

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 2150029
2. **Type of request:** Modification
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** New York
6. **Region:** Northeast Region
7. **Regulatory requirements:**
7 CFR 273.24 provides 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. 7 CFR 273.24(f) also provides that, upon the request of the State agency, FNS may waive the applicability of the 3-month ABAWD time limit 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 alternative procedures:**
The State of New York is requesting to exempt able-bodied adults without dependents (ABAWDs) residing in the entire state from SNAP time limits at 7 CFR 273.24. This waiver would replace the existing waiver ending in September 2023.
9. **Justification for request:**
Under SNAP regulations at 7 CFR 273.24(f)(2), the State may support a claim of insufficient jobs by submitting evidence that the State qualifies for extended unemployment benefits within the past 12 months.

26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month period ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2022-9¹ shows the State's 3-month average total unemployment rate (TUR) was: (1) 6.6 percent and (2) 178 percent of the 3-month average for the corresponding period in the second preceding year, making the State eligible for extended unemployment benefits.

¹ Extended Benefits Trigger Notices can be found at https://oui.doleta.gov/unemploy/claims_arch.asp. Trigger notice 2022-9 was issued the week of March 13, 2022.

10. Anticipated impact on households and State agency operations:

This waiver will provide consistency for households and State agency operations.

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

This waiver affects the entire state.

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

The State is requesting a one-year waiver, from March 1, 2023 through February 29, 2024.

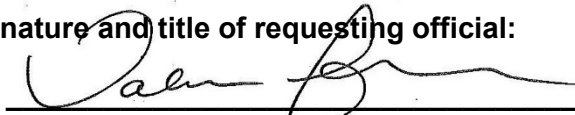
13. Proposed quality control review procedures:

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

14. State agency submitting waiver request and State contact person:

New York State Office of Temporary and Disability Assistance
Stephanie Boshart, Director of Employment and Advancement Services
Phone Number: (518) 486-3151
Email: Stephanie.Boshart@otda.ny.gov

15. Signature and title of requesting official:



Name: Valerie T. Figueroa

Title: Deputy Commissioner

Email for transmission of response: Valerie.Figueroa@otda.ny.gov

16. Date of request: January 13, 2023

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

Stephanie Boshart, Director of Employment and Advancement Services
Phone Number: (518) 486-3151
Email: Stephanie.Boshart@otda.ny.gov

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