



April 27, 2023

Food Assistance Change Transmittal No. 94

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director Ohio Department of Job and Family Services

SUBJECT: **ABAWD Clean Slate Provision and Ending of Temporary Student Exemptions**

Background:

As outlined in Food Assistance Change Transmittal (FACT) #80 (1/7/2021), the Consolidated Appropriations Act 2021 was signed on December 27, 2020, and temporarily expanded student eligibility effective January 16, 2021, to include students enrolled at least half-time in an institution of higher education who are:

- eligible to participate in a State or Federal work study program during the regular school year, as determined by the institution of higher education (please note: The Act expands the eligibility exemption to students who are *eligible* to participate in work study during the regular school year, without the requirement they *actually participate*); or
- expected to have a family contribution (EFC) of \$0 in the current academic year as determined in accordance with part F of Title IV of the Higher Education Act of 195 (20. U.S.C. 1087kk et.seq.).

Additionally, as outlined in Family Assistance Letter (FAL) #186 (7/6/2020), the Families First Coronavirus Response Act (FFCRA) included two provisions related to Able-Bodied Adults without Dependents (ABAWDs):

1. Time-Limit: Section 2301(a) suspends the time limit for ABAWDs, except when a State places an ABAWD in a SNAP Employment and Training (E&T) program activity, then the ABAWD remains subject to the time-limit. ABAWDs residing in a waived county continue to not be subject to the time limit.

2. Clean Slate Provision: Section 2301(b) of the FFCRA states “beginning on the month subsequent to the month the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on

an outbreak of COVID-19 is lifted for purposes of section 6(o) of the Food and Nutrition Act of 2008, such State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to such month.” In other words, the month after the emergency is lifted, every ABAWD is to have all countable months (including bonus months) in the 3-year lookback period removed.

Update:

The Biden Administration has announced the ending of the COVID public health emergency (PHE) declaration will be May 11, 2023. The ending of the PHE declaration impacts the following policy areas:

Temporary Student Exemptions:

Once the PHE is lifted, the temporary student exemptions authorized under the Consolidated Appropriations Act, 2021 will phase out as follows:

Initial Applications:

- The temporary student exemptions will remain in effect for initial SNAP applications for an additional 30 days after the PHE is lifted. This means county agencies must continue to apply the temporary exemptions to initial applications filed ***on or before June 9, 2023***.
- For initial applications filed ***on or after June 10, 2023***, the application must be processed using only the student exemptions in Ohio Administrative Code (OAC) rule 5101:4-6-04.

Recertifications:

- Recertification applications submitted ***through June 30, 2023***, must be processed using the temporary student exemptions.
- Recertification applications submitted ***on or after July 1, 2023***, must be processed using only the student exemptions in OAC rule 5101:4-6-04. The use of the temporary exemptions allowed during the PHE can no longer be used.

Many students will remain eligible under the temporary exemptions for up to a year after the sunset of the exemptions. Eligibility for the temporary student exemptions is based on the application filing date, not on the processing date.

ABAWD Policy:

1. ***Suspending the ABAWD Time Limit-*** FAL #205 (10/24/2022) outlined that the Ohio Department of Job and Family Services (ODJFS) utilized “discretionary exemption” coding in Ohio Benefits (OB) to ensure a countable month was not attributed to an ABAWD who was not properly assigned to SNAP E&T, and therefore, preventing the ABAWD from being terminated from SNAP for 3 of 36 countable months.

With the ending of the PHE on May 11, 2023, State agencies must reinstate the ABAWD time limit and assign countable months as of July 1, 2023. Therefore, ODJFS will not enter discretionary exemption coding to prevent an ABAWD from losing SNAP eligibility for 3 or 36 countable months **after June 30, 2023**. It is imperative that ABAWDs are properly assigned as follows:

- ***ABAWDs who do not reside in a waived county*** are required to work or participate in a work program for 20 hours a week **and** participate in SNAP E&T. Please note that participation in SNAP E&T can be used to meet all or part of the 20 hours per week requirement.
 - ***ABAWDs who reside in a waived county*** must participate in SNAP E&T. The waiver does not waive the requirement for the ABAWDs to be appraised, assessed, assigned, and participate in SNAP E&T.. Only the ABAWD 3 of 36-month time limit and requirement of 20 hours a week are waived.
2. ***ABAWD Clean Slate Provision:*** FFCRA requires that all ABAWDs have zero countable months when the time limit is reinstated. Therefore, ODJFS will reset all countable months so that no ABAWDs have countable months when the time limit is reinstated **as of July 1, 2023**. In other words, every ABAWD will have all countable months (including bonus months) in the 3-year lookback period removed.

Even though ABAWDs will have no countable months beginning July 1, 2023, we want to stress that these individuals must still be assigned as outlined above. If not, ABAWDs who do not reside in a waived county will quickly accumulate 3 countable months and lose eligibility as soon as September 30, 2023. This can cause an unintended consequence of churn due to these individuals re-applying for benefits.

The regaining eligibility provisions in OAC rule 5101:4-3-20.1 apply should an individual lose SNAP due to 3 of 36 months and come in to apply later.

Implementation:

For the ABAWD Clean Slate Provision, any ABAWD who had a failed month from June 2023 and three years prior will be “wiped clean”. OB will be updated to reflect a Status of “Exempted

Failure” for these individuals, the 3 of 36 noncompliance will be ended, and journal notes will be updated.

If you have any questions regarding any of these changes, please contact Program Policy and Systems at OFA-PPS@jfs.ohio.gov.