

NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEVDUTTA SANGVAI • Secretary

YVONNE COPELAND • Director, Division of Child and Family Well-Being

November 3, 2025

Dear County Directors of Social Services,

Attention: Food and Nutrition Services (FNS) Administrators, Managers, and Supervisors

Subject: Update on Status of November 2025 SNAP Benefit Suspension and Phase 1 of H.R. 1 Reconciliation Bill Implementation for SNAP Eligibility Determinations

Priority: Information and Action

USDA has filed a Compliance Report today in *Rhode Island State Council of Churches, et. al., v. Brooke Rollins* today stating that USDA will issue reduced SNAP benefits in November 2025 in compliance with the Temporary Restraining Order issued by United States District Court Judge John McConnell on Saturday, November 1, 2025. USDA has instructed the Court that they will be notifying State Agencies of the effective date of the reduction and the percentage SNAP allotments will be reduced later today. NCDHHS is waiting for additional guidance from USDA on the issuance of November 2025 FNS benefits. NCDHHS is prepared to update our systems to allow for the issuance of reduced November 2025 benefits as soon as we receive notification and revised issuance tables from USDA. We will update Counties when we receive more information.

Despite the Federal Government Shutdown and USDA's suspension of November 2025 SNAP benefits, NCDHHS is still required to continue implementation of the provisions of H.R. 1. discussed in NCDHHS's [19 September 2025 Dear County Directors memorandum](#). NCDHHS has been actively implementing the provisions of H.R. 1, which has required significant updates to program policies, forms, and NC FAST programming. We appreciate your collaboration in implementing H.R. 1 provisions during this challenging moment, and we will implement the provisions in a phased manner through the month of November 2025 to allow counties to continue to allocate resources to the demands created by the Federal Government Shutdown and the challenges presented by USDA's suspension of November 2025 benefits.

NCDHHS is proceeding with implementation of H.R. 1 provisions under directive from USDA based on the following USDA transmittals:

1. USDA, [Supplemental Nutrition Assistance Program \(SNAP\) Implementation of the One Big Beautiful Bill Act of 2025 – Treatment of Energy Assistance Payments](#), 29 August 2025.
2. USDA, [Supplemental Nutrition Assistance Program Provisions of the One Big Beautiful Bill Act of 2025 – Information Memorandum](#), 4 September 2025.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF CHILD AND FAMILY WELL-BEING

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3. USDA, [Supplemental Nutrition Assistance Program \(SNAP\) Provisions of the One Big Beautiful Bill Act of 2025 - ABAWD Exemptions - Implementation Memorandum](#), 3 October 2025.
4. USDA, [Supplemental Nutrition Assistance Program \(SNAP\) Implementation of the One Big Beautiful Bill Act of 2025 – Alien SNAP Eligibility](#), 31 October 2025.

Effective November 1, 2025 Counties will begin screening individuals at initial application and recertification for the new American Indian exemptions to the time-limits for able-bodied adults without dependents (ABAWD) enacted by H.R. 1.

Effective December 1, 2025 Counties will begin applying all other changes enacted by H.R. 1 to the time-limits for ABAWD rules, as discussed below.

Effective December 1, 2025, Counties will begin applying the changes to the treatment of LIEAP and third-party energy assistance payments for purposes of the Heating and Cooling Standard Utility Allowance (HCSUA) enacted by H.R. 1.

NCDHHS received written guidance from USDA on October 31, 2025 regarding implementation of the non-citizen eligibility changes to SNAP enacted by H.R. 1. NCDHHS is actively reviewing this guidance. The effective date for the non-citizen eligibility changes to FNS will be no earlier than December 1, 2025 due to changes that need be made to NCFAS and policy to conform to USDA's written guidance.

ABAWD Exemptions

Federal law limits certain FNS participants to three months of FNS benefits in a 36-month period, unless they meet the following conditions: the work requirements under FNS 260.02 and FNS 260.03, the criteria for exemptions from work requirements under FNS 240.03, or the criteria for exemptions¹ from the able-bodied adult without dependents (ABAWD) time limits under FNS 260.01.

To mitigate risk of payment errors during implementation, NCDHHS will utilize available discretionary exemptions under 7 C.F.R. § 273.24(g) from Federal Fiscal Year 2025 and 2026 for recipients who would be screened and identified as non-exempt ABAWDs during certification and recertification in November 2025.

After completing NC FAST systems updates, public education, and eligibility worker training, NCDHHS will direct Counties to begin screenings under 7 C.F.R. 273.24(k) for the newly expanded ABAWD changes on December 1, 2025. **NCDHHS directs Counties to apply the new ABAWD time-limit exemptions for “Indian,” “Urban Indian,” and “California Indian” statuses as of November 1, 2025, as discussed below.**

Sec. 10102 of H.R. 1 amends Sec. 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)) and increases the age of those subject to the time limit for ABAWDs, ends exemptions for several populations, and adds new exemptions for specified American Indians. H.R. 1 changes the ABAWD time limit exemptions by:

- **Increase of the Upper Age Limit. Effective December 1, 2025.**

¹ Please note that USDA refers to the exemptions to the ABAWD time limits as “exceptions” at 7 C.F.R. 273.24 and Section 6(o) of the Food and Nutrition Act of 2008. To avoid confusion, NCDHHS refers to both the work registration exemptions and the ABAWD time limit exceptions as ‘exemptions.’

- Prior to H.R. 1, individuals age 18 to 54 were subject to the ABAWD time limit. H.R. 1 increases the age of those subject to the time limit to age 64.
- Thus, individuals aged 18 to 64 are now subject to the time limit, unless they meet another exemption.
- Guidance and trainings are forthcoming in the month of November. **Effective date for screening at initial application and recertification for this provision is December 1, 2025.**
 - Do not assign countable months to an individual during the certification period, as the individual has not been screened for all exemptions from the time limit enacted by H.R. 1.
- **Changes to the Exemptions for Children in the Household. Effective December 1, 2025.**
 - Prior to H.R. 1, the Food and Nutrition Act of 2008 exempted from work requirements a parent or other household member with responsibility for a dependent child under the age of 18.
 - H.R. 1 limits the exemption for a parent or other household member with responsibility for a dependent child to households with a child under 14 years of age.
 - Thus, under H.R. 1 provisions, a parent or a household member with responsibility of a child between the ages of 14 through 17 years old will be subject to the ABAWD time limit, unless they meet another exemption, including responsibility for another child in the household under age 14.
 - Guidance and trainings are forthcoming in the month of November. **Effective date for screening at initial application and recertification for this provision is December 1, 2025.**
 - Do not assign countable months to an individual during the certification period, as the individual has not been screened for all exemptions from the time limit enacted by H.R. 1.
- **Ending Exemptions Implemented by the Fiscal Responsibility Act of 2023 (FRA) for Homeless Individuals, Veterans, and Individuals Aged 24 or Younger and in Foster Care on their 18th Birthday. Effective December 1, 2025.**
 - H.R. 1 removes the ABAWD exemptions for the following populations, which were added by the Fiscal Responsibility Act of 2023 (FRA):
 - Homeless individuals;
 - Veterans; and,
 - Individuals aged 24 or younger and in foster care on their 18th birthday.
 - Guidance and trainings are forthcoming in the month of November. **Effective date for screening at initial application and recertification for this provision is December 1, 2025.**
 - Do not assign countable months to an individual during the certification period, as the individual has not been screened for all exemptions from the time limit enacted by H.R. 1.

- NCDHHS is reinstating its prior policy for exempting individuals experiencing chronic homelessness under its discretion in 7 C.F.R. 273.24(c)(2)(ii). Before FRA, FNS participants in North Carolina who were chronically homeless were generally found to be exempt from ABAWD time limits under the Department's discretion to determine when an individual is "obviously mentally or physically unfit for employment" under 7 C.F.R. 273.24(c)(2)(ii). NCDHHS is reinstating this policy during the phasing in of the H.R. 1 ABAWD provision on December 1, 2025.
 - Homeless for this purpose included living on the street, in a car, or in a homeless shelter.
 - When an individual's unfitness for work is obvious to the eligibility worker, the County should exempt the individual without requiring a statement or verification from medical personnel.
 - Thus, if an individual is experiencing chronic homelessness, NCDHHS has determined that a chronically homeless individual who is living on the street, in a car, or a homeless shelter, should be considered mentally or physically unfit for employment for purpose of the ABAWD time limits.
 - i. This determination is consistent with the Department's prior policy, and in conformance with USDA's November 19, 2015 memorandum on ABAWD Time Limit Policy and Program Access. NCDHHS will adopt its prior policy to prevent placing unnecessary burden on individuals who are clearly unfit for employment.
 - Eligibility workers will accept the individual's self-attestation regarding their chronic homelessness, unless questionable.
- Reminder Regarding Veterans and VA Disability Compensation: Although the Veterans exemption is being phased out as of December 1, 2025 due to H.R. 1, it is still NCDHHS's policy that Veterans who receive VA disability compensation are determined to be medically certified as obviously unfit for employment regardless of their VA disability rate percentage. Thus, it is important that Counties continue to assess whether individuals are receiving temporary or permanent disability benefits issued by governmental or private sources. For purposes of the ABAWD time limit exemption, the percentage of the VA disability rating is not relevant to the application of the exemption.
- **New Exemptions for American Indians who meet the definition of an "Indian," "Urban Indian," or "California Indian" under the Indian Health Care Improvement Act (IHCIA). Effective November 1, 2025.**
 - H.R. 1 adds new exemptions from the ABAWD time limits for American Indians who meet the definition of "Indian," "Urban Indian," or "California Indian" under the Indian Health Care Improvement Act (IHCIA).
 - An individual is an "Indian" per IHCIA if they:
 - Are a member of an Indian tribe.
 - i. Indian tribe is defined as any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act,

which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

- An individual is an “Urban Indian” per IHCA if they:
 - Reside in an urban center defined as any community which has a sufficient urban Indian population with unmet health needs to warrant assistance under subchapter IV of the IHCA, as determined by the Secretary of Health and Human Services, and meet at least one of the following four criteria:
 - i. Regardless of if they live on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree of any such member.
 - ii. Is an Eskimo or Aleut or other Alaska Native,
 - iii. Is determined to be an Indian for any purpose under regulations promulgated by the Secretary of Interior; or,
 - iv. Is determined to be an Indian under regulations promulgated by the Secretary of Health and Human Services.
- An individual is a “California Indian” per 25 U.S.C. 1679(a), if they:
 - Are a member of a federally recognized Indian tribe;
 - Are a descendant of an Indian who was residing in California on June 1, 1852, if such descendant—
 - i. Is a member of the Indian community served by a local program of the Indian Health Service; and,
 - ii. Is regarded as an Indian by the community in which such descendant lives;
 - Are an Indian who holds trust interests in public domain, national forest, or reservation allotments in California; or
 - Are an Indian of California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958, and any descendant of such an Indian.
- **The effective date for screening at certification and recertification for the new American Indian exemptions is November 1, 2025.** Counties must begin screening for the new American Indian exemptions immediately for all applications and recertifications in November 2025.
- Newly Meeting an American Indian Exemption During the Certification Period. Counties must act promptly to apply the new exemptions to individuals if they receive clear information that an individual within their certification period meets the new exemptions, e.g., a direct report from a participant that they meet the definition of Indian, Urban Indian, or California Indian under the ICHIA. If the County receives clear information that is not questionable, Counties must apply the exemption and not assign a countable ABAWD month.
- For individuals newly exempted from the time-limits for ABAWD under the American Indian exemption, include language in the consolidated written notice explaining that the ABAWD time-limit no longer applies to them because they meet one of the specified American Indian exemptions. In addition, at initial certification

provide an oral explanation of applicable work requirements, including this new exemption.

- **Eligibility workers must accept an individual's self-attestation as verification for the American Indian exemptions, unless questionable.**
 - After screening for the American Indian exceptions at initial application and recertification, if the individual verifies that they meet the definition of "Indian," "Urban Indian," or "California Indian," the eligibility worker should ensure that "American Indian/Alaskan Native" is selected in the individual's demographic information in NCFAS.
 - i. After system updates are performed in mid-November, NCFAS will then reassess properly coded cases as ABAWD exempt, effective 11/1/2025.
- The new exemptions for specified American Indians to the ABAWD time limits do not replace any other eligibility requirements, nor do they create eligibility where it does not otherwise exist. Thus, participants exempted under the new American Indian exemptions will continue to be subject to the general FNS work requirements described in [FNS 240 Work Registration Requirements](#) regardless of whether they are exempted from ABAWD time limit requirements, unless they are otherwise exempt from the work registration requirements under FNS 240.03

NCDHHS will publish revised policy updates to FNS 260 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) on or about November 10, 2025 so that Counties can begin reviewing changes to policy that will be effective on December 1, 2025.

Counties must begin applying the new exemptions for American Indians who meet the definition of an "Indian," "Urban Indian," or "California Indian" effective November 1, 2025. [FNS Section 260, Change #01-2024 \(March 01, 2024\)](#) remains otherwise in effect until December 1, 2025, as discussed in this transmittal.

NCDHHS will also announce a training schedule and publish additional materials for eligibility workers and the public during the month of November 2025 to begin preparation for the ABAWD changes that will become effective on December 1, 2025.

Standard Utility Allowances (HCSUA) Based on Receipt of Energy Assistance

Sec. 10103 of H.R. 1 amends how NCDHHS must treat receipt of a payment under the Low-Income Home Energy Assistance Act of 1981 or other similar energy assistance program for the purposes of the Heating and Cooling Standard Utility Allowance (HCSUA), depending on whether the household contains an elderly or disabled member.

NCDHHS will publish revised policy updates to FNS 340 DEDUCTIONS and FNS 315 SPECIAL BUDGETING on or about November 10, 2025 so that Counties can begin reviewing changes to policy that **will be effective on December 1, 2025.**

NCDHHS will also announce a training schedule and publish additional materials for eligibility workers and the public during the month of November 2025 to begin preparation for the SUA changes enacted by H.R. 1.

Changes to Non-Citizen Eligibility for SNAP

Sec. 10108 of H.R. 1 amends the Food and Nutrition Act of 2008, limiting eligibility for FNS to the following groups: U.S. citizens, U.S. nationals, lawful permanent residents (LPRs), Cuban and Haitian entrants, and Compact of Free Association (COFA) citizens. Due to H.R. 1, many prior lawfully present categories of immigrants will no longer be eligible for FNS.

NCDHHS received written guidance from USDA on Friday, October 31, 2025 on implementation of these new provisions. NCDHHS is reviewing this guidance and is acting to make requisite changes to our policies and NC FAST programming to conform to USDA's guidance. **NCDHHS anticipates that the effective date for implementation of the provisions for non-citizen eligibility will be December 1, 2025.**

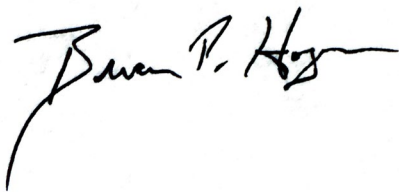
USDA's October 31, 2025 implementation guidance instructs that NCDHHS must review household circumstances and apply these policies at initial application and recertification. Pursuant to USDA regulations at 7 CFR 273.12(a)(1), 7 CFR 273.12(d), and 7 CFR 273.18, households are not liable for a claim due to a change in circumstances the household is not required to report. Since households are not required to report a change in immigration status, individuals who lose SNAP eligibility at recertification due to the H.R. 1 eligibility changes, are not subject to a claim for over issuance for the benefits received after H.R. 1 changes took effect.

NCDHHS will publish revised policy updates to FNS 227 NON-CITIZEN REQUIREMENTS before December 1, 2025 to comply with USDA's written guidance.

NCDHHS will also announce a training schedule and publish additional materials for eligibility workers to begin preparation for the non-citizen eligibility changes.

If you have questions, please submit them to Continuous Quality Improvement Support (CQIS): dss.policy.questions@dhhs.nc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian P. Hogan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Patrick Hogan
Deputy Director of Nutrition
North Carolina Department of Health and Human Services,
Division of Child and Family Well-Being

EFS-FNSEP-20-2025