



Food and
Nutrition
Service

Park Office
Center

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Alexandria
VA 22302

DEC 29 2015

Mr. Thomas Colombo
Assistant Director
Employment and Rehabilitation Services
Arizona Department of Economic Security
1789 West Jefferson Street, S/C 901-A
Phoenix, Arizona 85007

RE: SNAP – Arizona Request to Waive Able-bodied Adults without Dependents
Time Limit – Extension and Modification – Approval

Dear Mr. Colombo:

This is in response to the Arizona Department of Economic Security's request to extend and modify waiver number 2150033, which would allow Arizona to exempt able-bodied adults without dependents (ABAWD) in 14 counties, one city, and 16 Native American Reservations from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 for calendar year 2016. The waiver extension and modification effectively applies to the entire State except for Maricopa County (notwithstanding the independent city of Apache Junction which is located in Maricopa County).

Arizona has requested to waive the time limit in 14 contiguous counties based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The combined area includes Apache, Coconino, Cochise, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties. The State has requested to waive the time limit in Apache Junction based upon the independent city having an average unemployment rate 20 percent above the national average for a recent 24-month period. In addition, the State agency has requested to waive the time limit in Cocopah, Fort Apache, Fort McDowell Yavapai Nation, Fort Mojave, Gila River, Havasupai, Hopi, Hualapai, Kaibab, Maricopa, Navajo Nation, Pascua Pueblo Yaqui, Salt River, San Carlos, Tohono O'odham Nation, and Yavapai Nation Reservation Areas based upon each individual area having an average unemployment rate 20 percent above the national average for a recent 24-month period.

Arizona has also requested a waiver modification that would facilitate a gradual phase-in of the ABAWD time limit in Pima and Yavapai Counties. Under the waiver modification, the State would begin applying the time limit based upon when individual ABAWDs are certified or recertified.

Therefore, the waiver modification is based on the recipient's certification period rather than geographic area alone, allowing the State to phase-in the time limit without needing to use 15 percent exemptions to exempt individual cases. The State has requested to apply the modification only to Pima and Yavapai Counties, as follows:

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- Pima County would implement the modification on April 1, 2016. In Pima County *new ABAWDs* are those certified on or after April 1, 2016; and *ongoing ABAWDs* are those certified and receiving SNAP prior to April 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to new ABAWDs in the county who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the county until their subsequent recertification. At recertification, the State would evaluate household circumstances and apply the time limit ongoing ABAWDs who are not exempt or meeting ABAWD work requirements.
- Yavapai County would implement the modification on July 1, 2016. In Yavapai County *new ABAWDs* are those certified on or after July 1, 2016; and *ongoing ABAWDs* are those certified and receiving SNAP prior to July 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to new ABAWDs in the county who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the county until their subsequent recertification (when they apply for a new certification period and are approved). At recertification, the State would evaluate household circumstances and apply the time limit ongoing ABAWDs in the county who are not exempt or meeting ABAWD work requirements.

The Bureau of Labor Statistics and the American Community Survey data provided by the Arizona State agency supports waiver approval for the requested areas. Therefore, the Food and Nutrition Service (FNS) is approving Arizona's request to waive the ABAWD time limit in the 31 areas as requested for 12 months, effective January 1, 2016, through December 31, 2016. If the State wishes to modify the waiver in any way it must formally notify FNS. The detailed waiver response is attached. If you have any questions please contact Shahdy Monemzadeh at Shahdy.Monemzadeh@fns.usda.gov.

Sincerely,



Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 2150033
2. **Type of request:** Extension and modification
3. **Regulatory citation:** 7 CFR 273.24
4. **State:** Arizona
5. **Region:** Western
6. **Regulatory requirement:** Federal regulations at 7 CFR 273.24 provide 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. Regulations at 7 CFR 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program at least 20 hours per week; any combination of working and participating in a work program for a total of 20 hours per week; or participating in and complying with a workfare program.

Regulations at 7 CFR 273.24(f) also provide that, upon the request of a State agency, the Secretary may waive the applicability of the above provision 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.

7. **Description of proposed alternative procedures:** The Arizona State agency has requested to waive the ABAWD time limit at 7 CFR 273.24 in 14 counties, one independent city, and 16 Native American Reservations for calendar year 2016. The waiver extension and modification effectively applies to the entire State except for Maricopa County (notwithstanding the independent city of Apache Junction which is located in Maricopa County).

Arizona has requested to waive the time limit in 14 contiguous counties based upon the combined area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The combined area includes

Apache, Coconino, Cochise, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties. The State has requested to waive the time limit in Apache Junction based upon the independent city having an average unemployment rate 20 percent above the national average for a recent 24-month period. In addition, the State agency has requested to waive the time limit in Cocopah, Fort Apache, Fort McDowell Yavapai Nation, Fort Mojave, Gila River, Havasupai, Hopi, Hualapai, Kaibab, Maricopa, Navajo Nation, Pascua Pueblo Yaqui, Salt River, San Carlos, Tohono O'odham Nation, and Yavapai Nation Reservation Areas based upon each individual area having an average unemployment rate 20 percent above the national average for a recent 24-month period.

The State agency selected the same 24-month period – March 2013 through February 2015 – for the 14 counties and 16 reservation areas. During this 24-month period the national unemployment rate was 6.6 percent; 20 percent above this is 7.9 percent.

The State agency selected another 24-month period – January 2013 through December 2014 – for the independent city of Apache Junction. During this 24-month period the national unemployment rate was 6.8 percent; 20 percent above this is 8.1 percent.

As detailed in the following tables, all 31 areas qualify for the waiver based upon having unemployment rates 20 percent above the national average during the respective 24-month periods.

Bureau of Labor Statistics Local Area Unemployment Data March 2013 – February 2015*		
Contiguous Counties	Unemployment	Labor Force
1. Apache	87,242	514,672
2. Gila	45,026	509,497
3. Navajo	121,700	1,002,573
4. Graham	26,946	345,396
5. Greenlee	6,883	111,928
6. Cochise	106,058	1,225,975
7. Santa Cruz	68,045	486,034
8. Pinal	276,446	3,623,280
9. La Paz	15,754	193,230
10. Mohave	175,807	1,871,560
11. Yuma	546,087	2,250,947
12. Coconino	129,245	1,722,213
13. Pima	706,414	11,063,136

14. Yavapai	155,022	2,270,366
Total	2,466,675	27,190,807
Combined Area Unemployment Rate	9.1%	
20% Above National Average	7.9%	

Bureau of Labor Statistics Local Area Unemployment Data January 2013 – December 2014*		
Area	Unemployment	Labor Force
15. Apache Junction city, Maricopa County part	211	1,502
Combined Area Unemployment Rate	14.1%	
20% Above National Average Threshold	8.1%	

Bureau of Labor Statistics Local Area Unemployment Data/Census Bureau Data*	
Reservation Area	Unemployment Rate: March 2013 – February 2015
16. Cocopah	43.0%
17. Fort Apache	15.0%
18. Fort McDowell Yavapai Nation	9.2%
19. Fort Mojave	11.4%
20. Gila River	15.9%
21. Havasupai	43.0%
22. Hopi	9.7%
23. Hualapai	14.2%
24. Kaibab	25.6%
25. Maricopa	17.1%
26. Navajo Nation	19.1%
27. Pascua Pueblo Yaqui	14.0%
28. Salt River	10.7%
29. San Carlos	11.4%
30. Tohono O'odham Nation	19.2%
31. Yavapai Nation	12.9%
20% Above National Average Threshold	7.9%

*Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on December 7, 2015.

Waiver Modification for Pima and Yavapai Counties

Arizona has also requested a waiver modification that would facilitate a gradual phase-in of the ABAWD time limit in Pima and Yavapai Counties. Under the waiver modification, the State would begin applying the time limit at certification for new ABAWDs or at recertification for ongoing ABAWDs. Therefore, the waiver modification is based on the recipient's certification period rather than geographic area alone, allowing the State to phase-in the time limit without needing to use 15 percent exemptions to exempt individual cases. The State has requested to apply the modification only to Pima and Yavapai Counties, as follows:

- Pima County would implement the modification on April 1, 2016. In Pima County *new ABAWDs* are those certified on or after April 1, 2016; and *ongoing ABAWDs* are those certified and receiving SNAP prior to April 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to new ABAWDs in the county who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the county until their subsequent recertification (when they apply for a new certification period and are approved). At recertification, the State would evaluate household circumstances and apply the time limit ongoing ABAWDs who are not exempt or meeting ABAWD work requirements.
 - Yavapai County would implement the modification on July 1, 2016. In Yavapai County *new ABAWDs* are those certified on or after July 1, 2016; and *ongoing ABAWDs* are those certified and receiving SNAP prior to July 1, 2016. On this date, the State would evaluate household circumstances and apply the time limit to new ABAWDs in the county who are not exempt or meeting ABAWD work requirements. However, the State would continue to waive the time limit for ongoing ABAWDs in the county until their subsequent recertification (when they apply for a new certification period and are approved). At recertification, the State would evaluate household circumstances and apply the time limit ongoing ABAWDs in the county who are not exempt or meeting ABAWD work requirements.
8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the Arizona State agency's request to waive the ABAWD time limit in the 14 counties, one city, and 16 Native American Reservations. All 31 areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS

guidance. FNS is also approving the waiver modification for Pima and Yavapai Counties as requested by the State.

9. Regulatory or legislative basis for action: The waiver is approved pursuant to 7 CFR 273.24(f).

10. Conditions and reasons: None

11. Information required for extension: To receive an extension the State agency must provide FNS with a formal waiver request supported by data or other information as described in 7 CFR 273.24(f). If the State requests an extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.

12. Implementation and Expiration date: The waiver is effective January 1, 2016, through December 31, 2016.

13. Limitation, if any, on regional office approval of like requests: The waiver is limited to the Arizona State Agency.

14. Date of national office action: DEC 29 2015

15. Date of State agency's request: November 20, 2015

16. Date of regional office transmittal of request: November 23, 2015

17. Implementation date: January 1, 2016

18. State agency contact:

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19. FNS regional contact:

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