

Department of Social and Health Services

Olympia, Washington

**WAC Manual and EAZ Manual**

Revision # 729

Category Income  
Income – Allocation and Deeming

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**Summary**

**WAC 388-450-0140** – “How does the income of an ineligible assistance unit member affect my eligibility and benefits for Basic Food?”

**WAC 388-450-0195** – “Utility allowances for Basic Food Programs.”

On January 29, 2010, the U.S. Department of Agriculture, Food and Nutrition Service (FNS) published final rules related to the Farm Security and Rural Investment Act of 2002 (FSRIA, commonly referred to as the Farm Bill) that established new eligibility and certification requirements for the receipt of food benefits.

**Effective August 1, 2010**, as a result of these final rules, ACES will no longer prorate the SUA for households that include “ineligible” members that pay part of the shelter costs. For the purposes of this rule, “ineligible” refers to AU members who are disqualified from receipt of Basic Food due to non-compliance with ABAWD rules, ineligible alien status, or non-cooperation with Social Security number requirements.

WAC 388-450-0140

Effective August 1, 2010

**WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for Basic Food?**

The department decides who must be in your Assistance Unit (AU) under [WAC 388-408-0035](#). If an AU member is ineligible for Basic Food under [WAC 388-408-0035](#), this affects your AU's eligibility and benefits as follows:

1. We do not count the ineligible members to determine your AU size for the gross monthly income limit, net monthly income limit, or maximum allotment under [WAC 388-478-0060](#).
2. If an AU member is ineligible because they are disqualified for an intentional program violation (IPV), they failed to meet work requirements under chapter [388-444 WAC](#), or they are ineligible fleeing felons under 388-442-0010:
  - a. We count all of the ineligible member's gross income as a part of your AU's income; and
  - b. We count all of the ineligible member's allowable expenses as part of your AU's expenses.
3. If an AU member is an ineligible ABAWD under [WAC 388-444-0030](#), is ineligible due to their alien status, failed to sign the application to state their citizenship or alien status, or refused to get or provide us a Social Security number:
  - a. We allow the twenty percent earned income disregard for the ineligible member's earned income;
  - b. We prorate the remaining income of the ineligible member among all the AU members by excluding the ineligible member's share and counting the remainder to the eligible members; and
  - c. We divide the ineligible member's allowable expenses evenly among all members of the AU when the ineligible member has income except that we do not divide the Standard Utility Allowance (SUA). We allow the full SUA based on the total number of members in your AU.

This is a reprint of the official rule as published by the [Office of the Code Reviser](#). If there are previous versions of this rule, they can be found using the [Legislative Search page](#).

**CLARIFYING INFORMATION**

**1. How to count an ineligible AU member's income and resources:**

<p>1. Count <b>all</b> the income and resources for ineligible members disqualified for:</p>	<ol style="list-style-type: none"> <li>1. An Intentional Program Violation (IPV);</li> <li>2. Failing to comply with a work program under chapter <a href="#">388-444 WAC</a>;</li> <li>3. Fleeing a felony charge or conviction; or</li> <li>4. Violating a condition of probation or parole.</li> </ol>
<p>2. Count <b>a prorated share</b> of the income and <b>all</b> of the resources for AU members who are ineligible because they:</p>	<ol style="list-style-type: none"> <li>1. Are ineligible ABAWDS under <a href="#">WAC 388-444-0030</a>;</li> <li>2. Are undocumented aliens;</li> <li>3. Are aliens who were determined ineligible under welfare reform;</li> <li>4. Failed to declare their citizenship or alien status on the application</li> <li>5. Failed to sign the application; or</li> <li>6. Refused to get or provide a Social Security number.</li> </ol>
<p>3. Disregard the ineligible member's income if their student status is the only reason they are ineligible.</p>	

**NOTE:** If a client is ineligible under conditions in both a. and b., count their Income and / or resources at the full amount (a.), not the prorated amount (b.).

**2. How an ineligible member affects the SUA:**

If an ineligible client is a member of an AU that qualifies for a SUA under [WAC 388-450-0195](#), we count the ineligible member as an AU member under 388-450-0195 to determine the size of the AU and the appropriate SUA amount.

After determining the full SUA for the AU, we may do not prorate the SUA as a part of the AU's shelter cost when an ineligible member has income as described under WAC 388-450-0140. Allow the full SUA for the eligible AU members.

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WAC 388-450-0195  
Effective August 1, 2010

**WAC 388-450-0195 Utility allowances for Basic Food Programs.**

\*\*\*\* Placeholder only - No proposed changes to WAC 388-450-0195 \*\*\*

**NOTE:** The department provides all Basic Food Households an annual LIHEAP benefit of at least \$1.  
This means that **all** Basic Food and WASHCAP households are eligible for the SUA regardless of their out-of-pocket utility expenses or obligation.

**CLARIFYING INFORMATION**

**1. How can an AU qualify for SUA?**  
An AU qualifies for SUA if the AU:

- a. **Receives a Low Income Home Energy Assistance Program (LIHEAP) payment;**
- b. Is obligated to pay out-of-pocket heating or cooling costs separate from rent or mortgage costs; or
- c. Lives in public housing, uses a shared utility meter, and is billed only for excess utility expenses.

**2. How ineligible AU members affect the SUA:**

- a. We use everyone who is in the AU under [WAC 388-408-0035](#) to determine the SUA for the AU. This includes ineligible members such as ineligible aliens, clients who refuse to provide a social security number, etc. (See Income [WAC 388-450-0140](#) for how we count the income and expenses of an ineligible AU member.)
- b. We don't use people who are **not** members of the AU to determine the AU's SUA. This includes ineligible students or someone who doesn't have to be in the AU because they buy and fix food separately.
- c. ~~After determining the correct SUA based on the number of members in the AU, the SUA may be~~

~~prorated as a part of the AU's shelter expenses as described under WAC 388-450-0140.~~ (See Income [WAC 388-450-0140](#) for how we count the income and expenses of an ineligible AU member.)

**NOTE:** Even though we use ineligible members to determine the SUA for the AU, an ineligible member cannot receive Basic Food benefits. Make sure to enter any ineligible members on the AU's STAT screen for this to work correctly.

Shelter costs should be entered on the SHEL screen of any ineligible AU member that has income to ensure correct proration of shelter costs.