



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Social and Health Services, Economic Services Administration, Community Services Division

- Preproposal Statement of Inquiry was filed as WSR:14-10-086; or
- Expedited Rule Making--Proposed notice was filed as WSR:\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

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

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

The Department is proposing to create WAC 388-400-0047 "Am I eligible for the Heat and Eat program?"

**Hearing location(s):**

Office Building 2 – Lookout Room  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504  
Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: September 23, 2014 Time: 10:00 a.m.

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax (360) 664-6185  
**by: 5:00 pm September 23, 2014**

**Assistance for persons with disabilities:** Contact Jeff Kildahl, DSHS Rules Consultant by September 9, 2014  
TTY (360) 664-6178 or (360) 664-6092 or by email at [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov)

**Date of intended adoption:** Not earlier than September 24, 2014  
(Note: This is **NOT** the effective date)

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

Changes proposed under this filing support providing an energy assistance payment to select Basic Food and Food Assistance Program (FAP) for legal immigrants households who are not eligible for the Standard Utility Allowance income deduction for SNAP, and do not receive the maximum monthly benefit for Basic Food or FAP.

**Reasons supporting proposal:**

The Agricultural Act of 2014, Public Law 113-79, increased the amount of energy assistance though the Low Income Home Energy Assistance Program a SNAP household must receive in order for the household to be eligible for the standard utility allowance.

Changes proposed under this filing are expected to impact benefits for certain households receiving the Washington Basic Food program and the state-funded Food Assistance Program (FAP) for legal immigrants. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal food stamp program (SNAP) except for the provisions pertaining to immigrant status.

**Statutory authority for adoption:**

RCW 74.04.050;74.04.055;74.04.057;74.04.510;74.04.515;  
74.08.090;74.04.500;74.08A.010;74.08A.903.

**Statute being implemented:**

Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by PL 113-79

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION: PL 113-79

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 20, 2014**

**TIME: 10:29 AM**

**WSR 14-17-132**

**DATE**  
August 14, 2014

**NAME** (type or print)  
Katherine Vasquez

**SIGNATURE**

**TITLE**  
DSHS Rules Coordinator

**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	( 360 ) 725-4895
Implementation.... Holly St. John	PO Box 45470, Olympia. WA	( 360 ) 725-4895
Enforcement..... Holly St. John	PO Box 45470, Olympia. WA	( 360 ) 725-4895

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal 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.

These proposed rules do not have an economic impact of 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, "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."

NEW SECTION

**WAC 388-400-0047 Am I eligible for the heat and eat program?**

(1) What is the heat and eat program?

The heat and eat is a special energy assistance program for certain assistance units receiving basic food or the food assistance program for legal immigrants (FAP).

An assistance unit (AU) in heat and eat receives up to \$20.01 in federal low income home energy assistance program (LIHEAP) benefits. This LIHEAP benefit makes the AU eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(2) Is my assistance unit eligible for heat and eat?

Your AU is eligible for heat and eat if you meet all of the following:

(a) You receive at least \$1 in basic food or FAP benefits, prior to any recoupments;

(b) You **do not** receive WASHCAP;

(c) You **do not** receive transitional food assistance (TFA);

(d) You **are not** eligible for the standard utility allowance (SUA) under WAC 388-450-0195 based on having out of pocket costs for heating or cooling;

(e) You have not received a regular LIHEAP benefit amount of more than twenty dollars in the past twelve months; and

(f) You **do not** receive the maximum allotment for your AU size under WAC 388-478-0060 without using the SUA.

(3) How do I receive heat and eat?

If you are eligible for heat and eat, we deposit the benefit on your EBT card. The heat and eat benefit is good for twelve months. After twelve months, we look at your circumstances to see if you are still eligible for heat and eat.

(4) How do I apply for heat and eat?

You do not apply for heat and eat. We will determine if your AU is eligible to receive heat and eat and automatically provide you the benefit.