

## Rule-Making Fact Sheet

**AGENCY:** Department of Health and Human Services, Office for Family Independence

**AGENCY CONTACT PERSON:**

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**CHAPTER NUMBER AND RULE TITLE:**

10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Manual; Section 999-2.  
SNAP Rule #230 – ABAWD Geographic Exemptions

**TYPE OF RULE** (*check one*):  Routine Technical  Major Substantive

**STATUTORY AUTHORITY:** 22 M.R.S. § 42(1); 7 C.F.R. § 273.24(f)

**PUBLIC HEARING:** No public hearing is scheduled.

**COMMENT DEADLINE:** Monday, October 30, 2023, at 5:00 p.m. EST.

Written public comments may be submitted via the link at

<https://www.maine.gov/dhhs/about/rulemaking>.

**PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:** Federal Supplemental Nutrition Assistance Program (SNAP) regulations provide that certain able-bodied adults without dependents (ABAWDs) are subject to a maximum of three months of benefits over a 36-month period, unless they work 20 hours or more per week (averaged monthly) or participate in and comply with requirements of a work program. Individuals who reside in certain geographic areas can qualify for an exception to this time limit under 7 C.F.R. § 273.24(f).

The Department has submitted a request to the U.S.D.A. – Food and Nutrition Services (FNS) to waive these work requirements for certain ABAWDs residing in geographic areas that have unemployment rates at or above 10% or have insufficient jobs for recipients residing in those areas. The geographic areas include 260 qualifying cities, towns, unorganized territories, townships, and reservations that qualify individually or as part of a federally defined labor market area. Pending U.S.D.A. – FNS approval and the adoption of this rule, ABAWDs residing in those areas will no longer have to meet the work requirements to receive SNAP effective retroactive to October 1, 2023. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as this update provides a benefit to nearly 2,000 SNAP recipients who meet the ABAWD definition and does not adversely impact applicants, participants, beneficiaries, or providers.

**IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?** No.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:** This rule would implement the ABAWD Geographic Exemption Waiver pending approval by the U.S.D.A. Food and Nutrition Services (FNS) waiving the three-month time limit for residents of geographic areas in Maine that meet certain requirements outlined in 7 C.F.R. § 273.24(f). Maine’s Automated Client Eligibility System (ACES) will be programmed to not impose the three-month limit for ABAWDs residing in these areas for the duration of the waiver. Upon U.S.D.A. – FNS approval and the adoption of this rule, ABAWDs who reside in

those areas will no longer have to meet the work requirements. This rule is expected to impact more than 2,000 ABAWDS currently enrolled or now eligible for SNAP benefits.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING**

**DEVELOPMENT OF THE RULE:** The Department obtained data from the Center on Budget and Policy Priorities for the analysis of qualifying geographic areas.

**ESTIMATED FISCAL IMPACT OF THE RULE:** SNAP benefits are federally funded. No fiscal impact is anticipated.

<p><b><i>FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:</i></b></p> <p>ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: BENEFITS OF THE RULE:</p>
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*Note: If necessary, additional pages may be used.*