

Waiver Response

1. **Waiver serial number:** 970069
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** Colorado
6. **Region:** MPRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3-months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides 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.

8. **Description of proposed alternative procedures:** The Colorado State Agency is requesting an extension to its original waiver for food stamp recipients who reside in areas which do not have a sufficient number of jobs to provide employment for individuals subject to Section 824 of PRWORA.

This waiver would allow an exemption from this requirement for groups of individuals who reside in areas designated as Labor Surplus Areas (LSAs) by the Bureau of Labor Statistics (BLS) of the Department of Labor.

According to the Colorado State Agency the following counties qualify as eligible LSAs: Conejos, Costilla, Dolores, Jackson, Mineral, Rio Grande, Saguache, and San Juan. The State agency requests that they be waived from the provisions of Section 6(o) of the Food Stamp Act. The State agency was advised that Mineral County is not included in the list of eligible LSAs for Fiscal Year 1999. Therefore, the State agency has asked us to delete Mineral County from its request.

The State agency thought that the Counties of Montezuma and Huerfano and Grand Junction in Mesa County were LSAs and it specifically did not want waivers for those three areas. Huerfano County and Grand Junction in Mesa County are not LSAs and Montezuma County is an LSA. As the State agency does not want a waiver for Montezuma County, we are not granting a waiver. Las Animas County is listed as an LSA on the list for Fiscal Year 1999 but the State agency did not mention it in its waiver request. We checked with the State agency and have been advised that it does not want a waiver for Las Animas County regardless of its LSA status.

9. **Action and reason for approval or denial:** We are approving this waiver extension for food stamp recipients who reside in the Counties of Conejos, Costilla, Dolores, Jackson, Rio Grande, Saguache, and San Juan, based on their designation as LSAs by the Department of Labor.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an insufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data which relies on standard BLS data and/or methods.
13. **Expiration date:** This waiver is extended for a period of 1 year. The waiver expires on February 29, 2000. Although the State agency requested an indefinite approval, it remains our policy not to approve this type of waiver for an indefinite period of time. Since labor market conditions may change over time, and we expect that the duration of the waiver will have some relationship to the period of high unemployment on which the waiver is based, we are approving waivers of Section 824 for periods of no more than 1 year.

14. **Limitation on regional office approval of like requests:** This waiver is limited to the Colorado State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** January 14, 1999.
18. **Date of regional office transmittal of response to State agency:**