



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

SAMUEL D. ROBERTS
Commissioner

MICHAEL PERRIN
Executive Deputy Commissioner

October 5, 2016

Ms. Bonnie Brathwaite, Director
Northeast Regional Office
Food and Nutrition Service
United States Department of Agriculture
10 Causeway Street, Room 501
Boston, MA 02222

Dear Ms. Brathwaite:

The New York State Office of Temporary and Disability Assistance (OTDA) is seeking approval of the attached State Waiver Request to exempt certain able-bodied adults without dependents (ABAWDs) in areas of New York City from Supplemental Nutrition Assistance Program (SNAP) time limits established by 7 CFR 273.24. Our first waiver request to waive ABAWD requirements for 3 counties and 19 Community Districts in New York City is our preferred waiver request, but we are submitting this request to secure timely information on an alternative if the first request for New York City is not approved. This request contains a range of options that we are available to discuss.

Federal regulations establish that individuals who are determined to be an ABAWD are not eligible to participate in SNAP as a member of any household if the individual received program benefits for more than three months during any three year period in which the individual was subject to, but did not comply with, SNAP ABAWD work requirements. Federal regulations permit the Food and Nutrition Service (FNS) to authorize a State request to waive ABAWD requirements based on certain criteria regarding the availability of jobs.

Under SNAP regulations at 7 CFR 273.24(f)(2), areas may qualify for an ABAWD time limit waiver if they have insufficient jobs. To support this claim, states may submit evidence including that an area has a 24-month unemployment rate average that exceeds the national average for this same 24-month time period by 20 percent. 7 CFR 273.24(f)(6) provides that states may define areas to be waived.

If New York elects to not apply an approved waiver in any area of the State, we will notify FNS.

Thank you for your consideration and we look forward to hearing from you regarding our request. Please contact Barbara Guinn at (518) 486-6106 if you would like to discuss or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Phyllis D. Morris".

Phyllis D. Morris
Deputy Commissioner
Center for Employment and Economic Supports

cc: Barbara Guinn
Lizbeth Silberman, USDA-FNS
Casey McConnell, USDA-FNS
Bonnie Brathwaite, USDA-FNS
Kevin Pasquaretta, USDA-FNS