USDA
United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place
Alexandria, VA
22314

October 23, 2020

Adrienne Shields
Director
Division of Family Resources
Indiana Family and Social Services Administration
402 West Washington Street
Indianapolis, Indiana 46207-7083

Supplemental Nutrition Assistance Program (SNAP) – Indiana Request to Waive Able-Bodied Adults Without Dependents Time Limit –Approval

Dear Ms. Shields:

This is in response to the Indiana agency's October 13, 2020, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents* (84 FR 66782), which revises the conditions under which FNS would approve requests from States to waive the ABAWD time limit. The final rule's changes to waiver standards were scheduled to take effect as of April 1, 2020. However, the U.S. District Court for the District of Columbia vacated this final rule on October 18, 2020.

As a result, the previous waiver criteria published in the January 17, 2001, final rule, *Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (66 FR 4438), is being used as the basis for any waiver approvals. Waivers approved under the 2001 standards will be in effect up until the date specified in the attached waiver response, or until the date at which new waiver standards become effective, whichever occurs earlier.

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FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

ARPAN DASGUPTA
Digitally signed by ARPAN DASGUPTA
Date: 2020.10.28 17:05:23 -04'00'

Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

Enclosure

Enclosure

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number**: 2210002

2. **Request Type**: Initial

3. **Statutory Citation**: Section 6(o) of the Food and Nutrition Act of 2008

4. **Regulatory Citation**: 7 CFR 273.24

5. **State**: Indiana

6. **Food and Nutrition Service (FNS) Region**: Midwest Region

7. **Requirement**: Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Requested Area(s) and Support**: The State agency requested to waive the ABAWD time limit throughout the State from October 1, 2020, to February 28, 2021. The State agency supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. According to the Department of Labor Trigger Notice No. 2020-21 effective June 7, 2020, Indiana qualified for extended unemployment benefits.

9. **FNS Action and Justification**: FNS is approving the State agency to waive the ABAWD time limit in the approved area for 5 months, or until the date at which new waiver standards become effective, whichever occurs earlier. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

10. **Authority**: The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).

11. **Implementation Date**: October 1, 2020

12. **Expiration Date**: February 28, 2021, or the date at which new waiver standards become effective, whichever occurs earlier.

13. **Information Required for Amendment or Extension**: To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.

14. **State Agency Contact Information**:
    Name: David Smalley
    Phone Number: (317) 232-2010
    Email: david.smalley@fssa.in.gov

15. **FNS Regional Office Contact Information:**
    Name: Scott Keller
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