



January 28, 2020

Ms. Cheryl Kennedy
Regional Administrator, Mountain Plains Region
Food and Nutrition Service, USDA
1244 Speer Blvd 903
Denver, CO, 80204

Dear Ms. Kennedy:

In light of the amended Supplemental Nutrition Assistance Program federal regulation, 7 CFR 273.24, regarding changes in the ABAWD waiver provisions, the State of North Dakota is submitting the enclosed waiver request.

Based on the documentation in the waiver request, I support the exemption of the ABAWD provisions in Rolette County. This request provides information to include the Turtle Mountain Reservation, which is in Rolette County.

As the Governor of the State of North Dakota, I fully support this request to waive the ABAWD provisions as outlined.

Sincerely,

A handwritten signature in blue ink, reading "Doug Burgum".

Doug Burgum
Governor

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 970125
2. **Type of request:** Amendment
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory citation:** 7 CFR 273.24 as amended by the Food and Nutrition Service's Final Rule "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents," published on December 5, 2019 (84 FR 66782).
5. **State:** North Dakota
6. **Region:** MPRO
7. **Regulatory requirements:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides 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. Section 6(o) also provides 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.
8. **Description of alternative procedures:** The State of North Dakota is requesting to exempt able-bodied adults without dependents (ABAWDs) in 1 Labor Market Area (LMA) and 1 reservation from SNAP time limits at 7 CFR 273.24 as amended by the Food and Nutrition Service's Final Rule (84 FR 66782).
9. **Justification for request:**
Under SNAP regulations at 7 CFR 273.24(f)(2), areas may support a claim of insufficient jobs by submitting evidence that an area has an average unemployment rate for a 24-month time period that exceeds the national average for the same 24-month period by 20 percent, but in no case may the 24-month average unemployment rate of the requested area be less than 6 percent. 7 CFR 273.24(f)(4) provides that a Labor Market Area (LMA), the intrastate part of an interstate LMA, a reservation area, or a U.S. Territory are considered to be areas for the purposes of waivers.

The State of North Dakota seeks a waiver for 1 Labor Market Area based on its average unemployment rate at least 6 percent and at least 20 percent above the national average for the 24-month period of July 2017 through June 2019. The national average unemployment rate for this 24-month period was 3.9 percent; 20 percent above this was 4.7 percent.

Bureau of Labor Statistics Local Area Unemployment Data July 2017 through June 2019			
Labor Market Area	Unemployed Total	Labor Force Total	Unemployment Rate
Rolette County, ND	10,645	112,804	9.4

The State also seeks a waiver for the Turtle Mountain reservation. During the period of July 2017 through June 2019, it had an average unemployment rate at least 6 percent and at least 20 percent higher than the national average unemployment rate during the same period. The reservation unemployment rates were calculated by applying 2014-2018 5-year American Community Survey (ACS) share ratios to county-level Bureau of Labor Statistics data for July 2017 - June 2019.

Bureau of Labor Statistics Local Area Unemployment/Census Bureau Data July 2017 through June 2019			
	Unemployed	Labor Force	Unemployment Rate
Burke County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
Cavalier County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
Divide County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
McHenry County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
McLean County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-

Mountrail County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
Rolette County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	7,597	66,298	11.5%
Williams County (part); North Dakota (part); Turtle Mountain Reservation and Off-Reservation Trust Land, MT--ND--SD	-	-	-
Total Turtle Mountain Reservation	7,597	66,298	11.5%

10. Anticipated impact on households and State agency operations:

This waiver will provide consistency for households and State agency operations in areas where there are not a sufficient number of jobs to provide employment for able-bodied adults without dependents.

11. Caseload information, including percent, characteristics, and quality control error rate for affected portion (if applicable):

The caseload for these areas, as of December 31, 2019, represent 9% of the caseload for the state. There are no quality control procedures involved.

12. Anticipated implementation date and time period for which waiver is needed:

The State is requesting a one-year waiver, from April 1, 2020 through March 31, 2021.

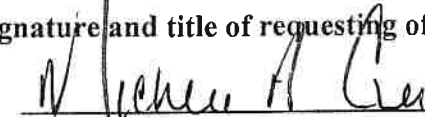
13. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

14. State agency submitting waiver request and State contact person:

North Dakota Department of Human Services

15. Signature and title of requesting official:


 Title: Economic Assistance Policy Director
 Email for transmission of response: mgee@nd.gov

16. Date of request: January 31, 2020

17. State agency staff contact (name/email/telephone):

Deb Kramer

debkramer@nd.gov

(701) 328-3272

18. Regional office contact person (*to be completed by FNS regional office*):

**Final Rule – SNAP requirements for
Able-Bodied Adults Without Dependents**
December 2019

- The Supplemental Nutrition Assistance Program (SNAP) limits participation of able-bodied adults without dependents (ABAWDs) to 3 months of benefits in a 3-year period unless they are working or engaged in other work-related activities for at least 20 hours per week.
- Program regulations allow states to request waivers of the ABAWD time limit based on economic conditions. Where states have approved waivers, these adults can receive benefits for longer than 3 months in a 3-year period.
- The new federal final rule issued by the USDA will change the criteria for states to qualify for waivers.

What changed:

- North Dakota will be required to look at each county's unemployment rate to determine if a county qualifies for the waiver on the ABAWD time limit based on Bureau of Labor Statistics.
- A minimum unemployment rate was added to one of the criteria standards.
- Under the new federal final rule - a county will qualify for the ABAWD time limit waiver if they:
 - have an unemployment rate over 10 percent in a 1-year period, **OR**
 - have an unemployment rate over 20 percent of the national average for a 2-year period and a minimum unemployment rate of 6 percent.
- The department's preliminary estimates show about 300 individuals could be affected on April 1, 2020, by the final rule.
- Currently, North Dakota has 12 counties that qualify for the waiver of the ABAWD time limit, allowing about 1,000 individuals to continue to receive benefits for longer than 3 months in a 3-year period.
 - Benson, Bottineau, Eddy, Emmons, Kidder, McHenry, Nelson, Pierce, Rolette, Sheridan, Sioux and Wells counties
- Under the new final rule – only Rolette County will qualify for the waiver of the ABAWD time limit due to its high unemployment rate and limited employment opportunities. This will allow about 680 individuals to continue to receive benefits beyond the time limit.
- This change will **ONLY** affect able-bodied adults between the ages of 18 and 49 without dependents who qualify for SNAP.

- The majority of program participants, which includes low-income families with children, households with earned income, people with disabilities and seniors on fixed incomes, **will not be affected** by the federal rule change.
- The federally-funded program assisted about 22,890 households including 47,550 low-income North Dakotans in November 2019 with their nutritional needs. The average monthly SNAP benefit per households was \$241.

NDWorks

- North Dakota's focus is on building vibrant communities, growing the economy and building a skilled workforce.
- North Dakota is implementing a statewide **employment and training program** called NDWorks on April 1, 2020.
- NDWorks will help able-bodied SNAP participants who volunteer to participate to gain skills, training or work experience increasing their ability to obtain regular employment and become more self-sufficient.
- NDWorks began as a pilot project in Grand Forks and Ramsey counties through a contract with Community Options Inc., in August 2018.
 - The pilot project served 110 SNAP participants per month.
- North Dakota also has another employment and training program for SNAP participants - the Basic Employment Skills Training (BEST) program, which is offered in Burleigh and Cass counties through a partnership with Job Service North Dakota.

Other thoughts

- Individual and family situations can and do change. The Supplemental Nutrition Assistance Program can help people experiencing a financial hardship by providing assistance to help them purchase food items.
- The program is a safety net – intended to meet some, but not all, of a struggling household's nutrition needs.
- North Dakota does a good job of helping people meet the social determinants of health, which are necessary to ensure the well-being of individuals and families. These include things such as food, education, health and health care and economic stability.