



Food and  
Nutrition  
Service

Park Office  
Center

3101 Park  
Center Drive  
Alexandria  
VA 22302

FEB 29 2016

Ms. Natasha Johnson  
Director  
Division of Family Development  
Department of Human Services  
PO BOX 716  
Trenton, New Jersey 08625-0716

RE: SNAP – New Jersey Request to Waive Able-bodied Adults without  
Dependents Time Limit – Extension and Modification – Approval

Dear Ms. Johnson:

This is in response to the New Jersey Department of Human Services request to extend and modify waiver number 970028, which would allow New Jersey to exempt able-bodied adults without dependents (ABAWD) in 14 counties, from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 during calendar year 2016.

New Jersey has requested to waive the time limit in 14 contiguous counties based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The combined area includes Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Ocean, Passaic, Salem, and Union Counties.

New Jersey has also requested a waiver modification that would facilitate a gradual phase-in of the ABAWD time limit. Under the waiver modification, the State would begin applying the time limit based upon when individual ABAWDs are certified or recertified.

Therefore, the waiver modification is based on the recipient's certification period rather than geographic area alone, allowing the State to phase-in the time limit. The State has requested to apply the modification as follows:

- In Region 1, which includes Burlington, Camden, Cumberland, Hudson, Mercer, Middlesex, Ocean, and Salem Counties, new ABAWDs are those certified on or after May 1, 2016; and ongoing ABAWDs are those certified and receiving SNAP prior to May 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to the new ABAWDs in the counties who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the counties until their subsequent recertification.

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- In Region 2, which includes Atlantic, Cape May, Essex, Gloucester, Passaic, and Union Counties, new ABAWDs are those certified on or after August 1, 2016; and ongoing ABAWDs are those certified and receiving SNAP prior to August 1, 2016.

On this date, the State would evaluate household circumstances and apply the time limit to the new ABAWDs in the counties who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the counties until their subsequent recertification.

The Bureau of Labor Statistics data provided by the New Jersey State agency supports waiver approval for the requested areas. Therefore, the Food and Nutrition Service (FNS) is approving New Jersey request to waive the ABAWD time limit in the 14 areas as requested for 12 months, effective February 1, 2016, through January 31, 2017. If the State wishes to modify the waiver in any way it must formally notify FNS. The detailed waiver response is attached. If you have any questions please contact Mary Ann Salvatore at [MaryAnn.Salvatore@fns.usda.gov](mailto:MaryAnn.Salvatore@fns.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sasha Gersten-Paal', followed by a small flourish.

Sasha Gersten-Paal  
Chief  
Certification Policy Branch  
Program Development Division

Attachment

## WAIVER RESPONSE

1. **Waiver serial number:** 970028
2. **Type of request:** Extension and Modification
3. **Regulatory citation:** 7 CFR 273.24
4. **State:** New Jersey
5. **Region:** Mid-Atlantic
6. **Regulatory requirement:** Federal 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. Regulations at 7 CFR 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program at least 20 hours per week; any combination of working and participating in a work program for a total of 20 hours per week; or participating in and complying with a workfare program.

Regulations at 7 CFR 273.24(f) also provide 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.

7. **Description of proposed alternative procedures:** The New Jersey State agency has requested to waive the ABAWD time limit at 7 CFR 273.24 in 14 counties during a portion of calendar year 2016. The waiver extension and modification applies to Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Ocean, Passaic, Salem, and Union Counties.

New Jersey has requested to waive the time limit in 14 contiguous counties based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The combined area includes Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Ocean, Passaic, Salem, and Union Counties.

The State agency selected the same 24-month period – December 2013 through November 2015 – for the 14 counties. During this 24-month period the national unemployment rate was 5.8 percent; 20 percent above this is 6.9 percent.

As detailed in the following tables, all 14 areas qualify for the waiver based upon having unemployment rates 20 percent above the national average during the respective 24-month periods.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>December 2013 – December 2015*</b> |                     |                    |
|---------------------------------------------------------------------------------------------------|---------------------|--------------------|
| <b>Contiguous Counties</b>                                                                        | <b>Unemployment</b> | <b>Labor Force</b> |
| Atlantic County                                                                                   | 320,283             | 3,174,923          |
| Burlington County                                                                                 | 333,976             | 5,578,017          |
| Camden County                                                                                     | 438,085             | 6,141,127          |
| Cape May County                                                                                   | 138,634             | 1,178,294          |
| Cumberland County                                                                                 | 154,988             | 1,611,332          |
| Essex County                                                                                      | 680,913             | 9,030,023          |
| Gloucester County                                                                                 | 241,476             | 3,577,048          |
| Hudson County                                                                                     | 529,763             | 8,608,079          |
| Mercer County                                                                                     | 257,023             | 4,693,687          |
| Middlesex County                                                                                  | 594,099             | 10,387,117         |
| Ocean County                                                                                      | 436,774             | 6,373,098          |
| Passaic County                                                                                    | 463,551             | 5,974,755          |
| Salem County                                                                                      | 59,740              | 756,195            |
| Union County                                                                                      | 439,379             | 671,1950           |
| Combined Area Unemployment Rate                                                                   | 6.9%                |                    |
| 20% Above National Average                                                                        | 6.9%                |                    |

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\*Data extracted from <http://www.bls.gov> on February 10, 2016.

New Jersey has also requested a waiver modification that would facilitate a gradual phase-in of the ABAWD time limit. Under the waiver modification, the State would begin applying the time limit at certification for new ABAWDs or at recertification for ongoing ABAWDs. Therefore, the waiver modification is based on the recipient's certification period rather than geographic area alone, allowing the State to phase-in the time limit without needing to use 15 percent exemptions to exempt individual cases. The State has requested to apply the modification, as follows:

- In Region 1, which includes Burlington, Camden, Cumberland, Hudson, Mercer, Middlesex, Ocean, and Salem Counties, new ABAWDs are those certified on or after May 1, 2016; and ongoing ABAWDs are those certified and receiving SNAP prior to May 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to the new ABAWDs in the counties who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the counties until their subsequent recertification.
- In Region 2, which includes Atlantic, Cape May, Essex, Gloucester, Passaic, and Union Counties, new ABAWDs are those certified on or after August 1, 2016; and ongoing ABAWDs are those certified and receiving SNAP prior to August 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to the new ABAWDs in the counties who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the counties until their subsequent recertification.

**8. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the New Jersey State agency's request to waive the ABAWD time limit in the 14 counties. All 14 areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

**9. Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f).

**10. Conditions and reasons:** None

**11. Information required for extension:** To receive an extension the State agency must provide FNS with a formal waiver request supported by data or other information as described in 7 CFR 273.24(f). If the State requests an extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.

**12. Implementation and Expiration date:** The waiver is effective February 1, 2016, through January 31, 2017.

**13. Limitation, if any, on regional office approval of like requests:** The waiver is limited to the New Jersey State Agency.

**14. Date of national office action:** FEB 29 2016

**15. Date of State agency's request:** February 16, 2016

**16. Date of regional office transmittal of request:** February 19, 2016

**17. Implementation date:** February 1, 2016

**18. State agency contact:**

Mary Ann Salvatore  
MaryAnn.Salvatore@fns.usda.gov  
(609) 259-5051

**19. FNS regional contact:**

Alecia Eubanks  
Alecia.Eubanks@dhs.state.nj.us  
(609) 588-2080