

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):**
2. **Type of request:** Extension
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** District of Columbia
6. **Region:** MARO
7. **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.
8. **Description of alternative procedures:** The District of Columbia (District) is requesting a waiver for the entire District from the SNAP ABAWD time limit at 7 CFR 273.24.
9. **Justification for request:** The District seeks a waiver for the entire District under 7 CFR 273.24(f)(1)(ii) and (f)(3), which allows SNAP State agencies to request waiver approval based on exceptional circumstances resulting in a lack of sufficient jobs to provide employment for individuals subject to ABAWD work requirements in an area. While the District's designated labor market area (LMA) – the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area – has an unemployment rate that is below the threshold established in the updated USDA-FNS rule *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents* published on December 5, 2019, the District's population of individuals subject to ABAWD work requirements faces a number of unique barriers to employment that in combination represent exceptional circumstances resulting in a lack of sufficient jobs. The following data and evidence support the District's request for an exceptional circumstance waiver¹:

¹ Note that per FNS guidance, Bureau of Labor Statistics (BLS) data has been used where possible in this document. However, many of the relevant data points needed to accurately document a lack of sufficient

- Commuting patterns and transportation options disadvantage District residents subject to ABAWD time limits and limit employment options in LMA areas outside of the District:** District residents who would be subject to the ABAWD time limits must compete for existing jobs with residents of neighboring jurisdictions. Seventy-one (71%) of jobs in the District are held by non-District residents, resulting in significant competition for openings in a highly skilled labor market.² Despite this competition, 68% of employed District residents work in the District,³ and evidence suggests that this is in part because commuting to opportunities outside of the District can be difficult based on the unavailability of transit to those jobs and the low number of persons with cars in this population reliant on SNAP and subject to ABAWD limits. Feasible employment options for individuals in the District who would be subject to the ABAWD time limits, which consist primarily of jobs requiring lower skill levels (supported by analyses below), are significantly less well-served by transit than their higher skill counterparts.⁴ For example, District residents residing east of the Anacostia River, which includes 63% of all individuals that would be subject to ABAWD time limits⁵, can only reach 31% of low skill jobs in the LMA via transit in 60 minutes or less.⁶ Relatedly, a recent survey of the District SNAP recipients conducted by the District Department of Human Services (DHS) found that 27% of individuals that would be subject to ABAWD time limits cite transportation as a significant challenge for obtaining employment.⁷ These data points help explain why considering only the designated LMA for the District is problematic in considering employment opportunities, and demonstrate the significant competition District ABAWDs face for existing jobs in the District from residents of neighboring jurisdictions.
- Unemployment rates are high for individuals without post-secondary credentials, which includes the vast majority of District residents subject to ABAWD time limits, and labor force participation among this group is low:** While the unemployment rate for the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area is 2.8% and the

jobs is unavailable through BLS and has been supplemented by additional sources cited. All sources contain the most up to date information available at the time of waiver submission.

² "2018 State of the Business Report: Towards a More Inclusive Economy," DC Chamber of Commerce. Data source: U.S. Census Bureau.

³ *Id.*

⁴ Martha Ross and Nicole Prchal Svajlenka, *Connecting to Opportunity: Access to Jobs via Transit in the Washington, D.C. Region* (Brookings: Metropolitan Policy Program)

⁵ District Department of Human Services, Analysis of Administrative Data, December 2019.

⁶ Martha Ross and Nicole Prchal Svajlenka, *Connecting to Opportunity: Access to Jobs via Transit in the Washington, D.C. Region* (Brookings: Metropolitan Policy Program)

⁷ District Department of Human Services, "SNAP Customer Survey"; December 2019.

unemployment rate for the District alone is 5.3%⁸, these low rates mask a much higher unemployment rate for District residents without post-secondary credentials. The unemployment rate for District residents with a high school diploma or equivalent is 14.1%, and the rate for those with less than a high school diploma or equivalent is 19.2%;⁹ both of which demonstrate a lack of sufficient jobs for those populations. In DHS's recent survey, 74% of individuals who would be subject to the ABAWD time limits did not have more than a high school diploma or equivalent, including 16% that did not have a high school diploma or equivalent.¹⁰ This data illustrates the significant disconnect between the District's overall labor market conditions and those faced by a vast majority of District residents who would be subject to the ABAWD time limits who are actively seeking employment. Labor force participation data shows that these disparities may be even greater when factoring in those who are not actively seeking employment. The District's labor force participation rate for individuals between 25 and 64 years of age is 84.1%, but drops to 69.6% for those with just a high school degree or equivalent and 57.4% for those with less than a high school credential.¹¹ These figures suggest that many individuals may have become discouraged from searching for work due to a lack of sufficient jobs and have left the labor market entirely.

- **Significant gaps exist between the education requirements for in-demand jobs and attainment levels of District residents subject to ABAWD time limits:** Approximately 61% of current job openings in the District require a post-secondary degree, including over 56% that require at least a Bachelor's degree.¹² Additionally, 19 of the 20 jobs with the highest growth require at least some post-secondary education, including 17 that require at least a bachelor's degree.¹³ However, the recent DHS survey's findings indicate that very few SNAP recipients that would be subject to the ABAWD time limits have the education needed to secure employment in the District. Only 8% of surveyed individuals that would be subject to ABAWD time limits have a post-secondary degree¹⁴, compared to 52% of all District residents.¹⁵ This dramatic mismatch in educational attainment levels and requirements for in-

⁸ Bureau of Labor Statistics Local Area Unemployment Survey (<http://www.bls.gov>), extracted on January 24, 2020.

⁹ U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates.

¹⁰ District Department of Human Services, "SNAP Customer Survey"; December 2019.

¹¹ U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates.

¹² DC Economic Strategy, "Number of Job Openings in DC by Education Requirement", January 29, 2020, <https://dceconomicstrategy.com/percent-job-postings-dont-require-4-year-degree/>. Note that data are pulled from DC Networks (<https://www.dcnetworks.org/vosnet/Default.aspx>), the District's state workforce systems of record, and that advertised jobs are spidered daily in real-time.

¹³ District Department of Employment Services, Office of Labor Market Research and Information, Labor Statistics, "Washington, DC's Hot 50 Jobs", <https://does.dc.gov/page/washington-dcs-hot-50-jobs>.

¹⁴ District Department of Human Services, "SNAP Customer Survey"; December 2019.

¹⁵ U.S. Census Bureau, American Community Survey, 2013-2017, 5-Year Estimates, Table S1501. factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_S1501&prodType=table

demand jobs significantly reduces the number of feasible job opportunities available to District residents who would be subject to the ABAWD time limits.

- **Disparate employment opportunities by race impact a vast majority of District residents subject to ABAWD time limits:** About 96% of the District's population that would be subject to the ABAWD time limits identifies as Black or African American,¹⁶ a population that has considerably worse employment prospects in the District. The District's unemployment rate for individuals identifying as Black or African American is 146% higher than the rate for individuals identifying as White.¹⁷ A significant body of research documents the ongoing impact of discriminatory practices in hiring that likely play a role in these disparities¹⁸. Furthermore, the educational attainment of Black residents in the District is substantially lower than White counterparts, severely limiting their relative access to jobs, as 26% of Black residents have a Bachelor's degree or higher compared with 91% of White residents.¹⁹ These stark differences demonstrate significant additional labor market challenges faced by a large majority of the individuals who would be subject to the ABAWD time limits in the District.
- **A significant majority of District residents subject to ABAWD time limits noted difficulty finding and maintaining suitable employment:** About 60% of surveyed individuals in the District who would be subject to the ABAWD time limits noted they are currently looking for work but are unable to find a job.²⁰ Fifty-two percent (52%) of the survey respondents that are working reported facing challenging work conditions that could keep them from consistently meeting ABAWD work requirements. Such conditions include unpredictable work hours and schedules. Even though this population does not have dependents, Metro rail transit does not include late-night hours and some employers cannot provide reliable, sufficient hours that would allow an individual to consistently meet ABAWD work requirements. With scheduling uncertainty, people are unable to commit to the multiple part-time jobs that could be needed to get to 80 hours per month of work activities. Additionally, many individuals work on short-term contracts or in other temporary roles with significant uncertainty, which also puts them at risk of not meeting work requirements. These responses confirm other data points above in showing that most of the District's population that would be subject to the ABAWD time limits face exceptional circumstances that cause a lack of sufficient jobs.

¹⁶ District Department of Human Services, Analysis of Administrative Data, December 2019.

¹⁷ Bureau of Labor Statistics Local Area Unemployment Survey (<http://www.bls.gov>), extracted on January 24, 2020.

¹⁸ "The persistence of racial discrimination in hiring", Lincoln Quillian, Devah Pager, Ole Hexel, Armin H. Midsboen. Proceedings of the National Academy of Sciences, Oct 2017.

¹⁹ U.S. Census Bureau, American Community Survey, 2013-2017, 5-Year Estimates, Table S1501.

²⁰ *Id.*

The data above clearly demonstrate that the District's population of individuals subject to ABAWD work requirements face a number of unique barriers to employment that are not captured in LMA unemployment rate statistics. The recent survey of individuals in the District who would be subject to the ABAWD time limits confirms the barriers have a current impact and are expected to continue throughout the duration of the District's waiver request time period. This population does not have the same access to suitable employment as the average LMA or District resident, and faces considerable hardships that make work requirements counterproductive in facilitating self-sufficiency. The District is committed to providing its ABAWD population with access to additional services that can facilitate self-sufficiency, including through our robust SNAP Employment & Training program and our broader workforce development system. However, program resources are limited and cannot overcome the exceptional labor market challenges currently faced by thousands of individuals in the District who would be subject to the ABAWD time limits in the absence of a waiver. These challenges can take years of assistance to overcome. The combination of exceptional circumstances clearly demonstrate a lack of sufficient jobs for District residents that would be subject to ABAWD time limits. As a result, the District requests to waive the ABAWD work requirements for the entire District.

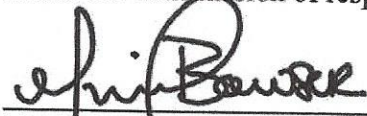
10. **Anticipated impact on households and State agency operations:** This waiver will provide consistency for state operations and ensure that thousands of individuals who face a lack of sufficient jobs are able to maintain SNAP benefits.
11. **Caseload information, including percent, characteristics, and quality control error rate for affected portion (if applicable):** This waiver affects the entire District.
12. **Anticipated implementation date and time period for which waiver is needed:** The District is requesting a one-year waiver, from April 1, 2020 through March 31, 2021.
13. **Proposed quality control review procedures:** There are no quality control procedures involved.
14. **State agency submitting waiver request and State contact person:**

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15. Signature and title of requesting official and District's chief executive officer:



Title: Administrator, Economic Security Administration, Department of Human Services
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Muriel Bowser, Mayor, District of Columbia

16. Date of request:
January 31, 2020

17. State agency staff contact (name/email/telephone):

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18. Regional office contact person (to be completed by FNS regional office):