

970045

SUBJECT: FSP - Kentucky - Request to Extend Waivers of Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: Crayton Lankford, Director
Food Stamp Program
Southeast Region

This is in response to the Kentucky State Agency's request for an extension of waiver number 970045 which exempts individuals residing in Taylor County from the work requirement for able-bodied adults without dependents.

Our response is attached. If you have any questions, please contact Moira Johnston at 703-305-2515.

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Joe Shea, Maurice Tracy, All Regions (except SERO), Civil Rights
CPB (circulate)

FCS:FSP:PDD:CPB:MJohnston:Draft 4/22/98:final:4/28/98:va

FILE: KY ABAWD

DIR: I:970045 - extension

WAIVER RESPONSE

1. **Waiver Serial Number:** 970045
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 (PROWRA) of 1996, P. L. 104-193
4. **Secondary regulation citation:** N/A
5. **State:** Kentucky
6. **Region:** Southeast
7. **Regulatory Requirement:** Section 6(o) of the Food Stamp Act, as amended, by Section 824 of the PROWA, 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, average monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or received benefits because they were exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PROWRA, 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 State agency is requesting an extension of this waiver for Taylor County. This county was originally approved for a four month period because the county had experienced a severe downturn in the economy. However, the downturn was so recent that the State agency did not have at least 3 months worth of unemployment figures to substantiate a claim of sustained high unemployment above 10 percent. With its request for extension, the State agency submitted data from Kentucky's Department for Employment Services which indicates the unemployment rates for the months of October, November, and December were 17.4 percent, 15.0 percent, and 15.6 percent respectively. The preliminary figures for January are 20.0 percent.

9. **Action and reason for approval or denial.** Based on the information submitted by the State agency and in concurrence with your recommendation, we are approving a waiver of the work requirement provisions of Section 6(o) of the Food Stamp Act for individuals residing in Taylor County based on unemployment rates over 10 percent.
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 PROWRA, 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 unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for individuals residing in the area.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide at least a 3 month average unemployment rate of over 10 percent.
13. **Expiration date:** As per the State agency's request, this waiver will expire on December 31, 1998.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Kentucky State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** March 30, 1998
18. **Date of regional office transmittal of request:** April 15, 1998
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**