



MAR 30 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 – Addition of Broome County and
Newburgh City – Partial Approval

Dear Mr. Gaskell:

This is in response to the New York State agency's March 5, 2018 request to amend its current waiver of the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents (ABAWDs). New York already requested and received the Food and Nutrition Service's (FNS) approval to waive the time limit in a total of 48 areas from January 1, 2018, through December 31, 2018.

The State's March 5 request would add Broome County and the City of Newburgh to the waiver. FNS understands that the State is requesting to add the two areas based on updated Bureau of Labor Statistics unemployment data that now supports approval for these two areas. The State has requested that the waiver be effective January 1, 2018.

The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. Therefore, FNS approves New York to waive the time limit in the additional two areas. However, FNS does not approve the requested start date of January 1, 2018 for the two additional areas. Instead, FNS approves the waiver effective from March 1, 2018 through December 31, 2018. The approval amends FNS's December 26, 2017 approval by adding Broome County and the City of Newburgh. The attached waiver response describes the supporting evidence used and the conditions of approval. If you have any questions please contact Kevin Pasquaretta at Kevin.Pasquaretta@fns.usda.gov.

Mr. Jeffrey Gaskell
Page 2

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 black ink, appearing to read "Lizbeth Silberman". The signature is fluid and cursive, with a large loop at the end.

Lizbeth Silberman
Director
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 2150029
2. **Type of request:** Amendment of the Food and Nutrition Service's December 26, 2017 approval of waiver 2150029
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) approves the New York State agency's request to waive the ABAWD time limit in Broome County and the City of Newburgh, thereby amending FNS's original waiver approval of December 26, 2017.

The State has supported adding Broome County to the waiver by incorporating it into the already approved combined area of 31 contiguous counties. With the addition of Broome County, the combined area now includes 32 contiguous counties. As shown in the table below, the area had an average unemployment rate 20 percent above the national average for the 24-month period of November 2015 – October 2017. During this time period the national average unemployment rate was 4.63 percent; 20 percent above that rate is 5.6 percent.

Bureau of Labor Statistics Local Area Unemployment Data November 2015 - October 2017*		
32 County Area	Unemployment	Labor force
1. Allegany County	30,439	481,632
2. Broome County	111,419	2,057,185
3. Cattaraugus County	49,572	837,172
4. Cayuga County	43,641	874,080
5. Chautauqua County	78,131	1,347,701
6. Chemung County	48,092	866,644
7. Chenango County	27,796	547,432
8. Clinton County	45,577	856,088
9. Cortland County	31,090	550,951
10. Delaware County	25,296	461,113
11. Essex County	22,213	413,706
12. Franklin County	27,342	474,953
13. Fulton County	31,650	557,082
14. Genesee County	32,889	713,923
15. Greene County	24,953	496,271
16. Hamilton County	3,839	56,992
17. Herkimer County	37,200	675,602
18. Jefferson County	68,515	1,101,617
19. Lewis County	18,517	280,127
20. Madison County	41,472	785,720
21. Montgomery County	30,520	538,793
22. Niagara County	141,454	2,416,205
23. Orleans County	24,259	425,041
24. Oswego County	81,593	1,283,461
25. Schoharie County	18,943	352,343
26. Schuyler County	11,481	198,172
27. St. Lawrence County	68,336	1,034,575
28. Steuben County	58,946	1,031,057
29. Sullivan County	38,862	820,567
30. Tioga County	28,178	555,234
31. Wyoming County	23,188	433,333
32. Yates County	12,285	279,647
Total	1,337,688	23,804,419
Combined Area Unemployment Rate	5.6%	

The State has supported adding the City of Newburgh to the waiver based upon the city having an average unemployment rate 20 percent above the national average for the 24-month period of November 2015 – October 2017.

Bureau of Labor Statistics Local Area Unemployment Data			
August 2015 - July 2017*			
County	Unemployment	Labor Force	Unemployment Rate
City of Newburgh	16,340	292,469	5.6%

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on March 5, 2018.

9. **Action and reason for approval or denial:** FNS is approving the New York State agency's request to waive the ABAWD time limit because the requested areas 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 March 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:** **MAR 30 2018**
15. **Date of State agency's request(s):** March 5, 2018.
16. **Date of Regional Office transmittal of request:** March 5, 2018.
17. **State agency contact:**
Stephanie Boshart
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(518) 486-6106

2150029

Page 4

18. FNS Regional Contact:

Kevin Pasquaretta

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(617) 565-5402