



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

- Preproposal Statement of Inquiry was filed as WSR: 15-06-054; 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 amend 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?", WAC 388-450-0190 "How does the department figure my shelter cost income deduction for Basic Food?", WAC 388-450-0195 "Does the Department use my utility costs when calculating my Basic Food or WASHCAP benefits?", and WAC 388-478-0060 "What are the income limits and maximum benefit amounts for Basic Food?", to implement annual adjustments to standards for the Washington Basic Food Program.

Hearing location(s):
Office Building 2
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>

Submit written comments to:
Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
fax: (360) 664-6185
by: 5:00 p.m. October 27, 2015

Date: October 27, 2010 Time: 10:00 a.m.
Date of intended adoption: Not earlier than October 28, 2015
(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by October 13, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendments increase the following: Basic Food Standard deduction for 4 person households to \$168, 5 persons households to \$197, and 6 or more person households to \$226; the Maximum Shelter Deduction to \$504; the Standard Utility Allowance to \$420; the Limited Utility Allowance to \$340; the maximum gross monthly income and maximum net monthly income limit for household that are not categorically eligible for basic food; and the 165% federal poverty level standard.

Reasons supporting proposal: The proposed amendments adopt Basic Food standards for Federal Fiscal Year 2016 in order to comply with requirements of the United States Department of Agriculture, Food and Nutrition Service (FNS), per Supplemental Nutrition Assistance Program (SNAP) Administrative Notice 15-28: SNAP - Fiscal Year (FY) 2016 Cost-of-Living Adjustments (COLAS) dated August 11, 2015. The amendments update Basic Food standards for Federal Fiscal Year 2016 to comply with requirements of the United States Department of Agriculture, Food and Nutrition Service (FNS) CFR § 273.9 (d)(iii)(B), and update the Basic Food standard utility allowance (SUA) and limited utility allowance (LUA) used to comply with SNAP 10-6-WA-SUA dated August 18, 2015.

Statutory authority for adoption:
RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057;
74.04.500; 74.04.510; 74.08.090. 74.08A.120

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:
7 CFR § 273.9 (d)(iii)(B)

DATE
September 15, 2015

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 17, 2015

TIME: 11:56 AM

WSR 15-19-095

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	Community Services Division	(360) 725-4895
Implementation:	Holly St. John	Community Services Division	(360) 725-4895
Enforcement:	Holly St. John	Community Services Division	(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.

The 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, "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 15-02-041, filed 1/2/15, effective 2/2/15)

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 eligible people in your AU under WAC 388-408-0035:

Eligible AU members	Standard deduction
1	\$155
2	\$155
3	\$155
4	\$((165)) <u>168</u>
5	\$((193)) <u>197</u>
6 or more	\$((224)) <u>226</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) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 15-02-041, filed 1/2/15, effective 2/2/15)

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 (4) from your AU's gross income. The result is your AU's countable income.

(3) Finally, we subtract one-half of your AU's countable 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~~) five hundred (~~ninety~~) four 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~~) five hundred (~~ninety~~) four dollars.

AMENDATORY SECTION (Amending WSR 15-02-041, filed 1/2/15, effective 2/2/15)

WAC 388-450-0195 Does the department use my utility costs when calculating my Basic Food or WASHCAP benefits? (1) The department uses utility allowances instead of the actual utility costs your assistance unit (AU) pays when we determine your:

(a) Monthly benefits under WAC 388-492-0070 if you receive WASHCAP; or

(b) Shelter cost income deduction under WAC 388-450-0190 for Basic Food.

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

(a) Heating or cooling fuel;

(b) Electricity or gas;

(c) Water;

(d) Sewer;

(e) Well installation/maintenance;

(f) Septic tank installation/maintenance;

(g) Garbage/trash collection; and

(h) Telephone service.

(3) We use the amounts below if you have utility costs separate from your rent or mortgage payment:

(a) If your AU has heating or cooling costs **or** receives more than twenty dollars in Low Income Home Energy Assistance Act (LIHEAA) benefits each year, you get a standard utility allowance (SUA) of four hundred (~~fifteen~~) twenty dollars.

(b) If your AU does not qualify for the SUA and you have any two utility costs listed in subsection (2) of this section, you get a

limited utility allowance (LUA) of three hundred (~~(thirty-six)~~) forty dollars.

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

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 ((10/1/2014)) 10/1/2015

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	\$((1,265)) <u>1,276</u>	\$((973)) <u>981</u>	\$194	\$((1,605)) <u>1,619</u>
2	((1,705)) <u>1,726</u>	((1,311)) <u>1,328</u>	357	((2,163)) <u>2,191</u>
3	((2,144)) <u>2,177</u>	((1,650)) <u>1,675</u>	511	((2,722)) <u>2,763</u>
4	((2,584)) <u>2,628</u>	((1,988)) <u>2,021</u>	649	((3,280)) <u>3,335</u>
5	((3,024)) <u>3,078</u>	((2,326)) <u>2,368</u>	771	((3,838)) <u>3,907</u>
6	((3,464)) <u>3,529</u>	((2,665)) <u>2,715</u>	925	((4,396)) <u>4,479</u>
7	((3,904)) <u>3,980</u>	((3,003)) <u>3,061</u>	1,022	((4,955)) <u>5,051</u>
8	((4,344)) <u>4,430</u>	((3,341)) <u>3,408</u>	1,169	((5,513)) <u>5,623</u>
9	((4,784)) <u>4,881</u>	((3,680)) <u>3,755</u>	1,315	((6,072)) <u>6,195</u>
10	((5,224)) <u>5,332</u>	((4,019)) <u>4,102</u>	1,461	((6,631)) <u>6,767</u>
Each Additional Member	+((440)) <u>451</u>	+((339)) <u>347</u>	+146	+((559)) <u>572</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.