



DEC 01 2016

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Phyllis D. Morris
Deputy Commissioner
Center for Employment and Economic Supports
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 – Partial Approval

Dear Ms. Morris:

This is in response to the New York State agency's three recent requests to waive the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents (ABAWDs) in various areas of the State from January 1, 2017, through December 31, 2017. After careful review of the requested areas and supporting data, the Food and Nutrition Service (FNS) is partially approving the State agency's requests.

New York submitted three separate waiver requests: one on September 29, 2016, another on October 4, 2016, and a third on October 5, 2016. The requests included several overlapping and/or combined geographic areas, and provided various information, data, and methodologies for consideration. Overall, the State requested to waive the vast majority of New York City, as well as 32 counties and 12 cities in the rest of the State for calendar year 2017.

FNS is approving New York to waive the ABAWD time limit in 22 counties, 12 cities, and 4 community districts for the requested 12-month period. These requested areas meet the requirements for approval provided by 7 CFR 273.24(f) and relevant FNS guidance.

The New York State agency also requested to waive the time limit in several other areas of New York City and the State. As recently discussed between FNS and the State agency over conference call, the information provided in support of the remaining requested areas does not currently support approval. However, FNS will consider any additional evidence or future requests provided by New York and stands ready to provide technical assistance.

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The attached waiver response includes the 22 counties, 12 cities, and 4 community districts areas approved, the supporting evidence used, and the conditions of approval. This approval amends and extends waiver number 2150029. If you have any questions please contact Kevin Pasquaretta at Kevin.Pasquaretta@fns.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lizbeth Silberman", with a long horizontal flourish extending to the right.

Lizbeth Silberman
Director
Program Development Division

Attachment

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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 in 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 22 counties, 12 cities, and 4 community districts, for the requested 12-month period of January 1, 2016 to December 31, 2017.

FNS is approving 21 counties, 12 cities, and 4 community districts based upon the areas' unemployment rates reaching 20 percent above the national average for a recent 24-month period. Of these, the State has requested consideration of two counties and seven cities individually, and has grouped the rest of the areas for consideration into the following combined areas: a group of 16 counties, a group three cities, a group of two cities, and a group of four community districts in Upper Manhattan. The State used the same 24-month reference period – May 2014 through April 2016 – for all areas requested based upon unemployment rates. During this time period the national average unemployment rate was 5.45 percent; 20 percent above that rate is 6.5 percent. As detailed in the following tables, the aggregate unemployment rates for the requested areas reached or exceeded 6.5 percent during the selected time period.

Bureau of Labor Statistics Local Area Unemployment Data May 2014 - May 2016*		
	Unemployment	Labor force
County Group 1		
Clinton County	51,548	865,961
Delaware County	28,931	475,696
Essex County	25,666	419,049
Franklin County	31,972	490,985
Fulton County	37,688	562,551
Greene County	29,352	499,929
Hamilton County	3,992	58,995
Herkimer County	43,321	693,795
Jefferson County	76,367	1,120,504
Lewis County	20,362	284,104
Madison County	46,282	803,265
Montgomery County	35,965	535,860
Oswego County	95,446	1,317,927
Schoharie County	21,164	356,262
St. Lawrence County	79,016	1,129,433
Sullivan County	45,753	806,926
Total	672,825	10,421,242
Combined Area Unemployment Rate	6.5%	
County Group 2	Unemployment	Labor force
Bronx County	1,212,884	14,759,997
Kings County	1,869,330	29,761,484
Richmond County	330,895	5,387,343
Total	3,413,109	49,908,824
Combined Area Unemployment Rate	6.8%	

Town/City Group 1	Unemployment	Labor force
Town of Gates	19,326	349,300
Town of Irondequoit	31,464	616,594
City of Rochester	158,261	2,188,749
Total	209,051	3,154,643
Combined Area Unemployment Rate	6.6%	

Town/City Group 2	Unemployment	Labor force
City of Buffalo	191,294	2,672,543
Town of Tonawanda	44,319	925,421
Total	235,613	3,597,964
Combined Area Unemployment Rate	6.5%	

Individual Areas			
County	Unemployment	Labor Force	Unemployment Rate
Orleans County	28,711	432,698	6.6%

County	Unemployment	Labor Force	Unemployment Rate
Schuyler County	13,548	207,226	6.5%

City	Unemployment	Labor Force	Unemployment Rate
City of Binghamton	29,723	448,444	6.6%

City	Unemployment	Labor Force	Unemployment Rate
City of Elmira	18,752	250,483	7.5%

City	Unemployment	Labor Force	Unemployment Rate
City of Jamestown	19,838	297,188	6.7%

City	Unemployment	Labor Force	Unemployment Rate
City of Lockport	15,777	228,718	6.9%

City	Unemployment	Labor Force	Unemployment Rate
City of Niagara Falls	40,530	519,546	7.8%

City	Unemployment	Labor Force	Unemployment Rate
City of Syracuse	93,776	1,421,207	6.6%

City	Unemployment	Labor Force	Unemployment Rate
City of Utica	37,953	574,810	6.6%

*Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on November 14, 2016.

The State agency has requested to waive Community District 9, 10, 11, and 12 in Upper Manhattan based on the combined area having an aggregate unemployment rate 20 percent above the national average for the 24-month time period of May 2014 through April 2016. Unlike the 33 areas cited on the previous pages, which are based on standard Bureau of Labor Statistics data, the State has estimated the unemployment rate for Community District 9, 10, 11, and 12 using data from the Census Bureau's 2010-2014 American Community Survey 5-year estimates in combination with more recent Bureau of Labor Statistics data for New York County for the 24-month period of May 2014 through April 2016. Historically, FNS has approved requests based upon this alternative methodology on a limited basis for targeted economic areas in which more recent and reliable data is unavailable, such as Native American Reservation areas. In this case, New York has provided the requested area's estimated unemployment rate along with a compelling rationale for its consideration as a distinct, targeted economic area where there is a lack of sufficient jobs. As referenced by the State in its waiver request, Community District 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. Based upon the support provided by the State, FNS is approving Community District 9, 10, 11, and 12.

Bureau of Labor Statistics Local Area Unemployment Data / Census Bureau Data**		
Community District	Unemployment	Labor force
District 9	252,477	2,722,024
District 10	92,658	1,519,639
District 11	131,777	1,487,861
District 12	96,533	1,252,208
Total	573,445	6,981,732
Combined Area Unemployment Rate	8.2%	

**Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on November 21, 2016.

In addition, FNS is approving the State's request to waive the time limit in Broome County based upon having a low and declining employment-to-population ratio over the 2012 to 2015 time period. Broome County's employment-to-population ratio was more than 7 percent below the national average in each of the final 2 years of the reference period, and the County's ratio showed a continuous decline over the entirety of the reference period. The County also had high unemployment rates relative to the national average during the recent 24-month period of May 2014 through April 2016. During this

time period the national average of unemployment was 5.5 percent; 10 percent above that is 6.0 percent. Broome County had an unemployment rate of 6.1 percent during this time period. This data, as detailed in the tables below, demonstrates a lack of sufficient jobs in the County.

Employment to Population Ratio***				
Geography	2012	2013	2014	2015
Broome County	53.0%	52.3%	51.2%	50.9%
United States	58.6%	58.6%	59.0%	59.3%

***Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>), Bureau of Labor Statistics Current Population Survey (<http://www.bls.gov/webapps/legacy/cpsatab1.htm>), and U.S. Census Bureau Population Estimates (<http://www.census.gov/popest/data/counties/asrh/2015/PEPAGESEX.html>) on November 22, 2016.

Bureau of Labor Statistics Local Area Unemployment Data May 2014 - May 2016****			
County	Unemployment	Labor Force	Unemployment Rate
Broome County	127,221	2,093,861	6.1%

****Data extracted from Bureau of Labor Statistics Local Area Unemployment survey (<http://www.bls.gov>) on November 14, 2016.

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 the 22 counties, 12 cities, and 4 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, 2017 through December 31, 2017.

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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 U 1 2016

15. Date of State agency's request(s): September 29, 2016; October 4, 2016; and October 5, 2016.

16. Date of Regional Office transmittal of request: September 29, 2016; October 4, 2016; and October 5, 2016.

17. State agency contact:

Barbara C. Guinn

BarbaraC.Guinn@otda.ny.gov

(518) 486-6106

18. FNS Regional Contact:

Kevin Pasquaretta

Kevin.Pasquaretta@fns.usda.gov

(617) 565-5402

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