

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(f)
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 Adults 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 ABAWD time limit under waiver criteria published in the January 17, 2001, final rule, *Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (66 FR 4438).¹

Justification for request: Under regulations at 7 CFR § 273.24(f)(1), the US Department of Agriculture Food and Nutrition Service (FNS) may approve waiver requests for a group of individuals in the State in which FNS determines that the area in which the individual resides does not have a sufficient number of jobs to provide employment for the individuals. 7 CFR § 273.24(f)(2)(ii) indicates that evidence to support a lack of sufficient jobs includes a determination by the Department of Labor's (DOL) Unemployment Insurance Services as qualifying for extended unemployment benefits. 7 CFR § 273.24(f)(6) provides that States may define areas to be waived.

¹ The December 5, 2019 final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents* (84 FR 66782) was vacated by the United States District Court for the District of Columbia in Civil Action No. 20-cv-00119 (BAH), October 18, 2020.

The District of Columbia seeks a waiver for all individuals in the District based on a lack of sufficient jobs to provide employment to individuals as evidenced through DOL's determination that the District qualifies for extended unemployment benefits. As shown in DOL's Trigger Notice No. 2020-3, the District had a 13-week Insured Unemployment Rate (IUR) of 5.2 percent² for the period of October 17, 2020 to January 16, 2021, thus meeting the threshold of 5 percent and rising. The data also demonstrates that the District's IUR is 20 percent above its average in the same period of the previous two years. The District's average is 149%³ of the prior year and 139%⁴ of the two, thereby meeting the trigger criteria.

Office of Unemployment Insurance, Department of Labor, Employment & Training Administration Extended Benefits Trigger Notice: Effective January 31, 2021			
	13 Weeks Insured Unemployment Rate	Percent of Prior Year	Percent of Prior Second Year
District of Columbia	5.2	149	139
13-Week Insured Unemployment Rate	5% and 120% of each of last 2 years		

9. **Anticipated impact on households and State agency operations:** This waiver will provide consistency for state operations and ensure that thousands of individuals that face a lack of sufficient jobs are able to maintain SNAP benefits.
10. **Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):** This waiver affects the entire District.
11. **Anticipated implementation date and time period for which waiver is needed:** The District is requesting a one-year extension, from April 1, 2021 through March 31, 2022.
12. **Proposed quality control review procedures:** There are no quality control procedures involved.
13. **State agency submitting waiver request and State contact person:**

Anthea Seymour
Administrator
Economic Security Administration
Department of Human Services

² Source: United States Dept. of Labor, Unemployment Insurance Data: https://oui.doleta.gov/unemploy/trigger/2021/trig_013121.html

³ Source: United States Dept. of Labor, Unemployment Insurance Data: https://oui.doleta.gov/unemploy/trigger/2021/trig_013121.html

⁴ Id.

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15. Signature and title of requesting official:

Title: Administrator, Economic Security Administration,
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Email for transmission of response: Anthea.seymour@dc.gov

14. Date of request:
February 3, 2021

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

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