1, 2024, ABAWD policy will be subjected to individuals 18-52 years old.

The Families First Corona Virus Response Act established a limited ABAWD waiver as result of the Public Health Emergency (PHE). The blanket waiver ended on June 30, 2023 after the PHE rescission. ABAWD requirements resumed on July 1, 2023.

The State of Maryland applied for and received approval from FNS to waiver ABAWD requirements in five jurisdictions including Baltimore City, Prince George’s County, Wicomico County, Somerset, and Worcester County. The waiver is based on local or regional economic conditions and approved for the period of July 1, 2023, through June 30, 2024

Non-waived jurisdictions must implement ABAWD requirements.

ABAWD screening will help identify individuals who should be exempt from ABAWD requirements.

E&E will identify ABAWDs and will transmit the mandatory participation code to the WORKS system. E&E will automatically generate warning notices for each accountable month that the ABAWD receives benefits. The notice lists time-limit policy for ABAWDs as well as the importance of reporting changes in their employment status. WORKS is used to track ABAWD activities. Local departments in non-exempt jurisdictions manage their client’s work activities in WORKS. It is critical that required ABAWD data is coded and entered into WORKS to ensure that both systems are updated appropriately.

1. Proper coding of E&E screens for all individuals ensures that appropriate exemptions are allowed and that customers identified as ABAWDs are issued only 3 months of benefits if not complying with the work requirements.
2. Proper coding also helps ensure that our state and federal reporting is accurate.

**NOTE:** Remember that if the coding is not correct in the systems and verification is not scanned into ECMS, it is the same as if it doesn’t exist.

**106.3 Screening**

Screening SNAP applicants for ABAWD applicability is critical component of SNAP eligibility determination. Identifying customers who are not subject to ABAWD requirements can help local departments reduce the number of customers who must be tracked every week and monitored for compliance with SNAP work requirements. If SNAP benefits are not paid to a customer who is eligible or are paid to a customer who is ineligible due to ABAWD rules, those payment errors will count in the State’s Quality Control payment error rate.

Use of an ABAWD screening tool at the discretion of the LDSS and with consideration of standard operating procedure to screen each individual identified through the automated processes within E&E. A paper copy of the screening tool is available for the LDSS office, SNAP outreach partners and other community partners, who assist us with screening when they complete an application for a customer requesting SNAP benefits. Our community partners see customers in different situations and often know details about their circumstances.

A. It is important to answer every question for the existing SNAP recipients and new applicants based on a thorough review of systems (E&E, ECMS, MABS, SVES and The Work Number).

• If the questions cannot be answered using those systems, then the case manager must contact the customer.

• A telephone interview is the preferred way to contact customers; if an in-office appointment is needed, use the Appointment Scheduler in E&E. The appointment notice will be sent out in an overnight batch.

B. The screening tool asks the following questions. Most questions are answered

YES or NO in a dropdown box and several ask for additional information.

1. Does the customer have a child or children younger than 18 living with him or her?
* The child must live in the SNAP household with the ABAWD.
* Joint custody is considered living in the household, if the child is actually living with the parent and not just visiting.
* The child must be considered part of the SNAP household, but is ineligible to receive benefits.
* The child could be an ineligible alien and ineligible to receive benefits with the other parent or the child is disqualified from receiving SNAP benefits.
* The child could be on SNAP in another household.
* Enter the age of the youngest child in the yellow box if you check YES to question 1.
* If the child turns 18 during the certification period, the case manager should create an alert as a reminder. The child as well as the parent(s) will be subject to ABAWD rules when the youngest child turns 18.
1. Is the customer disabled?Either a long term or short term disability (90 days or more) will exempt the customer. If the disability is obvious, the case manager does not need verification.
2. Is the customer receiving any type of disability payment? What kind?
* Select the type of disability payment from the drop-down box.
* Is the information in E&E?
1. Is the customer caring for a disabled person in the home?
2. Has the customer applied for or is the customer receiving unemployment?
* Check MABS to see. If the customer filed an out of state claim, contact the customer for verification.
1. Is the customer pregnant?
* The number of weeks or which trimester does not matter.

7. Is the customer employed or self-employed - regular employment must be

20 hours per week. Self-employment must be a minimum of 20 hours a week to meet the ABAWD requirement, but if it is less than 30 hours per week the ABAWD must complete SNAP work registration.

* Enter the number of hours that are verified (remember to look in

 ECMS, WORKS and/or The Work Number)

8. Is the customer participating in drug or alcohol treatment?

* There is no required number of hours.

9. Is the customer participating in an approved work activity for at least 20

 hours per week?

10. Is the customer attending an accredited school at least half

 time?

* Customers must also meet student status requirements to receive SNAP benefits if they are attending school.
* If the answer to any question on the screening tool is YES, the screening tool will return a result indicating that the customer is “Not an ABAWD.” Regardless of the result, save the file as a .pdf and upload it to ECMS.
* When the customer is not an ABAWD due to a disability, verify the disability using the Verification of Disability form (FIA500a). An obvious or an otherwise known disability does not require verification. Narrate the type of disability exemption in E&E.

**FRA modified the ABAWD time limit exceptions in section 6(o)(3) of the Food and Nutrition Act of 2008 (FNA). Effective September 1, 2023, States are required to exempt the following populations from ABAWD requirements . The modified exceptions sunset on October 1, 2030.**

 11. Individuals experiencing homelessness

* A customer who lacks a fixed place of nighttime residence
* A customer staying at a shelter
* A customer residing in a halfway house
* A customer who has temporary accommodations of less than 90 days
* A customer who sleeps in a place that is not designed for human beings to sleep, such as a bus station, lobby, alley, etc.

12. Veterans of any status

13. Is the individual at least 18 yrs. old but less than 24 yrs. of age and a former foster care recipient

**NOTE**: the ABAWD time limit does **not** apply to a customer receiving temporary or permanent disability benefits from governmental or private sources. These customers are considered certified as physically or mentally unfit for employment for ABAWD purposes. This exception to the time limit also includes customers that receive U.S. Department of Veterans Affairs (VA) disability compensation**, regardless** of disability rating.

* Code E&E correctly with the information from the screening tool. Narrate very clearly and thoroughly that the customer was screened, the date of the screening and the result of the screening.
* Regardless of the result, save the screening tool file as a .pdf and upload it to ECMS. There is no need to print the result.
* **If the customer is identified as an ABAWD, E&E will automatically shorten the certification period to ensure the individual receives only 3 countable months of benefits. An ABAWD Notice will be sent at the beginning of each accountable month of eligibility.**

**106.4 Certification Period**

E&E automatically assigns a 12-month certification for standard SNAP cases; however, for ABAWD customers, E&E will automatically shorten it to a 4-month certification period (includes the prorated month of application). This is because by federal law, ABAWDs are eligible for only 3 months of benefits within a fixed 36-month period (July 1, 2023 - June 30, 2025) *unless* they meet work requirements.

* E&E will shorten the certification period to ensure only three months of benefits are issued if the customer is not exempt from ABAWD rules.
* Do not count a prorated benefit month as one of the 3 in the 36 months.
* At the end of the certification period, the customer must complete a new application and reapply, even if they are meeting the work requirements.
* To be eligible for a new certification period, the ABAWD customer must continue to meet the work requirements or become exempt from ABAWD requirements.

Supplemental Nutrition Assistance Program policy allows three months of SNAP benefits an ABAWD receives to be “free” of the work requirement. The customer does not have to work or participate in a work activity to receive SNAP benefits, if otherwise eligible. After those three months, the ABAWD must meet work requirements in addition to eligibility requirements to continue to receive SNAP benefits. As ABAWDs are eligible for only three “free” months of benefits during the fixed 36-month period from July 1, 2023 - June 30, 2025, we must identify those months very carefully. Here are the rules:

* Free months are months during which an ABAWD receives SNAP benefits for a full benefit month without meeting the work requirement.
* A prorated month does not count as one of the three free months of eligibility.
* A free month can occur at any time during the fixed 36-month period, that is, the free months do not need to be consecutive.
* If a customer is ineligible to receive SNAP due to ABAWD rules, even Expedited SNAP is denied.

**Example:** Mr. C applies for SNAP benefits on July 6, 2023 and is screened as an ABAWD who does not work and is not participating in a work activity. The case manager approved his application on July 10, 2023. The E&E System assigns a four-month certification period through October 31, 2023. (July does not count as one of the three free months because it is a prorated month.) The E&E System sends an Approval Notice,the 1st ABAWD Notice and will also send him a Consolidated Work Notice that informs about the work requirements, good cause and options for him to obtain training. He enrolls in a SNAP E&T training program on July 20, 2023, and meets the work requirement in August but does not meet it in September. Both July and August would not be counted as free months but September is counted as his first “free” month.

**106.5 Meeting Work Requirements**

When screening identifies a customer as an ABAWD, E&E will shorten the certification period and send notices to advise the customer that they will receive SNAP for only 3 months unless they meet the work requirements. The work requirements are:

* Working at least 80 hours per month, averaged to 20 hours per week.
* If self employed, also working at least 80 hours per month, averaged to 20 hours per week. NOTE: Self employed ABAWDs who are working only 20 hours a week must register for work. Working 20 hours a week meets the ABAWD requirement and the customer is eligible for benefits. Self employed ABAWDs who work 30 hours a week are exempt from work registration
* Participating in and complying with a Workforce Innovation and Opportunity Act (WIOA) program, Trade Adjustment Assistance Act program, or SNAP Employment and Training program (other than job search or job search training program) for 20 hours per week.
* Participating in a work experience program governed by the Fair Labor
* Standards Act (FLSA) requirements. .
* Participating in a Workfare program governed by FLSA requirements.
* Volunteering at a non-profit organization for a minimum of 20 hours per week.
* Any combination of the above for a total of 20 hours per week except Workfare
* activities governed by the FLSA.

**NOTE**: ABAWD customers follow simplified reporting requirements **and** must report if their participation hours drop below an average of 20 hours per week. ABAWD customers must also verify weekly participation in a work activity or job if the activities are outside of a SNAP E&T training program (local in-house programs and Third-Party partners). DHS has created the Verification of Participation form (FIA 500b) to help with this verification.

**106.6 Verifying Work Activities**

A. DHS has created two forms for case managers and community outreach workers to

use. Both forms are attached: one is titled Verification of Participation in an Activity (FIA 500b) and the other is Verification of Disability (FIA 500a).

• The Verification of Participation in an Activity form contains two sections that require both the customer and the customer’s supervisor to complete. The supervisor’s signature is also required in each section.

• The Verification of Disability form contains one section that the customer completes and a second section, which must be completed and signed by a certified, licensed health professional. A physician does not have to sign the form. Examples of acceptable non-physician health care providers include, but are not limited to: Licensed Clinical Social Workers (LCSW), midwives, Registered Nurse Practitioners (RNP), therapists and acupuncturists.

Case managers, as always, should assist the customer in completing his/her portion of the form, if necessary. Completed forms must be returned to the Local Department of Social Services by mail, fax or in-person.

**Remember that an obvious or an otherwise known disability does not require verification; case managers have discretion when applying an ABAWD exemption due to a disability. Case managers are required to narrate all actions and include the type of disability exemption in E&E.**

Ongoing verification throughout the certification period is not required. ABAWD customers follow simplified reporting requirements **and** must report if their participation hours drop below an average of 20 hours per week.

Remember that ABAWDs must be screened at each application for employment, participation in an approved activity and potential exemptions.

**B. Verification Forms**

VERIFICATION OF PARTICIPATION IN AN ACTIVITY – FIA/500b VERIFICATION OF DISABILITY - FIA/500a

**106.7 Regaining Eligibility**

When a customer has already received his or her “free” three months of benefits and is not exempt or meeting the work requirements, the E&E System will automatically close the case, using the 3rd ABAWD Notice.

* ABAWD Notices explain how the customer can re-apply to regain eligibility.
* The customer must work or participate in a work activity or volunteer for a non- profit for an average of 20 hours per week for a minimum of 80 hours per month (or 120 hours per month if self-employed) *before*
* As long as the customer continues to meet the requirements, the customer is eligible for continued SNAP benefits.
* If the customer stops meeting the work requirements again, he or she is eligible for only three months of benefits, beginning the next month.

**Example**: Ms. Forrester received her first three “free” months of benefits in July 2023, and then in April 2024, and May 2024. Her SNAP case closed on May 31st because she was not meeting SNAP work requirements. In July 2024, Ms. Forrester reapplied for SNAP benefits on August 10, 2024. She verified that she was working 40 hours per week beginning June 2024 and was laid off of work and is not eligible for Unemployment Insurance. She is eligible for her second three “free” months of benefits in September 2024, October 2024 and November 2024. She must meet ABAWD work requirements to continue to receive benefits after that time. If she finds a new job and meets the work requirements, those months would not count as “free” ones.

**Customers must comply with work requirements before receiving any SNAP benefits after receiving the initial “free” three months.**

**106.8 Reporting Changes**

ABAWDs are subject to simplified reporting with the exception of reporting when their work hours drop below 20 hours per week. Also, ABAWDs must verify their weekly activity hours completed outside of a SNAP E&T Program.

**106.9 Good Cause**

There are temporary good cause reasons for failing to fulfill work requirements. The individual must have been participating a minimum of 20 hours per week and expect to continue participating except the good cause situation occurred.

* If a recipient would have participated or worked an average of 20 hours per week, but missed some time for a good cause, consider the individual to have met the work requirement if the absence is temporary and the individual keeps the job or continues in the work activity.
* Case managers must narrate thoroughly in E&E why good cause was granted.
* The good cause reason must be documented in E&E. Verification is required only if the situation is questionable.
* Good cause includes circumstances beyond the customer's control such as, but not limited to:
* Illness,
* Illness of another household member requiring the presence of the member,
* A household emergency, or
* The unavailability of transportation.
* Chronic homelessness that renders the customer unfit for work.

**106.10 Unfit/Unable to Work due to Chronic Homelessness**

If the applicant or recipient checks "homeless" on the application, or indicates homelessness in response to a verbal question, the customer is potentially “unfit for work” and may be exempt from ABAWD requirements. ABAWD policy does not include homelessness alone as an ABAWD exemption. We must determine if the applicant/recipient’s homelessness contributes to his or her inability to work and renders the individual “unfit/unable to work.”

DHS has created a screening tool to determine if an individual is subject to the ABAWD policy or is exempt. The case manager should use this tool to determine whether the customer meets the “chronically homeless/unfit for work” criteria. The screening tool includes the following questions:

1. Are you experiencing homelessness?

2. Do you have reliable access to a telephone number or email address that

 a potential employer could use to contact you for an interview?

3. Is there an address where we can send you mail and you have reliable

 access to receive it every day?

4. Do you have daily access to a bathroom, shower/bathtub, soap, shampoo

 and other personal hygiene products?

5. Do you have reliable access to affordable transportation?

6. Do you have reliable access to affordable laundry?

If the customer’s response is “no” to question one, the additional questions will not be asked, and the customer will be deemed not chronically homeless/unfit for work.

If the customer’s response is “yes” to question one, and he or she responds “no” to at least one question 2-6, the customer will be deemed chronically homeless/unfit for work. Narrate carefully how the customer was determined unfit for work, as homelessness in itself is not an exemption.

Document the answers to the questions in narration and if the customer is “chronically homeless and unfit for work,” code E&E with the exemption to indicate homeless and unable to work for SNAP. The E&E System should indicate homeless, but indicate a valid mailing address, if the customer has one available.

**106.11 Exemptions for Veterans Disability Benefits**

The ABAWD time limit does not apply to a customer receiving temporary or permanent disability benefits from governmental or private sources. These customers are considered certified as physically or mentally unfit for employment for ABAWD purposes. This exception to the time limit also includes customers that receive U.S. Department of Veterans Affairs (VA) disability compensation, regardless of disability rating. Therefore, local departments must accept the receipt of VA disability compensation for the purpose of determining and verifying exemption from the ABAWD time limit.

• Case managers must remember that an obvious or an otherwise known disability does not require verification; case managers have discretion when applying ABAWD exemptions due to a disability.

• Case managers are required to narrate all actions and include the type of disability exemption in E&E.

• Refer veterans to available work programs if they **voluntarily** want to work.

**106.12 Benefits Received in Error**

If a customer who is subject to the ABAWD work requirement and incorrectly receives SNAP benefits, the local department will consider the benefits to have been overpaid. The customer must repay the SNAP benefits received in error regardless of whether it is the agency’s fault or the customer’s fault. Process the benefit error in E&E. For detailed procedures on overpayments, please see Section 490 of this manual on Claims.