



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:16-17-143; 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 amending WAC 388-400-0047 "Am I eligible for the heat and eat program?". The department proposes adding the Washington combined application project (WASHCAP) population to the Heat and Eat program to be consistent with federal requirements for the low income energy assistance program (LIHEAP) under the WASHCAP project renewal.

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **November 22, 2016** 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
fax: (360) 664-6185
by: 5:00 p.m. November 22, 2016

Assistance for persons with disabilities: Contact:

Jeff Kildahl, DSHS Rules Consultant by
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than November 23, 2016
(Note: This is **NOT** the **effective** date)

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

This change is necessary in order to be consistent with federal requirements for the low income energy assistance program (LIHEAP) under the WASHCAP project renewal.

Reasons supporting proposal:

Refer to the purpose statement above.

Statutory authority for adoption:

RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.04.515, RCW 74.08.090, RCW 74.04.500, RCW 74.08A.010, RCW 74.08A.903, Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by PL 113-79.

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:
Title 7 CFR Part 273

DATE

October 14, 2016

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: October 18, 2016

TIME: 12:46 PM

WSR 16-21-086

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.

The proposed rule does not impact small businesses or non-profits. They only impact DSHS clients.

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"

WAC 388-400-0047 ((Am I eligible for)) What is the heat and eat program and are you eligible? (1) What is the heat and eat program?

(a) The heat and eat program is a special energy assistance program for certain assistance units ~~((receiving))~~ that receive basic food, Washington combined application project (WASHCAP), or the food assistance program for legal immigrants (FAP).

(b) An assistance unit (AU) in heat and eat program receives up to ~~(((\$20.01))~~ twenty dollars and one cent 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) If you receive WASHCAP, you will get LIHEAP and your AU is eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(3) Is ~~((my))~~ your 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))~~ one dollar in basic food or FAP benefits~~((,))~~ prior to any recoupments;

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

~~((e)))~~ You do not receive transitional food assistance (TFA);

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

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

~~((3)))~~ (4) How do ~~((I))~~ you receive heat and eat?

(a) If you are eligible for heat and eat, we deposit the benefit on your EBT card.

(b) The heat and eat benefit is good for twelve months.

(c) After twelve months, we look at your circumstances to see if you are still eligible for heat and eat.

~~((4)))~~ (5) How do ~~((I))~~ you apply for heat and eat?

(a) You do not apply for heat and eat.

(b) We will determine if your AU is eligible to receive heat and eat and automatically provide the benefit to you ~~((the benefit))~~.