



DEC 26 2017

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Jeffrey Gaskell
Assistant Deputy Commissioner
Employment and Income Support Programs
New York 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 (ABAWD) Time Limit – Partial Approval

Dear Mr. Gaskell:

This is in response to the New York State agency's request to waive the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents in 48 areas from January 1, 2018, through December 31, 2018. After careful review of the requested areas and supporting data, the Food and Nutrition Service (FNS) is partially approving the State agency's requests.

FNS is approving New York to waive the time limit in 47 of the requested areas for a 12-month period. These areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

The New York State agency also requested to waive the time limit in Broome County and supported its request using employment to population ratio data. Waiver requests based upon this kind of data are not readily approvable under 7 CFR 273.24(f); therefore FNS reviews them carefully and considers other available data and economic indicators and sources in determining its response. In this case, FNS found that better employment to population data is available from the American Community Survey than what was provided by the State, and this data does not support approval. Consequently, FNS is denying the request to waive the time limit in Broome County.

The attached waiver response includes the 47 areas approved, the supporting evidence used, and the conditions of approval. The approval amends and extends waiver number 2150029. If you have any questions please contact Kevin Pasquaretta at Kevin.Pasquaretta@fns.usda.gov.

Mr. Jeffrey Gaskell

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FNS is reviewing its policies regarding ABAWD time limit waivers. Moving forward, FNS will be taking actions to support the Administration's priority to provide able-bodied Americans a path to self-sufficiency. This goal requires that we establish a clear and mutual commitment to moving SNAP participants to meaningful employment.

Sincerely,

A handwritten signature in blue ink that reads "Jackson Gersten Paal" with the word "for" written below it.

Lizbeth Silbermann
Director
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 2150029
2. **Type of request:** Amendment and extension
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
7. **Requirement:** 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. 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.
8. **Proposed alternative procedures:** FNS is approving New York's request to waive the ABAWD time limit in 34 counties, 8 cities, and 5 community districts, for the requested 12-month period of January 1, 2017 to December 31, 2018. The State agency has supported its request based upon the areas' unemployment rates reaching or exceeding 20 percent above the national average for a recent 24-month period.

The State used the same 24-month unemployment rate reference period – August 2015 through July 2017 – for 31 counties and 8 cities. During this time period the national average unemployment rate was 4.78 percent; 20 percent above that rate is 5.7 percent. As detailed in the following tables, the aggregate unemployment rates for these requested areas reached or exceeded 5.7 percent during the selected time period.

Of these areas, the State has requested consideration of 3 cities individually, and has grouped the rest of the areas for consideration into the following combined areas: a group of 31 contiguous counties, a group of 3 contiguous cities, and a group of 2 contiguous cities.

Bureau of Labor Statistics Local Area Unemployment Data		
August 2015 - July 2017*		
	Unemployment	Labor force
County Group		
Allegany County	30,424	481,934
Cattaraugus County	49,733	838,507
Cayuga County	43,968	877,055
Chautauqua County	78,392	1,353,046
Chemung County	48,677	871,584
Chenango County	27,747	548,623
Clinton County	45,950	856,427
Cortland County	31,151	551,650
Delaware County	25,377	462,563
Essex County	22,351	413,642
Franklin County	27,507	475,326
Fulton County	31,921	557,593
Genesee County	32,872	715,190
Greene County	25,009	495,938
Hamilton County	3,804	57,118
Herkimer County	37,254	675,708
Jefferson County	68,625	1,103,269
Lewis County	18,588	280,701
Madison County	41,402	785,713
Montgomery County	30,781	537,504
Niagara County	141,260	2,417,477
Orleans County	24,381	425,894
Oswego County	82,362	1,284,047
Schoharie County	19,048	352,341
Schuyler County	11,705	198,196
St. Lawrence County	68,787	1,037,134
Steuben County	59,502	1,033,464
Sullivan County	38,970	816,870
Tioga County	28,431	555,620
Wyoming County	23,196	434,865
Yates County	12,359	280,423
Total	1,231,534	21,775,422
Combined Area Unemployment Rate	5.7%	

Town/City Group 1	Unemployment	Labor force
Town of Gates	17,163	348,009
Town of Irondequoit	27,567	607,827
City of Rochester	141,985	2,172,630
Total	186,715	3,128,466
Combined Area Unemployment Rate	6.0%	

Town/City Group 2	Unemployment	Labor force
City of Buffalo	169,954	2,646,084
Town of Tonawanda	38,760	916,060
Total	208,714	3,562,144
Combined Area Unemployment Rate	5.9%	

Individual Cities	Unemployment	Labor Force	Unemployment Rate
City of Mt. Vernon	44,970	794,975	5.7%
City of Syracuse	83,264	1,394,961	6.0%
City of Utica	32,410	562,441	5.8%

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on November 30, 2016.

The State used another 24-month unemployment rate reference period – April 2015 through March 2017 – for 3 counties and 5 community districts. During this time period the national average unemployment rate was 4.89 percent; 20 percent above that rate is 5.9 percent. As detailed in the following tables, the aggregate unemployment rates for these requested areas reached or exceeded 5.9 percent during the selected time period.

Of these areas, the State has requested consideration of 1 community district individually, and has grouped the rest of the areas for consideration into the following combined areas: a group of 3 counties as part of the same economic region, and a group of 4 contiguous community districts.

Bureau of Labor Statistics Local Area Unemployment Data April 2015 - March 2017*		
County Group	Unemployment	Labor force
Bronx County	1,039,086	14,611,501
Kings County	1,565,983	29,324,540
Richmond County	279,042	5,299,374
Total	2,884,111	49,235,415
Combined Area Unemployment Rate	5.9%	

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on November 30, 2016.

The State has estimated the unemployment rate for community districts using data from the Census Bureau's American Community Survey (ACS) estimate in combination with Bureau of Labor Statistics data for New York County for the 24-month period of April 2015 through March 2017. Similar to the State's current waiver, New York has requested community districts in targeted economic areas where there is a lack of sufficient jobs. Manhattan Community Districts 9, 10, 11, and 12 comprise the Federally designated Upper Manhattan Empowerment Zone, an area that receives Federal, State, and City funding for economic development due to its status as an economically distressed area. Similarly, Queens Community District 12 is a targeted economic area in which the ACS data is the best available data.

Bureau of Labor Statistics Local Area Unemployment Data April 2015 – March 2017 / Census Bureau Data 2016**		
Community District	Unemployment	Labor force
District 9, Manhattan	227832	1468198
District 10, Manhattan	88862	1741540
District 11, Manhattan	116637	1310810
District 12, Manhattan	78243	3053665
Total	511574	7574213
Combined Area Unemployment Rate	6.8%	

Community District	Unemployment	Labor Force	Unemployment Rate
District 12, Queens	200948	2918184	6.9%

**Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on November 30, 2017.

- 9. Action and reason for approval or denial:** FNS is approving the New York State agency's request to waive the ABAWD time limit in 47 areas because it meets the requirements for approval provided by 7 CFR 273.24(f) and relevant FNS guidance as described in this waiver approval.
- 10. Regulatory or legislative basis for action:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008, as amended and 7 CFR 273.24(f).
- 11. Information required for an extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as provided by 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 12. Implementation date and expiration date:** The waiver is effective January 1, 2018, through December 31, 2018.
- 13. Limitation if any on Regional Office approval of like requests:** The waiver is limited to the New York State agency.
- 14. Date of National Office action:** **DEC 26 2017**
- 15. Date of State agency's request(s):** October 27, 2017
- 16. Date of Regional Office transmittal of request:** October 27, 2017
- 17. State agency contact:**
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- 18. FNS Regional Contact:**
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