

March 28, 2008

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 your memorandum of March 17, 2008 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). The State based its determination of insufficient jobs on U.S. Department of Labor, Bureau of Labor Statistics data.

Our response approving the State's waiver request is attached. In as much as implementation of the waiver is dependent upon the election of the social services commission in each jurisdiction approved, the State agency must notify us as soon as possible of the election made. If you have any questions please contact Vicky Robinson at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or at 703-305-2476.

Pat Waldron  
*for*  
Harriet Kornegay  
Assistant Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: All Regions (except NERO)  
Bob Dalrymple, OAE  
John Knaus  
Civil Rights

FINAL:FNS:FSP:PDD:CPB:VROBINSON:03/27/08: LAJ: 03/28/08  
DIR:I:CPB:WAIVERS:FY2008:2050050 NY ABAWD ext & mod:2050050 NY  
ABWAD ext & mod

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## 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 to continue to waive certain individuals from the work requirements of 273.24. The State agency modified its waiver by grouping the majority of the requested counties into two sub-regions. In all, the State agency is requesting to renew the three areas previously approved and is adding 13 new areas, for a total of 16 areas (12 counties plus 4 cities). The two sub-regions have an aggregate unemployment rate (UER) of 20 percent above the national average of 4.7 percent, or 5.6 percent, for the 24-month period of July 2005 through June 2007 as follows:

**National Unemployment Rate (UER):**

<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
3,633,447	169,898	<b>4.7</b>

**Sub-Region of Central NY, North County, and Mohawk Valley:**

Area	Labor Force	Unemployed	UER
Essex County	451,592	24,989	
Franklin County	547,183	30,005	
Fulton County	651,824	35,666	
Hamilton County	74,353	3,999	
Jefferson County	1,165,291	64,589	
Lewis County	315,710	16,696	
Montgomery County	598,338	32,743	
Oswego County	1,446,301	82,023	
St. Lawrence County	1,191,150	67,771	
<b>Total</b>	<b>6,441,742</b>	<b>358,481</b>	

**Sub-Region of NY City:**

Area	Labor Force	Unemployed	UER
Bronx County	12,143,143	817,286	
Kings County	25,651,986	1,404,140	
Richmond County	5,551,400	254,176	
<b>Total</b>	<b>43,346,529</b>	<b>2,475,602</b>	

The following cities have an unemployment rate of at least 20 percent above the national average of 4.7 percent, or 5.6 percent, for the 24-month period of July 2005 through June 2007:

Area	Labor Force	Unemployed	UER
Buffalo City	2,962,021	178,972	<b>6.0</b>
Elmira City	286,587	16,085	<b>5.6</b>
Niagara Falls City	578,182	37,846	<b>6.5</b>
Rochester City	2,300,526	129,892	<b>5.6</b>

9. **Action and reason for approval or denial:** We are approving the State agency's request. Able-bodied adults without dependents residing in the aforementioned areas will be exempt from the work requirements of 7 CFR 273.24 based on insufficient jobs.
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.
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data indicating that there are insufficient jobs in the affected areas.

2050050

Page 3

13. **Expiration date:** This waiver is approved from May 1, 2008 through April 30, 2009.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the New York State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:** March 27, 2008
17. **Date of State agency's request:** March 17, 2008
18. **Date of regional office transmittal of request to national office:** March 25, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**