

MAR 12 1999

970143 and 970144

SUBJECT: FSP-New York - Extensions of Requests to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TO: Robert L. Canavan, Regional Director
Food Stamp Program
Northeast Region

This is in response to the New York State Agency's request to extend and modify its current waivers exempting individuals from Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

We are approving the State agency's request to extend waiver no. 970143 exempting individuals residing in Bronx and Hamilton Counties based on unemployment rates above 10 percent for each of the counties. Kings County no longer qualifies for an exemption under this waiver and will be excluded under waiver no. 970144 based on its designation as a Labor Surplus Area.

We are also approving the State agency's request to extend and modify waiver no. 970144. Under the modified waiver individuals residing in the counties and cities identified as having insufficient jobs based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor will be exempt from the work requirements of Section 6(o).

Our response is attached. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.



Arthur T. Foley
Director
Program Development Division

Attachment

cc: SAB, John Knaus, Maurice Tracy, All Regions (except NERO) Civil Rights, CPB (circulate), OAE - Bob Dalrymple, Mike DePiro, Retha Oliver, Fran Heil

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Waiver Response

1. **Waiver serial number:** 970143 and 970144
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation:**
5. **State:** New York
6. **Region:** NERO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly, participate in and comply with the requirements of a work program for 20 hours or more per week, or participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides 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.

8. **Description of proposed alternative procedures:** The New York State Agency is proposing to extend and modify waiver no. 970143 exempting Bronx and Hamilton Counties based on unemployment rates greater than 10 percent. Kings County, which was previously exempt under this waiver, no longer qualifies based on its averaged unemployment rate which declined below 10 percent in 1998. The county continues to be a designated Labor Surplus Area (LSA) and qualifies for an exemption under waiver no. 970144.

The State agency is also requesting an extension of waiver no. 970144 exempting residents of all areas in the State designated as LSAs by the Employment and Training Administration of the Department of Labor for FY 1998. These areas include Allegany, Cattaraugus, Chenango, Clinton, Cortland, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Kings, Lewis, Montgomery, New York, Oswego, Queens, Richmond, St. Lawrence, Sullivan, Warren (less Queensbury Town) and Wyoming Counties, and the cities of Auburn, Buffalo, Elmira, Lockport, Newburgh, Niagara Falls, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, and Utica based on their designation as LSAs.

Approval of this waiver would allow individuals who reside in the identified areas the opportunity to participate in the Food Stamp Program without being required to meet unrealistic program work requirements. It would also ease the burden for individuals trying to comply with work requirements which are unreasonable given the local economic environment. Finally, it would provide for more efficient /operation of the Food Stamp Program by allowing the State agency to focus its efforts and resources in regard to work requirements on those households most likely to benefit.

9. **Action and reason for approval or denial:** We are approving the State agency's request to extend and modify waiver no. 970143 exempting individuals residing in the Bronx and Hamilton Counties from the provision of Section 6(o) of the Act based on unemployment rates greater than 10 percent.

We are also approving the State agency's request to extend and modify waiver no. 970144 exempting residents Allegany, Cattaraugus, Chenango, Clinton, Cortland, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Kings, Lewis, Montgomery, New York, Oswego, Queens, Richmond, St. Lawrence, Sullivan, Warren (less Queensbury Town) and Wyoming Counties, and the cities of Auburn, Buffalo, Elmira, Lockport, Newburgh, Niagara Falls, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, and Utica based on their designation as LSAs. In the official list of LSAs issued by the ETA, Watertown, which is located entirely within Jefferson County, is listed separately. We are approving its exemption as part of Jefferson County. We also wish to note that to avoid redundancy, areas with unemployment rates over 10 percent are included only in waiver no. 970143 although they also have been designated as LSAs. Orleans County and the City of Binghamton and the Village of Hempstead, which are included in the 1998 waiver, are no longer designated LSAs and are not included in this extension. Cortland and Sullivan Counties, and the Cities of Lockport and Rochester were not designated LSAs for FY 1998 and were not previously included in this waiver. They have been added to the list of designated LSAs on October 1, 1998, and are exempt under the waiver effective March 1, 1999, the effective date of this extension.

10. **Regulatory or legislative basis for action:** These waivers are approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) 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 greater than 10 percent or does not have a sufficient number of jobs to provide employment for the individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit data indicating that the areas included in these waivers continue to experience unemployment greater than 10 percent or have insufficient job opportunities.
13. **Expiration date:** These waiver extensions are approved through February 29, 2000. Approval is retroactive to March 1, 1999.
14. **Limitation on regional office approval of like requests:** These waivers are limited to the New York State Agency.

15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 9, 1999
18. **Date of regional office transmittal to the national office:** February 19, 1999
19. **Actual implementation date:**