

970163

SUBJECT: FSP - Washington - 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: Dennis Stewart, Director
Food Stamp Program
Western Region

This is in response to the Washington State Agency's request for an extension and modification of waiver #970163 which exempted individuals residing in a number of Census Tracts from the work requirement for able-bodied adults without dependents.

We are approving the State agency's request to amend the waiver to include Census Tracts 80-82, 84, 99, and 111, for April 1, 1998 through March 31, 1999, and to extend the waiver for another year for Census Tracts 85-95, 101, 103, 107-110, 112, and 265. Although we are not approving the State agency's proposal to exempt all ABAWDS in the Rainier, Belltown, and West Seattle Community Service Offices (CSOs), we are approving most of the Census Tracts in the area covered by them. The State agency can use the 15 percent exemption as authorized by the Balanced Budget Act of 1977 to exempt ABAWDS in the remaining areas of the CSOs not covered by this waiver.

Our response is attached. If you have any questions, please contact James A. Walsh of my staff at 703-305-2531.

Arthur T. Foley
Director
Program Development Division

Attachment

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

FNS:FSP:PDD:JWalsh:final:4/13/98:5/4/98:va

FILE: ABAWDS

DIR: I:970163ext - Memo

Waiver Response

1. **Waiver serial number:** 970163
2. **Type of request:** Amendment and 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:** Washington
6. **Region:** WRO
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 Washington State Agency is requesting to amend this waiver to include individuals living in 6 Census Tracts (80-82, 84, 99 and 111) and to extend this waiver for 19 Census Tracts (85-95, 101, 103, 107-110, 112, and 265) for another year based on the fact that the unemployment rate for these areas is over 10 percent.

The State agency further proposes to administer this waiver by exempting each Community Service Office (CSO) in the Seattle area containing high unemployment areas. According to the State agency, no method exists to administer by census tract, and administering by zip code will be cumbersome and error-prone.

for field staff. In three out of four of these offices (Rainier, Belltown, West Seattle), 80 to 90 percent of the affected ABAWDS are found within high unemployment zones (as determined by matching census tracts to zip codes, and counting the ABAWD population in each zip code.) The State agency plans to exempt all the ABAWDS in these three offices. A fourth CSO, Capitol Hill, contains some very high unemployment zones, as well as some areas of much lower unemployment. In this CSO the State agency plans to waive 65.5 percent of the ABAWDS through the waiver, and exempt the rest by drawing on the 15 percent exemption as authorized by the Balanced Budget Act of 1997.

9. **Action and reason for approval or denial:** The State agency submitted unemployment data which showed a 10.1 percent unemployment rate for 1997 for the area for which the waiver is requested. This data was generated by the Washington State Employment Security Department using standard BLS methodology for sub-area unemployment. Based on this data which shows that the unemployment rate is over 10 percent, we are approving the State agency's request to amend the waiver to include Census Tracts 80-82, 84, 99 and 111, for April 1, 1998 through March 31, 1999 and to extend the waiver for another year for Census Tracts 85-95, 101, 103, 107-110, 112, and 265.

Although we are not approving the State agency's proposal to exempt all ABAWDS in the Rainier, Belltown, and West Seattle CSOs and the 65.5 percent of ABAWDS in the Capitol Hill CSO, we are approving most of the Census Tracts in the area covered by these CSOs. According to the State agency 10.4 percent of the ABAWDS in the Rainier CSO, 34.5 percent in the Capitol Hill CSO, 9 percent in the Belltown CSO, and 18.7 percent in the West Seattle CSO live in low unemployment areas. The State agency can use the 15 percent exemption as authorized by the Balanced Budget Act of 1977 to exempt ABAWDS in the remaining areas of the CSOs not covered by this waiver. If in the future unemployment rises and the State agency can document that unemployment in all of these CSOs is over 10 percent or document that there is an insufficient number of jobs in the CSOs, we can give further consideration to this proposal.

10. **Regulatory or legislative basis for action:** This waiver request 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 have an unemployment rate over 10 percent or has insufficient jobs.

11. **Conditions and reasons:** N/A
12. **Information required for extension:** Acceptable unemployment data for the approved census tracts which relies on standard BLS data and/or methods will be required for an extension.
13. **Expiration date:** This waiver is approved retroactive to April 1, 1998 and will expire on March 31, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the 25 Census Tracts in Washington State which are identified above.
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 29, 1998 and March 6, 1998.
18. **Date of regional office transmittal of response to State agency:**