

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 970125
2. **Type of request:** Initial
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** North Dakota
6. **Region:** MPRO
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 State of North Dakota is requesting to exempt able-bodied adults without dependents (ABAWDs) in 12 counties from SNAP time limits at 7 CFR 273.24.
9. **Justification for request:**

Under SNAP regulations at 7 CFR 273.24(f)(2), areas may qualify for an ABAWD time limit waiver if they have insufficient jobs. To support this claim, states may submit evidence that an area has an average unemployment rate for a 24-month time period that is at least 20 percent above the national average for the same 24-month period. 7 CFR 273.24(f)(6) provides that States may define areas to be waived.

The State of North Dakota seeks a waiver for a region of 12 contiguous counties based on its average unemployment rate that is 20 percent above the national average for the 24-month period of July 2020 to June 2022. The national average unemployment rate for this 24-month period was 5.5 percent; 20 percent above this was 6.6 percent. The region's unemployment rate was 6.6 percent for the same time period.

Bureau of Labor Statistics Local Area Unemployment Data July 2020 to June 2022		
County	Total Unemployed	Total Labor Force
Benson County	2,773	55,366
Bottineau County	3,417	71,560
Burke County	1,066	25,040
Divide County	870	34,232
McHenry County	3,421	75,380
McKenzie County	12,427	210,661
Nelson County	1,312	33,714
Pierce County	1,402	40,462
Renville County	1,040	28,971
Rolette County	13,110	115,087
Sheridan County	798	15,944
Williams County	38,298	508,202
Total	79,934	1,214,619
Combined Unemployment Rate	6.6%	
20% Above National Average Threshold	6.6%	

10. Anticipated impact on households and State agency operations:

This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.

11. Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):

The caseload for these areas, as of February 28, 2023, represent 17% of the caseload for the state. There are no quality control procedures involved.

12. Anticipated implementation date and time-period for which waiver is needed:

The State is requesting a one-year waiver from July 1, 2023 through June 30, 2024.

13. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

14. State agency submitting waiver request and State contact person:

North Dakota Department of Health and Human Services
Deb Kramer, SNAP Director

15. Signature and title of requesting official:

Deb Kramer

Title: SNAP Director

Email for transmission of response: debkramer@nd.gov

16. Date of request: March 31, 2023

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

Deb Kramer

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(701) 328-3272

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