



September 6, 2023

Food Assistance Change Transmittal No. 98

TO: All Food Assistance Manual Holders

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

SUBJECT: **Changes Due to the Fiscal Responsibility Act of 2023**

Background:

On June 3, 2023, President Biden signed into law the Fiscal Responsibility Act of 2023 (FRA) which modified the age range of those subject to the time limits for Able-bodied Adults without Dependents (ABAWDs) and added three ABAWD exceptions (also referred to as exemptions) to the 3 of 36-month ABAWD time limit. The age range for ABAWDs subject to the work requirements will be modified in a phased approach. Below is an explanation of this new federal law, followed by how the new law will be implemented in Ohio.

Summary of New Federal Law:

Effective September 1, 2023:

Currently, individuals aged 18 to 49 are subject to the ABAWD time limit. The FRA gradually increases the age of individuals subject to the ABAWD time limit. The age for those subject to the ABAWD time limit will increase from age 49 to age 50.

Additionally, the FRA provides for the following new exemptions to the ABAWD time limit:

- Individuals who are **unhoused (homeless)**. Unhoused is defined as:
 - Lacks a fixed and regular nighttime residence; or
 - An individual whose primary nighttime residence is:
 - a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;
 - an institution that provides a temporary residence for individuals intended to be institutionalized;
 - a temporary accommodation for not more than 90 days in the residence of another individual; or
 - a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- A **veteran** as defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces and who was discharged or released there from, regardless of the conditions of such discharge or release.

- An **individual under the age of 25**, and who was in foster care under the responsibility of and who left custody of the Public Children’s Services Agency (PCSA) after the age of 18.

These changes apply to any SNAP application or recertification received on or after September 1, 2023. After the submission of such applications , the modified exemptions will be applied to the assistance group using normal processing standards.

Effective October 1, 2023:

The age for those subject to the ABAWD time limit will increase from age 50 to 52. Therefore, an ABAWD who is 50 through 52 years old, is no longer exempt from the ABAWD time limit. These individuals will not be exempt until they turn 53 years old.

Effective October 1, 2024:

The age for those subject to the ABAWD time limit will increase from age 52 to 54. Therefore, an ABAWD who is 52 through 54 years old, is no longer exempt from the ABAWD time limit. These individuals will not be exempt until they turn 55 years old. Future rule changes will reflect this update.

Ohio Implementation:

Due to the challenges created by the federal law requiring policy and system changes to be effective September 1, 2023, and then again on October 1, 2023, the Ohio Department of Job and Family Services (ODJFS) will be implementing these changes as follows:

September 1, 2023 Required Changes:

Discretionary Exemptions for September

Since ABAWDs ages 18-49 will not be notified of the new exemptions until mid-September and will not have an opportunity to report to the agency that they meet an exemption, ODJFS will apply discretionary exemptions to all ABAWDs (18-49) with a failed month for September 2023. This means that no ABAWD will receive a countable month for the month of September 2023. A journal entry will be entered on this population stating that the time limit record was updated to apply a discretionary exemption for the month of September 2023 in accordance with this FACT.

ODJFS will also apply discretionary exemptions to all 50-year-old work registrants where an EDBC with a run reason of Initial or RE was run for September 2023. A journal entry will only be entered on this population stating that a discretionary exemption was applied in accordance with this FACT.

Exemptions

For initial applications and recertifications received on or after September 1, 2023, county agencies are to screen according to the updated the JFS 07208 “screening tool” which includes the following **new exemptions** to the ABAWD time limit. The following screens are to be completed in OB to ensure the population is correctly given an exception if they meet one of the new three exemptions.:

Homeless Exception- on the Living Arrangements Detail screen, the program person has a verified “Living Arrangement Type” of “Homeless” effective September 2023 or after.

Veteran Exception- on the Veterans Detail screen, the program person has a verified Veterans Record with a “Discharge Date” before or within September 2023.

Foster Care Exception- the program person is “Aged out of Foster Care Child” and has an Other Program Assistance Detail screen record as detailed below:

-is between the ages of 18 and 24 on September 1, 2023, and the date of birth has a status of “Verified”; and

-the person has an Other Program Assistance record of “Foster Care” effective for the month the person turned 18.

For counties opted into not conducting the recertification waiver as outlined in FACT 92, you may not be able to gather this information regarding exemptions. However, in mid-September, all ABAWDs will receive notice of ABAWD waiver county updates and the notice will include the three new exemptions and informs them to call the county agency if they think they may meet an exception. Therefore, if an ABAWD calls to report meeting an exception, the exception is to be applied.

A data base change request (DBCR) will be run at the end of September to apply the new exemptions to individuals that meet one of the three exemptions which is why it is important to complete the OB screens listed above to ensure these individuals will get picked up in the DBCR.

Verification of Exemptions:

- Verification for the new exemptions is to follow 5101:4-2-09 of the Ohio Administrative Code and should only be verified if questionable. *If the information is questionable*, examples of verification that could be used to verify include, but are not limited to:
 - Unhoused (homeless) individuals - Collateral contact with a homeless shelter, person they are staying with or any other individual aware of the individual’s circumstances.
 - Veterans - Service department records, such as a DD Form 214 (Certificate of Release or Discharge from Active Duty), DDF 256 (Honorable Discharge Certificate), NCG Form 22 (National Guard Report of Separation and Record of Services), receipt of veteran payments or veteran disability, a military ID, provider information from a partnering agency that partners with the U.S. Department of Veteran’s Affairs (VA) or Veteran’s Benefits Administration, VA issued health identification card, or other readily available evidence. A veteran does not need to be receiving veteran benefits in order to meet the veteran exception criteria.
 - Youth aging out of foster care – Information from independent living coordinators who administer programs for supporting youth in and transitioning out of foster care, data sharing and/or collateral contact from other social service workers or agencies, such as the agency administering the foster care program or Medicaid, Wardship Letter from the Ohio Statewide Automated Child Welfare Information System (SACWIS), the Bridges Voluntary Participation Agreement, or statements from someone familiar with the individual’s circumstances.

October 1, 2023 Required Changes:

An OB system release will occur at the end of September to add the new exemptions and ABAWD age change range from 50-52 to the system effective October 1, 2023.

For initial applications or recertifications received on or after October 1, 2023, an individual is no longer exempt from the ABAWD work requirement if they are age 18 and less than 53 years old.

Additionally, at initial application or recertification submitted on or after October 1, 2023, an individual that meets one of the three new exemptions listed above is not subject to the ABAWD time limit and ABAWD work requirement. After the initial or recertification application, the new exemptions will be applied to the assistance group using normal processing standards.

The above changes are based on the date the application is received, not based on the benefit month or date the application is processed.

For changes during the certification period

FNS says an individual must be screened for the new exemptions and the county agency is to ensure they have all of the information needed to determine whether household members are subject to the ABAWD time limit before changing the exception status, including screening for other exemptions. In other words, a county agency must properly screen 50–52-year-olds for exemptions prior to making them subject to the ABAWD time-limit.

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

Example B: If the county agency receives information that an individual is now 50-52 years old, but it is unclear that they meet another exception, the ABAWD time limit may not be applied to such individual until the next certification action or interim report. An ABAWD who was not properly screened shall not be subject to the ABAWD time limit.

In Ohio Benefits, whenever EDBC is saved and accepted a 50–52-year-old will become a required ABAWD (if no exemptions are met) regardless of the reason for running EDBC. To prevent an individual from incurring a countable month who has not been properly screened (e.g. when processing a change), the State will apply discretionary exemptions at the end of each month to 50- to 52-year-olds who are determined to be an ABAWD for failed months where the latest EDBC is not an Initial or RE run reason since October 1, 2023. A journal entry will be added to this population in accordance with this FACT. Discretionary exemptions will only be applied through September 2024 – by then every 50–52-year-old that would be a required ABAWD will have had a recertification completed.

Lastly, the notice of action (NOA) sent to all ABAWDs (in waived and non-waived counties) for the ABAWD waiver mass change in September will be updated to reflect the new waiver counties, the new exemption and age changes and will direct an individual to call their county agency if they believe they meet one of the new exemptions.

October 1, 2024 Required Changes:

For initial applications or recertifications received on or after October 1, 2024, an individual is no longer exempt from the ABAWD work requirement if they are age 18 and less than 55 years old. The three new ABAWD exemptions above still apply. Future rule and system changes will reflect this update.

Updated Forms:

The following forms were updated to reflect the changes because of the FRA:

JFS 07204 “Request to Reapply for Cash Assistance, SNAP and/or Child Care” applies only to the waiver version currently in production through the end of February 2024.

JFS 07208 “Supplemental Nutrition Assistance Program Work Registration, ABAWD, and Employment & Training Screening Tool”

JFS 07405 “SNAP Work Requirements Notice”

Questions?

Please contact Program Policy & Systems at OFA-PPS@jfs.ohio.gov.

For OB processing, please contact the Help Desk at OB-IMS_HELPDESK@jfs.ohio.gov.