

January 28, 2009

970028

SUBJECT: SNAP – New Jersey 2009 Request for Extension and Modification of Waiver
970028

TO: William Kluxen, Regional Director
Supplemental Nutrition Assistance Program
Mid-Atlantic Region

This is in response to the New Jersey State agency's request of January 23rd, 2009, to extend and modify its current waiver exempting individuals of various counties and municipalities in the State from 7 CFR 273.24 work requirements. Under the modified waiver, residents of the entire State of New Jersey would be exempt from the work requirements of 7 CFR 273.24 based on the State's eligibility for extended unemployment benefits under DOL Trigger Notice No. 2008-51.

Our response approving the waiver as requested is attached. If you have any questions, please contact Arianne Steed by email at Arianne.Steed@fns.usda.gov or by telephone at (703) 305-2803.

Sandra Clark
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 970028
2. **Type of request:** Extension and Modification
3. **Primary regulation citation, if any:** 7 CFR 273.24(f)
4. **Secondary regulation citation, if any:**
5. **State:** New Jersey
6. **Region:** MARO
7. **Regulatory requirements:** The Supplemental Nutrition Assistance Program Regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program as a member of any household if, during the preceding 36-month period, the individual received SNAP 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.

The SNAP 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. The recently-enacted Unemployment Compensation Extension Act of 2008 (P.L. 110-449), allows for states to qualify for extended benefits (EB) if State is listed on the Department of Labor Extended Benefits Trigger Notice as “ON” for extended benefits.

8. **Proposed procedures:** The New Jersey Department of Human Services, Division of Family Development is requesting a waiver exempting individuals residing in the entire State from work requirements of 7 CFR 273.24 due to insufficient jobs as indicated by DOL data that the State qualifies for extended unemployment benefits.
26 USC 3304 note (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State’s seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years.

Under the Unemployment Compensation Extension Act of 2008, Public Law 110-449, States may qualify for emergency unemployment benefits if its 3-month TUR is at least 6.0 percent or if its Insured Unemployment Rate (IUR) is at least 4 percent for the previous 13 weeks.

The Department of Labor's Trigger Notice No. 2008-51 shows the State's 3-month average total unemployment rate (TUR) at 6.0 percent; making New Jersey eligible for extended unemployment benefits.

9. **Action and reason for approval or denial:** The 3-month time-limit for ABAWDs is waived for residents of the entire State of New Jersey based on insufficient jobs. This determination is based upon the State agency's submittal of a U.S. Department of Labor (DOL) Trigger Notice No. 2008 – 51, effective January 04, 2009, which provides data indicating that New Jersey's total unemployment rate (TUR) qualified for extended unemployment insurance benefits based on the provisions of 26 U.S.C. 3304 (P.L. 102-318).
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), and the State's qualification for extended unemployment insurance benefits per 26 U.S.C. 3304 note (P.L. 102-318).
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:** FNS is approving this waiver for a 12-month period, effective February 1, 2009 to January 31, 2010.
14. **Limitation:** Limited to New Jersey State agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office actions:** January 28, 2009
17. **Date of State agency's request:** January 23, 2009
18. **Date of regional office transmittal of response to national office:** January 23, 2009 (advance copy by email)
19. **Actual implementation date:**