



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,

Preproposal Statement of Inquiry was filed as WSR 09-10-056 & 08-14-119; 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 proposing changes to sections in the following WAC sections: WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, and 388-492-0070. The department is proposing changes to exercise an option from the 2002 Farm Bill to treat child support payments made to someone outside of the home as an income exclusion prior to administering the gross income test changes to WAC 388-450-0185.

Hearing location(s):
Blake Office Park East - Rose Room
4500 - 10th Ave. SE
Lacey, Washington 98503
(One block north of the intersection of Pacific Ave. SE and Alhadeff Lane. A map or directions are available at http://www.dshs.wa.gov/msa/rpau/docket.html or by calling 360-664-6094)

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 p.m. on October 27, 2009

Date of intended adoption: Not earlier than October 28, 2009 (Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by October 13, 2009
TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend all necessary sections in WAC 388 to implement annual adjustments to standards for WASHCAP and the Washington Basic Food Program. Changes include updates to the following standards for Federal Fiscal Year 2009: Income Standard, Maximum Shelter Deduction Standard, and Standard Deduction. The department is proposing to amend all necessary sections in WAC 388 to exercise an option from the 2002 Farm Bill to treat child support payments made to someone outside of the home as an income exclusion prior to administering the gross income test. The department is proposing to amend WAC 388-450-0195 Utility Allowances for Basic Food programs to include clarifying language pertaining to eligibility for the Standard Utility Allowance (SUA).

Reasons supporting proposal: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for WASHCAP or the Washington Basic Food Program. This change will assist low income families in meeting their child support obligations, while enhancing their supply of food. This change reflects a \$1 LIHEAP payment made annually by State of Washington Department of Commerce to all active Basic Food households to enable them to qualify for the Standard Utility Allowance.

Statutory authority for adoption:
RCW 74.04.005;74.04.050; 74.04.055; 74.04.057; 74.04.500; 74.04.510; and 74.08.090

Statute being implemented:
RCW 74.04.005;74.04.050; 74.04.055; 74.04.057; 74.04.500;74.04.510; and 74.08.090

Is rule necessary because of a:
Federal Law? [X] Yes [] No
Federal Court Decision? [] Yes [X] No
State Court Decision? [] Yes [X] No
If yes, CITATION:

7 CFR 273.9

DATE
September 18, 2009

NAME (type or print)
Stephanie Vaughn

SIGNATURE
Stephanie E Vaughn

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 23, 2009
TIME: 10:18 AM

WSR 09-19-148

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None.

Name of proponent: 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.

The proposed rules do not have an economic impact on small businesses. The proposed changes only affect DSHS clients by setting standards used to determine eligibility and benefit levels for the Washington Basic Food Program.

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, "this 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 09-07-054, filed 3/11/09, effective 4/11/09)

WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits? We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$ ((144)) <u>141</u>
2	\$ ((144)) <u>141</u>
3	\$ ((144)) <u>141</u>
4	\$ ((147)) <u>153</u>
5	\$ ((172)) <u>179</u>
6 or more	\$ ((197)) <u>205</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

(a) Keep work, look for work, or accept work;

(b) Attend training or education to prepare for employment; or

(c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

~~(5) ((Legally obligated current or back child support paid to someone outside of your AU:~~

~~(a) For a person who is not in your AU; or~~

~~(b) For a person who is in your AU to cover a period of time when they were not living with you.~~

~~(6))~~ A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 08-24-050, filed 11/25/08, effective 12/26/08)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

(a) Monthly rent, lease, and mortgage payments;
(b) Property taxes;
(c) Homeowner's association or condo fees;
(d) Homeowner's insurance for the building only;
(e) Utility allowance your AU is eligible for under WAC 388-450-0195;

(f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

(i) AU intends to return to the home;
(ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and
(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of four hundred (~~forty-six~~) fifty-nine dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred (~~forty-six~~) fifty-nine dollars.

AMENDATORY SECTION (Amending WSR 09-14-018, filed 6/22/09, effective 7/23/09)

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

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)) <u>1,174</u>	\$((867)) <u>903</u>	\$200	\$((1,430)) <u>1,490</u>
2	((1,517)) <u>1,579</u>	((1,167)) <u>1,215</u>	367	((1,925)) <u>2,004</u>
3	((1,907)) <u>1,984</u>	((1,467)) <u>1,526</u>	526	((2,420)) <u>2,518</u>
4	((2,297)) <u>2,389</u>	((1,767)) <u>1,838</u>	668	((2,915)) <u>3,032</u>
5	((2,687)) <u>2,794</u>	((2,067)) <u>2,150</u>	793	((3,410)) <u>3,547</u>
6	((3,077)) <u>3,200</u>	((2,367)) <u>2,461</u>	952	((3,905)) <u>4,061</u>
7	((3,467)) <u>3,605</u>	((2,667)) <u>2,773</u>	1,052	((4,400)) <u>4,575</u>
8	((3,857)) <u>4,010</u>	((2,967)) <u>3,085</u>	1,202	((4,895)) <u>5,089</u>
9	((4,247)) <u>4,416</u>	((3,267)) <u>3,397</u>	1,352	((5,390)) <u>5,604</u>
10	((4,637)) <u>4,822</u>	((3,567)) <u>3,709</u>	1,502	((5,885)) <u>6,119</u>
Each Additional Member	+((390)) <u>406</u>	+((300)) <u>312</u>	+150	+((495)) <u>515</u>

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 09-12-068, filed 5/29/09, effective 7/1/09)

WAC 388-492-0070 How are my WASHCAP food benefits calculated?

We calculate your food benefits as follows:

- (1) We begin with your gross income.
- (2) We subtract one hundred (~~(forty-four)~~) forty-one dollars from your gross income to get your countable income.
- (3) We figure your shelter cost based on information we receive from Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:
 - (a) Three hundred dollars or more a month for shelter, we use three hundred seventy-nine dollars as your shelter cost; or
 - (b) Less than three hundred dollars for shelter, we use one hundred eighty-two dollars as your shelter cost; and
 - (c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.
- (4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.
- (5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.
- (6) We figure your WASHCAP food benefits (allotment) by:
 - (a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and
 - (b) Subtracting the result from the maximum allotment under WAC 388-478-0060.
 - (c) If you are eligible for WASHCAP, you will get at least the minimum monthly benefit for Basic Food under WAC 388-412-0015.

AMENDATORY SECTION (Amending WSR 08-21-106, filed 10/16/08, effective 11/16/08)

WAC 388-450-0195 Utility allowances for Basic Food programs.

(1) For Basic Food, "**utilities**" include the following:

- (a) Heating or cooling fuel;
- (b) Electricity or gas;
- (c) Water or sewer;
- (d) Well or septic tank installation/maintenance;
- (e) Garbage/trash collection; and
- (f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs ((7)) or receive a low income home energy assistance program (LIHEAP) benefit during the year you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$352
2	\$362
3	\$ 373
4	\$384
5	\$394
6 or more	\$405

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred seventy-six dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of forty-two dollars.