

Service Chapter: SNAP Program 430-05

Effective Date: November 1, 2024

Overview

ABAWDS count months for all non-exempt ABAWDS will start effective 12/1/2024. State Discretionary exemptions will no longer be used starting 12/1/2024.

Changes to Exemptions from Basic Work Requirements, tips are included when determining exemption #10 - Individuals who are employed and working at least 30 hours weekly (can be averaged) or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

Broad-Based Categorically Eligible (BBCE) Household, new policy to be effective with the November SPACES enhancement release.

Description of Changes

- 1. Categorical Eligibility 430-05-20-80 – Change**
- 2. Exemptions from Basic Work Requirements 430-05-40-10 – Change**
- 3. ABAWD Exemptions from Basic Work Requirements 430-05-40-50-05 – Change**
- 4. Waivers 430-05-40-50-10 – Change**

Policy Section Updates

1. Categorical Eligibility 430-05-20-80

Categorical Eligible Households

The following households are categorically eligible:

1. Any household in which ALL members receive TANF, including Diversion Assistance, Transition Assistance and Kinship Care. ~~A TANF household remains categorically eligible if the only reason a child is not included in the monthly TANF grant is because of a benefit cap.~~
2. Any household in which ALL members receive SSI, including SSI presumptive eligibility benefits or 1619b.
3. Any household in which ALL members receive TANF and/or SSI.

Receipt of TANF and SSI benefits is defined as:

- a. a benefit that was authorized, but not received, or
- b. a benefit that was suspended, or
- c. a benefit that was recouped, or
- d. a benefit not paid because it was less than a minimum amount.

Automatic Asset and Income Test

Households in which ALL household members are in receipt of TANF, SSI, or a combination of TANF and SSI are categorically eligible and will automatically pass all asset and income tests.

Exception:

When an individual in a SNAP household reports they have received lottery and/or gambling winnings equal to or greater than \$4,500, we must close or deny the SNAP case and the household will not be considered categorically eligible.

All eligible one and two person households are entitled to the minimum \$23 monthly allotment.

Exception:

If due to proration during the initial month, the benefit is less than \$10, no benefit is issued.

When a household's net income exceeds the level at which benefits are provided, the worker must deny the application using the Notice of Eligibility with the zero benefit information documented.

Broad Based Categorically Eligible Households (BBCE)

Households in which all members receive or are authorized to receive non-cash assistance have expanded categorial eligibility. SNAP households receive TANF I & R services through the receipt of the DN 246 – TANF I & R brochure or the DN 405 – Application for assistance guidebook or through the Apply for Help Self-Service Portal (SSP). All applicants and recipients are authorized and notified of these services by signing the Application for Assistance or Application for Review or through the SSP. The human service zone will provide individuals with information and referrals to various other agencies, programs, organizations, and community/county resources that could be of benefit to the household.

Households may include elderly or disabled individuals, ineligible students, ineligible aliens, ineligible ABAWD's, ineligible work registrants, and individuals ineligible due to failing or opting out of providing a social security number.

Exception: The following households are not BBCE (TANF I & R) eligible even if they meet the TANF I & R requirements stated above. Households with a member who is disqualified for an IPV, a member who is a fleeing felon, a member who with a probation/parole violation, a member convicted of receiving duplicate benefits, a member convicted of trading benefits for weapons, ammunition, explosives or drugs or a member convicted of buying or selling benefits of \$500.00 or more. (Households with substantial Lottery and/or gambling winnings are not BBCE (TANF I & R) eligible until they meet the asset limit.)

Income Test

All BBCE (TANF I & R) households must pass the 200% Gross Income Limit (GIL) but are **not** required to pass the 130% Gross Income Limit (GIL) or the 100% Net Income Limit (NIL).

If the BBCE (TANF I & R) household fails the 200% GIL and includes an elderly or disabled household member, the household is not considered BBCE (TANF I & R) eligible and must be tested a second time under the regular SNAP rules. Regular SNAP rules require that these households pass the asset test and 100% NIL.

Asset Test

There is no asset test for BBCE (TANF I & R) households.

Exception: Households that include a member who is disqualified for the work requirements, a disqualified alien, an ineligible ABAWD, or a member who failed to provide a Social Security Number can remain BBCE (TANF I & R) eligible. However, these households must pass the asset test. Only the disqualified household member's assets are applied to the asset test.

[Link Asset 430-05-45](#)

Eligibility Determination

The BBCE (TANF I & R) household's SNAP benefit amount is calculated by subtracting 30% of the household's countable net income from the SNAP Thrifty Food Plan for the household size. * BBCE (TANF I & R) Households of three (3) or more persons, where 30% of the countable net income exceeds the SNAP Thrifty Food Plan for the household size are not eligible.

*SNAP households are expected to spend 30% of their own resources on food per FNS.

All one (1) and two (2) person BBCE households are eligible for the current minimum SNAP benefit except in the initial month if the household is eligible for a zero (0) benefit due to initial month proration of benefits.

[Link Initial Month Proration 430-05-60-10](#)

Non-Categorically Eligible Households

Households in which all members receive TANF and/or SSI that also include a member that is disqualified for fraud cannot be categorically eligible. The household will automatically pass the asset test but is subject to the 130% gross income test and 100% net income test.

Exception:

When an individual in a SNAP household reports they have received lottery and/or gambling winnings equal to or greater than \$4,500, we must close or deny the SNAP case.

2. Exemptions from Basic Work Requirements 430-05-40-10

Individuals who meet an exemption, and do not need to work register must be notified verbally of the basic work requirements using the Work Requirement Verbal Script. This is to be completed at the time of application, review/recertification, and status changes. The date of verbal notification must be entered into the eligibility system.

The following individuals are exempt from the basic work requirements (client statement is acceptable unless questionable):

1. Individuals age 60 or older. If an individual turns age 60 during the month of application, they are exempt.

2. Individuals younger than 16 years of age.

If an individual reaches their 16th birthday and they are not exempt, they must register as part of the next scheduled review.

3. Individuals age 16 or 17 if:

a. Not the primary individual, or

b. Attending school, or

c. Enrolled in an employment or training program at least half-time.

4. An individual enrolled at least **half-time** in high school, in any recognized school, training program, or institution of higher education. Individuals working to obtain their GED are also exempt.

An individual remains **exempt** during normal periods of class attendance, vacation, and recess.

If an individual graduates, is suspended or expelled, drops out, or does not intend to register for the next normal term (excluding summer school), they are no longer considered a student and are not exempt.

Examples:

1. An individual who graduates from high school in May and anticipates or is accepted for the fall semester in an institution of higher education is not considered a student until the first day of the school term and is not exempt from the basic work requirements.

2. An individual, who has not attended the prior school term but anticipates or is accepted for the next term, is not considered a student until the first day of the school term and is not exempt from the basic work requirements.

5. Individuals physically or mentally unable to work 30 hours or more per week. If the physical or mental incapacity is obvious and known to the eligibility worker, it should be documented in the case file and no further verification is needed.

If the physical or mental incapacity is not obvious or known to the eligibility worker, verification is required.

Examples:

1. A physician's statement.
 2. A statement from a licensed or certified psychologist or psychiatrist.
 3. Application for, receipt of, or entitlement to temporary or permanent disability benefits.
 4. Individuals who are appealing a SSA or SSI denial.
 5. Individuals who are accepted and actively involved in services through Vocational Rehabilitation as verified by Vocational Rehabilitation.
 6. Individuals who are receiving VA Disability regardless of the individual's disability percentage rating.
6. An individual subject to and complying with the TANF JOBS work compliance requirement, including the Tribal Work Experience Program (TWEP).

Examples:

1. A TANF ineligible caretaker who is not a parent is not subject to the TANF JOBS work compliance requirements so they are subject to the SNAP basic work requirements.
 2. If a non-recipient parent is subject to and complying with JOBS, such as a parent who is disqualified due to IPV or non-compliance with Child Support Enforcement, they are exempt from the SNAP basic work requirements.
7. A parent or other household member responsible for the care of a dependent child under six or an incapacitated individual residing with the household. The dependent household member or incapacitated individual(s) **do not** need to be participating in the same SNAP household. Only one member may claim an exemption as the primary person responsible for the care of dependents when the responsibility is shared.

If the child's sixth birthday is reached within a review period, the individual responsible for the child's care must register as part of the next regular review process unless otherwise exempt.

The exemption for the primary care giver can be changed during the household's review period.

'Responsible for the care of a dependent child,' is defined as a parent or other household member responsible for providing the actual physical care for a child. This could include a household member that is living in the same home but not part of the SNAP household. The determination must be based on documented discussion with the household.

Examples:

1. Household consists of Mom and her two children ages 23 and 5. Mom states that her 23 year old child cares for her 5 year old while she is attending school. Based on this discussion, the 23 year old can claim the exemption. This discussion with the household must be documented.
2. Boyfriend, girlfriend and girlfriend's 3 year old child live in the same home but purchase and prepare meals separately. The boyfriend cares for the 3 year old while the girlfriend works. The boyfriend can claim the exemption. The discussion with the household must be documented.
3. Household consists of Mom, Dad and their 4 year old child. Dad works and Mom is not employed. Their 4 year old child goes to day care while Dad is working. Mom cannot claim the exemptions as she is not providing the care for the child.
4. Two adult sisters live in the same home but purchase and prepare meals separately. One sister has a child and works outside the home. The other sister cares for her niece and can claim the exemption. The discussion with the households must be documented.
8. Individuals who are in receipt of unemployment compensation including Railroad Unemployment Benefits or one who has applied for, but has not yet started to receive unemployment compensation even if a determination has not yet been made on the claim. If questionable, verification must be obtained.
9. A **regular** participant (whether in or outpatient) in a drug addiction or alcohol treatment and rehabilitation program.

10. Individuals who are employed and working at least 30 hours weekly (can be averaged) or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours. This includes:
 - a. Self-employed individuals when the eligibility worker determines that the employment constitutes a full-time job.
 - b. Individuals receiving a training wage. The training wage must be substituted for the applicable federal or state minimum wage when determining if the individual is exempt from basic work requirements.
 - c. State certified individuals who home school their children a minimum of 30 hours per week. For state certification, the individual must file a SFN 16909 - Statement of Intent with the superintendent of the child's school district to do home schooling.
 - d. Individuals who, by contract, derive their annual income in a period of time shorter than one year.

~~Tips are not included in the calculation when determining if an individual is exempt from the basic work requirements due to the fluctuation in tips the individual may receive. If the individual is employed as a server, the appropriate federal minimum wage for servers must be used.~~

If an individual is NOT an ABAWD and NOT exempt from the work requirements at the time of initial application, review, or the household reports a loss of the exemption, the individual is required to register for work by completing the SNAP Work Registration Form at the time of application, review, and when a loss of exemption is reported. The individual is not required to work register again for 12 months.

11. A refugee participating in a refugee resettlement program.

3. ABAWD Exemptions from Basic Work Requirements 430-05-40-50-05 - Change

An ABAWD who meets one of the following is exempt from the ABAWD provisions and not subject to limited benefits.

Verification of work hours is mandatory for items 5, 6 and 7.

1. Exempt from the basic work requirements.

ABAWDS exempt from ABAWD provisions based on the SNAP work requirement exemption for working 30 hours or more per week are also coded as exempt.

2. All adult household members are exempt any time there is a child under the age of 18 in the same SNAP household.

Example:

A five-person SNAP household consists of mom, dad, child under the age of 18, an aunt to the child, and an unrelated adult. All four adults are exempt.

3. State discretionary exemption criteria.
 - a) State discretionary exemption criteria are applied at the discretion of SNAP policy, allowing flexibility in their implementation based on specific circumstances.
4. A pregnant woman. Client statement is acceptable.
5. Working at least 20 hours per week averaged monthly (regardless of the hourly wage) but less than 30 hours or more per week. This includes volunteer and in-kind work where an individual is not paid.

Volunteer work is when arrangements have been made with a school, hospital, public service agency, library, nursing home, church or other community organizations.

In-kind work is when an individual works in exchange for goods or services.

This **does not include** court-ordered community services or work done for family members or friends when the individual is not paid.

Example:

An individual managing an apartment building in exchange for free or reduced rent.

6. Participating in (and complying with) a work program of 20 hours or more per week averaged monthly. Work program means:
 - a) A program under the Workforce Investment Act of 1998 (WIA), this is administered by Job Services and can be verified by contacting that office. This includes the WIA administered by the Tribes as long as it meets the 20 hour or more per week averaged monthly requirement. (JT)

- b) A program under Section 236 of the Trade Act of 1974 (Trade Adjustment Assistance Act Program). This is administered by Job Services and can be verified by contacting that office. (TA)
- c) An Employment and Training Program containing components other than job search or job search training.

NOTE: ABAWDS participating in a SNAP Employment and Training program enrolled in the education/vocational training or job retention components may meet this requirement.

ABAWDS participating in a SNAP Employment and Training program may not meet the requirement if enrolled in only the job search training or job search components. However, the requirement may be met if they are enrolled in one of these components in addition to the above.

- 7. Any combination of paid, volunteer, in-kind work, or work programs that equals 20 hours per week averaged monthly.

An ABAWD exempt from the ABAWD provisions for working an average of 20 hours or more per week is required to report if their hours fall below 20 hours per week. This includes ABAWDS exempt from the SNAP work requirement for working 30 hours or more per week.

- 8. A "homeless individual" as defined in Section 3 of the Food and Nutrition Act (FNA) of 2008 and at 7 CFR 271.2, means and individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
 - a) A supervised shelter designated to provide temporary accommodations;
 - b) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - c) A temporary accommodation for not more than 90 days in the residence of another individual; or
 - d) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).
- 9. A "veteran", meaning an individual who served in the United State 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 for the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.
- 10. An individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age of such higher age as the State has elected as defined under Section 475(8)(B)(iii) of the Social

Security Act (42 U.S.C. 675(8)(B)(iii)). This includes any individual who was in a foster care program run by the State, District, Territory, or Indian Tribal Organization as of their 18th birthday or later and is under 25 years of age.

If an individual is exempt from the ABAWD provisions at initial application or review the individual remains exempt from the ABAWD provisions until the next review.

Exceptions:

1. Individuals exempt due to working 20 hours or more per week averaged monthly who report their work hours have fallen below 20 hours.
2. When the household reports a loss of an exemption for an individual determined to be exempt at application or review.
3. An individual will lose exempt status during the review period and it is known to the agency.

An individual exempt from the ABAWD provisions at initial application or review is required to work register if the following occurs:

1. The household reports they are no longer working 20 or more hours per week averaged monthly but less than 30 hours per week.
2. A loss of an exemption is reported, even if the household is not required to report.
3. It is known to the agency the exemption will end.

Eligibility workers will need to verbally inform individuals of the Basic Work Requirements using the Work Requirements Verbal Script. The date of verbal notification must be entered into the eligibility system. The SNAP Consolidated Work Notice will be mailed when ABAWD status changes.

If an individual is not exempt from the ABAWD provisions at initial application or review and the individual reports an exemption while receiving benefits, the individual must be made exempt in the month in which the exemption occurred and the countable month removed.

Example:

Individual applies on March 1st and is a non-exempt ABAWD. March is a countable ABAWD month. April 10th the individual reports that they are pregnant and therefore exempt from ABAWD provisions. The exemption needs to be applied for the month of April and the countable month removed for April.

4. Waivers 430-05-40-50-10

The SNAP Unit requested the Secretary of Agriculture to waive the ABAWD work requirement for any group of individuals that reside in an area that demonstrates an unemployment rate and a lack of sufficient jobs as set by USDA – Food and Nutrition Services.

Federal regulations also provide states with a calculated number of exemptions on a yearly basis. These exemptions are considered ~~the state's 8% exemptions~~ the state discretionary exemptions.

The able-bodied provisions do not apply to an individual living in waived ~~or 8% exemption criteria~~ counties and benefits received do not count toward the three ABAWD months. SNAP General Work Requirements must still be met (see section [430-05-40-05](#)).

Effective July 1st, 2024, there is a waiver to exempt Bottineau, Pierce, Rolette Counties and Turtle Mountain Reservation from the able-bodied adults without dependents (ABAWD) provisions.

Individuals initially applying in exempt Bottineau, Pierce, Rolette Counties and Turtle Mountain Reservation on July 1st, 2024, or later are exempt from the ABAWD provisions.

~~Discretionary exemptions will be used if they are not otherwise exempt.~~