



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: 16-04-072; 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 388-492-0040 "Can I choose whether I get WASHCAP food benefits or Basic Food benefits?" and WAC 388-492-0070 "How are my WASHCAP food benefits calculated?" to implement annual adjustments to standards for the Washington Combined Application Project (WASHCAP). These changes are necessary to ensure that the project remains cost neutral with Supplemental Nutrition Assistance Program (SNAP) benefits provided under 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:
<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 November 8, 2016
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:

As required by the demonstration project waiver with the U.S. Department of Agriculture Food and Nutrition Service, the Department will review the cost neutrality between WASHCAP and Basic Food. Based on the findings of this evaluation, the Department may amend WAC 388-492-0040 and WAC 388-492-0070 to ensure that WASHCAP benefits are cost neutral to SNAP.

Reasons supporting proposal:

The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, and 7 CFR 282.1

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 273.1(a)

DATE

October 13, 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: 1:48 PM

WSR 16-21-087

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

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. 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."

AMENDATORY SECTION (Amending WSR 07-12-025, filed 5/29/07, effective 6/29/07)

WAC 388-492-0040 ((Can)) May I choose whether I get WASHCAP food benefits or basic food benefits? You ((ean)) may choose to have basic food benefits instead of ((WASHCAP)) Washington state combined application project (WASHCAP) food benefits when one or more of the following apply:

(1) Your allowable out-of-pocket medical expenses are more than thirty-five dollars a month;

(2) You chose to have basic food benefits instead of WASHCAP benefits prior to April 25, 2005 and have remained WASHCAP eligible continuously since April 25, 2005; ((or))

(3) Your food benefits under basic food would be at least forty dollars more ((due to excess shelter costs under WAC 388-450-0190 (1)(a) through (e) or legally obligated child support payments)) than what you receive from WASHCAP.

AMENDATORY SECTION (Amending WSR 14-04-050, filed 1/27/14, effective 2/27/14)

WAC 388-492-0070 How are my WASHCAP food benefits calculated? We calculate your Washington state combined application project (WASHCAP) food benefits as follows:

(1) We begin with your gross income.

(2) We subtract the current standard deduction for one person under WAC 388-450-0185 from your gross income to get your countable income.

(3) We figure your shelter cost based on information we receive from the Social Security Administration (SSA)((7)) unless you report a change as described under WAC 388-492-0080. ((If you pay:))

(a) If you pay three hundred twenty dollars or more a month for shelter, we use four hundred dollars as your shelter cost((;or)).

(b) If you pay less than three hundred twenty dollars a month for shelter, we use two hundred and ((ten)) thirty-five dollars as your shelter cost((;and)).

(c) We add the current standard utility allowance under WAC 388-450-0195 to the shelter cost we use under either subsection (3)(a) or (b) of this section to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your total shelter cost under subsection (3)(c) of this section.

(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.

((e)) (7) If you are eligible for WASHCAP, you will get at least the minimum monthly benefit for basic food under WAC 388-412-0015.