

970338

SUBJECT: FSP -New Hampshire - Request to waive 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: Robert L. Canavan, Regional Director
Food Stamp Program
Northeast Region

This is in response to the New Hampshire State Agency's request of August 11, 1998, to extend waiver no. 970338 which waived Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for individuals residing in Coos County.

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

Arthur Foley
Director
Program Development Division

Attachment

cc: Joseph Pinto, John Knaus, Maurice Tracy, All Regions (except NERO)
Civil Rights, CPB (circulate), Mike DePiro, OAE

FCS:FSP:PDD:CPB:Mjohnston:final:10/08/98:va
DIR: I:970338 memo extension

Waiver Response

1. **Waiver serial number:** 970338
2. **Type of request:** Initial
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:** New Hampshire
6. **Region:** NERO
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; 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 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 New Hampshire State Agency is proposing to exempt from these requirements individuals residing in the following areas: Coos County and Seabrook/ South Hampton Towns area of the New Hampshire portion of the Boston, Massachusetts PMSA. In support of its request to exempt Coos County, the State agency provided data for the Berlin, Colebrook, and Lancaster Labor Market Areas (LMAs) rather than for the county as a whole.
9. **Action and reason for approval or denial:** We are approving the State agency's request to exempt individuals in Coos County and in the New Hampshire portion of the Boston, Massachusetts PMSA. Approval for the New Hampshire portion of the Boston, Massachusetts PMSA is based on an unemployment rate greater than 20 percent above the national average for a recent 2 year period. The average

unemployment rate for the area was 7.65 percent for 1995 and 7.33 percent for 1996. The national average for both calendar years was 5.5 percent and 5.4 percent, respectively. Unemployment greater than 6.5 percent would constitute unemployment greater than 20 percent above the national average for either year. Approval for Coos County is based on its designation as a labor surplus area (LSA) for the FY 1998 by the Employment and Training Administration of the Department of Labor.

10. **Regulatory or legislative basis for action:** The 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 unemployment rate over 10 percent or has insufficient jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension.** To receive an extension the State agency shall provide unemployment rate data indicating that the unemployment rate for the New Hampshire portion of the Boston, Massachusetts PMSA is greater than 20 percent above the national average for the 2-year period ending December 31, 1997. An extension for Coos County would be granted based on its continuing status as an LSA. If the county is no longer a designated LSA, the State agency would have to provide data compiled by its BLS cooperating agency indicating unemployment greater than 20 percent above the national average for the most recent 2-year period for which data is available.
13. **Expiration date:** This waiver is effective retroactive to December 1, 1996, as requested by the State agency. Based on its designation as an LSA for FY 1998, the waiver for Coos County is approved through September 30, 1998. The waiver for the New Hampshire portion of the Boston, Massachusetts PMSA is effective through March 31, 1998.
14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the New Hampshire State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** September 29, 1997
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**