



JAN 22 2018

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 Time Limit – Amendment – Approval

Dear Mr. Gaskell:

This is in response to the New York State agency's most recent request to waive the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents (ABAWDs) in one additional area, the City of Binghamton, from January 1, 2018, through December 31, 2018. Previously, the Food and Nutrition Service (FNS) approved 47 areas based on the State's request to waive the time limit in those areas for the same 12-month period.

The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. Therefore, FNS is approving New York to waive the time limit in the City of Binghamton for the requested 12-month period.

The approval amends FNS's December 26, 2016 approval of waiver number 2150029 by adding one additional area, the City of Binghamton. As a result, the State is now approved to waive the time limit in a total of 48 areas. The attached waiver response describes the supporting evidence used and the conditions of approval. The waiver is effective from January 1, 2018, through December 31, 2018. If you have any questions please contact Kevin Pasquaretta at Kevin.Pasquaretta@fns.usda.gov.

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,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 2150029
2. **Type of request:** Amendment
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:** The Food and Nutrition Service (FNS) is approving the State's request to waive the ABAWD time limit in one additional city, thereby modifying the original waiver approval to add this area.

The New York State agency was previously approved for a waiver of the ABAWD time limit in 34 counties, 8 cities, and 5 community districts from January 1, 2018, through December 31, 2018. The 34 counties include Allegany, Bronx, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Courtland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Madison, Montgomery, Niagara, Orleans, Oswego, Richmond, Schoharie, Schuyler, St. Lawrence, Steuben, Sullivan, Tioga, Wyoming, and Yates counties. The 8 cities or towns include Buffalo, Gates, Irondequoit, Mt. Vernon, Rochester, Syracuse, Tonawanda, and Utica. The 5 community districts include Community Districts 9, 10, 11, and 12 in Upper Manhattan and Community District 12 in Queens. The State has now also requested to include one additional area, the City of Binghamton.

FNS is approving the State's request to waive the ABAWD time limit in the City of Binghamton. Therefore, FNS is approving New York to waive the time limit in a total of 34 counties, 9 cities, and 5 community districts for the requested 12-month period of January 1, 2018, to December 31, 2018.

FNS is approving the additional city based upon the area's unemployment rate reaching 20 percent above the national average for a recent 24-month period. The State used the 24-month unemployment rate reference period of August 2015 through July 2017 for the City of Binghamton. 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 table, the aggregate unemployment rate for the requested area was 5.9 percent during the selected time period.

Bureau of Labor Statistics Local Area Unemployment Data			
August 2015 - July 2017*			
County	Unemployment	Labor Force	Unemployment Rate
City of Binghamton	25,782	439,407	5.9%

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on December 29, 2017.

9. **Action and reason for approval or denial:** FNS is approving the New York State agency's requests to waive the ABAWD time limit in the 34 counties, 9 cities, and 5 community districts because the jurisdictions meet 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:

15. Date of State agency's request(s): December 28, 2016.

16. Date of Regional Office transmittal of request: December 28, 2016.

17. State agency contact:

Stephanie Boshart
Stephanie.Boshart@otda.ny.gov
(518) 486-6106

18. FNS Regional Contact:

Kevin Pasquaretta
Kevin.Pasquaretta@fns.usda.gov
(617) 565-5402