RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services, Economic Services Administration

Emergency Rule Only

Effective date of rule:
Emergency Rules
☐ Immediately upon filing.
☒ Later (specify) October 1, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose:

The Department is amending WAC sections to implement annual adjustments to standards for the Washington Basic Food Program, including 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?"

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 388-450-0185, WAC 388-450-0190, WAC 388-450-0195, WAC 388-478-0060
Suspended: None

Statutory authority for adoption:

RCW 74.04.005, RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, RCW 74.08A.120

Other authority:

United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) Administrative Notice 16-38: SNAP - Fiscal Year (FY) 2017 Cost-of-Living Adjustments, SNAP 10-6-WA-SUA Approval Letter dated August 15, 2016, 7 CFR 273.9

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The Department is required to use federally-prescribed income eligibility standards, which are revised effective October 1 of each year, as stated in 7 CFR. 273.9.

Date adopted:
September 27, 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: September 30, 2016
TIME: 12:21 PM

WSR 16-20-058

(COMPLETE REVERSE SIDE)

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	4	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted in the agency's own initiative:

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	4	Repealed	_____

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

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? (1) 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).

(2) Under these federal laws ((~~allow us to~~)), we 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) 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~~)) $157
2	((~~$155~~)) $157
3	((~~$155~~)) $157
4	$ 168
5	$ 197
6 or more	$ 226

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

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

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

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

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

((~~(4)~~)) (d) 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((~~.~~)); and

((~~(5)~~)) (e) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

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 for basic food 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~~)) shelter costs. 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)~~)) (2)(a) through ((~~(4)~~)) (2)(d) 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 five hundred ((~~four~~)) seventeen 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 five hundred ((~~four~~)) seventeen dollars.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

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~~)) Washington state combined application project (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~~)) in this subsection 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)~~)) program (LIHEAP) benefits each year, you get a standard utility allowance (SUA) of four hundred ((~~twenty~~)) eleven dollars.

(b) If your AU does not qualify for the SUA and you have any two utility costs listed in subsection ((~~(2)~~)) (3) of this section, you get a limited utility allowance (LUA) of three hundred ((~~forty~~)) nineteen dollars.

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

(3) "Utility costs" 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.

(4) If you do not have a utility cost separate from your rent or mortgage payment and do not receive low income energy assistance program (LIHEAP), you do not receive a utility allowance.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for basic food? (1) 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 of this subsection to get basic food, unless you meet one of the exceptions listed below in subsection (2) of this section. The maximum monthly food assistance benefit your AU could receive is listed in column D of this subsection.

EFFECTIVE ((~~10/1/2015~~)) 10/1/2016

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	$ ((~~1,276~~)) 1,287	$ ((~~981~~)) 990	$ 194	$ ((~~1,619~~)) 1,634
2	((~~1,726~~)) 1,736	((~~1,328~~)) 1,335	357	((~~2,191~~)) 2,203
3	((~~2,177~~)) 2,184	((~~1,675~~)) 1,680	511	((~~2,763~~)) 2,772
4	((~~2,628~~)) 2,633	((~~2,021~~)) 2,025	649	((~~3,335~~)) 3,342
5	((~~3,078~~)) 3,081	((~~2,368~~)) 2,370	771	((~~3,907~~)) 3,911
6	((~~3,529~~)) 3,530	2,715	925	((~~4,479~~)) 4,480
7	3,980	3,061	1,022	5,051
8	4,430	3,408	1,169	5,623
9	4,881	3,755	1,315	6,195
10	5,332	4,102	1,461	6,767
Each Additional Member	+451	+347	+146	+572

(2) Exceptions:

((~~(1)~~)) (a) 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 of subsection (1) of this section. We ((~~do~~)) budget your AU's income to decide the amount of basic food your AU will receive.

((~~(2)~~)) (b) If your AU includes a member who is sixty years of age or older or has a disability, your AU's income must be at or below the limit in column C ((~~only~~)) of subsection (1) of this section.

((~~(3)~~)) (c) 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 of subsection (1) of this section to decide if you can be a separate AU.

((~~(4)~~)) (d) If your AU has zero income, your benefits are the maximum allotment in column D of subsection (1) of this section, based on the number of eligible members in your AU.