



SNAP's Three-Month Time Limit
Implementation Toolkit

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Table of Contents

Introduction.....	3
Key Messages About the Three-Month Time Limit.....	9
Properly Identifying ABAWDs.....	10
Setting a Fixed Statewide Clock.....	14
Counting Months	17
Proper Notification.....	19
Identifying Those Who Are Unfit for Work.....	22
Using Individual Exemptions.....	26
Qualifying Work Hours.....	29
Providing Employment and Training Program Options	32
Regaining Eligibility	37
Understanding Waivers	38
ABAWD Implementation Timeline.....	41

Introduction

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in qualifying job training activities for an average of 20 hours a week, or doing workfare. This time limit for childless, unemployed adults is one of the harshest provisions in SNAP. By 2000, three years after first implemented, an estimated 900,000 individuals had lost benefits. Since the time limit has been in effect, it has severely restricted this group's access to the program.¹ Many of those who have lost benefits have faced serious hardship and have not been eligible for other kinds of public assistance.

During the 2007-09 recession and its aftermath, states were able to waive this time limit for the entire state due to high unemployment rates. But with the economy improving and unemployment declining, fewer areas qualify for statewide waivers. As a result, the time limit has taken effect in 2016 in many areas throughout the country. We estimate 1 million individuals will lose benefits by the end of 2016.²

The time limit is not only harsh, but also extremely complicated for states to administer. States that have had to re-impose the time limit have struggled to implement it correctly. Many states have not had adequate time to prepare. They have been focused on other important priorities, such as designing and rolling out new eligibility systems and implementing the health care reforms of the Affordable Care Act. Some have found that eligibility workers have inadvertently cut eligible people off.

Advocates and local service providers who work with this population can play a key role in helping their states appropriately prioritize this issue by informing officials of the full range of policy options to mitigate the rule's impact and by making sure a comprehensive plan is in place that implements best practices to ensure that no eligible people fall off SNAP.

Background

Able-bodied adults without dependents are limited to three months of SNAP benefits in any 36-month period unless they are working half time or participating in certain training programs.³ Many states temporarily waived the three-month limit statewide in recent years due to high unemployment. But as the economy continues to recover and unemployment falls, fewer areas will qualify for waivers and more people will face the limit.

When the time limit is in effect, states and localities are not required to help the affected people find jobs or provide a place in a job training program that would allow them to keep

¹ "Imposing a Time Limit on Food Stamp Receipt: Implementation of the Provision and Effects on Participation," Mathematica Policy Research, 2001, available at: <http://www.fns.usda.gov/sites/default/files/abawd.pdf>.

² The most recent participation data show a steep drop in states where the time limit has taken effect: <http://www.cbpp.org/blog/snap-caseloads-fall-sharply-three-month-time-limit-a-major-driver>.

³ 7 C.F.R. §273.24(ab).

benefits. Very few do so, leaving it to the participants to find enough work or training to keep their benefits.

The temporary statewide waivers states sought during the recession and its aftermath protected some of the poorest and most vulnerable individuals on SNAP who were unable to find jobs. Waivers allowed SNAP to serve as a safety net for these unemployed individuals so long as unemployment rates remained high, indicating a lack of jobs. The end of these statewide waivers presents significant challenges to states. Due to staff turnover in recent years, employees in many states who are responsible for ABAWD policy have never had to grapple with ABAWD implementation issues. Also, eligibility systems may have been significantly upgraded or completely replaced since the last time a state agency had to track ABAWD months.

Twenty-two states had a statewide waiver that expired on December 31, 2015 and either did not qualify for a statewide waiver for 2016 or chose not to request one. Most, but not all, of these states requested waivers for sub-state areas (such as a county, city, or group of counties) that continued to have high and persistent unemployment. Of the remaining 31 states, five qualified for and requested statewide waivers. The rest have already imposed the time limit in at least part of the state, although some states decided not to seek a waiver in areas that qualify. FNS maintains a list of states' waiver status.⁴

States that have already imposed the time limit report sharp drops in participation in the fourth month (the month after the first three months elapse). Their experience illustrates the need for adequate planning, careful policy development, and substantial training and eligibility system adjustment.

Issues for State Engagement

States have a lot to do before the time limit takes effect. The loss of benefits for so many low-income individuals requires careful preparation. States will need to develop a comprehensive plan that includes making key policy choices, updating eligibility rules and manuals, training staff, changing application and report forms and notices, developing job training opportunities, and educating stakeholders about the rule change.

The time limit is complex and requires significant state resources to properly implement. It will be an ongoing process for any state re-imposing the time limit in any part of the state. Advocates and key stakeholders can play a helpful role. This toolkit aims to give advocates the resources to dig into the details of the many aspects of the time limit. State and local policy officials responsible for implementing the time limit may also find it useful. For those new to the issue, answers to the following questions can help prepare for a discussion with the state SNAP agency on the time limit:

- When and where in the state will the time limit take effect (i.e., what areas continue to be waived)?

⁴ Available at: http://www.fns.usda.gov/sites/default/files/snap/FY_2015_ABAWD_Waiver_Status.pdf.

- How many people will be affected — how many childless adults are subject to the time limit and working or in job training, or are using up one of their three countable months, or are exempt from the time limit? Looking forward, how many people in each category apply for SNAP each month?
- How does the state ensure that eligible people are not cut off, especially those who are exempt from the time limit because they are “physically or mentally unfit for employment”?
- What policies, procedures, and operational rules does the state agency use to identify ABWADs, inform them of the rule, and assist them in meeting it? Answering this will likely involve a review of the state’s policy manual, IT systems, informational notices, and guidance.
- How does the state deliver the necessary training and support for staff in areas where the time limit takes effect?
- Are changes needed to forms such as online applications, pre-screening, interim reports, and notices? Can they be improved? Has the state updated the eligibility information on its website?
- How does the state help ABAWDs meet the 20-hour requirement — are there adequate qualifying employment and training (E&T) programs, volunteer opportunities, and workfare programs?
- How does the state inform and consult with stakeholders such as food banks and pantries, as well as community organizations that serve this population?

Toolkit Components

This toolkit is designed primarily to help community groups and advocates understand the key policy and procedural issues facing a state with the three-month time limit. Each piece summarizes an issue, outlines the key decisions facing a state, and provides resources to dig deeper into the issue. The toolkit covers:

- *Understanding the status of the time limit in the state.* Beginning in 2016, all but a few states have the time limit in effect in at least part of the state, even though most of these states will have areas within the state with high enough recent unemployment to qualify for a waiver. Knowing where and when the time limit takes effect is an important first step in planning for implementation. It establishes how broad the impact will be and where a state must focus its energies with respect to training staff, establishing E&T programs, informing clients, and engaging stakeholders.
- *Establishing a process to inform and assess individuals subject to the time limit.* Once a state knows when and where the time limit applies, it faces the difficult task of identifying those subject to the time limit and only applying the limit to those who are not exempt or working sufficient hours. This is one of the toughest challenge states face. States must establish policies that correctly identify those who meet federal exemption standards and must be able to monitor hours worked or in qualifying job training for those who are not exempt. States must also train and support staff to properly assess

SNAP participants before classifying them as ABAWDs. Unfortunately, time and resources are tight and states may be challenged to get all the pieces in place by the time the clock starts ticking. In states that have already implemented the time limit, media reports and community groups have identified cases in which individuals were terminated from SNAP despite remaining eligible. There are multiple opportunities to ensure that states have a workable process in place to identify ABAWDs.

- *Identifying people unfit for work.* The ABAWD provision exempts several categories of individuals, including those who are already exempt from SNAP work requirements, have a child in the household, are mentally or physically unfit for work, or are pregnant. The state must have policies in place to identify these individuals and monitor the status of individuals exempt for temporary reasons. Asking individuals to self-assess for exemption status is one of the biggest implementation errors a state can make.
- *Using flexible exemptions.* Each state receives an allocation of “individual exemptions” that it can use any way it sees fit. These give the state a great deal of flexibility, and so long as the state accurately tracks their use to avoid overusing them, they provide an opportunity to extend benefits to especially vulnerable individuals and can ease administrative burdens. Many states, however, have declined to use these exemptions.
- *Setting the 36-month clock.* The rule limits benefits to three months in a 36-month period. States must establish the 36-month period that applies. Technically, states have been running the 36-month clock since the rule took effect in 1996, but it has no practical effect under a statewide waiver. A state can set the clock in several ways; using a fixed, statewide clock starting on one date and resetting three years later is the best option for SNAP participants and likely the easiest to implement. It is worth encouraging states to adopt fixed statewide clocks if they have not already done so.
- *Properly counting months.* ABAWDs are limited to three *full* months of benefits, so states must not count months in which an individual received a partial or pro-rated share, was exempt, or met the work activity requirement. Due to the changing circumstances of many childless adults, tracking ABAWD status can be a challenge for states.
- *Regaining eligibility.* Individuals can regain eligibility and gain an additional three months of benefits. These are critical months of assistance and present administrative challenges for many states that adequate planning and preparation can minimize.
- *Identifying qualifying work activities.* Months in which an individual works 20 or more hours a week, participates in a qualifying job training activity for 20 hours a week, or does workfare do not count towards the time limit. There are numerous details to be worked out — for example, what constitutes “work” (it does not need to be paid), what constitutes a qualifying training program, and how to track the required number of hours.
- *Addressing key employment and training (E&T) considerations.* States may, but are not required to, provide the job training or workfare opportunities that allow individuals to continue to receive benefits. Providing a training or workfare slot to individuals facing the time limit may require substantial changes in state E&T programs, in part because states have not had to focus their modest E&T funding on ABAWDs to keep

them eligible while statewide waivers were in effect. Some states have imposed mandatory E&T requirements on ABAWDs, resulting in termination for thousands of individuals even before they received three months of benefits. For many states, providing appropriate ABAWD activities will be a real shift in focus. Community partners can help in many ways.

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA, 2015:
[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS ABAWD resource page: <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

FNS Guidance on Chronically Homeless:

<http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Imposing a Time Limit on Food Stamp Receipt: Implementation of the Provisions and Effects on Food Stamp Program Participation, Mathematica Policy Research, Inc., 2001: <http://www.fns.usda.gov/sites/default/files/abawd.pdf>.

A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio, Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>.

Infographic on Childless Adults Losing SNAP Benefits in 2016:
<http://www.cbpp.org/sites/default/files/atoms/files/1-13-15fa-infographic.pdf>.

State Resources

Community Legal Services of Philadelphia ABAWD website: <https://clsphila.org/learn-about-issues/snap-time-limit-abawds-what-you-need-know>.

MassLegalServices.org ABAWD webpage: <http://www.masslegalservices.org/ABAWD>.

New York Hunger Solutions Resources on ABAWDs:
<http://hungersolutionsny.org/information-resources/abawd>.

Partners for a Hunger-Free Oregon ABAWD resources: <https://oregonhunger.org/abawd>.

Key Messages About the Three-Month Time Limit

The ABAWD provision is a time limit, not a work requirement. Governors and stakeholders who promote the time limit often characterize it as a reasonable work requirement.⁵ Calling it a work requirement suggests that it encourages people to look for work and provides a training or workfare position to everyone subject to the time limit. However, individuals working up to 20 hours per week and those looking for work are still terminated from SNAP after three months. An able-bodied adult without dependents must work 20 hours a week, participate in a job training program for 20 hours a week, or perform workfare in order to receive more than three months of benefits. But, most states do not provide a training or workfare position to everyone subject to the time limit.

Cutting benefits to this extremely poor and vulnerable group will cause widespread harm. Individuals subject to the three-month limit have average monthly income of approximately *19 percent of the poverty line*, and they typically qualify for no other income support. Many face significant barriers to work, such as returning from military service, homelessness, a felony conviction, lack of transportation, or lack of a high school diploma.

The provision is complex and difficult to administer. Identifying ABAWDs, screening for exemptions, tracking months of participation, and monitoring hours worked and participation in training programs require new systems, forms, and notices as well as substantial training and support of eligibility workers. States need time (and resources) to gear up.

Identifying existing ABAWDs requires an individualized assessment of their circumstances. States with simplified reporting requirements will not have information in an individual's case file to determine whether the individual is subject to the time limit or exempt due to unfitness for work, pregnancy, changes in household composition, or other reason. The state must begin assessing individuals at application, recertification, or when an individual contacts the agency for any reason — before the time limit takes effect.

⁵ For example, Governors Sam Brownback (KS) and Susana Martinez (NM) recently said “We encourage governors not to renew work waivers for able-bodied adults without dependent children who are on food assistance and, instead, help lift millions off of welfare and transition them to meaningful jobs as a result.” Found at: http://www.washingtontimes.com/news/2015/aug/30/sam-brownback-susana-martinez-work-requirements-imp/#.VeX9fTOV_Vg.email.

Properly Identifying ABAWDs

The Issue

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in qualifying job training activities for an average of 20 hours a week, or doing workfare. But individuals who are physically or mentally unfit for work are exempt from the time limit. Other exemptions exist as well, requiring a state to individually assess an individual who may appear to be an ABAWD to ensure that the individual is actually subject to the limit.

Failing to properly identify individuals subject to the time limit is problematic. If a state fails to properly identify an individual who initially appears to fit the ABAWD definition (for example, is between 18 and 49 years old and reported not to have a child in the household), but is actually exempt (because, for example, he or she is physically unfit for work or a child moved in), the state risks terminating an eligible non-ABAWD. Conversely, if a state fails to identify an ABAWD subject to the time limit who is not meeting the requirements, it risks issuing benefits in error.

Because many states were able to waive this time limit statewide during the Great Recession, millions of poor unemployed adults became eligible and were able to participate in SNAP. But as unemployment rates fall, fewer and fewer areas will qualify for waivers, and the time limit will come back into effect. Losing a statewide waiver for the first time in years raises a unique challenge — identifying individuals already receiving SNAP who the state never needed to know were ABAWDs. As states prepare to implement this complex rule, they must identify who on their caseload is a non-disabled childless adult subject to the time limit, even if they do not currently have adequate information to make a proper assessment.

When the time limit was imposed in Ohio in 2013, some individuals who were exempt from the requirements, including those who were older than 49, were still referred to the county work experience program for childless adults designed to provide ABAWDs with a way of staying eligible.⁶ Caseload trends in states that have already re-imposed the time limit show a precipitous drop four months after the time limit took effect, suggesting that large numbers of people lose benefits after three months. Observers in these states have expressed concern that many of those who lose benefits appear to be eligible to participate but the state has not properly assessed their ABAWD status.

When the time limit is in effect, states must properly screen and identify ABAWDs. States transitioning from statewide waivers to the time limit face unique challenges in identifying ABAWDs who are already on the SNAP caseload but for whom the state has not collected the information necessary to determine ABAWD status.

⁶ “A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio,” Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>.

Background

In any area not covered by a waiver, the state must identify individuals who are subject to the time limit and ensure that these individuals are limited to three countable months of benefits in a 36-month period. A countable month is one in which an individual between 18 and 49 years old without a child in the household is not exempt, working or in a qualifying job training program 20 hours a week, or participating in workfare.

States can adopt policies that minimize the likelihood of terminating eligible individuals while limiting the risk of errors. The key is properly assessing individuals who appear to be subject to the time limit to determine whether it, in fact, does apply to them.

Determining ABAWD status requires an individualized assessment in which an eligibility worker explains the rule, asks about exemptions, and determines whether an individual is mentally or physically unfit for work. This can best be achieved by identifying possible ABAWDs using available case information and conducting a more thorough assessment the next time the individual is in contact with the agency. If started early enough in states with statewide waivers, this can be done during the last recertification before the time limit takes effect. The recertification process, particularly through the interview, allows the state to determine whether an individual is an ABAWD subject to the time limit, whether an exemption to the time limit applies, and whether the individual can be referred to qualifying job training opportunities if available.

Existing applications, interview protocols, and report forms need to ask for the information necessary to determine whether an individual is subject to the time limit. For example, applications and report forms offer an opportunity to ask if an adult has a temporary disability such as a physical injury or has engaged in unpaid work or work in exchange for rent or other services.

In addition, FNS has instructed states that they:

- Must explain, at certification or in a periodic report:
 - The time limit and when it applies to the household.
 - The exemption criteria and how an individual can establish that he or she meets an exemption.
 - Circumstances under which the time limit doesn't apply, such as working an average of 20 hours per week, participating in a qualifying job training activity for 20 hours per week, or doing workfare.
- Must provide an adequate Notice of Adverse Action prior to enforcing the time limit.
- Are encouraged to provide an additional notice at least 30 days prior to the end of the waiver period.⁷

⁷ “Supplemental Nutrition Assistance Program – Able-Bodied Adults Without Dependents (ABAWD) Questions and Answers – June 2015,” FNS, <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Questions-and-Answers-June%202015.pdf>.

An additional challenge for states transitioning from a statewide waiver to the time limit is that they previously had no reason to identify all individuals who would otherwise be subject to the time limit. As a result, the time limit will go back into effect in the middle of most households' certification periods and states will not have enough information in their eligibility system to properly identify ABAWDs subject to the time limit without an individualized assessment of the SNAP participant. Under SNAP simplified reporting rules, which apply to most households with an ABAWD, the household is not required to report many circumstances that would exempt them from the time limit, such as a child moving into the household, a temporary or permanent disability or medical condition, or participation in a training program.

Key Action Steps

- *Determine how the state will identify individuals who will become subject to the time limit when the waiver expires.* Is the state doing an individual assessment of everyone who may be an ABAWD to determine whether an exemption applies or the individual is meeting the 20-hour requirement? Requiring individuals to self-identify their exemption status, particularly when the rule is explained in confusing and jargon-filled language, results in eligible people losing benefits.
- *Review state policy and procedures to ensure that the exemptions provided by federal regulation are included as part of the recertification and reporting process.* How is the state obtaining the needed information to make an accurate determination that a *potential* ABAWD is not exempt or meeting the work or training requirement?
- *Ask to review the state's notices to households related to the ABAWD time limit for accuracy and clarity.* This may include a general notice of the expiration of the time limit, which should include a clear explanation of the time limit, exemptions to it, and ways of maintaining eligibility by working, training, or doing workfare. States *must* issue a Notice of Adverse Action (NOAA), which must be sent to individuals prior to terminating them. The notice must also include a clear explanation of the rule, all exemptions and ways of maintaining eligibility, and ways to contact the agency and contest the termination (see the section on notices).
- *Review the caseworker interview protocols for ABAWDs and ABAWD self-assessment forms.*
- *Educate legal service organizations and application assisters about the rule.* If a state fails to properly assess individuals before the time limit takes effect, it is unfortunately likely that individuals who are either exempt or otherwise not subject to the time limit will be improperly terminated. There may be opportunities for legal services to represent individuals improperly denied. The threat of legal action could motivate some state agencies to start conducting thorough assessments as soon as possible.
- *For states ending a statewide waiver that has lasted several years, urge the state to immediately begin assessing each individual who may become subject to the time limit.* The best time to do so is when the household has contact with the agency — for example, at application, recertification, when periodic reports are filed, or when a household contacts the state

for other reasons. This ensures that only those individuals actually subject to the time limit — not those exempt or meeting the work or training requirement — use up one of their three countable months.

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Services, USDA:
[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS ABAWD resource page (primarily about waivers of the time limit):
<http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Service, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

ABAWD Question and Answers, Food and Nutrition Service, USDA, December 20, 2013:
http://www.fns.usda.gov/sites/default/files/ABAWD_qa.pdf.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

A Comprehensive Assessment of Able-Bodied Adults Without Dependents and Their Experience in the Work Experience Program in Franklin County, Ohio, Ohio Association of Foodbanks, 2014: <http://admin.ohiofoodbanks.org/uploads/news/WEP-2013-2014-report.pdf>.

Setting a Fixed Statewide Clock

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, participating in qualifying job training activities for an average of 20 hours a week, or doing workfare.

States must identify and monitor the three-year, or 36-month, period during which an individual subject to the time limit is limited to three months of benefits.⁸ There are three ways a state can do this:

- Set a fixed statewide clock. A state can use a fixed statewide clock in which the same 36-month period is used for all SNAP households. For example, a state losing its statewide waiver on January 1, 2017 could start a statewide clock for all ABAWDs on that date. The 36-month period would run through December 2019, and then start again.
- Set a fixed individual clock. A state can use a fixed individual clock, where each individual is assigned a 36-month period either at the time of application or, if already on SNAP before becoming subject to the time limit, at the time the individual becomes subject to the time limit. In a state losing a statewide waiver, all ABAWDs already on SNAP would have a 36-month clock that starts on the date the waiver expires. However, any individual who applies for SNAP after the waiver expires would have a clock that starts on the date of application. Similarly, if an individual became subject to the time limit on July 1, 2018 because a child moved out of the household, the individual's clock would start on July 1 and run for the next 36 months.
- Set a rolling individual clock. A state can use a rolling individual clock, in which the 36-month clock is recalculated each month by looking back over the previous 36 months to determine whether an individual is eligible for one of the three months of benefits.

The first option — a fixed statewide clock — is the best choice for SNAP households, and a wise choice from an implementation perspective. Most importantly, a fixed statewide clock will actually be a shorter clock for any ABAWD who applies for SNAP in any month after the month in which the clock started. This allows them to regain eligibility for SNAP earlier than under any other kind of clock. For example, an ABAWD who applies for SNAP 18 months into a state's 36-month period and uses up his or her three months would only have to wait 15 months until the statewide clock restarted in order to regain eligibility. Under a fixed individual clock, the same individual would have to wait 33 additional months, while under a rolling individual clock, the results could vary depending on circumstance but would in almost every circumstance require a longer wait before requalifying for benefits.

The 36-month period continues even while an area is waived, so state clocks have been operating since the time limit first went into effect. If the state operated under a fixed statewide clock prior to the recession, it is important to identify where the state is in its 36-

⁸ 7 C.F.R. § 273.24(b)(3).

month cycle so that non-exempt ABAWDs who cannot find work or job training programs understand when they may become eligible again for benefits. **If a state did not operate a statewide fixed clock, converting to one as quickly as possible means it will begin to run while the state still has a waiver.**

A fixed statewide clock provides additional benefits to the SNAP household. A state is more likely to provide a certification period of three to four months to an individual under a fixed clock than under a rolling clock, because the latter essentially requires monthly reporting of eligibility information. The fixed statewide clock is also easier to understand, which helps individuals know when they may become eligible for SNAP.

Some states may initially prefer a fixed individual clock because it does not require the state to determine an individual's ABAWD status in months the individual lived in another state — the state simply starts the clock when the individual arrives or applies for SNAP. Under a fixed statewide clock, the state must determine ABAWD status for prior months in the 36-month period. However, the relatively low numbers of individuals moving interstate and improvements in information-sharing technology that allow states to easily check for out-of-state participation offer alternatives to a fixed individual clock.

States can change their clock simply by informing the Food and Nutrition Service (FNS). If a state has used a rolling individual clock in the past, it may wish to consider switching to the easier-to-implement fixed statewide clock. A state with a rolling clock could, in fact, switch to a fixed statewide clock before its statewide waiver expires at the end of this year, thus shortening the first period in which ABAWDs face the three-month time limit.

Key Action Steps

- *Determine the type of clock the state uses.* If it is a rolling individual clock, has the state considered the benefits of switching to a fixed statewide clock during the period when the time limit is waived?
- *If the state uses a fixed statewide clock, determine its current status and the number of months that will apply when the time limit comes back into effect before the clock resets.*
- *Determine how the state will inform ABAWDs subject to the time limit about regaining eligibility after the 36-month period ends.*

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Service, USDA:

[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS ABAWD resource page (primarily about waivers of the time limit): <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Service, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

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Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Counting Months

Able-bodied adults without dependents are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week, or doing workfare. This harsh time limit threatens thousands of poor individuals with increased hardship and food insecurity.

The rule is also complex because it requires a state agency to track each month of participation by a non-disabled childless adult. State eligibility systems are designed to determine a household's eligibility based on household composition, income, and expenses at the time of certification and expected in the future. No other time limits in SNAP require the kind of tracking this rule does. Because of the fluid nature of the ABAWD population — many have irregular earnings, some can become exempt from the time limit for short periods of time, household composition may change, etc. — state systems must be able to count individual months and in some cases, make retroactive adjustments.

The Issue

An individual becomes ineligible for SNAP after receiving three “countable” months of benefits. A *countable month* is a month in which an ABAWD subject to the time limit was not exempt, living in a waived area, working 20 hours a week, or participating in a qualifying E&T activity.⁹ A countable month must be a *full* month of benefits — someone applying after the first of the month who receives a prorated amount of benefits for that first month has not used a countable month. Months in which individuals become exempt during the month, even if just for a short period, are also not countable months. This can be very difficult to properly track since this population generally has erratic work schedules and may become exempt for short periods of time.

One challenge for states is that under simplified reporting, ABAWDs need only report when their income exceeds 130 percent of the poverty level (\$1,276 per month for a household of one in fiscal year 2016) and when their work hours drop below 20 per week on average. It will often be in the best interest of a childless adult subject to the time limit to report information exempting him or her or documenting sufficient work hours because that lets the individual remain eligible for SNAP. However, the individual needs to know what makes him or her exempt and how to count all hours worked — even if unpaid. Providing clear and accurate information about the rule is essential, as is reviewing ABAWD cases frequently so that the burden is not on the individual to determine whether he or she is subject to the time limit.

Key Action Steps

- *Ensure that the state's tracking system only counts full months of benefit receipt as counting towards an ABAWD's three-month limit.*

⁹ See p. 5 of “Guide to Serving ABAWDs Subject to Time Limit,” FNS (2015) available at: http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf.

- *Ensure that states can retroactively “count” or “uncount” months toward the time limit.* In many cases, a state will not know whether an individual has met the requirement or become exempt until after the month is over. This is especially true for workers with irregular hours and participants in E&T programs. Though it may appear reasonable to a state, counting a month against the three-month limit before the month is over should be discouraged. A state must ensure that its eligibility system, and its workers, are able to change months in an ABAWD’s file retroactively to correctly track that month.

Resources

Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire, CBPP, January 5, 2015: <http://www.cbpp.org/research/food-assistance/approximately-1-million-unemployed-childless-adults-will-lose-snap-benefits>.

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Service, USDA:
[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

SNAP Able-Bodied Adults without Dependents Questions and Answers, Food and Nutrition Service, USDA, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

ABAWD Question and Answers, Food and Nutrition Service, USDA, December 20, 2013: http://www.fns.usda.gov/sites/default/files/ABAWD_qa.pdf.

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Proper Notification

States are required to inform individuals before taking any adverse action against them. These notices must be clear and accurate. States that have implemented the time limit often fail to provide timely and accurate notices, which results in SNAP participants not understanding whether the three-month time limit applies to them and, when it does, failing to understand their responsibilities and the consequences for noncompliance.

When an unemployed childless adult first applies for SNAP in an area where the time limit is in effect, the state agency must explain the rule, the exemptions (and determine whether the individual meets an exemption), and ways to comply, all as part of the regular application process. That's a lot of information and it is important that the state get it right. But it's even harder for states to correctly identify current SNAP participants subject to the time limit and then inform them that this complex rule suddenly applies to them. After all, the SNAP participant had no idea a time limit existed when he or she applied for benefits in a waived area. Whenever an area loses its waiver, the SNAP agency must inform current participants of the rule, its exemptions, and ways to comply.

Notices of Adverse Action or termination. Before a state can take action against a SNAP participant, it must inform the individual of the action being taken, the reason behind the action, and the opportunity to appeal or contest the decision. This applies to individuals reaching the end of their three-month time limit. The state must explain the exemptions and qualifying work activities so that an individual can report any circumstance or activity that keeps them eligible for benefits. A poorly drafted or incorrect notice can result in an individual losing benefits despite being eligible.

States have struggled to create notices that adequately convey the requirements of the rule. Some states have essentially pasted the federal regulations into the notice in order to provide an explanation of the rule, who is subject to it, and the exemptions available, which can be extremely hard for a SNAP participant to understand. Others, in an effort to simplify, have incorrectly described the requirements.

Here's an example of a notice that incorrectly describes the basic ABAWD rule:

**NOTIFICATION OF ABLE BODIED ADULTS WITHOUT
DEPENDENTS (ABAWD) TIME LIMITS**

You are receiving this notice because you are an Able Bodied Adult without Dependents (ABAWD).

ABAWDs:

- ***Are between the ages of 18-49 years;***
- ***Are not pregnant;***
- ***Are not the primary care provider to a child under the age of 18 years;***
- ***Are mentally and physically fit for employment.***

Note that it says an individual is exempt only if he or she is the “primary care provider to a child under the age of 18 years.” That is incorrect because any household member of a dependent child is exempt.

And, in the following example, the third bullet fails to explain what exempts someone from SNAP work requirements — indeed, a SNAP participant may have no idea that there are other SNAP work requirements or exemptions from them:

The SNAP 3-month time limit does not apply to an individual who is:

- Younger than 18 or age 50 or older; or
- Responsible for a dependent child or residing with a household member under age 18; or
- Exempt from SNAP work requirements; or
- Pregnant; or
- Medically certified as physically or mentally incapacitated.

Informational notices. FNS encourages states to send informational notices about the three-month time limit to SNAP households prior to implementing the time limit, as well as to newly applying households. This does not replace the requirement to send a Notice of Adverse Action. If a state simply sends a generic notice that does not identify the recipient as subject to the rules, it can be difficult for the recipient to know if the rules described in the notice apply to him or her. (See the example to the right, which also fails to list the general SNAP work requirements, leaving the reader unable to know if he or she is exempt.) Even informational notices need to help the SNAP participant determine whether the rule applies, and how to inform the state agency if it does not.

WHO IS AN ABAWD?

An ABAWD is defined as an able-bodied adult without dependents. SNAP eligibility for an ABAWD is limited to 3 months in a 36 month period **unless** the individual meets an ABAWD work requirement or an exemption from the ABAWD work requirements. Individuals are **not** subject to ABAWD work requirements if they are:

- Under age 18 or age 50 or older ;
- Determined as physically or mentally unfit for employment;
- Responsible for a dependent child or residing in a household containing a household member under age 18;
- Pregnant; or
- Exempt from general SNAP work requirements.

Developing clear and correct notices on this policy is no small task. Yet it is a crucial component of every state’s implementation plan. States and advocates must build in sufficient time to draft and review the required materials. They must also be prepared to revise materials based on feedback from SNAP households once the initial notices are issued.

Key Action Steps

- *Review the state’s information and notices.* This critical to ensuring that individuals know when the time limit applies to them and how to maintain and regain eligibility. Common flaws in notices include:
 - Incorrectly stating the law (as in the example above) or omitting important information.
 - Not listing all the ways an individual is exempt from the rule.
 - Not describing all the ways an individual can meet the rule’s work requirement (such as volunteering or combining work with E&T activities).

- Failing to explain that individuals might have good cause when unable to comply.
- *Reach out to legal service organizations to inform them of the rule change and the need for accurate and timely notices.* Legal services may be able to help clients who have been improperly terminated and can help advocate at the state level for improved notices. In some states, they have initiated lawsuits over inadequate notices.
- *Understand how the notices fit into the state's education and implementation plan.* In some cases, the notices may be the only information the state is providing to individuals.

Resources

FNS SNAP Able-Bodied Adults without Dependents Questions and Answers, June 2015: <http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

Guide to Serving ABAWDs Subject to Time Limited Participation, FNS: [http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS guidance on chronic homelessness: <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>.

Good examples of notices

Community Legal Services of Philadelphia website: <https://clsphila.org/learn-about-issues/snap-time-limit-abawds-what-you-need-know>.

MassLegalServices.org ABAWD webpage: <http://www.masslegalservices.org/ABAWD>.

Identifying Those Who Are Unfit for Work

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in qualifying job training activities for an average of 20 hours a week, or doing workfare. Individuals who are physically or mentally unfit for work are exempt from this requirement and can continue to receive SNAP benefits.

Why Is This Important?

Many non-disabled childless adults face significant barriers, short of severe and permanent disabilities, that make them unfit for work. For example, a SNAP participant may be recovering from a work-related injury such as a severe broken leg that would make them unfit for work for 60 to 90 days. If such individuals are made subject to the ABAWD three-month time limit, they may be unable to find employment or complete the required training program, and would lose SNAP benefits despite having a legitimate reason for not being able to comply. Identifying and exempting these individuals is an essential part of implementing the time limit, and there are two critical components to successfully doing so.

First, in order to properly determine that an individual is not physically or mentally unfit for work, a state must make an individualized assessment of the individual. It must also act on information reported by an individual indicating that the person has become unfit for work. When the Ohio Association of Food Banks assessed individuals subject to the time limit for work programs, it found that 33 percent reported a physical or mental barrier to employment. Many of these individuals could have been identified by the state as unfit for work prior to assignment. If the Association of Food Banks hadn't carefully screened everyone, they would have lost benefits.

Second, the state has important flexibility in determining what constitutes unfitness for work. While the basic rule is that an individual is not subject to the three-month time limit if the state agency determines that the individual is medically or physically unfit for work, states can identify who makes that determination and can include certain barriers to work in its definition.¹⁰ The regulation provides three ways for an individual to be identified as unfit for work. These are:

- (1) The person receives temporary or permanent public or private disability;
- (2) The person is obviously mentally or physically unfit for work as determined by the state agency; and
- (3) If the unfitness is not obvious, a physician, physician's assistant, nurse, nurse practitioner, representative of a physician's office, licensed or certified psychologist, social worker, or any other medical personnel determined appropriate by the state agency provides a statement that the person is unfit for work.

This definition of unfitness for work is not related to the definition of disability used to determine eligibility for SNAP (see 7 C.F.R. §271.2). It also differs from the use of the term

¹⁰ 7 C.F.R. 273.24(c)(2).

“unfit for work” that exempts individuals from SNAP’s work registration requirements (see 7 C.F.R. §273.7(b)(1)(ii)). It can be broader — and thus cover more individuals — than either definition.

For example, FNS has clarified that chronic homelessness is evidence of having a mental or physical condition that makes someone unfit for work. Thus, a state eligibility worker can identify someone as obviously unfit for work if the person is homeless. States can define chronic homelessness. The most useful definitions are clear and reasonable — one state exempts people who do not have a stable residence, for example. States can also accept an individual’s statement that he or she resides at a shelter to provide an exemption.

FNS has also recently clarified that an individual receiving any disability benefit from the U.S. Department of Veterans Affairs is unfit for work for purposes of the three-month time limit. The VA assigns a percentage disability rating to each individual, but recipients with any rating meet the SNAP threshold. Because other programs may set eligibility limits based on certain disability percentages, state SNAP agencies may incorrectly require a certain threshold if they are unfamiliar with this recent guidance.

There may be other circumstances a state can identify that show an individual has a physical or mental condition making them unable to work. A state worker could observe that someone with a drug or alcohol addiction is unfit for work until treated. Similarly, someone escaping domestic violence could be exempted. Key to adopting these policies is the determination by the state that the individual is “obviously unfit for work” as defined in regulation.

Given the detailed regulations on how a state may determine an individual is physically or mentally unfit for work, additional verification requirements can be limited. For example, a match with the Social Security Administration showing receipt of Social Security Disability Insurance is adequate proof that an individual is, in fact, disabled. Likewise, a written statement from a doctor’s office is adequate proof of a medical condition (unless the statement is questionable — for example, if the named individual does not match the name of the SNAP participant). A determination by an eligibility worker that an individual is obviously unfit for work is also adequate evidence; no further verification is necessary. Reasonable verification includes:

- Providing a form but also allowing a written statement from a certifying professional.
- Allowing a household’s statement of unfitness for work to be permissible unless questionable.
- Instructing eligibility workers to provide information to help the household obtain appropriate verification.

Key Action Steps

As detailed below, ensuring that states screen potential ABAWDs for those who are physically or mentally unfit for work requires establishing a clear and sensible definition of

“unfit for work” and policies and procedures to identify individuals, training workers tasked with making the determination, and having reasonable verification requirements.

Establishing a Sound Definition and Clear Set of Policies

- *Identify individuals who are chronically homeless, obviously struggling with alcohol or drug addictions, and those escaping domestic violence as obviously unfit for work.*
- *Clarify that the physical or mental impairment must make an individual unable to work 20 hours a week, rather than unable to work at all.* This covers a broader range of impairments since it includes individuals who might be able to work a few hours a week but cannot handle half-time to full-time work.
- *Ensure that all disability payments are included, such as Worker’s Compensation, veterans’ benefits based on disability (regardless of the percentage disability), and other disability-related public and private services.* Pending applications for these programs can also qualify an individual for an exemption. State agencies may be able to verify participation in government disability programs through a data match. For private disability, a document from the insurer or a check stub should suffice.
- *Identify all medical personnel who can provide a statement documenting “unfit for work” status.* The federal regulations include a non-exclusive list of medical personnel whose statements must be considered documentation of unfitness.¹¹ In other words, states must accept statements from medical personnel on the federally approved list and may include additional medical personnel. Identifying other accepted sources — such as hospital staff and community clinic representatives — provides flexibility and clarity to eligibility workers and SNAP participants. In addition, documentation from medical personnel not listed or approved can be verified through a collateral contact if questionable.
- *Provide a form to be filled out by an appropriate medical professional.* The form must allow individuals claiming to be physically or mentally unfit for work to submit a written statement from a certifying professional in lieu of the form. An example of a form from Massachusetts can be found here: http://webapps.ehs.state.ma.us/DTA/PolicyOnline/olg%20docs/form/11/22011/fs_pwr_med.pdf.
- *Allow verbal statements from medical professionals, as Florida does.*

Adequate Training of Eligibility Workers

- *Update policy manuals.* Federal regulations state that individuals are exempt when they are “obviously unfit” for work as determined by the state agency. As states move away from in-person case management and toward online and phone application processes, they will need to update their policy manuals on how to apply this definition to their current processes. How is the state training and preparing eligibility workers to determine an individual is unfit for work?

¹¹ These are “a physician, physician’s assistant, nurse, nurse practitioner, designated representative of the physician’s office, a licensed or certified psychologist, a social worker **or any other medical personnel the State agency determines appropriate**” (emphasis added) 7 C.F.R. § 273.24(c)(2)(iii).

Reasonable Verification Requirements

- *Encourage the state to establish reasonable verification requirements for claiming an exemption. A disability program payment or letter from a qualified medical professional is adequate, as is a determination by an eligibility worker that a participant's condition is obvious. Does the state attempt to verify without placing the burden on individuals?*
- *Determine whether advocates can review the state's proposed forms to ensure that they include clear explanations of unfitness for work and the required medical verifications.*

Resources

FNS SNAP Able-Bodied Adults without Dependents Questions and Answers, June 2015:
<http://www.fns.usda.gov/snap-able-bodied-adults-without-dependents-qas-june-2015>.

Guide to Serving ABAWDs Subject to Time Limited Participation, FNS:
[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

FNS guidance on chronic homelessness:
<http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>.

FNS guidance on veterans' disability:
<http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Exemption-for-Veterans-Disability-Benefit.pdf>.

FNS ABAWD resource page (primarily about waivers of the time limit):
<http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

Using Individual Exemptions

In addition to the mandated exemptions from the time limit, states have additional flexibility to set their own exemption criteria. Each year, a state can exempt roughly 15 percent of its caseload that is subject to the time limit. This number is determined by FNS, which once a year estimates the number of able-bodied adults without dependents who are subject to the three-month time limit and not living in a waived area and calculates exemptions representing 15 percent of that number. Each exemption may be used to exempt one individual for one month, and states can grant multiple exemptions to a single individual to exempt that person for multiple months.

Why Is This Important?

Individual exemptions can allow certain vulnerable SNAP participants to continue to receive benefits. They also can help states with particularly troublesome implementation issues. And, states have enormous flexibility in using the exemptions. But in many cases, states do not have a clear policy around the use of individual exemptions. As a result, many states do not use them at all, or use very few. Unused exemptions accrue over time; some states have thousands of unused exemptions. Exemptions are essentially one month of benefits for one individual, so a stockpile of unused exemptions represents a significant reduction in potential food assistance for low-income households.

Exemptions provide states with important flexibility. By developing a reasonable policy and carefully estimating the demand for exemptions under that policy, states can mitigate some of the most harmful elements of the ABAWD provision.

Key Implementation Issues


As noted, states can use individual exemptions in any manner they choose so long as the exemption is used for an individual subject to the time limit. This provides tremendous flexibility and requires careful targeting. While the initial allotment may seem substantial, exemptions can be used up quickly. For example, exempting 100 individuals for six months uses 600 exemptions. If a state is unable to accurately estimate the rate at which it uses exemptions, it may quickly exceed its allocation. From a state's perspective, the challenge is identifying a use that does not unduly risk overusing the allotment of exemptions. If a state does use more exemptions than allotted in a particular year, it must pay back the overage with the following year's allocation. If, at the end of the year, the state still owes exemptions, it faces fiscal penalties for over-issuance, so states have an incentive to be very conservative with the use of exemptions. However, a clear policy or policies with accurate tracking can help states avoid using too many exemptions.

Coming up with a reliable estimate of the number of exemptions to be used under a proposed policy will be critical in convincing state agencies that adopting the policy will not place them at risk for errors or over-issuances.

Exemptions must be carefully allocated and tracked. Doing so allows a state to monitor the use of exemptions and make quick adjustments if the rate of use exceeds the number of

exemptions available. Since states have complete discretion in the use of exemptions, they can adjust the use of exemptions to stay within their allocated amount.

Ways in which to consider the use of individual exemptions include:

- Lengthen the time limit from three to four or five months for all ABAWDs. This requires an accurate count of ABAWDs subject to the time limit and careful tracking. Alternatively, the state could lengthen the time limit for a subset of those subject to the time limit (such as people with significant barriers to work that do not qualify for an exemption).
- Target specific populations, such as **veterans**, individuals who do not have a high school degree, older individuals such as 45- to 49-year-olds, or those with limited English proficiency.
- **To ease administrative burdens in geographic areas only part of which were waived from the time limit, exempt individuals in those parts not waived.** 
- Provide a fourth month of benefits if the state is unable **to determine whether a third countable month is used in time to issue a timely Notice of Adverse Action.**
- Provide exemptions in geographic areas with insufficient job or training opportunities that do not qualify for a waiver. Some states may have SNAP E&T programs in some parts of the state but not all. If a state is unable to offer training or workfare in a particular area due to a lack of resources or community partners, it may wish to exempt individuals subject to the time limit in those areas.
- **Provide exemptions to individuals with any earned income.** Many ABAWDs work but not for the required 20 hours per week, thus putting them at risk of losing benefits despite working. (For example, in one county in Ohio, over 10 percent of ABAWDs referred to a work experience program had some earned income.) These individuals are demonstrating a willingness to work; exempting them from the time limit may encourage them to continue working.
- **Exempt individuals who demonstrated a willingness to work** by signing up for a job training program (but were placed on a wait list) or doing job search.

Key Action Steps

- *Determine the state's existing policy regarding the use of individual or 15 percent exemptions.* What are the state's goals in using individual exemptions, both in terms of using versus saving exemptions and the target populations?
- *Explore whether there are particularly vulnerable populations that the state might consider protecting through individual exemptions.*
- **Examine whether the state has the capacity to track the use of exemptions.** If not, what is the plan or what is needed to develop that capacity?

- *If a state is hesitant to use individual exemptions because it does not want to exceed its allotment, generate accurate estimates of various targeted uses of individual exemptions to help address the hesitation.*

Resources:

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Service, USDA:

[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

State individual exemptions. To get an accurate total number, the accrued exemptions from previous years (FY 2014 adjusted for carryover) must be added to those allocated in current year (FY 2015 exemptions). A state with a statewide waiver in 2015 will not accrue any exemptions in that year.

- FY 2016 exemptions, adjusted for carryover:
<http://www.fns.usda.gov/sites/default/files/snap/Revised-FY-2016-ABAWD-Exemptions-Memo-Adjusted-for-Carryover.pdf>
- FY 2015 exemptions, not adjusted for carryover:
<http://www.fns.usda.gov/sites/default/files/snap/FY2015-ABAWD-Exemptions-Memo-Not-Adjusted-for-Carryover.pdf>.

Implementing the Individual Exemptions from the Food Stamp Three Month Time Limit, CBPP, 1998: <http://www.cbpp.org/archives/12-11-98faexemp.htm>.

Qualifying Work Hours

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week, or doing workfare. This harsh time limit threatens thousands of poor individuals with increased hardship and food insecurity. But the ABAWD provision allows for a variety of ways an individual can meet the qualifying work or job training activity requirements and continue to receive benefits. Correctly attributing all permissible work activities will help some individuals keep benefits.

Why Is This Important?

One way a non-exempt childless adult can remain eligible for SNAP is to work an average of 20 hours or more per week. Individuals can also combine different allowable work and training activities to reach 20 hours per week. Eligibility workers and reporting systems must recognize acceptable forms of work, accept reasonable forms of documentation, and be adequately trained so that individuals can be properly credited.

Key Implementation Issues

According to SNAP's ABAWD regulations, work includes any work in exchange for money, any work in exchange for goods or services, and unpaid work (as established by the state).¹² In some professions, individuals may work but not get paid — for example, a fisherman may go out multiple times in the course of a week but fail to catch any marketable fish. Or, someone may exchange work for housing, transportation, child care, or other kinds of in-kind goods or services. These all count, as does any combination of paid, unpaid, and in-kind work. Simply relying on recent pay stubs as the only form of documenting work is an inadequate means to verify qualifying work.

SNAP agencies are accustomed to treating work in terms of *income* in order to establish eligibility for SNAP. The ABAWD provision does not focus on the amount of income received, but rather, the hours of work performed. This requires new policies around documenting work. Good elements of such policies would include:

- Prompting ABAWDs to identify any work performed during a month, whether paid, unpaid, or in-kind.
- Averaging hours of work and training, if the activities are irregularly performed throughout the month.
- Allowing a range of ways to verify work, including collateral contacts and self-attestation in some circumstances.

States can provide a wide range of job training activities that allow ABAWDs to remain qualified for SNAP, with one important exception. Stand-alone job search and job search training are not qualifying activities, even though they are common SNAP E&T components. Job search can provide qualifying hours in a few circumstances. Any SNAP

¹² See 7 CFR §273.24(a)(2).

E&T training component that includes job search for less than half of the component hours is acceptable — so a state could offer a 20-hour-a-week program that had less than 10 hours of job search. In addition, any program offered under the Workforce Innovation and Opportunity Act (WIOA) is a qualifying activity, and these programs can include job search. Many states' WIOA programs do not serve many SNAP participants and typically do not offer programs that meet the requirements of this rule (for example, 20 hours of activity per week). It is essential that the state know when job search activities do count and credit ABAWDs when possible.

Workfare, either a SNAP workfare program or a comparable state or local program, can also allow individuals to receive SNAP beyond the three-month limit. Individuals need to do workfare for significantly fewer hours per week than the 20 hours required for E&T; the number of required hours is determined by dividing the SNAP benefit by the applicable minimum wage (either the federal minimum or a state or local one). For a household of one receiving the maximum benefit in an area where the federal minimum wage applies, that requires about 26 hours per month.

States must have tracking systems and processes to count all qualifying hours for ABAWDs. Staff must be adequately trained to verify unpaid or in-kind work, and document workfare hours in states that offer that activity. Unpaid or volunteer work is often the most difficult for states to count, yet is appealing since it usually does not require significant state funding. While the state must be able to count volunteer work hours, it has the option to provide a workfare program that allows individuals to volunteer at local nonprofits. In both cases, the state must be able to track hours and obtain verification when needed.

Key Action Steps

- *Encourage the state to use E&T funds to provide realistic and adequate work opportunities for ABAWDs.*
- *Review the state's SNAP E&T plan.* This public document is the state's report to FNS on how it plans to use SNAP E&T funds; contact CBPP if you are unable to find a copy.
- *Determine how the state informs individuals of the range of activities that qualify as work and how it determines that an individual has worked for the required 20 hours per week.*
- *Encourage and assist the state in developing relationships with community partners in areas where the time limit will take effect, so they can provide comparable workfare opportunities for ABAWDs.*

Resources

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Service, USDA:

[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide%20to%20Serving%20ABAWDs%20Subject%20to%20Time%20Limit.pdf).

Federal ABAWD regulation: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/xml/CFR-2013-title7-vol4-sec273-24.xml>.

Providing Employment and Training Program Options

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in a three-year period unless they are working at least half time, in a qualifying job training activity for at least 20 hours a week, or doing workfare. States are not required to provide an employment and training (E&T) slot to individuals subject to the time limit and most states do not. This harsh time limit threatens thousands of very poor individuals with increased hardship and food insecurity. For those subject to the time limit who are unable to find work, the only way to maintain SNAP benefits is to participate in a qualifying E&T program or workfare.

Most states do not receive sufficient federal funding to provide a qualifying slot to all individuals subject to the time limit. They may, however, want to review their E&T programs and consider how they can provide activities that allow ABAWDs to maintain eligibility for SNAP. While this can be a substantial undertaking, it helps provide meaningful services to those willing to work who cannot find a full-time job. It can include creating new programs, enlisting new community partners, and redirecting E&T funding.

The Issue

Participation in a qualifying E&T program for 20 hours a week allows ABAWDs to remain eligible for SNAP. An average of 20 hours a week of training and work combined also suffices. However, not all programs qualify; for example, job search, by itself, does not count. This presents a challenge for many states because job search is the most common, and one of the least expensive, SNAP E&T programs. More than half of all SNAP E&T slots are in job search or job search training.

While all states are required to operate a SNAP E&T program, they vary widely in the size of the program, the types of training offered, and the SNAP participants served. SNAP E&T can consist of a variety of services, including job search, job search training, work experience, education, training, work placement, and job retention services.

States also have the option to make E&T mandatory; in other words, a state can assign an individual to an E&T activity and sanction the individual if he or she fails to comply. Several states have imposed mandatory requirements on ABAWDs, so not only does an unemployed childless adult face a three-month limit to benefits but also an immediate loss of SNAP if he or she does not comply with the mandatory activity. Unfortunately, this typically leads to the termination of a majority of those assigned — many of whom may not have understood their responsibilities or been able to comply.

While anyone in noncompliance is required to be assessed for having good cause to fail to comply (such as an illness, family emergency, or loss of transportation), it does not appear that states are reviewing for good cause before terminating. Mandatory E&T requirements have severe consequences for any SNAP participant, but are especially troubling for ABAWDs since they already face a harsh three-month time limit. Advocates need to ensure that states rolling out mandatory programs:

- Screen individuals before assignment. This gives states an opportunity both to identify individuals exempt from the time limit who may not have been screened earlier and to identify the appropriate E&T activity for each individual.
- Have enough slots available — in accessible locations and at reasonable times — for all those assigned.
- Clearly explain the requirements, consequences for failure to comply, and what qualifies an individual for a good cause exemption.
- Provide reimbursements for all reasonable and necessary costs to participate.
- Before sanctioning, review all noncompliance individuals for good cause.

States can provide a wide range of job training activities that qualify under the ABAWD rule, including all SNAP E&T services, with one important exception. Job search and job search training, as stand-alone SNAP E&T components, are not qualifying activities, despite the fact that job search is a common way to test an individual’s willingness to work by requiring the individual to apply for jobs.

However, there are a few ways in which job search can count towards the ABAWD requirement. First, a SNAP E&T job training program can count job search for ABAWD purposes so long as the job search constitutes less than half the total hours (so, for example, a 20-hour per week training program that is composed of 11 hours of skills training and nine hours of job search would be acceptable). This can be helpful because many E&T programs that focus on training and education — and thus may provide much-needed skills to ABAWDs — do not operate for 20 hours a week, leaving those subject to the time limit at risk of losing SNAP eligibility after three months. Carefully designing programs to combine E&T activities with job search can help ABAWDs keep eligibility while also receiving job training.

Second, any training program offered under the Workforce Innovation and Opportunity Act (WIOA) or section 236 of the Trade Act of 1974 counts, even if includes job search. Some state SNAP agencies work with the state WIOA agency to provide WIOA programs that include job search to ABAWDs receiving SNAP. States can use SNAP E&T funds to expand WIOA programs that include job search, and those expanded programs can provide qualifying activities for ABAWDs. This remains a limited opportunity in many states since the agency administering WIOA programs often does not have experience serving a low-income SNAP-eligible population.

Workfare can also provide ABAWDs with the hours they need to avoid losing SNAP. Typically, workfare is work provided by a public or nonprofit entity — typical activities include litter removal, park cleanup, and food sorting. For purposes of the ABAWD time limit, workfare can be administered either as a SNAP workfare program or a “comparable” state or local program and can be provided at a wide range of locations. Though workfare has not been shown to improve employment outcomes and can be criticized as demeaning and unfair, it can play an important role that allows individuals subject to the time limit to participate in SNAP. It’s a popular option for states because it is typically less costly than more robust E&T programs. And there’s an advantage for ABAWDs as well. Unlike the

qualifying E&T activities, workfare slots do not require 20 hours per week in order to qualify. Rather, an individual must “work off” his or her benefits at the locally applicable minimum wage rate. So, a single person receiving the maximum benefit (\$194) in an area where the federal minimum wage applied would have to work about 26 hours a month to continue to receive benefits.

States can “pledge” to provide a qualifying work activity to every ABAWD subject to the time limit. By doing so, a state is entitled to a share of \$20 million in federal funding dedicated to this purpose. Because the cost of actually providing a qualifying activity exceeds the amount of federal funds a state typically receives under the pledge, most states do not avail themselves of this option. In 2015, Colorado, Delaware, Texas, and Wisconsin were pledge states.

States are required to submit SNAP E&T plans to FNS every August. These plans describe the state’s E&T program components, the estimated number of individuals to be served, and the costs of operating the program. While these plans can be revised throughout the year, they provide a good sense of the state’s E&T program. In states where the time limit is returning, the state E&T plans offer information on the number of ABAWDs the state is planning to provide E&T, the nature (and cost) of the activities offered, and the locations where E&T will be available.

States need to be realistic about their ability to provide qualifying activities to childless adults subject to the time limit. Many in this population face significant barriers to employment, such as undiagnosed medical conditions, criminal records, and lack of education. One recurring challenge is serving people with felony convictions — few employers will hire such individuals, and even many community volunteer or training programs require a criminal background clearance. Training programs and even workfare must be carefully targeted and provide necessary supports in order to successfully engage this community.

Key Action Steps

- *Ramp up E&T activities and workfare.* This requires planning and time. States that have imposed the time line and have wanted to provide E&T opportunities report that it often takes longer than anticipated to find service providers, get contracts in place, and have suitable programs up and running by the time ABAWDs need to access services. Providers will have to report participation each month so that the state can verify that an individual has complied with ABAWD rules. At a minimum, states need to:
 - Identify the areas where the time limit will take effect.
 - Identify existing services that provide, or could provide with modifications, qualifying E&T programs for ABAWDs within these areas.
 - Estimate the number of ABAWDs who may seek services.
 - Identify those who are best suited to succeed in the activity (not all ABAWDs likely will be).

- Train providers on the time limit, allowable E&T activities, and tracking participation.
- *Consider operating voluntary E&T programs for ABAWDs.* In a voluntary program, states can inform participants about available activities and encourage participation but cannot sanction an individual who fails to comply. This allows states to serve motivated people. An individual in a mandatory program faces sanctions (the temporary loss of benefits), in addition to the time limit, if he or she fails to comply. There is little reason to effectively subject individuals to two sanctions — the three-month time limit and an immediate, temporary loss of benefits for noncompliance with E&T. For those able and willing to participate, the time limit is sufficient penalty. Making the E&T program voluntary also simplifies administration, as states can focus solely on tracking the time limit and do not have to separately track sanction status for individuals failing to meet E&T requirements.
- *Target E&T programs to individuals with some work hours.* The regulations allow individuals to combine work and training to meet the 20-hour requirement. A significant number of ABAWDs are working, but less than 20 hours a week and thus face losing SNAP benefits despite their efforts. Combining their work hours with additional hours of training can help them meet the 20-hour-a-week requirement and maintain eligibility. Because many E&T programs do not operate for 20 hours per week, targeting services to individuals with some work hours may be easier than expanding existing training programs or building costly new 20-hour-a-week options.
- *Determine whether workfare is a viable option for ABAWDs.* Both traditional workfare and comparable workfare can be an important way for ABAWDs to continue to receive needed food assistance. While research indicates that workfare by itself does little to help individuals find employment, and advocates have rightfully been concerned with the way some programs have operated, doing 26 or fewer hours of workfare in exchange for food assistance can be a better option than losing SNAP benefits outright. Workfare programs can be operated by the state SNAP agency, and comparable programs can be operated by other government entities.
- *Reach out to community organizations, which can offer workfare placements that satisfy the time limit requirements, and establish simple ways for organizations to verify participation, such as a form or phone report.* Given the limited number of hours ABAWDs need to fulfill the requirement, many organizations are likely to have work available and the capacity to provide adequate documentation for verification purposed.
- *Determine whether the state's E&T plan addresses the specific supports needed to serve ABAWDs who are likely to face significant barriers to employment (such as those with felony convictions).*

Resources

FNS Employment and Training Toolkit:
http://www.fns.usda.gov/sites/default/files/ET_Toolkit_2013.pdf

Guide to Serving ABAWDs Subject to Time Limited Participation, Food and Nutrition Service, USDA, 2015:

[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf).

Implementing the Three-Month Time Limit on SNAP for Unemployed 18- to 49-year-olds, David Super, 2015: <https://repository.library.georgetown.edu/handle/10822/761445>.

Regaining Eligibility

An individual who has reached the time limit and become ineligible for SNAP may regain eligibility by becoming exempt, living in an area with a waiver, or working or participating in qualifying E&T activities for 80 hours in a 30-day period. Becoming exempt at any time during a month makes an individual immediately eligible for SNAP. Any 30-day period in which this work is performed requalifies an individual; it does not need to be the 30 days prior to applying for SNAP. State wage data or other sources can verify that someone has worked the required amount.

Given that many individuals are not aware of the requirements to regain eligibility but nonetheless reapply after being terminated, states have a useful option available. States may allow someone who verifies that they will become exempt or meet the work or E&T requirement within 30 days to regain eligibility. An individual who may not have known why he or she lost benefits may decide to participate in E&T or workfare in order to regain eligibility, and using this option, a state can determine the individual eligible. This can be an important way to help individuals who may not have understood the rule change. In Minnesota, which reinstated the time limit in 2013, over one-quarter of ABAWDs terminated after the time limit tried to reapply for benefits within a few months.

And, finally, an individual who has regained eligibility as described above, and who then no longer works 20 hours a week or participates in a qualifying E&T activity, can receive benefits for the next three consecutive months. This is a one-time opportunity during the 36-month period. The months must be consecutive, so an individual who otherwise loses eligibility during those three months is terminated and cannot later use any of this second set of months. Due to the complexity of this provision, and the relatively infrequency of the circumstances triggering the second set of months, many states may not get the technical implementation details correct.

Key Action Steps

- *Encourage the state to consider a way to re-engage individuals who have lost benefits because of the time limit if they return to reapply for SNAP.*
- *Review state policy to make sure the state is able to determine additional months of eligibility for individuals subject to the time limit who have lost benefits but meet the work activity requirement or become exempt.*
- *Explore the possibility of allowing an individual to commit to participating in a qualifying E&T program or workfare slot within 30 days of reapplying for benefits. This would permit an individual who may not have understood the work or E&T requirements prior to being cut off SNAP to demonstrate a willingness to comply.*
- *Review the state policy for using the second three consecutive months of eligibility for those who regained eligibility but later fail to comply.*

Understanding Waivers

Able-bodied adults without dependents (ABAWDs) are limited to three months of SNAP in any three-year period unless they are working at least half time, participating in qualifying job training activities for an average of 20 hours a week, or doing workfare. States can waive this time limit in areas with high unemployment, meaning that individuals residing in a waived area are not subject to the time limit. They request these waivers by submitting evidence to FNS that areas within the state, such as counties, cities, or tribal areas such as reservations, have high and sustained unemployment. Waivers are usually for one year, though they can be granted for two years in some circumstances. While most states have lost eligibility for the statewide waivers they requested during the recession and slow recovery, almost all states are eligible for waivers for counties and other sub-state areas with high unemployment.

Background

Regulations at 7 CFR 273.24(f) provide guidance on how states can show what areas are eligible for a waiver. This requires providing recent unemployment data or similar information to demonstrate that an area has high unemployment or insufficient jobs. Knowing these criteria can help understand the options available to states and the decisions they need to make, as well as help focus advocacy efforts around implementation in areas that will newly impose the time limit.

Area definition

The regulations do not define what “area” can be waived. Typically an area is a county, city, or grouping of counties. The state must calculate the unemployment rate for the entire area, which must meet a specified threshold (for example, above 10 percent unemployment or at least 20 percent above the national average for a recent two-year period).

Process

States generally apply for waivers up to three months before the targeted start date, which in most cases is the day after an existing waiver expires. Most states transitioning from statewide waivers to partial waivers in January 2016 began looking at eligible areas more than six months before their statewide waivers expired.

States generally have an internal process to approve the waiver request, which can sometimes require approval from the Human Services Secretary or Governor’s office. Once the SNAP agency gets clearance to submit the waiver request, it submits the request to the regional FNS office, which reviews it and then forwards it to the national office for approval.

Key Action Steps

- *Learn the state’s approach to waivers for the current and upcoming year.* States have discretion on whether to pursue waivers. They can choose not to request a waiver at all, waive only part of an eligible area, or waive the largest area or the area covering the greatest number of people. Because there may be several options, such as different clusters of

counties that are eligible, states may have to make difficult choices between different communities. When meeting with state officials, ask if they are planning on requesting a waiver, and how they are determining what areas to waive. States likely know which areas they will seek to waive 3 to 4 months prior to the expiration of their current waiver. Keep in mind that even a state that intends to waive every possible area is limited by the criteria in the regulations, and may still have to implement the time limit in some or most of the state, depending on the economic situation in the state.

- *Explain why a waiver is important.* If a state is not already planning to request a waiver for all eligible areas, there may be opportunities to make the case to do so. Some of the following points may be helpful.
 - Many states are struggling to provide a job training or workfare opportunity to everyone subject to the time limit. In some cases, mandatory E&T programs for ABAWDs have resulted in widespread terminations. Waivers allow the state to target SNAP E&T resources to those in areas without a waiver.
 - The time limit is extremely complex to administer. Requesting a waiver allows the state to phase in the time limit, giving the state time to prepare. The state can focus administrative efforts in a limited area, learn what works and what must be improved, and limit the risk of error.
 - Since many of those who lose benefits under the time limit remain without resources to buy food, the impact on food banks and pantries can be significant — waiving eligible parts of the state gives the food bank network time to prepare.
 - Most importantly, a waiver allows poor SNAP participants to continue to receive food assistance as they stabilize their lives. ABAWDs are among the poorest of SNAP participants and can struggle to find work in those areas of high unemployment eligible for waivers.
- *Target resources to unwaived areas.* A state with some areas waived will still need to make important decisions about providing qualifying training activities or workfare and allocating administrative resources. A state may, for example, have a training program in some parts of the state but not others and will need to determine whether ABAWDs facing the time limit have an opportunity to participate in those programs. Developing appropriate activities takes time and resources, and some states have found it helpful to focus ABAWD activities in certain parts of the state. Even workfare or comparable workfare requires finding appropriate sites and a process to document hours worked.
- *Help prepare stakeholders in areas where the time limit is returning.* If the state is discontinuing the waiver in some areas, it needs to communicate that change to local stakeholders such as food banks so they can prepare for the additional demand. It may also be necessary to educate local communities about where the time limit is returning, since recipients and community members may be confused about eligibility in states where the time limit is in effect in only some areas.

Resources

Guide to Serving ABAWDs Subject to Time Limited Participation, FNS:

[http://www.fns.usda.gov/sites/default/files/Guide to Serving ABAWDs Subject to Time Limit.pdf](http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf).

FY 2015 Waiver Status:

[http://www.fns.usda.gov/sites/default/files/snap/FY 2015 ABAWD Waiver Status.pdf](http://www.fns.usda.gov/sites/default/files/snap/FY_2015_ABAWD_Waiver_Status.pdf).

Expiration of Statewide Waivers:

<http://www.fns.usda.gov/sites/default/files/snap/SNAP-Expiration-of-Statewide-ABAWD-Time-Limit-Waivers.pdf>.

ABAWD Implementation Timeline

The following is a brief checklist of state obligations and options when re-imposing the time limit, organized roughly into a timeline. Working backward from the date a state's waiver expires, many of the decisions a state must make follow a rough order. For example, knowing which areas of the state will be covered by a waiver allows a state to focus resources and E&T opportunities where they will be needed. Likewise, clear definitions of exemptions must be set before training eligibility staff. States may not address these issues at the times suggested, but this list (which is not exhaustive) is designed to provide a readiness checkup.

One year prior to waiver ending

- Review general ABAWD policy to ensure compliance with federal law; clarify any misconceptions or unclear policies.
- Identify areas eligible for a waiver; decide among options.
- Begin designing training for eligibility staff and call center operators.
- Design and revise appropriate forms and notices.
- Determine the location and extent of qualifying SNAP E&T components and/or workfare.

Six months prior to waiver ending

- Begin assessment of possible ABAWDs at certification, recertification, and interim report.
- Request a waiver of the time limit for eligible areas.
- Begin notifying ABAWDs of requirements and reporting changes.
- Consider shortening certification periods for possible ABAWD households.
- Identify how the state will track countable months.
- Review the state's current 36-month period and, if not a statewide fixed clock, consider starting one as soon as possible, so it runs for as many months as possible while a state's waivers are still in effect.
- Review the number of individual exemptions allocated to the state and develop a policy for using them.
- Develop appropriate E&T activities and workfare in locations where the time limit will come into effect.
- Work with private and government entities to establish voluntary workfare or work experience placements for people subject to the time limit.
- Communicate with community partners about the time limit and possible impacts in areas without waivers.

Three months prior to waiver ending

- Train all eligibility workers on the time limit, ensuring they understand exemptions, including those for:
 - All adults living in the same household as a child.
 - Individuals who are considered mentally or physically unfit for work due to their receipt of any kind of disability benefit.
 - Persons caring for household members with illnesses or disabilities.
 - Persons attending substance abuse treatment programs, including outpatient and informal programs such as Alcoholics Anonymous.
- Develop a thorough list of circumstances constituting good cause for failure to work sufficient hours.
- Assess the readiness of qualifying work activities in areas where the time limit returns.

Time limit begins

- Ensure that the state sends a timely notice to all ABAWDs subject to the time limit explaining the rule, exemptions, and ways to comply.
- Ensure that eligibility workers do not apply the time limit to any month in which an individual receives less than a full month of benefits (for example, an initial pro-rated month) or any month in which an individual becomes exempt.
- Ensure that eligibility workers make reasonable estimates when the number of hours a recipient works is unclear or the recipient has difficulty obtaining verification.

Three months after time limit begins

- Ensure that the state sends timely and clear Notices of Adverse Action to individuals subject to the time limit who have not complied with the work or job training requirements (in other words, individuals who have used up their countable months).
- Assess the caseload decline: was it consistent with expectations?
- Interview key stakeholders: are eligible people losing benefits? Were individuals aware of the time limit and the change in eligibility requirements?