

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 2160027
2. **Type of request:** Initial
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** New Mexico
6. **Region:** Southwest Region

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 New Mexico is requesting to exempt able-bodied adults without dependents (ABAWDs) residing in 29 counties and 18 reservations from SNAP time limits at 7 CFR 273.24.

The counties are: San Juan; Rio Arriba; Taos; Colfax; Union; Harding; Mora; Sandoval; McKinley; Cibola; San Miguel; Quay; Guadalupe; Torrance; Valencia; Catron; Socorro; Lincoln; De Baca; Curry; Roosevelt; Chaves; Lea; Otero; Dona Ana; Sierra; Grant; Hidalgo; Luna

The Reservations are: Taos Pueblo; Picuris Pueblo; Jicarilla Apache Nation; Nambe Pueblo; Tesuque Pueblo; Cochiti Pueblo; Santo Domingo Pueblo; Zia Pueblo; Santa Ana Pueblo; Sandia Pueblo; Zuni Pueblo; Mescalero Apache Reservation; Isleta Pueblo; Ohkay Owingeh Pueblo; San Felipe Pueblo; Jemez Pueblo; Navajo Nation; and Mountain Ute Tribe.

There are two reservations that would partially qualify for the waiver because of where they are located within the state. Those individuals that reside in Laguna Pueblo if the household resides in Cibola, Valencia, or Sandoval County and those that reside on Santa Clara Pueblo if the household resides in Rio Arriba County. These areas are the counties that qualify based on their unemployment rates.

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. 7 CFR 273.24(f)(6) provides that States may define areas to be waived.

The State of New Mexico seeks a waiver for 29 counties based on the region's aggregate average unemployment rate for the 24-month period of February 2022 through January 2024. The national average unemployment rate for this period was 3.6 percent; 20 percent above this was 4.3 percent. The region's aggregate average unemployment rate for this period was 4.3 percent.

Bureau of Labor Statistics Local Area Unemployment Data February 2022 through January 2024		
Counties	Unemployed Total	Labor Force Total
Catron County, NM	1,345	27,994
Chaves County, NM	26,170	657,646
Cibola County, NM	10,352	196,275
Colfax County, NM	4,637	128,237
Curry County, NM	16,150	534,353
De Baca County, NM	569	17,330
Dona Ana County, NM	104,675	2,419,583
Grant County, NM	10,461	280,220
Guadalupe County, NM	1,658	35,478
Harding County, NM	225	6,610
Hidalgo County, NM	1,450	43,679
Lea County, NM	27,385	713,316
Lincoln County, NM	7,586	215,281
Luna County, NM	23,885	239,539
McKinley County, NM	29,205	542,023
Mora County, NM	2,429	46,240
Otero County, NM	24,322	599,923
Quay County, NM	2,985	71,257
Rio Arriba County, NM	15,317	401,051
Roosevelt County, NM	6,969	188,366
San Juan County, NM	52,147	1,203,936
San Miguel County, NM	11,864	250,231
Sandoval County, NM	60,815	1,652,907
Sierra County, NM	5,561	93,559
Socorro County, NM	6,225	146,962

Taos County, NM	16,271	354,433
Torrance County, NM	6,826	132,093
Union County, NM	1,107	37,209
Valencia County, NM	31,097	753,078
Combined Area Total	509,688	11,988,809
Combined Area Unemployment Rate	4.3%	
20% Above National Average Threshold	4.3%	

The State requests to waive the following 14 reservations based on having average unemployment rates exceeding the national average for a recent 24-month period. The reservation unemployment rates were calculated by applying 2018-2022 American Community Survey¹ share ratios to county-level Bureau of Labor Statistics data from February 2022 through January 2024. The following table summarizes the calculations:

American Community Survey and Bureau of Labor Statistics Data February 2022 through January 2024			
Reservation	Unemployed	Labor Force	Unemployment Rate
Sandoval County (part); New Mexico (part); Pueblo de Cochiti, NM	755	16,876	4.5%
Santa Fe County (part); New Mexico (part); Pueblo de Cochiti, NM	-	305	-
Total Pueblo de Cochiti Reservation	755	17,181	4.4%
Rio Arriba County (part); New Mexico (part); Jicarilla Apache Nation Reservation and Off-Reservation Trust Land, NM	3,579	26,858	13.3%
Sandoval County (part); New Mexico (part); Jicarilla Apache Nation Reservation and Off-Reservation Trust Land, NM	-	642	-
Total Jicarilla Apache Nation Reservation and Off-Reservation	3,579	27,500	13.0%
Lincoln County (part); New Mexico (part); Mescalero Reservation, NM	-	-	-

¹ These calculations are based on data from the 2018-2022 American Community Survey 5-Year Estimates.

Otero County (part); New Mexico (part); Mescalero Reservation, NM	2,053	36,535	5.6%
Total Mescalero Reservation	2,053	36,535	5.6%
Santa Fe County (part); New Mexico (part); Nambe Pueblo and Off-Reservation Trust Land, NM	1,191	18,339	6.5%
Total Nambe Pueblo and Off-Reservation	1,191	18,339	6.5%
Bernalillo County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	1,781	13,970	12.7%
Cibola County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	2,525	13,582	18.6%
McKinley County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	18,129	215,857	8.4%
Rio Arriba County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	139	3,688	3.8%
Sandoval County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	2,918	21,990	13.3%
San Juan County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	14,981	220,779	6.8%
Socorro County (part); New Mexico (part); Navajo Nation Reservation and Off- Reservation Trust Land, AZ--NM--UT	2,233	13,835	16.1%
Total Navajo Nation Reservation and Off- Reservation	42,705	503,699	8.5%
Taos County (part); New Mexico (part); Picuris Pueblo, NM	1,140	22,486	5.1%
Total Picuris Pueblo Reservation	1,140	22,486	5.1%
Bernalillo County (part); New Mexico (part); Sandia Pueblo, NM	-	3,245	0.0%

Sandoval County (part); New Mexico (part); Sandia Pueblo, NM	2,802	52,050	5.4%
Total Sandia Pueblo Reservation	2,802	55,295	5.1%
Sandoval County (part); New Mexico (part); San Felipe Pueblo, NM	2,642	29,918	8.8%
Total San Felipe Pueblo Reservation	2,642	29,918	8.8%
Sandoval County (part); New Mexico (part); Santa Ana Pueblo, NM	711	12,458	5.7%
Total Santa Ana Pueblo Reservation	711	12,458	5.7%
Sandoval County (part); New Mexico (part); Santo Domingo Pueblo, NM	1,423	31,647	4.5%
Santa Fe County (part); New Mexico (part); Santo Domingo Pueblo, NM	-	-	-
Total Santo Domingo Pueblo Reservation	1,423	31,647	4.5%
Taos County (part); New Mexico (part); Taos Pueblo and Off-Reservation Trust Land, NM	4,982	55,407	9.0%
Total Taos Pueblo and Off-Reservation	4,982	55,407	9.0%
Santa Fe County (part); New Mexico (part); Tesuque Pueblo and Off-Reservation Trust Land, NM	1,000	11,552	8.7%
Total Tesuque Pueblo and Off- Reservation	1,000	11,552	8.7%
Sandoval County (part); New Mexico (part); Zia Pueblo and Off-Reservation Trust Land, NM	639	10,078	6.3%
Total Zia Pueblo and Off-Reservation	639	10,078	6.3%
Catron County (part); New Mexico (part); Zuni Reservation and Off-Reservation Trust Land, NM--AZ	-	-	-

Cibola County (part); New Mexico (part); Zuni Reservation and Off-Reservation Trust Land, NM--AZ	-	-	-
McKinley County (part); New Mexico (part); Zuni Reservation and Off-Reservation Trust Land, NM--AZ	4,783	61,465	7.8%
Total Zuni Reservation and Off-Reservation	4,783	61,465	7.8%

10. Anticipated impact on households and State agency operations: This waiver will provide consistency for state operations.

11. Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable): This waiver affects the entire state. The following counties maybe mandatory ABAWD counties and within these counties it has been determined that the Pueblo's listed below will also be mandatory to ABAWD requirement.

County	Number of Active SNAP households impacted
Los Alamos	8
Bernalillo	9,121
Eddy	857
Santa Fe	1,167

County	Pueblos	Number of Active SNAP Households
Santa Fe	Pojoaque Pueblo	4
Santa Fe	San Idelfonso Pueblo	6
Rio Arriba/Parts of Santa Fe	Santa Clara Pueblo	16
Sandoval/Valencia/Cibola/Parts of Bernalillo	Laguna Pueblo	88

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

The State is requesting a one-year waiver, from January 1, 2025, through December 31, 2025.

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:

New Mexico Health Care Authority Income Support Division/Eli Gallegos

15. Signature and title of requesting official:

Niki Kozlowski

Niki Kozlowski
Director of Income Support Division
Health Care Authority

16. Date of request: August 9, 2024

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

Eli Gallegos, SNAP Program Manager

Eli.gallegos@hca.nm.gov

(505) 396-0314

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