



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

- Preproposal Statement of Inquiry was filed as WSR 09-06-084; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

The department is amending:

- 388-412-0015 – General information about your Basic Food allotments.
- 388-444-0030 – Work requirements for persons who are able-bodied adults without dependents (ABAWDS).
- 388-478-0060 – What are the income limits and maximum benefit amounts for Basic Food?

Hearing location(s):

Office Building 2 - Auditorium
 (DSHS Headquarters)
 1115 Washington
 Olympia, WA 98504
 Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>
 or by calling 360-664-6094.

Date: **June 9, 2009** Time: **10:00 am**

Submit written comments to:

Name: DSHS Rules Coordinator
 Address: PO Box 45850, Olympia WA, 98504-5850
 Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
 E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
 Fax: (360) 664-6185
by 5:00 p.m. on June 9, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by May 26, 2009
 TTY (360) 664-6178 or (360) 664-6094 or
 by e-mail at johnsjl4@dshs.wa.gov

Date of intended adoption: Not sooner than June 10, 2009
 (Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The department is proposing to amend the WACs identified above in order to:

- Increase the minimum monthly Basic Food allotment for assistance units composed of one or two persons.
- Increase the maximum monthly allotment for Basic Food assistance units, and
- Suspend the limitation of benefits for able-bodied adults without dependents (ABAWDS) until September 30, 2010.

Reasons supporting proposal:

The proposed amendments will implement requirements under the American Recovery and Reinvestment Act of 2009 and will be consistent with the requirements of the Food and Nutrition Act of 2008, regulations under Title 7 of the Code of Federal Regulations, and administrative notices published by the US Department of Agriculture, Food and Nutrition Service related to the Supplements Nutrition Assistance Program SNAP or Food Stamp Program.

Statutory authority for adoption:

RCW 74.04.050; 74.04.055; 74.04.057; 74.04.510;
 74.08.090; 74.04.500 and 74.08A.120

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Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:
 American Recovery Investment Act 2009
 (P.L. 110-05)

DATE

May 1, 2009

NAME (type or print)

Stephanie Schiller

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 04, 2009

TIME: 3:17 PM

WSR 09-10-064

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Holly St. John	PO Box 45470, Olympia WA 98504-5470	(360) 725-4895
Implementation	Holly St. John	PO Box 45470, Olympia WA 98504-5470	(360) 725-4895
Enforcement	Holly St. John	PO Box 45470, Olympia WA 98504-5470	(360) 725-4895

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No. Explain why no statement was prepared.

This proposed rule does not have an economic impact on small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No: Please explain:

These amendments are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in-part, "[t]his section does not apply to....rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

AMENDATORY SECTION (Amending WSR 08-24-051, filed 11/25/08, effective 12/26/08)

WAC 388-412-0015 General information about your Basic Food allotments. (1) Your monthly Basic Food benefits are called an allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

~~(2) ((You cannot receive the same type of benefit in:~~
~~(a) Two states in the same month;~~
~~(b) Two AUs in the same month, unless;~~
~~(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045)) If your AU does not have countable income as described under WAC 388-450-0162, you get the maximum allotment for the number of eligible people in your AU under WAC 388-478-0060.~~

~~(3) If your AU ((does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments)) has countable income, we calculate your monthly allotment as described under WAC 388-450-0162.~~

~~(4) ((If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment by:~~

~~(a) Multiplying your AU's countable net monthly income by thirty percent;~~

~~(b) Rounding this amount up to the next whole dollar; and~~

~~(c) Subtracting the result from the maximum allotment.~~

~~(5)) If we determine you are eligible for Basic Food, your first month's benefits are from the date you applied for benefits through the end of the month of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055. This is called proration and is based on a thirty-day month.~~

~~((+6)) (5) If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.~~

~~((+7)) (6) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.~~

~~((+8)) (7) If your AU has one or two members, your monthly allotment will be at least ((fourteen)) sixteen dollars unless:~~

~~(a) It is the first month of your certification period;~~

~~(b) Your AU is eligible for only a partial month; and~~

~~(c) We reduced your first month's allotment below ((fourteen)) sixteen dollars based on the date you became eligible for Basic Food under WAC 388-406-0055.~~

WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE ~~((10-1-2008))~~ 4-1-2009

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$1,127	\$867	\$(176) <u>200</u>	\$1,430
2	1,517	1,167	((323)) <u>367</u>	1,925
3	1,907	1,467	((463)) <u>526</u>	2,420
4	2,297	1,767	((588)) <u>668</u>	2,915
5	2,687	2,067	((698)) <u>793</u>	3,410
6	3,077	2,367	((838)) <u>952</u>	3,905
7	3,467	2,667	((926)) <u>1,052</u>	4,400
8	3,857	2,967	((1,058)) <u>1,202</u>	4,895
9	4,247	3,267	((1,190)) <u>1,352</u>	5,390
10	4,637	3,567	((1,322)) <u>1,502</u>	5,885
Each Additional Member	+390	+300	+((132)) <u>150</u>	+495

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS). (1) ~~((Clients who))~~ Able-bodied adults without dependents (ABAWDs) are age eighteen to fifty and have no dependents. They must, unless determined exempt, participate in specific employment and training activities to receive food assistance.

(2) ~~Nonexempt ((clients))~~ ABAWDs who fail to participate ~~((are eligible for no more than three months of food assistance in a thirty-six month period))~~ may continue to receive food assistance until September 30, 2010.

(3) ~~((Except as provided in WAC 388-444-0035, a person))~~ Beginning October 1, 2010, an ABAWD is not eligible to receive food assistance for more than three full months in ~~((the))~~ a thirty-six month period ~~((beginning January 1, 1997))~~, except as provided in WAC 388-444-0035, unless that person:

(a) Works at least twenty hours a week averaged monthly; or
(b) Participates in and complies with the requirements of a work program for twenty hours or more per week; or
(c) Participates in a workfare program as provided in WAC 388-444-0040.

(4) A work program is defined as a program under:

- (a) The Job Training Partnership Act (JTPA);
- (b) Section 236 of the Trade Act of 1974; or
- (c) A state-approved employment and training program.