

JAN 7 1999

970028 and 970145

SUBJECT: FSP - New Jersey - Request to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: Joseph Weingart, Regional Director
Food Stamp Program
Mid-Atlantic Region

This is in response your memorandum of December 15, 1998, forwarding the New Jersey State Agency's request to waive Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This section limits the receipt of food stamp benefits to 3 months within a 3 year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare. Our response approving the waiver is attached. Please note that some areas which were previously exempt based on unemployment rates greater than 10 percent have now been granted exemptions based on their designation as Labor Surplus Areas.

If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: Joseph Pinto
John Knaus
Retha Oliver
Maurice Tracy
Bob Dalrymple - OAE
All Regions (except MARO)
Civil Rights

FCS:FSP:PDD:CPB:LTropp:final:1/5/99:va
DIR: I:CPB:970028 & 970145 (1999 ext memo)

Symbol	Surname	Date	Symbol	Surname	Date
PO111	Tropp	1/6/99			
800116	PO111	1/6/99			
PO111	PO111	1/7/99			

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Waiver Response

1. **Waiver serial number:** 970028 & 970145
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** New Jersey
6. **Region:** MARO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision 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. **Description of proposed alternative procedures:** The New Jersey State Agency is requesting an extension of its current waiver exempting individuals residing in the municipalities of Atlantic City, Buena, Pleasantville, Egg Harbor City, Camden, Cape May County, Bridgeton, Fairfield, Lawrence, Downe Township, Newark, Paulsboro, Seaside Heights, Penns Grove, and Salem based on unemployment rates over 10 percent in those areas. Wrightstown, National Park, Asbury Park, and Keansburg which were included in the State agency's waiver for calendar year 1998 are no longer eligible for exemptions.

The State agency is also requesting continuation of its waiver exempting individuals residing in the counties or municipalities of Atlantic County (excluding Atlantic City, Pleasantville, and Egg Harbor City), Garfield City, Cumberland County (excluding Bridgeton, Fairfield, and Lawrence), East Orange, Irvington, Orange City, West New York, Jersey City, Union City, Trenton, Perth Amboy, North Bergen, New Brunswick, Long Branch, Berkeley, Lakewood, Manchester, Elizabeth, Plainfield, Passaic, Paterson, and Linden, on the basis of insufficient jobs. The State agency has defined areas with "insufficient jobs" to mean geographic areas that have been designated by the Federal Government as Labor Surplus Areas (LSAs). Hackensack, Pembereton, Gloucester County (except the Borough of Paulsboro which is eligible for an exemption based on unemployment greater than 10%), and Salem County (except the Borough of Penns Grove and the City of Salem which are both eligible for exemptions based on unemployment greater than 10 percent) which were included in the State's 1998 waiver were not designated as LSAs for fiscal year 1999 and are not included in the current waiver request.

9. **Action and reason for approval or denial:** We are approving an extension of waiver No. 970028, based on unemployment rates that exceed 10 percent, and an extension of waiver No. 970145, based on insufficient jobs, for individuals residing in the following areas:

Counties	970028 (10% Unemployment)	970145 (Insufficient Jobs)
Atlantic County	Atlantic City	Balance of Atlantic County
	Buena (Borough of)	
	Egg Harbor City	
	Pleasantville (City of)	
Bergen County		Garfield (City of)
Camden County	Camden (City of)	
Cape May County	Cape May County	
Cumberland County	Bridgeton (City of)	Balance of Cumberland County
	Fairfield Township	
	Lawrence Township	
	Downe Township	
Essex County	Newark (City of)	East Orange (City of)
		Irvington Township
		Orange City
Gloucester County	Paulsboro (Borough of)	
Hudson County		West New York Township
		North Bergen Township
		Jersey City
		Union City
Mercer County		Trenton (City of)
Middlesex County		New Brunswick (City of)
		Perth Amboy (City of)
Monmouth County		Long Branch (City of)

Ocean County	Seaside Heights (Borough of)	Berkeley Township
		Lakewood Township
		Manchester Township
Passaic County		Passaic (City of)
		Paterson (City of)
Salem County	Penns Grove (Borough of)	
	Salem (City of)	
Union County		Elizabeth (City of)
		Plainfield (City of)
		Linden (City of)

10. **Regulatory or legislative basis for action:** These waivers are approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) 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 an insufficient number of jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data which relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs.
13. **Expiration date:** Waivers No. 970028 and No. 970145 are approved for a period of 1 year, retroactive to January 1, 1999 and will expire on December 31, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the New Jersey State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** December 4, 1998.
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**