

United States Department of Agriculture

Food and
Nutrition
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Alexandria, VA
22314

June 1, 2023

Kathy Bruen
SNAP Program Manager/Director
Economic Assistance & Employment Supports Division
Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155

RE: Supplemental Nutrition Assistance Program (SNAP) – Minnesota Request to Waive Able-Bodied Adults Without Dependents Time Limit – Initial – Partial Approval

Dear Director Bruen:

This is in response to the Minnesota Department of Human Services' (DHS) January 17, 2023, request to waive the Supplemental Nutrition Assistance Program (SNAP) able-bodied adults without dependents (ABAWDs) time-limit. The State agency requested to waive the time limit for ABAWDs in nine reservation areas and 179 zip code tabulation areas (ZCTAs) covering 35 geographic areas. In addition, on April 24, 2023, DHS requested to include two additional counties and revised the waiver implementation period to July 1, 2023, through June 30, 2024. After careful review, the Food and Nutrition Service (FNS) is partially approving the request.

FNS approves DHS' request to waive the SNAP ABAWD time limits in nine reservation areas and two counties, detailed in Table 1 and Table 2 of the enclosure. DHS' request to waive ABAWD time limits in the remaining 179 ZCTAs is denied. In its request, DHS adjusted 2020 – 2021 Bureau of Labor Statistics (BLS) data using 2016 – 2020 American Community Survey (ACS) data. FNS is not approving the request using this methodology because it does not reflect current employment conditions, demographic shifts, and fluctuations. The 2020 – 2021 BLS data for the counties that contain the ZCTAs indicate much lower unemployment rates. In addition to justify the request DHS provided some information explaining that unemployment rates are higher than the average in some sub-areas and among some marginalized populations but did not demonstrate a lack of sufficient jobs in the areas.

FNS appreciates Minnesota's efforts to implement Program rules that waive ABAWD time limits, particularly as the temporary and partial suspension of the ABAWD time limit tied to the COVID-19 Federal Public Health Emergency ends. Please continue to evaluate the needs within the State. As you submit requests to waive the ABAWD time limit consult the [Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents](#) for a detailed explanation of standards FNS uses to evaluate such requests.

Kathy Bruen
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FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:

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Catrina L. Kamau
Chief
Certification Policy Branch
Program Development Division

Enclosure

**ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)
WAIVER RESPONSE**

- 1. Request Type:** Initial
- 2. Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
- 3. Regulatory Citation:** 7 CFR 273.24
- 4. State:** Minnesota
- 5. Food and Nutrition Service (FNS) Region:** Midwest
- 6. Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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) and 7 CFR 273.24 also provide 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.
- 7. Requested Area(s) and Support:** On January 17, 2023, the State agency requested to waive the ABAWD time limit in nine reservation areas and 179 ZCTAs. On April 24, 2023, DHS requested to waive the time limit in two additional counties. DHS also revised the requested waiver implementation period to July 1, 2023, through June 30, 2024.

The State agency supported its request to waive the nine reservations based on having average unemployment rates exceeding the national average for a recent 24-month period of January 2020 to December 2021. During this period, the national average unemployment rate was 6.7 percent; 20 percent above that rate is 8.0 percent. The reservation unemployment rates were calculated by applying 2017-2021 American Community Survey share ratios to county-level Bureau of Labor Statistics data from January 2020 to December 2021. The State agency revised the data supporting the request as of April 24, 2023. (Table 1)

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The State agency supported its request to waive the ABAWD time limit in the two counties based on each of the counties' average unemployment rates exceeding the national average for a recent 24-month period of January 2020 to December 2021. During this period, the national average unemployment rate was 6.7 percent; 20 percent above that rate is 8.0 percent. (Table 2)

The State agency supported its request to waive the 179 zip code tabulation areas (ZCTAs) which include 16 individual ZCTAs and 35 geographic areas, which are comprised of 163 ZCTAs, using unemployment estimates and additional supporting justification. FNS has concerns about the reliability of the methodology the State agency used to estimate unemployment rates for these areas. Groupings of ZCTAs and using ACS data for areas where BLS data is readily available does not utilize the best available data. Some of these areas, such as individual cities, have more recent and reliable BLS data. In addition, adjusting BLS data based on older ACS may not accurately reflect the current employment conditions due to the age of the ACS data and the small sample sizes, subject to demographic shifts and fluctuation. FNS has not approved such methodology in the past other than for reservation areas where other data is not available or very targeted situations. DHS also provided supporting information explaining that unemployment rates are higher than the average in some sub-areas and among some marginalized populations. Although FNS appreciates the State agency's concerns, after considering the unemployment data and the supporting information the State agency provided, FNS finds that it does not adequately demonstrate a lack of sufficient jobs and is not waiving the ABAWD time limit for these areas.

Table 1: Reservation Areas (American Community Survey and Bureau of Labor Statistics Data January 2020 – December 2021)*

Reservations	Unemployment Rate
1. Bois Forte Reservation	13.7%
2. Fond du Lac Reservation	13.0%
3. Grand Portage Reservation	15.8%
4. Leech Lake Reservation	10.9%
5. Mille Lacs Reservation	15.2%
6. Prairie Island Reservation	15.2%
7. Red Lake Reservation	23.2%
8. Shakopee Mdewakanton Sioux Community Reservation	10.4%
9. White Earth Reservation	10.7%

*Data extracted from <http://www.bls.gov> and <https://data.census.gov> on April 27, 2023

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Table 2: Counties (Bureau of Labor Statistics Local Area Unemployment January 2020 – December 2021)*

Counties and Cities	Unemployment Rate
1. Clearwater County	8.2%
2. Mahnomen County	9.9%

*Data extracted from <http://www.bls.gov> on April 27, 2023

- 8. FNS Action and Justification:** FNS is partially approving the State agency's request to waive the ABAWD time limit. The approved portion of the State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 9. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 10. Implementation Date:** July 1, 2023
- 11. Expiration Date:** June 30, 2024
- 12. Information Required to Submit a Modification, Extension, or New Waiver:** To receive a modification, extension, or submit a new waiver to replace the current waiver, the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 13. State Agency Contact Information:**
Name: Kathy Bruen
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- 14. FNS Regional Office Contact Information:**
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