

STATE WAIVER REQUEST

1. **Waiver Serial Number:** 2150045
2. **Type of request:** Amendment and extension
3. **Regulatory citation:** 7 CFR 273.24; January 17, 2001 rule (66 FR 4438)
4. **State:** Pennsylvania
5. **Region:** Mid-Atlantic
6. **Regulatory requirements:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, and regulations at 7 CFR 273.24 provide that no able-bodied adult without dependents (ABAWD) shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement.

Under 7 CFR 273.24(f), upon the request of the State agency, the Food and Nutrition Service (FNS) may waive the applicability of time limit described above for any group of individuals in the state if FNS makes a determination that the area in which the individuals reside does not have a sufficient number of jobs to provide employment for the individuals.

7. **Description of alternative procedures:**

The Commonwealth of Pennsylvania is requesting to exempt able-bodied adults without dependents (ABAWDs) from SNAP time limits at 7 CFR 273.24 on a statewide basis.

8. **Justification for request:**

On March 13, 2020, Chief Judge Beryl Howell of the United States District Court for the District of Columbia granted the Commonwealth of Pennsylvania's request for a preliminary injunction and stay of the FNS rule entitled *SNAP Requirements for Able-Bodied Adults Without Dependents*. The order enjoined FNS from codifying changes to challenged portions of the regulation, including 7 CFR 273.24(f)(2) and (f)(4).

Under existing 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 that the state has been determined by the United States Department of Labor's Office of Unemployment Insurance (OUI), previously known as the Unemployment Insurance Service, as qualifying for extended unemployment benefits (EB). Under EB regulations at 20 CFR 615.12(a)(1), a state triggers "on" for EB for a week if the head of the State agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the insured unemployment rate both: (1) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week periods ending in each of the preceding two calendar years; **and** (2) equaled or exceeded 5.0 percent.

The Commonwealth of Pennsylvania seeks a statewide waiver based on the 13-week insured unemployment rate (IUR) as reported by OUI in Trigger Notice No. 2020 – 19, the weekly state extended benefit indicator notice for May 24, 2020. This criterion and data period were selected pursuant to the existing regulations currently in force due to judicial order, and to reflect the rapid onset of shock to Pennsylvania's economy as a result of the coronavirus disease 2019 (COVID-19). As of May 24, 2020, Pennsylvania has a 13-week IUR of 9.61 percent, which is 464 percent of the average of such rates for the corresponding 13-week periods ending in 2019 and 2018. These metrics meet the standard of at least 5.0 percent and 120 percent respectively necessary for Pennsylvania to qualify for EB under 20 CFR 615.12(a)(1).

Pennsylvania's seasonally unadjusted unemployment rate for April 2020 is 15.5 percent, a 163 percent increase over March 2020¹, with some 1.8 million people in the state filing initial unemployment insurance claims in the eight weeks ending May 9, 2020.² We believe that the exceptional circumstances brought on by the public health emergency warrant swift action by USDA.

Office of Unemployment Insurance, State Extended Benefit Indicators Under P.L. 112-240 Effective May 24, 2020			
State	13 Weeks Insured Unemployment Rate	Percent of Prior Years	Status Begin Date (B) End Date (E)
Pennsylvania	9.61	464	B 05-03-2020

Source: U.S. Department of Labor, Office of Unemployment Insurance, accessed May 26, 2020 from https://oui.doleta.gov/unemploy/trigger/2020/trig_052420.html.

9. Anticipated impact on households and state agency operations:

This waiver will provide consistency for households and state agency operations in areas where unemployment has risen dramatically, due largely to the effects of COVID-19.

10. Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):

The caseload for these areas represents 100 percent of the caseload for the state. There are no quality control procedures involved.

11. Anticipated implementation date and time period for which waiver is needed:

Pennsylvania is requesting a one-year waiver, from July 1, 2020 through June 30, 2021.

12. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

13. State agency submitting waiver request and state contact person:

Pennsylvania Department of Human Services
Office of Income Maintenance
Elizabeth M. Tilahun
Deputy Secretary

14. Signature and title of requesting official:

Elizabeth Tilahun
Deputy Secretary

15. Date of request: September 1, 2020

¹ See Table 2 of State Employment and Unemployment (Monthly) News Release, Bureau of Labor Statistics, Friday, May 22, 2020, https://www.bls.gov/news.release/archives/laus_05222020.htm.

² State-level weekly unemployment insurance claims data are from the U.S. Department of Labor at <https://oui.doleta.gov/unemploy/claims.asp>.

16. State agency staff contact (name/email/telephone):

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17. Regional office contact person (*to be completed by FNS regional office*):