

JUN 07 2007

2050050

SUBJECT: FSP – New York Waiver Request – 7 CFR 273.24

TO: Mary Ann Ferris
Regional Director
Food Stamp Program
Northeast Region

This is in response to the memorandum from your office of April 20, 2007, forwarding the New York State Agency's request to extend and modify its current waiver of the work requirements for able-bodied adults without dependents (ABAWDS). Under the waiver as requested by the State agency, the residents of Franklin, Lewis and St. Lawrence Counties would be exempt from the work requirements of 7 CFR 273.24, based on an unemployment rate greater than 20 percent above the national average for the 24-month period ending November 30, 2006.

Although the State agency submitted the waiver as separate requests for each county, we are approving the waiver based on the inclusion of the counties in a 3-county regional area. The waiver response explaining the reason for our determination is attached.

If you have any questions, please contact Larry Tropp by email at Larry.Tropp@fns.usda.gov or by telephone at (703) 305-2504.

Harriet Kornegay
SOR

Patrick Waldron
Branch Chief
Certification Policy Branch
Program Development Division

Attachment

FINAL:USDA:FNS:FSP:PDD:CPB:LTropp:703-305-2504:lnc:6/7/07

FILE: New York

DIR:I:CPB:Waivers: FY 2007: 2050050 NY ABAWD Waiver 2007 ext and mod

WAIVER RESPONSE

1. **Waiver serial number:** 2050050
2. **Type of request:** Extension and modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** New York
6. **Region:** Northeast Region (NERO)
7. **Regulatory requirements:** The Food Stamp Program regulations at 7 CFR 273.24(b), 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.

The Food Stamp Program regulations at 7 CFR 273.24(f) also provide that, upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the we make 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. **Description of proposed alternative procedures:** The New York State Agency is requesting a waiver for Franklin, Lewis and St. Lawrence Counties based on an unemployment rate greater than 20 percent above the national average for 24-month period from December 1, 2004 through November 30, 2006.
9. **Action and reason for approval or denial:** We are approving the State agency's request to exempt residents of the three counties mentioned in paragraph 8, above. Although two of the three counties (Franklin and Lewis) do not qualify for waivers when evaluated individually since the unemployment rate for each of the counties is below the threshold of 5.9 percent. However, when the three counties are combined into a multi-county region, their average unemployment rate for the 24-month period ending November 30, 2006 is sufficient to qualify the region for a waiver based on an unemployment rate greater than 20 percent above the national average for the period as indicated in the following table.

24-Month Averages (for 12/1/04 through 11/30/06)

ABAWD Areas	Labor Force	Unemployment	Unemployment Rate
Franklin County	543,324	31,217	
Lewis County	311,231	17,635	
St. Lawrence County	1,188,083	70,747	
Totals	2042638	119599	5.9%

The approval threshold for 12/1/04 through 11/30/06 is 5.9%

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(2)(ii), which provides FNS with the authority to waive the applicability of the work requirement provision for any group of individuals in the State if FNS makes a determination that the area in which the residents reside has insufficient jobs. Approval is retroactive to May 1, 2007.

11. **Conditions and reasons:**

Under the State's state-supervised county-administered system, counties may elect whether or not they wish to implement approved ABAWD waivers. In view of the discretion accorded to individual counties, approval is subject to the following conditions:

- The State agency has 30 days from the date of approval to provide a list of counties that elect to opt out of the waiver.
- The State agency must provide documentation from the responsible official in each county indicating the decision to opt out.
- Lastly, if the county changes its option, the State agency must notify the Regional Office immediately.

12. **Information required for extension:** N/A

13. **Expiration date:** April 30, 2008

14. **Limitation, if any, on regional office approval of like requests:** This waiver applies to New York only.

15. **Quality control procedures:** N/A

16. **Date of national office action:**

17. **Date of State agency's request:** March 29, 2007

18. **Date of regional office transmittal of request to national office:**
April 20, 2007