



DEC 18 2015

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Ms. Marilyn Martinez
Director
Income Support Division
New Mexico Human Services Department
P.O. Box 2348
Santa Fe, New Mexico 87504

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

Dear Ms. Martinez:

This is in response to the New Mexico Human Services Department's request to extend and modify waiver number 2150079, which would allow New Mexico to exempt able-bodied adults without dependents (ABAWD) in 10 counties and 22 Native American Indian Reservations, Pueblos, and Nations from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 from January 1, 2016 through September 30, 2016.

The New Mexico State agency has supported its request to waive the time limit in 10 counties based upon each area having an average unemployment rate 20 percent above the national average for a recent 24-month period. The 10 counties are Cibola, Guadalupe, Luna, McKinley, Mora, Rio Arriba, Sierra, Taos, Torrance, and Valencia.

The State agency has also requested to waive the time limit in Acoma Pueblo, Cochiti Pueblo, Fort Sill Apache, Isleta Pueblo, Jemez Pueblo, Jicarilla Apache Nation, Laguna Pueblo, Mescalero Apache, Nambe Pueblo, Navajo Nation, Ohkay Owingeh Pueblo, Picuris Pueblo, Pojoaque Pueblo, Sandia Pueblo, San Felipe Pueblo, San Ildefonso Pueblo, Santa Ana Pueblo, Santa Clara Pueblo, Santo Domingo Pueblo, Taos Pueblo, Zia Pueblo, and Zuni Pueblo based upon their respective low and declining employment-to-population ratios.

The Bureau of Labor Statistics and American Community Survey data provided by the New Mexico State agency supports waiver approval for the requested areas. Therefore, the Food and Nutrition Service (FNS) is approving New Mexico's request to waive the ABAWD time limit in all 32 requested areas for 12 months, effective January 1, 2016 through September 30, 2016. Please note that the 32 approved areas are eligible to continue the waiver for the duration of calendar year 2016. If the State chooses to continue the waiver beyond September 30, 2016 for any of the 32 areas it need only formally notify FNS.

Ms. Marilyn Martinez

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The detailed waiver response is attached. If you have any questions, please contact Arianne Steed at Arianne.Steed@fns.usda.gov.

Sincerely,

A handwritten signature in black ink that reads "Sasha Gersten-Paal". The script is cursive and fluid, with the first name "Sasha" and last name "Gersten-Paal" clearly legible.

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Enclosure

WAIVER RESPONSE

1. **Waiver serial number:** 2150079
2. **Type of request:** Extension and modification
3. **Regulatory citation:** 7 CFR 273.24
4. **State:** New Mexico
5. **Region:** Southwest
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 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 New Mexico Human Services Department has requested to waive the ABAWD time limit at 7 CFR 273.24 in 10 counties and 22 Native American Indian Reservations, Pueblos, and Nations from January 1, 2016, through September 30, 2016.

The New Mexico State agency has supported its request to waive the time limit in 10 counties based upon each area having an average unemployment rate 20 percent above the national average for a recent 24-month period. The 10 counties are Cibola, Guadalupe, Luna, McKinley, Mora, Rio Arriba, Sierra, Taos, Torrance, and Valencia.

The State agency selected March 2013 through February 2015 for all 10 counties. During this 24-month period the national unemployment rate was 6.57 percent; 20 percent above this is 7.9 percent. As detailed in the table below, each of the counties qualifies for the waiver based upon having an unemployment rate above 7.9 percent for the selected time period.

Bureau of Labor Statistics Local Area Unemployment Data March 2013 – February 2015*			
County	Labor Force	Unemployed	Unemployment Rate
Cibola	216,171	17,249	8.0%
Guadalupe	39,818	3,220	8.1%
Luna	255,235	47,544	18.6%
McKinley	578,728	57,026	9.9%
Mora	51,237	5,877	11.5%
Rio Arriba	395,344	34,650	8.8%
Sierra	92,273	8,314	9.0%
Taos	356,518	35,361	9.9%
Torrance	124,852	12,185	9.8%
Valencia	705,989	56,414	8.0%
20% Above National Average Threshold	7.9%		

*Data extracted from <http://www.bls.gov> on September 2, 2015

The State agency has also requested to waive the time limit in Acoma Pueblo, Cochiti Pueblo, Fort Sill Apache, Isleta Pueblo, Jemez Pueblo, Jicarilla Apache Nation, Laguna Pueblo, Mescalero Apache, Nambe Pueblo, Navajo Nation, Ohkay Owingeh Pueblo, Picuris Pueblo, Pojoaque Pueblo, Sandia Pueblo, San Felipe Pueblo, San Ildefonso Pueblo, Santa Ana Pueblo, Santa Clara Pueblo, Santo Domingo Pueblo, Taos Pueblo, Zia Pueblo, and Zuni Pueblo based upon their respective low and declining employment-to-population ratios.

Based upon FNS' review of the American Community Survey and Bureau of Labor Statistics data provided by the State, the low and declining employment-to-population ratios in these areas adequately demonstrate the lack of sufficient jobs needed for waiver approval. Moreover, Fort Sill Apache qualifies for the waiver because it falls within the geographic boundaries of Luna County, and Zuni Pueblo qualifies because it falls within the geographic boundaries of McKinley County.

- 8. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the New Mexico State agency's request to waive the ABAWD time limit in the 10 counties and 22 Native American Indian Reservations, Pueblos, and Nations because the areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 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 date and expiration date:** As requested by the State, the waiver is effective January 1, 2016, through September 30, 2016.
- 13. Limitation, if any, on regional office approval of like requests:** The waiver is limited to the New Mexico State agency.
- 14. Date of national office action:** DEC 18 2015
- 15. Date of State agency's request:** November 30, 2015
- 16. Date of regional office transmittal of request:** November 30, 2015
- 17. State agency contact:**
Samuel Peinado
(505) 827-7219
Samuel.Peinado@state.nm.us
- 18. FNS regional contacts:**
Arianne Steed
(214) 290-9868
Arianne.Steed@fns.usda.gov