



Food and
Nutrition
Service

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Date: December 21, 2018

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

**Supplemental Nutrition Assistance Program (SNAP) – New York Request to Waive
Able-Bodied Adults Without Dependents Time Limit – Approval**

Dear Mr. Gaskell:

This is in response to the New York State agency's September 18, 2018, request to waive the SNAP time limit for able-bodied adults without dependents in 41 counties, 7 municipalities, and 6 community districts from January 1, 2019, through December 31, 2019.

The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant Food and Nutrition Service (FNS) guidance. Therefore, FNS is approving the State to waive the time limit in the areas for a 12-month period as requested. The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. Please contact your FNS Regional Office with any questions.

As you may be aware, FNS has proposed regulations that would strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. FNS has proposed that the rule, once finalized, would go into effect on October 1, 2019, which is the beginning of federal fiscal year 2020. Therefore, the final rule could change the qualifying areas and approval period for this waiver.

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit.

Waiver # 2150029

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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,

Casey McConnell
FOR

Sasha Gersten-Paal

Chief

Certification Policy Branch

Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 2150029
2. **Request Type:** Extension and amendment
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** New York
6. **Food and Nutrition Service (FNS) Region:** Northeast
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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. **Requested Area(s) and Support:** The New York State agency has requested to waive the ABAWD time limit in 41 counties, 7 municipalities, and 6 community districts from January 1, 2019, through December 31, 2019. The State agency has supported its request based upon the areas' unemployment rates reaching or exceeding 20 percent above the national average for a recent 24-month period.

The State used the same 24-month unemployment rate reference period – July 2016 through June 2018 – for 38 counties and 7 municipalities. During this time period the national average unemployment rate was 4.4 percent; 20 percent above that rate is 5.3 percent. As detailed in Tables 1 and 2, the average unemployment rates for these requested areas reached or exceeded 5.3 percent during the selected time period. Of these areas, The State agency has grouped the 38 contiguous counties for consideration as a combined area, while considering the 7 municipalities individually.

Table 1: Combined Area 1 (Bureau of Labor Statistics Local Area Unemployment Data July 2016 through June 2018)

County Group 1
1. Allegany County
2. Broome County
3. Cattaraugus County
4. Cayuga County

County Group 1
5. Chautauqua County
6. Chemung County
7. Chenango County
8. Clinton County
9. Cortland County
10. Delaware County
11. Erie County
12. Essex County
13. Franklin County
14. Fulton County
15. Genesee County
16. Hamilton County
17. Herkimer County
18. Jefferson County
19. Lewis County
20. Madison County
21. Monroe County
22. Montgomery County
23. Niagara County
24. Oneida County
25. Onondaga County
26. Orleans County
27. Oswego County
28. Otsego County
29. St. Lawrence County
30. Schoharie County
31. Schuyler County
32. Seneca County
33. Steuben County
34. Sullivan County
35. Warren County
36. Wayne County
37. Wyoming County
38. Yates County
Combined Area Unemployment Rate: 5.3%
Data extracted from http://www.bls.gov on October 26, 2018

Table 2: Individual Municipalities (Bureau of Labor Statistics Local Area Unemployment Data July 2016 through June 2018)

Individual Municipalities	Unemployment Rate
1. Town of Haverstraw	5.4%
2. City of Mt. Vernon	6.0%
3. City of Newburgh	5.8%
4. City of Poughkeepsie	5.4%
5. City of Schenectady	5.4%
6. City of Troy	5.6%
7. City of Yonkers	5.3%
Data extracted from http://www.bls.gov on October 26, 2018.	

The State used a different 24-month unemployment rate reference period – March 2016 through February 2018 – for 3 counties and 6 community districts. During this time period the national average unemployment rate was 4.5 percent; 20 percent above that rate is 5.4 percent. As detailed in Tables 3, 4, and 5 the average unemployment rates for these requested areas were at least 5.4 percent during the selected time period.

Of these areas, the State agency has grouped areas for consideration into two combined areas: a group of 3 counties as part of the same economic region and a group of 4 contiguous community districts, while considering 2 community districts individually.

Table 3: Combined Area 2 (Bureau of Labor Statistics Local Area Unemployment Data March 2016 through February 2018)

County Group 2
1. Bronx County
2. Kings County
3. Richmond County
Combined Area Unemployment Rate: 5.4%
Data extracted from http://www.bls.gov on October 26, 2018.

The State has estimated the unemployment rate for the community districts using data from the Census Bureau’s American Community Survey (ACS) estimate in combination with Bureau of Labor Statistics data for New York County for the 24-month period of March 2016 through February 2018. Similar to the State’s current waiver, New York has requested community districts in targeted economic areas where there is a lack of sufficient jobs. Manhattan Community Districts 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. Similarly, Queens Community Districts

10 and 12 are targeted economic areas in which the ACS data is the best available data.

Table 4: Combined Area 3 (Bureau of Labor Statistics Local Area Unemployment Data March 2016 through February 2018)

Community Districts	
1.	District 9, Manhattan
2.	District 10, Manhattan
3.	District 11, Manhattan
4.	District 12, Manhattan
Combined Area Unemployment Rate: 6.8%	
Data extracted from http://www.bls.gov and http://factfinder.census.gov on October 26, 2018	

Table 5: Individual Community Districts (Bureau of Labor Statistics Local Area Unemployment Data March 2016 through February 2018)

Community Districts	
1.	District 10, Queens 5.5%
2.	District 12, Queens 6.6%
Data extracted from http://www.bls.gov and http://factfinder.census.gov on October 26, 2018	

- 9. FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit as requested. The State agency’s request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 11. Implementation Date:** January 1, 2019
- 12. Expiration Date:** December 31, 2019
- 13. Information Required for Amendment or Extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 14. State Agency Contact Information:**
Name: Stephanie Boshart
Phone Number: (518) 486-3151
Email: Stephanie.Boshart@otda.ny.gov

15. FNS Regional Office Contact Information:

Name: Kevin Pasquaretta

Phone Number: (617) 565-5402

Email: Kevin.Pasquaretta@fns.usda.gov