



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 388-414-0001, "Do I have to meet all eligibility requirements for Basic Food?" to clarify which households are considered Categorically Eligible based on the receipt of cash assistance benefits and ensure that policies fully comply with the federal regulation.

These rule changes are not expected to impact eligibility and benefits for the Washington Basic Food program and the state-funded Food Assistance Program (FAP) for legal immigrants as these rules and procedures are already in effect and being applied to Basic Food eligibility decisions. 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.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 388-414-0001
Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090

Other authority: 7 CFR 273.2 (j)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-11-093 on 5-21-2014.
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: July 9, 2014

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: July 15, 2014

TIME: 3:30 PM

WSR 14-15-070

(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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>1</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	1	Repealed	_____

WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food? (1) What is "categorically eligible" (CE)?

(a) Being categorically eligible (CE) means that you have already met requirements for the program. If you are CE, you do not have to meet **every** program requirement to be eligible for Basic Food.

(b) If your assistance unit (AU) is CE, you automatically meet the following requirements for Basic Food:

(i) Residency under WAC 388-468-0005;

(ii) Countable resource limit under WAC 388-470-0005;

(iii) Maximum gross monthly income under WAC 388-478-0060; and

(iv) Maximum net monthly income under WAC 388-478-0060.

(c) If your AU is CE and the information is available from another program, you do not need to provide the following for Basic Food:

(i) Social Security number information under WAC 388-476-0005; and

(ii) Sponsored alien information under WAC 388-450-0155.

(d) Being CE does not mean that your AU is guaranteed to get Basic Food benefits. If your AU is CE:

(i) You must still meet the other Basic Food program requirements under WAC 388-400-0040; and

(ii) If you meet the other program requirements, we must budget your AU's income to determine the amount of benefits your AU will receive.

(2) Who is categorically eligible for Basic Food?

Your Basic Food AU is CE when your household meets the conditions in subsection 2(a) or 2(b) below:

(a) Your AU's income that we do not exclude under WAC 388-450-0015 is at or under two hundred percent of the federal poverty guidelines we use for department programs.

~~((a))~~ (i) The federal government publishes the federal poverty guidelines on the health and human services web site. These are currently posted at <http://aspe.hhs.gov/poverty/index.shtml>.

~~((b))~~ (ii) The department uses the monthly value of the income guidelines for the current year beginning the first of April every year.

~~((c))~~ (iii) If your income is not over two hundred percent of the federal poverty guidelines, we provide your AU information about the department programs and resources in the community.

(b) Everyone in your AU receives one of the following cash assistance programs:

(i) Temporary Assistance for Needy Families (TANF)/State Family Assistance (SFA) or Tribal TANF under WAC 388-400-0005 and WAC 388-400-0010;

(ii) Aged, Blind, or Disabled (ABD) cash assistance under WAC 388-400-0060;

(iii) Supplemental Security Income (SSI) under Title XVI of the Social Security Act; or

(iv) Diversion Cash Assistance (DCA) under WAC 388-432-0005. DCA makes the Basic Food AU CE for the month it receives DCA and the following three months.

(3) Who is not CE even if my AU meets the above criteria?

(a) Even if your AU is CE, members of your AU are not eligible for Basic Food if they:

- (i) Are not eligible because of their alien or student status;
 - (ii) Were disqualified from Basic Food under WAC 388-444-0055 for failing work requirements;
 - (iii) Are not eligible for failing to provide or apply for a Social Security number;
 - (iv) Receive SSI in a cash-out state (state where SSI payments are increased to include the value of the client's food stamp allotment); or
 - (v) Live in an institution not eligible for Basic Food under WAC 388-408-0040.
- (b) If a person in your AU is not eligible for Basic Food, we do not include them as an **eligible member** of your CE AU.
- (c) Your AU is not CE if:
- (i) Your AU is not eligible because of striker requirements under WAC 388-480-0001;
 - (ii) Your AU is ineligible for knowingly transferring countable resources in order to qualify for benefits under WAC 388-488-0010;
 - (iii) Your AU refused to cooperate in providing information that is needed to determine your eligibility;
 - (iv) The head of household for your AU failed to meet work requirements; or
 - (v) Anyone in your AU is disqualified because of an intentional program violation under WAC 388-446-0015.