



United States
Department of
Agriculture

MAY 16 2006

970028

Food and
Nutrition
Service

SUBJECT: FSP – New Jersey Request for Extension of Waiver 970028

3101 Park
Center Drive

TO: Joseph Weingart, Regional Director
Food Stamp Program
Mid-Atlantic Region

Alexandria, VA
22302-1500

This is in response to your email dated April 21, 2005, forwarded to Art Foley, which requested the exemption of various counties/municipalities in the State of New Jersey from the work requirements stipulated in 7CFR 273.24. The State submitted two waiver requests, one for Labor Surplus Areas, and another for contiguous jurisdictions. We have prepared one approval, under waiver number 970028. In the future, all areas should be included in one request/waiver.

We have also omitted references to 15 percent exemption counties from Section 9, Action and Reason for Approval or Denial. These counties are not subject to formal ABAWD approval, and should be discussed with the State directly.

The waiver is approved as requested, effective May 1, 2006, and it will expire April 30, 2007. The attached Waiver Response provides specific details.

If you have any questions, please contact Dwight Ricker.

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 970028
2. **Type of request:** Extension
3. **Primary regulation citation, if any:** 7 CFR 273.24(f)
4. **Secondary regulation citation, if any:** 7 CFR 273.24 (f)(3)(iii)
5. **State:** New Jersey
6. **Region:** MARO
7. **Regulatory requirements:** The Food Stamp Program Regulations at 7 CFR 273.24 provide 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; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

In addition, 7 CFR 273.24 (f) (3) (iii) permits states to use “data from the BLS or the BLS cooperating agency that an area has a 24-month average unemployment rate that exceeds the national average by 20 percent for any 24-month period no earlier than the same periods the ETA used to designate Labor Surplus Areas (LSA) for the current fiscal year.”

8. **Proposed procedures:** The New Jersey Department of Human Services, Division of Family Development is requesting a waiver exempting individuals residing in select municipalities from the ABAWD requirements. In order to be identified as ABAWD exempt, municipalities must be identified as LSA by the US Department of Labor or be chosen as one of the municipalities that comprises a states 15 percent exemption. The LSA municipalities and the 15 percent exemptions that New Jersey is requesting to waive are: Atlantic City in Atlantic County, Englewood, Garfield and Hackensack cities in Bergen County, Willingboro Township in Burlington County, Camden City in Camden County; all of Cape May County; Millville City, and the balance of Cumberland County; Orange Twp., East Orange, Irvington and Newark in Essex County; Clayton, Pittman, and Franklin in Gloucester County; West New York, Jersey City and Union City in Hudson County; Lawrence Township and Trenton in Mercer County; New Brunswick City and Perth Amboy in Middlesex County; Neptune Township and Long Branch in Monmouth County; Jefferson Twp and Victory Gardens in Morris County; Berkley and Lakewood

Township in Ocean County; Passaic and Paterson City in Passaic County; Woodstone, Upper Pitts Grove, and Alloway in Salem County; Elizabeth and Plainfield in Union County; and all of Warren except Phillipsburg.

New Jersey is also requesting a waiver to add four counties within the state and one city. New Jersey is seeking waivers for contiguous regions based on aggregate average unemployment rates of at least 20 percent above the average for calendar years 2003 and 2004. During this period, the national average unemployment rate plus 20 percent is 6.9.

Region 1:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Newark City	2501604	289861	11.6
Hudson County	7007971	474609	6.8
Union County	6416778	366792	5.7
TOTAL	15,926,353	1131262	7.1

Newark City is currently eligible as a LSA. Hudson and Union Counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years 2003 and 2004.

Region 2:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Cape May	1367364	102031	7.5
Cumberland County	1628096	118398	7.3
TOTAL	2995460	220429	7.4

Cape May and Cumberland Counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years 2003 and 2004.

9. **Action and reason for approval or denial:** We have approved, as outlined by the Mid-Atlantic Regional Office, the following LSAs, which are either cities or townships: Atlantic City, Englewood City, Garfield City, Hackensack, Willingboro Township, Camden City, City of Orange Township, City of East Orange, Irvington Township, Lawrence Township, City of Trenton, City of New Brunswick, City of Perth Amboy, Neptune Township, Long Branch City, Lakewood Township, City of Passaic, and the City of Paterson.

We have also approved Regions one and two. Region one is: Newark City, and Hudson and Union Counties. Region Two is Cape May and Cumberland Counties. These areas have an average unemployment rate of at least 20 percent above the national average during a recent 24-month time period. All raw data supporting the calculations is from the Bureau of Labor Statistics website.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24 which allows the Food and Nutrition Service to waive the applicability of the work requirements provisions in 7 CFR 273.24 for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside has an insufficient number of jobs.
11. **Conditions and Reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods and data indicating unemployment over 10 percent or a lack of sufficient jobs.
13. **Expiration date:** April 30, 2007
14. **Limitation:** Limited to New Jersey State agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office actions:**
17. **Date of State agency's request:**
18. **Date of regional office transmittal of response to national office:**
19. **Actual implementation date:**