



# 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 388-492-0040 "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 update WASHCAP standards for Federal Fiscal Year 2017 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 and in compliance with the 2014 Farm Bill.

**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Repealed: None  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, and 7 CFR 282.1

**Other authority:**

7 CFR 273.1(a)

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-21-087 on October 18, 2016 (date).  
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:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:**

November 30, 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: November 30, 2016**  
**TIME: 2:53 PM**

**WSR 16-24-034**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>2</u>	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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	2	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.