



Michelle Lujan-Grisham, Governor  
Dr. David Scrase, Secretary-Designate

January 2, 2019

Dwight Crudup  
Regional Director  
Southwest Region USDA/FNS  
110 Commerce Street, Room 5-C-30  
Dallas, Texas 75242

Subject: Waiver # 2160027 Request for Extension of  
*Able-Bodied Adults without Dependents (ABAWD) Time Limit -  
Statewide*

Dear Mr. Crudup:

New Mexico Human Services Department (NMHSD) - Income Support Division (ISD) is submitting the attached Request for Extension of Waiver # 2160027, waiving regulation 7 CFR 273.24 requiring state agencies to implement the ABAWD three month time limit.

The 24-month average unemployment rate for New Mexico, from September 1, 2016 through August 31, 2018, was 5.8%. The national average unemployment rate for the same time period was 4.3%.

Based upon the data, New Mexico's unemployment rate of 5.8% is greater than 20% above the national average of 4.3%. Based upon this 24 month average criterion, New Mexico is requesting a state-wide extension of the current ABAWD three month time limit waiver #2160027.

If additional information is needed, your staff may contact Vida Tapia-Sanchez, Deputy Director at 505-827-1300 or via e-mail at [Vida.Tapia-Sanchez@state.nm.us](mailto:Vida.Tapia-Sanchez@state.nm.us).

Thank you for your assistance in processing this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David Scrase".

Dr. David Scrase  
Cabinet Secretary - Designate  
New Mexico Human Services Department  
Income Support Division

## STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 2160027
2. **Type of request:** Extension
3. **Regulatory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **State:** New Mexico
5. **Region:** SWRO

6. **Regulatory requirements:**

Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides that no able-bodied adult without dependents (ABAWD) shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) also provides that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit 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.

To support a claim of lack of sufficient jobs, a State may submit evidence that an area: is designated as a Labor Surplus Area (LSA) by the Department of Labor's Employment and Training Administration (ETA); is determined by the Department of Labor's Unemployment Insurance Service as qualifying for extended unemployment benefits; has a low and declining employment-to-population ratio; has a lack of jobs in declining occupations or industries; is described in an academic study or other publications as an area where there are lack of jobs; has a 24-month average unemployment rate 20 percent above the national average for the same 24-month period. This 24-month period may not be any earlier than the same 24-month period the ETA uses to designate LSAs for the current fiscal year

7. **Proposed alternative procedures:**

New Mexico is requesting an extension of the 3 month ABAWD time limit to waive ABAWDs state-wide.

8. **Justification for request:**

While New Mexico sees value in helping recipients attain and retain employment, the Department is focused on existing compliance activities in the SNAP program. In

addition, the state unemployment rate is currently well above the standard for waiving ABAWD requirements.

Under SNAP regulations at 7 CFR 273.24(f)(2), areas may support a claim of insufficient jobs by submitting evidence that an area has an average unemployment rate for a 24-month time period that exceeds the national average for the same 24-month period by 20 percent. 7 CFR 273.24(f)(6) provides that States may define areas to be waived.

New Mexico requests a statewide waiver extension based on the state's cumulative unemployment rate for the 24-month period of September 2016 through August 2018. The national average unemployment rate for this 24-month period is 4.3 percent; 20 percent above this is 5.2 percent. New Mexico's average unemployment rate for this period is 5.8 percent.

| Bureau of Labor Statistics Local Area Unemployment Data                                       |                   |                    |
|-----------------------------------------------------------------------------------------------|-------------------|--------------------|
| September 2016 through August 2018*                                                           |                   |                    |
|                                                                                               | Labor Force Total | Unemployment Total |
| New Mexico                                                                                    | 22,378,780        | 1,298,272          |
| State Average Unemployment Rate                                                               | 5.8%              |                    |
| 20% Above National Unemployment Rate                                                          | 5.2%              |                    |
| *Data extracted from <a href="http://www.bls.gov">http://www.bls.gov</a> on November 14, 2018 |                   |                    |

**9. Caseload information, including percent of caseload and description of population expected to be affected by this waiver:**

As of September 2018, New Mexico's SNAP caseload consisted of 222,623 households which comprise 263,009 adults and 192,388 children for a total of 455,397 recipients. This waiver would impact those SNAP recipients who are able-bodied adults without dependents (ABAWDs) whose population is estimated at 28,000 individuals.

**10. Anticipated impact on households and State agency operations:**

In addition to maintaining access to SNAP benefits for the ABAWD population, extension of this waiver will provide state-wide consistency for all SNAP households and in the date-to-day operation and administration of SNAP.

**11. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):**  
Upon expiration of the current waiver on February 28, 2019, this extension would be implemented on March 1, 2019 through February 28, 2020.

**12. Proposed quality control review procedures:**  
There are no special quality control procedures needed in conjunction with this waiver.

**13. Name, title, and email of requesting official:**

**Name:** Dr. David Scrase

**Title:** Cabinet Secretary - Designate

**Email:** [vida.tapia-sanchez@state.nm.us](mailto:vida.tapia-sanchez@state.nm.us)

**14. Date of request:** January 2, 2019

**15. State agency staff contact:**

**Name:** Vida Tapia-Sanchez

**Title:** Deputy Director

**Email:** [vida.tapia-sanchez@state.nm.us](mailto:vida.tapia-sanchez@state.nm.us)

**16. Regional Office contact person (*to be completed by FNS regional office*):**