



Food and
Nutrition
Service

DEC 14 2015

Park Office
Center

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Center Drive
Alexandria
VA 22302

Lourdes R. Padilla
Deputy Secretary, Office of Income Maintenance
Pennsylvania Department of Human Services
P.O. Box 2675
Harrisburg, Pennsylvania 17120

RE: SNAP –Pennsylvania Request to Waive Able-Bodied Adults without Dependents Time Limit – Extension and Modification – Partial Approval

Dear Ms. Padilla:

This is in response to the Pennsylvania Department of Human Services' request to extend and modify waiver number 2150045. The Pennsylvania State agency has requested to exempt able-bodied adults without dependents (ABAWD) in 38 counties and in 279 cities and towns from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 for calendar year 2016. After careful review of the supporting data, the Food and Nutrition Service (FNS) is partially approving the State agency's request.

FNS is approving Pennsylvania's request to waive the time limit in 35 areas. The Pennsylvania State agency has supported its request to waive the time limit in nine contiguous counties in Northeast Pennsylvania based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. Similarly, the State agency has supported waiving the time limit in another 12 contiguous counties in Central Pennsylvania based upon the combined area having an aggregate average unemployment rate of 20 percent above the national average for a recent 24-month period. The State has also requested to waive 14 other jurisdictions based upon each individual area having an average unemployment rate 20 percent above the national average for a recent 24-month period. The Bureau of Labor Statistics and Pennsylvania Department of Labor and Industry data provided by the State agency supports waiver approval for all 35 of these areas.

However, FNS is not providing approval for the remaining 14 counties and 267 cities and towns included in the request. The Pennsylvania State agency has requested to waive the time limit in the 14 counties and 267 cities and towns based upon low and declining employment-to-population ratios. Based upon an analysis of the data provided by the State agency and other economic indicators, FNS is not approving the State's request for these areas.

FNS appreciates Pennsylvania's commitment to serving those in need of nutrition assistance and recognizes the challenges inherent in serving certain groups, including those at risk of losing benefits due to the time limit. The State agency can consider using 15 percent exemptions to extend eligibility for at-risk ABAWDs subject to the time limit in these areas. FNS also encourages States to engage in diligent, effective screening to ensure those excepted from the time limit are properly identified.

Ms. Lourdes Padilla

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This past month, FNS issued relevant guidance that Pennsylvania may find useful: <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>. If the Department of Human Services would like to discuss additional strategies to better serve at-risk ABAWDs, FNS staff stands ready to provide technical assistance.

FNS is approving the waiver for the 35 areas for 12 months, effective January 1, 2016 through December 31, 2016. The attached response lists all 35 areas, details the supporting evidence used, and provides the terms and conditions of waiver approval. If you have any questions, please contact Sally Jacober-Brown at Sally.Jacob-Brown@fns.usda.gov or Christopher Nasados at Christopher.Nasados@fns.usda.gov.

Sincerely,

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

Lizbeth Silberman

Director

Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 2150045
2. **Type of request:** Extension and modification
3. **Regulatory citation:** 7 CFR 273.24
4. **State:** Pennsylvania
5. **Region:** Mid-Atlantic
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 36-month 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 in 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 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 Pennsylvania State agency has requested to waive the time limit at 7 CFR 273.24 in 38 counties and 279 cities and towns for calendar year 2016.

Pennsylvania has supported its request to waive the time limit in nine contiguous counties in Northeast Pennsylvania based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. Similarly, the State agency has supported waiving the time limit in another 12 contiguous counties in Central Pennsylvania based upon the combined area having an aggregate average unemployment rate of 20 percent above the national average for a recent 24-month period. The State has also requested to waive 14 other jurisdictions based upon each individual area having an average unemployment rate 20 percent above the national average for a recent 24-month period.

The State agency selected the same 24-month period – December 2013 through January 2014 – for each area. During this 24-month period the national unemployment rate was 6.8 percent; 20 percent above this is 8.1 percent. As detailed in the following tables, the Food and Nutrition Service (FNS) has confirmed that these areas qualify for the waiver based upon having an average unemployment rate 20 percent above the national average, or higher, from December 2013 through January 2014.

Bureau of Labor Statistics Local Area Unemployment Data January 2013 - December 2014*		
County	Unemployment	Labor Force
1. Carbon County	62,633	767,138
2. Luzerne County	320,366	3,833,070
3. Monroe County	163,322	1,935,233
4. Pike County	52,330	614,565
5. Schuylkill County	134,597	1,667,012
6. Wyoming County	26,731	342,020
7. Lackawanna County	192,165	2,572,203
8. Sullivan County	5,229	72,756
9. Northumberland County	81,786	1,064,066
TOTAL	1,039,159	12,868,063
Combined Area Unemployment Rate	8.1%	
20% Above National Average Unemployment Rate	8.1%	

Bureau of Labor Statistics Local Area Unemployment Data January 2013 - December 2014*		
County	Unemployment	Labor Force
10. Bedford County	44,076	586,396
11. Cambria County	120,235	1,531,005
12. Cameron County	4,697	55,645
13. Clearfield County	71,504	891,802
14. Clinton County	37,231	457,840
15. Fayette County	121,510	1,418,120
16. Fulton County	13,979	175,652
17. Huntingdon County	42,083	480,525
18. Mifflin County	36,462	508,682
19. Potter County	15,264	184,213
20. Somerset County	69,543	846,448
21. Tioga County	38,541	499,622
TOTAL	615,125	7,635,950
Combined Area Unemployment Rate	8.1%	
20% Above National Average Unemployment Rate	8.1%	

Bureau of Labor Statistics Local Area Unemployment Data January 2013 - December 2014*			
Jurisdiction	Unemployment	Labor Force	Unemployment Rate
22. Forest County	4,200	46,821	9.0%
23. York City, York County	48,917	432,996	11.0%
24. Reading City, Berks County	82,368	824,578	10.0%
25. Allentown City, Lehigh County	124,680	1,290,485	9.7%
26. Harrisburg City, Dauphin County	47,479	520,242	9.1%
27. Easton City, Northampton County	25,209	286,802	8.8%
28. New Castle City, Lawrence County	19,556	223,322	8.8%
29. Lebanon City, Lebanon County	23,944	284,415	8.4%
30. Bethlehem City, Northampton County part	52,340	632,315	8.3%
31. Lancaster City, Lancaster County	52,628	641,944	8.2%
32. Williamsport City, Lycoming County	28,315	348,242	8.1%
33. McKeesport City, Allegheny County	16,308	193,704	8.4%
34. Berwick Borough, Columbia County	11,299	131,659	8.6%
35. Philadelphia Metropolitan Division (Philadelphia and Delaware Counties)	1,972,363	23,621,454	8.3%
20% Above National Average Threshold			8.1%

*Data extracted from <http://www.bls.gov> on December 4, 2015; and provided by the Pennsylvania Department of Labor and Industry on December 14, 2015.

In addition, the Pennsylvania State agency has requested to waive the time limit in 14 counties and in 267 cities and towns based upon low and declining employment-to-population ratios. Based upon an analysis of the data provided by the State agency and other economic indicators, FNS is not approving the State's request to waive these areas.

FNS identified several concerns regarding the data provided for the 14 counties. The data set provided the State – calendar years 2009 through 2013 – is not recent enough to provide an accurate picture of the economic conditions for the requested areas for 2016. Therefore, FNS calculated the counties' employment-to-population ratios for 2014. When FNS reviewed this data, we found that several of the counties' employment-to-population ratios did not demonstrate a continuous or overall decline, while other counties showed fluctuations from year-to-year, with only a slight overall decline from 2010 through 2014.

Moreover, while an area's employment-to-population ratio is a factor that FNS may take into consideration in determining whether a waiver is appropriate, it is not the sole determining factor. Because the employment-to-population ratio is a less straightforward measure than other established criteria, FNS takes into consideration other economic indicators. For example, an area with a relatively high recent unemployment rate as well as a low and declining employment-to-population ratio can more productively support a lack of sufficient jobs. FNS reviewed each county's average unemployment rate for calendar years 2013 through 2014, and found that none of the requested areas had unemployment rates notably higher than the national average for this time period.

FNS' concerns regarding the 267 requested cities and towns are primarily due to the reduced geographic size and populations of these areas, and the influence these factors have on the reliability of this data. Due to these factors, FNS does not consider the data provided for the 267 cities and towns sufficiently reliable for the purposes of granting a waiver of the ABAWD time limit.

- 8. Action and reason for approval or denial:** FNS is approving the Pennsylvania State agency's request to waive the ABAWD time limit in the 35 areas because these areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. FNS is not approving the remaining 14 counties and 267 cities and towns because the data provided by the State and other economic indicators do not adequately demonstrate the lack of sufficient jobs needed for waiver approval
- 9. Regulatory or legislative basis for this action:** This 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. Implementation date and expiration date:** This waiver is effective from January 1, 2016 through December 31, 2016.
- 13. Limitation, if any, on regional office approval of like requests:** The waiver is limited to the Pennsylvania State agency.
- 14. Date of national office action:** **DEC 14 2015**
- 15. Date of State agency's request:** September 24, 2015
- 16. Date of regional office transmittal of request:** October 21, 2015
- 17. State agency contacts:**
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- 18. FNS regional contact:**
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