

U.S. Supreme Court New Public Charge

On Monday, January 27, 2020 the U.S. Supreme Court ruled that the Trump Administration can implement the new 'public charge' test for immigrants they announced in August 2019. Lower courts had blocked the new policy from going into effect by issuing nationwide injunction against the policy, which the U.S. Supreme Court decision overrules. BPLC has published a Q&A on Public Charge available at https://bplc.cssny.org/benefit_tools/11. The document will be updated as more information becomes available.

ABAWD Update

Individuals who are categorized as able-bodied adults without dependents (ABAWD) are limited to receiving SNAP benefits to 3 months in a 3-year period if they are not participating in a qualifying work activity for at least 80 hours per month. States may request a waiver, from the USDA, of this provision for people in areas with an unemployment rate above 10% or for those in an area with insufficient jobs.

However, a new rule issued by USDA limits a State's ability to define and seek waivers for areas of high unemployment. One of several changes now requires a geographic area requesting a waiver to have an average unemployment rate of at least 6% over a 24-month period (higher than before) and requires that the area's average unemployment rate be 20% above the national average for that same 24-month period. In addition, the new rule limits states' flexibility on how to define an "area" when seeking waivers by requiring states to use Labor Department "Labor Market Areas." This change dramatically reduces NYS's ability to waive cities, counties in metro areas, or groupings of counties in regions experiencing economic hardship. The new rules go into effect April 1, 2020.

For more information go to <https://hungersolutionsny.org/information-resources/abawd/>.

Current NYS Requested Waivers

The New York State Office of Temporary and Disability Assistance (OTDA) submitted a request to USDA to waive the ABAWD requirements for the period January 1, 2020 through December 31, 2020, for those counties/areas which appeared to meet the waiver requirements prior to the above changes. Although OTDA requested a 12-month waiver, the USDA approved the waiver request for only 3 months (through March 31, 2020) due to new regulatory requirements governing the approval of ABAWD waivers.

Half-Fair MetroCards for Low-Income New Yorkers

New York City residents can now check their eligibility and apply for 'Fair Fares NYC,' which provides a half-fare MetroCards to individuals with incomes below 100% FPL. Eligible individuals will receive a special Fair Fares NYC MetroCard (FFM) with a zero balance and the individual would be able to add time or value at a 50% discount. To learn more about this benefit and to apply visit: <https://www1.nyc.gov/site/fairfares/index.page>.

SSA News

- Each year the Social Security Administration mails tax form SSA-1099 to beneficiaries. This form shows the total amount of Social Security benefits paid in the previous year. To obtain a copy of the SSA-1099 tax form, go online to my Social Security account. <https://www.ssa.gov/myaccount/replacement-SSA-1099.html>.
 - For information on creating a my Social Security account go to https://www.youtube.com/watch?v=pYiFvg30_rg for a video .
- Social Security office hours have been extended on Wednesdays. The new hours are 9:00 am to 4:00 pm. Previously Wednesday hours were until 12:00 pm. Read press release here: <https://www.ssa.gov/news/press/releases/2019/#12-2019-1>
- There has been an increase in fraudulent calls from individuals pretending to be from a local Social Security office. Social Security is reminding the public what to do in the event a call is received by someone claiming to be from SSA, <https://blog.ssa.gov/inspector-general-warns-public-about-caller-id-spoofing-of-social-security-fraud-hotline-phone-number/>.

Cash Assistance Finger Imaging Eliminated in NYS

Effective January 15, 2020 all NYS social service districts (in NYC the Human Resources Administration (HRA) will no longer use the Automated Finger Imaging System (AFIS) to finger image applicants and recipients as part of the process of obtaining or maintaining eligibility for Cash Assistance (Public Assistance). Social service districts will, however, continue to capture photograph and signature in AFIS system.

Proposed Changes in Social Security's Medical Improvement Diary

There is a proposal to revise when and how often Social Security conducts a continuing disability review (CDR) for disability recipients (SSI and/or SSDI). A CDR is a periodic re-evaluation of a disabled or blind beneficiary's medical condition to determine whether their medical condition has improved, and if so, whether the beneficiary still meets the disability criteria to remain entitled to continued benefits. The frequency of a CDR is determined by the type of medical review diary that was established. Currently there are three types of medical improvement diaries:

- Medical improvement expected (MIE): once every 6 to 18 months
- Medical improvement possible (MIP): at least once in every 3 years
- Medical improvement not expected (MINE): once every 5 to 7 years

The proposed rules would add a category to the existing medical diary categories, *Medical Improvement Likely (MIL)*, which would review a case every 2 years. In addition, the proposal would revise the criteria for assigning each of the medical diary categories to a case and change the frequency with which SSA performs a CDR for claims with the medical diary category for permanent impairments.

SSA extended the comment period to January 31, 2020

For more information go to <https://www.federalregister.gov/documents/2019/11/18/2019-24700/rules-regarding-the-frequency-and-notice-of-continuing-disability-reviews>

Benefits Plus Online

Chapters Updated: See Benefits Plus Updates at <https://bplc.cssny.org/pbm> for changes to many Cash Benefits and Health Programs for 2020.

Community Resources/Events

Spring 2020 Excelsior Scholarship Application Is Now Available

New applicants have until Thursday, January 30, 2020 to sign up for the Excelsior Scholarship. Sign up is available at <https://www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/the-excelsior-scholarship.html>. Current Excelsior Scholarship recipients **should not** complete this application; they should renew their FAFSA (Free Application for Federal Student Aid) at <https://studentaid.gov/h/apply-for-aid/fafsa>.

SUNY Bronx EOC Certified Nursing Assistant (CNA) Program

Individuals who are at least 18 years of age and have a high school diploma or its equivalent can obtain a Certified Nursing Assistance (CNA) license at SUNY Bronx EOC. The CNA program is generally 7 to 8 weeks, Monday through Friday from 9:00 am to 5:00 pm (subject to change). TABE Scores required are: Reading 10.0 - Math 7.0. For more information go to <http://www.bronxeoc.org/vocational.html#cna>. To register go to <http://www.bronxeoc.org/register>.