



**United States  
Department of  
Agriculture**

**Food and  
Nutrition  
Service**

**3101 Park  
Center Drive**

**Alexandria, VA  
22302-1500**

**NOV 10 2015**

Phyllis Morris, Deputy Commissioner  
Office of Temporary and Disability Assistance  
Center for Employment and Economic Supports  
40 North Pearl Street  
Albany, New York 12243

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

Dear Ms. Morris:

This is in response to New York State Office of Temporary and Disability Assistance's (ODTA) requests to extend and modify waiver number 2150029, which would allow the State to exempt able-bodied adults without dependents (ABAWD) from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 for calendar year 2016. The Food and Nutrition Service (FNS) is partially approving New York's requests.

The New York State agency submitted two separate waiver requests: one on September 17, 2015, and one on October 22, 2015. The two requests proposed waiving time limits for a variety of ABAWD groups (some of which overlapped) and supported the proposals with a combination of conventional and new methodologies.

FNS is approving New York's request to waive the time limit in 20 counties, six cities, and four community districts based upon the areas having lack of sufficient jobs, as supported by unemployment rates 20 percent above the national average for a recent 24-month period. However, FNS is not approving the State Agency's request to waive the time limit for all homeless individuals or for all individuals residing in public housing in the State. Nor is FNS approving the State Agency's request to waive 91 percent of ABAWDs in the State based upon census tract estimates. FNS is not approving these requests because the evidence provided by the State does not adequately demonstrate a lack of sufficient jobs for the requested areas.

FNS appreciates New York's dedication to serving those in need of nutrition assistance. We also recognize the challenges inherent in serving certain groups, particularly people at risk of losing benefits due to the time limit. In the case of the ABAWD time limit, often people who are most in need and face the highest barriers to employment meet a criterion for exemption, but have not been properly identified as exempt. This includes people living with physical or mental challenges that prevent them from securing employment. Protecting access for these individuals requires diligent, effective screening. Reviewing and enhancing screening procedures may be one tool to help New York better serve these individuals.

Ms. Phyllis Morris  
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FNS also encourages the State agency to consider using the State's 15 percent exemptions for those households who do not meet the criteria for exemption, but still face significant employment barriers. The State currently has 145,308 exemptions available for use.

FNS is approving the State Agency's request to waive the ABAWD time limit in the 20 counties, six cities, and four community districts for 12 months, effective January 1, 2016, through December 31, 2016. The attached response specifies the waived areas, details the supporting evidence used, and provides the terms and conditions of the waiver approval.

We hope that this waiver will assist in the State agency's ongoing efforts to serve New Yorkers in need. If the Center for Employment and Economic Supports would like to discuss additional strategies to better serve potentially at-risk ABAWDs, FNS staff stands ready to provide technical assistance.

If you have any questions or wish to discuss this topic further, please contact Kevin Pasquaretta at [kevin.pasquaretta@fns.usda.gov](mailto:kevin.pasquaretta@fns.usda.gov) or Martha Cavanaugh at [martha.cavanaugh@fns.usda.gov](mailto:martha.cavanaugh@fns.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lizbeth Silberman", with a long, sweeping horizontal line extending from the end of the name.

Lizbeth Silberman  
Director  
Program Development Division

Attachment

## WAIVER RESPONSE

1. **Waiver serial number:** 2150029
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** New York
5. **Region:** Northeast
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 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 York State agency has requested to waive the ABAWD time limit at 7 CFR 273.24 for several areas and groups across the State in two separate, somewhat overlapping requests that would extend and modify the State's existing waiver. FNS is approving New York's request to waive the time limit for individuals residing in 20 counties, six cities, and four community districts due to lack of sufficient jobs.

New York has supported its request for 20 counties, six cities, and four community districts based upon the areas having lack of sufficient jobs, as supported by unemployment rates 20 percent above the national average for a recent 24-month period.

### *7.1. Support for the 20 Counties*

The 20 counties include two groups of contiguous counties, one comprised of an area in the northern part of the State and the other comprised of counties in the New York City area, as well as one western county considered individually.

In the northern part of the State, the request for 15 counties is supported based upon the combined area having an aggregate unemployment rate 20 percent above the national average for the period of January 2013 through December 2014. During this time period, the national average unemployment rate was 6.8 percent; 20 percent above this is 8.1 percent.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>January 2013 through December 2014*</b> |                          |                           |
|--------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
| <b>County</b>                                                                                          | <b>Labor Force Total</b> | <b>Unemployment Total</b> |
| Clinton                                                                                                | 877,310                  | 66,190                    |
| Delaware                                                                                               | 494,512                  | 35,544                    |
| Essex                                                                                                  | 427,743                  | 32,561                    |
| Franklin                                                                                               | 504,932                  | 40,755                    |
| Fulton                                                                                                 | 577,178                  | 49,438                    |
| Greene                                                                                                 | 504,790                  | 38,734                    |
| Hamilton                                                                                               | 58,310                   | 4,862                     |
| Herkimer                                                                                               | 707,766                  | 51,693                    |
| Jefferson                                                                                              | 1,138,266                | 96,288                    |
| Lewis                                                                                                  | 289,094                  | 25,039                    |
| Montgomery                                                                                             | 543,956                  | 45,361                    |
| Oswego                                                                                                 | 1,345,668                | 120,467                   |
| Schoharie                                                                                              | 362,000                  | 26,807                    |
| St. Lawrence                                                                                           | 1,146,571                | 96,752                    |
| Sullivan                                                                                               | 813,627                  | 60,677                    |
| Combined Area Total                                                                                    | 9,791,723                | 791,168                   |
| Combined Area Unemployment Rate                                                                        | 8.1%                     |                           |
| 20% Above National Average Unemployment Rate Threshold                                                 | 8.1%                     |                           |

\*Data extracted from <http://www.bls.gov> on October 30, 2015

In the New York City area, the request for four counties is supported based upon the combined area having an aggregate unemployment rate 20 percent above the national average for the period of March 2013 through February 2015. During this time period, the national average unemployment rate was 6.6 percent; 20 percent above this is 7.9 percent.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>March 2013 through February 2015*</b> |                          |                           |
|------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
| <b>County</b>                                                                                        | <b>Labor Force Total</b> | <b>Unemployment Total</b> |
| Bronx                                                                                                | 14,530,540               | 1,528,304                 |
| Kings                                                                                                | 292,571,52               | 2,427,031                 |

|                                                        |            |           |
|--------------------------------------------------------|------------|-----------|
| Queens                                                 | 27,659,097 | 1,902,215 |
| Richmond                                               | 5,329,203  | 414,790   |
| Combined Area Total                                    | 76,775,992 | 6,272,340 |
| Combined Area Unemployment Rate                        | 8.1%       |           |
| 20% Above National Average Unemployment Rate Threshold | 7.9%       |           |

\*Data extracted from <http://www.bls.gov> on October 30, 2015

In the western part of the State, the request for Orleans County is based on the area having an unemployment rate 20 percent above the national average for the period of March 2013 through February 2015. During this time period, the national average unemployment rate was 6.6 percent; 20 percent above this is 7.9 percent.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>March 2013 through February 2015*</b> |                          |                           |
|------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
| <b>County</b>                                                                                        | <b>Labor Force Total</b> | <b>Unemployment Total</b> |
| Orleans                                                                                              | 4,399,769                | 35,745                    |
| Unemployment Rate                                                                                    | 8.1%                     |                           |
| 20% Above National Average Unemployment Rate Threshold                                               | 7.9%                     |                           |

\*Data extracted from <http://www.bls.gov> on October 30, 2015

## 7.2. *Support for the Six Cities*

The six cities all lie outside of the counties previously mentioned and each have an unemployment rate 20 percent above the national average for the period of March 2013 through February 2015. During this time period, the national average unemployment rate was 6.6 percent; 20 percent above this is 7.9 percent.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>March 2013 through February 2015*</b> |                          |                           |                          |
|------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|--------------------------|
| <b>City</b>                                                                                          | <b>Labor Force Total</b> | <b>Unemployment Total</b> | <b>Unemployment Rate</b> |
| Buffalo                                                                                              | 2,712,284                | 231,810                   | 8.6%                     |
| Elmira                                                                                               | 256,823                  | 22,210                    | 8.7%                     |
| Jamestown                                                                                            | 302,667                  | 25,053                    | 8.3%                     |
| Lockport                                                                                             | 233,306                  | 19,480                    | 8.4%                     |
| Niagara Falls                                                                                        | 528,158                  | 47,682                    | 9.0%                     |
| Rochester                                                                                            | 2,222,324                | 190,097                   | 8.6%                     |
| 20% Above National Average Unemployment Rate Threshold                                               | 7.9%                     |                           |                          |

\*Data extracted from <http://www.bls.gov> on October 30, 2015

### 7.3. *Support for the Four Community Districts*

The four community districts comprise an area in upper Manhattan not included in the counties previously mentioned. The request is supported based on the combined area having an aggregate unemployment rate 20 percent above the national average for the period of March 2013 through February 2015.

The community districts include District 9 (Hamilton Heights, Manhattanville, and West Harlem), District 10 (Central Harlem), District 11 (East Harlem), and District 12 (Washington Heights, Inwood, and Marble Hill). All of these districts are established Public Use Microdata Areas (PUMAs) and comprise the upper portion of New York County.

| <b>Bureau of Labor Statistics Local Area Unemployment Data<br/>March 2013 through February 2015*</b> |                          |                           |
|------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
| <b>Community District</b>                                                                            | <b>Labor Force Total</b> | <b>Unemployment Total</b> |
| District 9                                                                                           | 2,654,393                | 111,478                   |
| District 10                                                                                          | 1,518,995                | 146,009                   |
| District 11                                                                                          | 1,301,468                | 118,457                   |
| District 12                                                                                          | 1,114,264                | 309,997                   |
| Combined Area Total                                                                                  | 6,853,586                | 685,942                   |
| Combined Area Unemployment Rate                                                                      | 10%                      |                           |
| 20% Above National Average<br>Unemployment Rate Threshold                                            | 7.9%                     |                           |

\*Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on October 30, 2015

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the State agency's request to waive the ABAWD time limit in 20 counties, six cities, and four community districts because the State meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. These geographic areas qualify for the waiver extension because these areas have an unemployment rate 20 percent above the national average for a recent 24 month period.

FNS is not approving other portions of the State Agency's request, including a request to waive the time limit for all homeless individuals and for all individuals residing in public housing in the State. FNS is also not approving the State Agency's request to use estimates for census tracts to waive the vast majority of ABAWDs in the State (approximately 91 percent), as the data provided does not adequately demonstrate a lack of sufficient jobs for the requested areas.

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. **Expiration date:** The waiver extension is effective January 1, 2016, through December 31, 2016.
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:** NOV 10 2015
15. **Date of State agency's request:** September 17, 2015, and October 22, 2015
16. **Date of regional office transmittal of request:** September 18, 2015, and October 23, 2015
17. **Implementation date:** January 1, 2016
18. **State agency contact:**  
Barbara Guinn  
BarbaraC.guinn@otda.ny.gov  
518-486-6106
19. **FNS regional contacts:**  
Kevin Pasquaretta  
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