**DATE: March 13, 2024**

**August 11, 2023**

**OPERATIONS MEMORANDUM #23-08-02**

**SUBJECT:** **Revised** Changes to the Supplemental Nutrition Assistance Program (SNAP) due to the Fiscal Responsibility Act (FRA) of 2023

**TO:** Executive Directors

**FROM:** Robert Hixson

 Director

 Bureau of Operations

**PURPOSE**

 To inform staff of several changes to the SNAP Able Bodied Adult without Dependent (ABAWD) time limit due to recent federal legislation.

**BACKGROUND**

 Current policy in [SNAP Handbook 535.3](http://services.dpw.state.pa.us/oimpolicymanuals/snap/535_SNAP_Employment_and_Training/535_2_Participation_Status_and_Codes.htm) and [SNAP Handbook 536.2](http://services.dpw.state.pa.us/oimpolicymanuals/snap/536_ABAWDs/536.2_ABAWD_Exemptions.htm) requires the CAO to enter a SNAP ETP Code for each SNAP recipient and a SNAP Qual. Code for each SNAP recipient between the age of 18 and 49. The CAO must accurately enter these codes even during times when the SNAP ABAWD time limit is geographically waived.

 On June 3, 2023, President Biden signed the FRA of 2023 into law. The FRA makes modifications to the ABAWD time limit, including making 50–54-year-old SNAP recipients ABAWDs and creating three new federal exemptions.

**DISCUSSION**

 The ABAWD time limit remains suspended in Pennsylvania through August 31, 2024, due to a combination of a partial geographic waiver (64 counties) and the use of state discretionary exemptions to exempt all ABAWDs residing in non-waived areas (Adams, Centre, and Chester counties).

Regardless of waiver status, all CAOs must continue to review SNAP applicants and recipients for all exemptions from the ABAWD time limit at application and renewal.

**Phased Changes to SNAP ABAWD Age Range**

Effective September 1, 2023 (for one month), the ABAWD time limit will begin to apply to 50-year-old SNAP recipients who do not meet an exemption, do not live in a waived area, and are not meeting the work requirement. The time limit applies to 50-year-old SNAP applicants who apply on or after September 1, 2023, as well as to 50-year-old SNAP recipients at their first renewal occurring on or after September 1, 2023.

Effective October 1, 2023, the ABAWD time limit will begin to apply to 51- and 52-year-old SNAP recipients who do not meet an exemption, do not live in a waived area, and are not meeting the work requirement. The time limit applies to 51- and 52-year-old SNAP applicants who apply on or after October 1, 2023, as well as to 51- and 52-year-old SNAP recipients at their first renewal occurring on or after October 1, 2023.

**EXCEPTION:** A 51- or 52-year-old ABAWD who submits an application or completes a renewal between September 1, 2023 and September 30, 2023 will become subject to the time limit **immediately** on October 1, 2023.

Effective October 1, 2024, the ABAWD time limit will begin to apply to 53- and 54-year-old SNAP recipients who do not meet an exemption, are not waived, and are not meeting the work requirement. The time limit will apply to all 53- and 54-year-old SNAP applicants and recipients immediately on October 1, 2024.

The CAO must review 53- and 54-year-olds applying for SNAP or completing a renewal between April 22, 2024 and September 30, 2024 for all potential exemptions from the ABAWD time limit. The CAO must enter a narrative indicating the individual was screened, whether the individual met an exemption, and, if so, which exemption or exemptions were met. As soon as possible after October 1, 2024, the CAO must enter the appropriate SNAP Qual. Code for these individuals.

**New Federal Exemptions**

Effective September 1, 2023, the ABAWD time limit will no longer apply to:

* Former foster youth identified as an individual who is under 25 years of age and who was in Pennsylvania’s foster care program, or a foster care program operated by another State, Territory, Indian Tribal Organization, or the District of Columbia as of their 18th birthday or later.
* Military veterans identified as an individual who served in the U.S. Armed Forces (including the 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.

In addition, effective September 1, 2023, all homeless individuals will become eligible for a federal exemption instead of a state discretionary exemption:

* Homeless individuals identified as an individual who lacks a fixed and regular nighttime residence or an individual whose primary residence is:
* A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
* A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
* A temporary accommodation for not more than 90 days in the residence of another individual; or
* 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).

**Verification of New Federal Exemptions**

The CAO will only require verification of former foster youth status, military veteran status, or homelessness if questionable.

If the information is questionable, examples of verification the CAO may accept to verify the exemptions include but are not limited to:

* **Former Foster Youth:** Foster care status information in eCIS in Imaging or on the Facility Placement screen used for determining assistance for foster care-related categories of Medical Assistance, or other data or a collateral contact from a county foster care agency or OCYF.
* **Military Veteran:** Driver’s license with “Veteran” indicator, DD Form 214 (DD-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 service in the armed forces, benefit payment, or award letter, VA ID Card.
* **Homeless Individuals:** Collateral contact with a homeless shelter, person they are staying with, or any other individual aware of the homeless individual’s circumstances.

**Ongoing Data Entry**

Effective April 22, 2024, eCIS has been updated to reflect the ABAWD policy changes made by the FRA.

 Starting April 22, 2024, the CAO will be able to select a SNAP Qual. Code in eCIS for 50-, 51-, and 52-year-old SNAP recipients. These individuals will continue to have an eligibility status code of “EM” until the first time the CAO initiates a workflow on or after April 20, at which time the eligibility status code will automatically update to “EW”. eCIS will then require the CAO to enter an appropriate SNAP Qual. Code.

**NOTE:** If the CAO initiates a workflow on a case record that includes a 50-52-year-old SNAP recipient for any reason other than a SNAP application or renewal, the CAO must review the case record to determine if the most recent SNAP application or renewal was prior to September 1, 2023. In such cases, the CAO must enter an appropriate SNAP Qual. Code, but narrate that the affected individual will not actually be subject to the time limit until their next renewal.

Starting October 1, 2024, the CAO will be able to select a SNAP Qual. Code in eCIS for 53- and 54-year-old SNAP recipients. These individuals will continue to have an eligibility status code of “EM” until the first time the CAO initiates a workflow on or after October 1, at which time the eligibility status code will automatically update to “EW”. eCIS will then require the CAO to enter an appropriate SNAP Qual. Code.

Starting April 22, 2024, three new SNAP Qual. Codes will be introduced in eCIS. The CAO will assign **SNAP Qual. Code 12** to individuals eligible for the federal homelessness exemption, **SNAP Qual. Code 13** to individuals eligible for the new veteran exemption, and **SNAP Qual. Code 14** to individuals eligible for the new exemption for former foster youth.

Starting April 22, 2024, the CAO will assign the first Qual Code which applies from the chart below: (See [SNAP Handbook 536.2](http://services.dpw.state.pa.us/oimpolicymanuals/snap/536_ABAWDs/536.2_ABAWD_Exemptions.htm) for additional details)

|  |  |
| --- | --- |
| **Qual Code** | **Qual Code Description** |
|  | **Federal Exemptions from ABAWD Time Limit** |
| 1 | Resides in a FS household with a child under 18 |
| 2 | Disabled or receives Federal or State disability  |
| 3 | Meets Federal E&T exemption codes 04, 12, 14, 17, 20, 21 |
| 4 | Pregnant |
| 12 | NEW! Homeless |
| 13 | NEW! Veteran |
| 14 | NEW! Former foster youth aged 18 through 24 who aged out of foster care |
| 10 | Unable to work as determined by DHS |
|  | **Meets Work Requirements** |
| 5 | Working at least 20 hours per week averaged monthly |
| 6 | Participating in ETP approved activity (except job search) 20 hours per week |
| 7 | Participating in a workfare program |
|  | **State Exemption from ABAWD Time Limit** |
| 9 | Meets state employment and training exemption code 6, 15, 19, or 23 |
|  | **Appeal** |
| 11 | ABAWD time limit expiration appeal |
|  | **Not Meeting Work Requirement (subject to ABAWD time limit)** |
| 20 | Does not meet an exemption or work requirement |
| 21 | Regained eligibility per ABAWD policy |

**Automated Code Cleanup Process**

On April 20, 2024, the following data migrations in eCIS will occur automatically:

* SNAP recipients aged 18-49 who were previously assigned SNAP ETP Code 16 and SNAP Qual. Code 09 will be automatically migrated to SNAP Qual. Code 12.
* SNAP recipients aged 18-49 with an open Veteran screen in eCIS indicating that they are a military veteran, but who meet no other federal ABAWD exemption, will be automatically migrated to SNAP Qual. Code 13.

**Manual Code Cleanup Process**

On April 22, 2024, Headquarters will provide CAOs with a Microsoft Excel list of all 50-52-year-old SNAP recipients whose most recent application or renewal occurred between September 1, 2023, and April 19, 2024. Between April 22, 2024, and May 31, 2024, the CAO will complete a **manual** code cleanup process to ensure each listed individual is assigned an eligibility status code of “EW” and an appropriate Qual. Code.

The CAO will first complete an *ex parte* review of the case record in accordance with the FRA Code Cleanup Process (Attachment) to determine if the individual meets a federal exemption from the ABAWD time limit (Qual. Codes 1-4, 12-14, or 10) or is meeting the work requirement (Qual. Codes 5-7). If the CAO determines that one of these Qual. Codes is appropriate, the CAO will update the Qual. Code and narrate the basis for assigning the selected Qual. Code.

For the remaining cases, where the CAO is unable to determine an appropriate Qual. Code through the *ex parte* review, the CAO will take the following action:

* For cases in **Adams, Centre, and Chester** counties, the CAO will mail a CM 558 to each affected 50-52-year-old individual to give them an opportunity to identify whether they meet an exemption or are meeting the work requirement. If the CAO does not receive a response within 15 calendar days, or if the individual does not establish if they meet an exemption within this time frame, the CAO must assign SNAP Qual. Code 20 to the individual. The individual will be granted discretionary exemptions through August 31, 2024, in accordance with OPS 23-08-03 and thus will not be subject to the time limit.
* For cases in **the 64 remaining** counties, the CAO will assign the individual SNAP Qual. Code 20 and narrate that the *ex parte* review performed in accordance with this Memorandum did not find sufficient information to determine the individual met a federal exemption or was meeting the ABAWD work requirement. The narrative should note that the individual remains waived, is thus not subject to the time limit, and will be screened for exemptions again at their next renewal.

 The CAO will log the action taken on each case in the Excel list provided by Headquarters. For SNAP applications and renewals received after April 19 that contain one or more 50-52-year-old individuals, the CAO will follow the existing process for 18-49-year-old SNAP recipients to identify an appropriate Qual. Code for each individual.

**NEXT STEPS**

1. Share and review this information with appropriate staff members.

2. Direct questions regarding this Operations Memorandum to your Area Manager.

3. This Operations Memorandum is in effect until further notice.

**ATTACHMENTS**

Attachment: [FRA Code Cleanup Process](https://pagov.sharepoint.com/sites/DHS-OIM/Attachments/Attachment%20-%20FRA%20Code%20Cleanup%20Process.pdf)