

970069

MPFS-300:FS 10-1-1

MAR 11 1999

C. Mark Tandberg
Director
Food Assistance Programs
Colorado Department of Human Services
1575 Sherman Street - 3rd Floor
Denver, Colorado 80203-1714

Dear Mr. Tandberg:

This is in response to Ron Rice's letter dated January 14, 1999, requesting an extension of Waiver No. 970069. The waiver allows the State to exempt individuals who reside in areas that have been designated as Labor Surplus Areas (LSAs) by the Bureau of Labor Statistics.

Enclosed is our response to your request. The waiver is approved and will expire February 29, 2000. Any request for an extension must be submitted to our office no later than December 31, 1999.

If there are any questions, Donna deThouars may be contacted at (303) 844-0347.

Sincerely,

Original Signed by
Allan C. Nickels

ALLAN C. NICKELS
Regional Director
Food Stamp Program

Enclosure

cc: Janine Mosness, Director, Division of Quality Assurance, Office of Self Sufficiency, Colorado Department of Human Services, 10285 Ridge Road, Suite 102, Wheat Ridge, Colorado 80033-2301

bcc: ✓ Arthur T. Foley, Director, Program Development Division, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia
Irene Wise, OIC, FCS Field Office, Denver, Colorado
Thomas Tinnin, Senior Program Specialist, Quality Control Unit, FSP, MPRO
Martha Prince, Program Technician, Program Operations Section, FSP, MPRO

Waiver Response

1. **Waiver serial number:** 970069
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** Colorado
6. **Region:** MPRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, provides 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.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides 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.

8. **Description of proposed alternative procedures:** The Colorado State Agency is requesting an extension to its original waiver for food stamp recipients who reside in areas which do not have a sufficient number of jobs to provide employment for individuals subject to Section 824 of PRWORA.

This waiver would allow an exemption from this requirement for groups of individuals who reside in areas designated as Labor Surplus Areas (LSAs) by the Bureau of Labor Statistics (BLS) of the Department of Labor.

According to the Colorado State Agency the following counties qualify as eligible LSAs: Conejos, Costilla, Dolores, Jackson, Mineral, Rio Grande, Saguache, and San Juan. The State agency requests that they be waived from the provisions of Section 6(o) of the Food Stamp Act. The State agency was advised that Mineral County is not included in the list of eligible LSAs for Fiscal Year 1999. Therefore, the State agency has asked us to delete Mineral County from its request.

The State agency thought that the Counties of Montezuma and Huerfano and Grand Junction in Mesa County were LSAs and it specifically did not want waivers for those three areas. Huerfano County and Grand Junction in Mesa County are not LSAs and Montezuma County is an LSA. As the State agency does not want a waiver for Montezuma County, we are not granting a waiver. Las Animas County is listed as an LSA on the list for Fiscal Year 1999 but the State agency did not mention it in its waiver request. We checked with the State agency and have been advised that it does not want a waiver for Las Animas County regardless of its LSA status.

9. **Action and reason for approval or denial:** We are approving this waiver extension for food stamp recipients who reside in the Counties of Conejos, Costilla, Dolores, Jackson, Rio Grande, Saguache, and San Juan, based on their designation as LSAs by the Department of Labor.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an insufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data which relies on standard BLS data and/or methods.
13. **Expiration date:** This waiver is extended for a period of 1 year. The waiver expires on February 29, 2000. Although the State agency requested an indefinite approval, it remains our policy not to approve this type of waiver for an indefinite period of time. Since labor market conditions may change over time, and we expect that the duration of the waiver will have some relationship to the period of high unemployment on which the waiver is based, we are approving waivers of Section 824 for periods of no more than 1 year.

14. **Limitation on regional office approval of like requests:** This waiver is limited to the Colorado State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** January 14, 1999.
18. **Date of regional office transmittal of response to State agency:** MAR 11 1999



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Suite 903
Denver, CO 80204-3585

Reply to
Attn. of:

MPFS-300:FS 10-1-1

JAN 28 1999

Subject: FSP - Request for Extension of Waiver No. 970069 - Colorado

To: Arthur T. Foley
Director
Program Development Division
Food Stamp Program
Food and Nutrition Service, USDA
Alexandria, Virginia 22302-1594

Attached is a letter dated January 14, 1999, from the Colorado State Agency requesting an extension of Waiver No. 970069. The waiver allows the State to exempt individuals who reside in areas that have been designated as Labor Surplus Areas (LSAs) by the Bureau of Labor Statistics (BLS). The State Agency is requesting exemption for the following eight counties: Conejos, Costilla, Dolores, Jackson, Mineral, Rio Grande, Saguache, and San Juan.

Based on the information submitted by the State Agency, we are recommending approval. If there are questions, Jo Ellen Collin may be contacted at (303) 844-0347.


for ALLAN C. NICKELS
Regional Director
Food Stamp Program

Attachment

pd-
2/1/14

STATE OF COLORADO

COLORADO DEPARTMENT OF HUMAN SERVICES

1575 Sherman Street
Denver, Colorado 80203-1714
Phone (303) 866-5700
TDD (303) 866-6293
FAX (303) 866-4214



January 14, 1999

Allan Nickels, Director
USDA/FNS
Food Stamp Program
1244 Speer Blvd.
Denver, CO 80204

**Labor Surplus Areas
Waiver 970069**

Dear Mr. Nickels:

Attached is the waiver request to extend the waiver for counties in Colorado that are considered Labor Surplus Areas (LSAs).

The Bureau of Labor Statistics (BLS) indicates that 10 counties and one metropolitan area would qualify as LSAs. The state is only requesting a waiver for eight counties that qualify as LSAs. The other two counties and the Grand Junction area do not wish to waive these provisions.

If you have any questions regarding this request, please contact me at (303) 866-2538.

Sincerely,

Ron Rice, Manager
Food Stamp Program Section
Office of Self-Sufficiency

cc: M. Tandberg
K. Mahoney
B. Warden
R. Shaw
M. Westmoreland

WAIVER REQUEST

1. Waiver serial number 970069
2. Type of request Extension
3. Primary regulation citation

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193

4. Secondary regulation citation NA
5. State Colorado
6. Region Mountain Plains
7. Regulatory requirements

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, provides that no individual between the ages of 18 and 49 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 three months (consecutive or otherwise), during which the individual did not work 20 hours or more a week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 or more hours a week; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the state; unless the individual received benefits because he/she was exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of PRWORA also provides 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 determines that the area in which the individuals reside has an unemployment rate of over 10%, or does not have a sufficient number of jobs to provide employment for the individuals.

8. Proposed alternative procedures

Colorado Department of Human Services proposes to exempt from this requirement individuals who reside in areas that have been designated as Labor Surplus Areas (LSAs) by the Bureau of Labor Statistics (BLS).

BLS indicates that the following counties qualify as eligible LSAs. The Counties of Conejos, Costilla, Dolores, Jackson, Mineral, Rio Grande, Saguache, and San Juan should be waived from the provisions of 6(o) of the Food Stamp Act.

BLS indicates that the Counties of Montezuma and Huerfano with Grand Junction in Mesa County would also qualify as LSAs. The State of Colorado does not wish to request a waiver for these areas.

9. **Justification**

The information provided regarding the unemployment rate was generated by the Colorado Department of Labor which is, according to BLS, a cooperating state agency and uses BLS data and methods

Approval of this waiver 970069 for individuals who reside in areas designated by BLS as LSAs would allow the affected individuals the opportunity to participate in the Food Stamp Program without being required to meet unrealistic program work requirements. It would also ease the burden for individuals trying to comply with work requirements that are unreasonable given the local economic environment. Finally, the waiver would provide for more efficient operation of the Food Stamp Program by allowing the state agency to focus its efforts and resources in regard to work requirements on those households most likely to benefit.

10. **Anticipated impact on households and state agency operation**

The impact on the households would be additional food stamp benefits to households that reside in areas where the work requirements 6(o) could not be met. The availability of work in these areas is very seasonal or temporary, which offers no secure opportunity to meet these work requirements.

The small numbers of individuals who would be assisted by the Employment First Program and the cost involved in establishing the program in these areas has been a determining factor in requesting the waiver.

The Balanced Budget Act of 1997 allows the state to exempt 15% of the individuals identified in Section 6(o) of the Food Stamp Act. The State of Colorado feels that these exemptions should be reserved for other categories in other high-risk areas and should not be utilized for these counties.

11. **Caseload information**

Caseload information includes percent, characteristics and quality control error rate for affected portions of Colorado. Colorado serves approximately 80,000 Food Stamp Program cases. The cases in these counties make up less than 8% of the total caseload. The percent of individuals who could be affected without this waiver is .01 of 1%. The error rate would not be affected by this small number of individuals.

12. **Anticipated implementation date, and time period for which waiver is needed**

The State of Colorado would like to implement this waiver immediately and would request the waiver to be approved indefinitely with the condition that if any change occurs to the listing as LSAs, a new waiver must be requested immediately.

13. Proposed quality control review procedures

This waiver will not affect quality control procedures.

14. Signature and Title of Requesting Official

Ron Rice
Food Stamp Section Manager

15. Date of Request January 13, 1999

FEB 24 1999

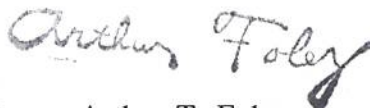
970069

SUBJECT: FNS - Colorado Request to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: Allan Nickels, Director
Food Stamp Program
Mountain Plains Region

This is in response to the Colorado State Agency's request for an extension of waiver #970069 which exempted individuals residing in several counties from the work requirement for able-bodied adults without dependents.

Our response is attached. If you have any questions, please contact James A. Walsh of my staff at 703-305-2531.



Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Maurice Tracy, Fran Heil, All Regions (except MPRO), Civil Rights CPB (circulate), Michael DePiro (OA&E)

FNS:FSP:PDD:JWalsh:final:2/18/99:va

FILE: ABAWDS

DIR: I:WAIVERS:970069 - Memo

Symbol	Surname	Date	Symbol	Surname	Date
PD/124	Walsh	2/19/99			
PD/10	DePiro	2/19/99			

OFFICIAL RECORD COPY

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8. **Description of proposed alternative procedures:** The Colorado State Agency is requesting an extension to its original waiver for food stamp recipients who reside in areas which do not have a sufficient number of jobs to provide employment for individuals subject to Section 824 of PRWORA.

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