



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 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 complies with the requirements of 7 CFR 282.1 (a) to stay cost neutral with Supplemental Nutrition Assistance Program (SNAP) benefits provided under the Washington Basic Food Program.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-492-0040, WAC 388-492-0070
 Suspended: None

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

Other authority:

Food and Nutrition Act of 2008, 7 CFR 273.1 (a), 7 CFR 273.9, 7 CFR 282.1 (a)

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 29, 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: 2:41 PM

WSR 16-20-059

**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	<u>2</u>	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	<u>2</u>	Repealed	_____

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.