

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 SNAP time limit at 7 CFR § 273.24.

Justification for request: Under SNAP regulations at 7 CFR § 273.24(f)(1)(ii), the United States Department of Agriculture Food and Nutrition Service (FNS) may approve waiver requests for a group of individuals in the State who reside in an area which FNS determines 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 United States Department of Labor's (DOL) Unemployment Insurance Services of the area as qualifying for extended unemployment benefits. 7 CFR § 273.24(f)(6) provides that States may define areas to be waived.

The District 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 Trigger Notice No. 2021-48, the District had a 3-month seasonally adjusted (S.A.) Total Unemployment Rate (TUR) of 6.5 percent¹ for the 3-month period ending October 2021. The District's unemployment rate therefore meets the criteria that the 3-Months S.A. TUR be greater than

¹ Source: United States Dept. of Labor, Unemployment Insurance Data:
https://oui.doleta.gov/unemploy/trigger/2021/trig_121221.html

or equal to 6.5%. The trigger notice also shows that the District’s TUR is 10 percent above its average two years prior for the same period. The District’s average of 127% of two years prior thereby meets the threshold (which requires that the TUR be 110% of either of the last two years).

Office of Unemployment Insurance, Department of Labor, Employment & Training Administration Extended Benefits Trigger Notice: Effective December 12, 2021		
	3-Months S.A. Total Unemployment Rate	Percent of Prior Second Year
District of Columbia	6.5%	127
3 Months S.A. TUR	6.5% and “Percent of Prior” greater than or equal to 110% of either 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 waiver extension. Per FNS guidance², the State can qualify for a 12-month statewide waiver as long as the waiver is implemented within 12 months of the Trigger Notice effective date. The District is relying on a Trigger Notice with an effective date of December 12, 2021 and, if approved, intends to implement the waiver on December 1, 2022. Although FNS typically grants waivers for a one-year period, it has authority to approve a waiver for a longer time period if the reasons are compelling (7 CFR § 273.24(f)(5)). The District seeks an extended 16-month-long statewide waiver that would begin December 1, 2022 and end March 31, 2024. The reason the District is requesting a 16-month-long waiver is the District is already facing caseload, training, and staffing challenges as a result of the ongoing COVID-19 pandemic.

As the District plans to return to normal certification procedures, the conditions the District continues to face as a result of the COVID-19 pandemic, such as increased caseload and insufficient staff capacity, make it difficult to “return to normal” without significantly impacting the District’s ability to provide timely and accurate SNAP benefits to residents. Implementation of ABAWD would drastically increase caseload and exacerbate the District’s challenges. Additionally, restarting ABAWD would delay system fixes and

² <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-2021-guide-supporting-abawd-time-limit-waiver-requests.pdf>

updates related to the District's Advanced Warning Letter (AWL) Corrective Action Plans (CAPs) and DC Access System (DCAS) usability/application harmonization efforts.

As of October 2022, the District's estimated ABAWD population was 17% of the District's SNAP population or 22,727 individuals. Given that there are approximately two case actions per case, the District estimates 45,000 case actions associated with processing ABAWD cases.

	# of individuals	% out of total SNAP population	% out of total work registrants
Total SNAP Population (as of October 2022)	137,159	100%	
Total # of Individuals Exempted from Work Registration	95,953	70%	
Total # of Work Registrants (1)	41,206	30%	100%
ABAWD Exemption (2)*	a) Age 16-17 & Age 50-59		24%
	b) Residing w/ a child (age<18)		20%
	c) Pregnant		0.5%
	d) Unfit for employment - Homeless		1%
	Exemption Sub-total (a-d)		45%
Estimated ABAWD Population: (1) – (2)	22,727	17%	55%

Four additional months will provide the District sufficient time to implement systems changes, conduct training, and support the District's ability to provide timely and accurate SNAP benefits.

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
 D.C. Department of Human Services
 64 New York Ave, NE, 6th Floor
 Washington, DC 20002
 (202) 698-3906
Anthea.Seymour@dc.gov

15. Signature and title of requesting official:

Administrator, Economic Security Administration,

D.C. Department of Human Services

Email for transmission of response: Anthea.Seymour@dc.gov

14. Date of request:

December 5, 2022

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

Carla Drake
Assistant Deputy Administrator
Division of Policy, Training & Quality Assurance
Economic Security Administration
D.C. Department of Human Services
64 New York Ave, NE, 5th Floor
Washington, DC 20002
(202) 702-4513
Carla.Drake@dc.gov

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