



Food and
Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

February 3, 2023

Valerie T. Figueroa
Deputy Commissioner
Employment and Income Support Programs
Office of Temporary and Disability Assistance
40 North Pearl Street
Albany, New York 12243

**RE: SNAP – New York Request to Waive Able-Bodied Adults Without
Dependents Time Limit – Initial – Approval**

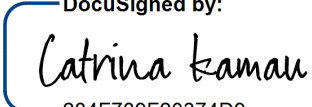
Dear Deputy Commissioner Figueroa:

This is in response to the New York Office of Temporary and Disability Assistance's (OTDA) January 13, 2023, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. This approval, effective March 1, 2023, through February 29, 2024, replaces New York's current Statewide ABAWD waiver, approved for October 1, 2022, through September 30, 2023.

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off the waiver when it expires and reintroduce the time limit.

Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:

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Catrina Kamau
Chief
Certification Policy Branch
Program Development Division

Enclosure

**ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)
WAIVER RESPONSE**

- 1. Request Type:** Initial
- 2. Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
- 3. Regulatory Citation:** 7 CFR 273.24
- 4. State:** New York
- 5. Food and Nutrition Service (FNS) Region:** Northeast
- 6. Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary 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.

Requested Area(s) and Support: The State agency requested to replace an approved Statewide waiver of the ABAWD time limit that expires on September 30, 2023 (Waiver Information Management System (WIMS) Case 00004167) with a Statewide waiver of the ABAWD time limit from March 1, 2023, through February 29, 2024. The State agency supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for Statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. According to the Department of Labor Trigger Notice No. 2022-9, effective March 13, 2022, the State qualified for extended unemployment benefits.¹
- 7. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

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.

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8. Authority: The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).

9. Implementation Date: March 1, 2023

10. Expiration Date: February 29, 2024

11. Information Required to Submit a Modification, Extension, or New Waiver: To receive a modification, extension, or submit a new waiver to replace the current waiver, the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.

12. State Agency Contact Information:

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13. FNS Regional Office Contact Information:

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