



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: January 23, 2024

TIME: 3:24 PM

WSR 24-03-150

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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 extending emergency amendments to the following WACs: 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?", 388-450-0190 "How does the department figure my shelter cost income deduction for basic food?", 388-450-0195 "Does the department use my utility costs when calculating my basic food or WASHCAP benefits?", and 388-478-0060 "What are the income limits and maximum benefit amounts for basic food?" Extension of these amendments is necessary to reflect cost-of-living adjustments and updated utility values for the Basic Food program, effective October 1, 2023.

Citation of rules affected by this order:

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 Repealed: None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

Statutory authority for adoption: RCW 74.04.050 and 74.08.090

Other authority: US Department of Agriculture, Food and Nutrition Service

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.

Reasons for this finding: The US Department of Agriculture, Food and Nutrition Services issued annual updates to standards for the upcoming federal fiscal year, effective October 1, 2023. These updates affect the standard deduction, shelter deduction, homeless shelter deduction, utility deduction and minimum and maximum allotments for the Basic Food program.

The Department is concurrently proceeding with the permanent rule-making process. Refer to CR-101 filed as WSR 23-22-053 and CR-102 filed as WSR 24-01-092.

**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>4</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New ____ Amended ____ Repealed ____

The number of sections adopted on 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	<u>4</u>	Repealed	____

Date Adopted: January 23, 2024	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 23-17-065, filed 8/14/23, effective 9/14/23)

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, we subtract the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(a) A standard deduction based on the number of eligible people in your AU under WAC 388-408-0035:

Eligible AU members	Standard deduction
((4)) <u>3</u> or fewer	((\$193) <u>\$198</u>)
((5)) <u>4</u>	((\$225) <u>\$208</u>)
<u>5</u>	<u>\$244</u>
6 or more	((\$258) <u>\$279</u>)

(b) 20% of your AU's gross earned income (earned income deduction);

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

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

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

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

(d) Medical expenses over \$35 a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200; and

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

AMENDATORY SECTION (Amending WSR 23-07-095, filed 3/17/23, effective 4/17/23)

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 allowable 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.

(h) A homeless AU with shelter costs is eligible for a homeless shelter expense deduction of (~~(\$166)~~) \$179. If the homeless AU has shelter costs in excess of this amount, the AU has the option to claim either:

(i) The homeless shelter deduction; or

(ii) Actual shelter costs.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (2)(a) through (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 (~~(\$624)~~) \$672 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 (~~(\$624)~~) \$672.

AMENDATORY SECTION (Amending WSR 23-07-095, filed 3/17/23, effective 4/17/23)

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 Washington state combined application project (WASHCAP); or

(b) Shelter cost income deduction under WAC 388-450-0190 for basic food.

(2) We use the following amounts 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 \$20 in low income home energy assistance program (LIHEAP) benefits each year, you get a standard utility allowance (SUA) of (~~(\$462)~~) \$483.

(b) If your household does not receive a LIHEAP payment and the reason is solely because of your immigration status, you get a SUA of (~~(\$462)~~) \$483.

(c) If your AU does not qualify for the SUA and you have any two utility costs listed in subsection (3) of this section, you get a limited utility allowance (LUA) of (~~(\$365)~~) \$383.

(d) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of (~~(\$59)~~) \$58.

(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 23-07-095, filed 3/17/23, effective 4/17/23)

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 columns 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 (~~(10/1/2021)~~) 10/1/2023

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net (Countable) Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	(\$1,473) <u>\$1,580</u>	(\$1,133) <u>\$1,215</u>	(\$281) <u>\$291</u>	(\$1,869) <u>\$2,005</u>
2	(1,984) <u>2,137</u>	(1,526) <u>1,644</u>	(516) <u>535</u>	(2,518) <u>2,712</u>
3	(2,495) <u>2,694</u>	(1,920) <u>2,072</u>	(740) <u>766</u>	(3,167) <u>3,419</u>
4	(3,007) <u>3,250</u>	(2,313) <u>2,500</u>	(939) <u>973</u>	(3,816) <u>4,125</u>
5	(3,518) <u>3,807</u>	(2,706) <u>2,929</u>	(1,116) <u>1,155</u>	(4,465) <u>4,832</u>
6	(4,029) <u>4,364</u>	(3,100) <u>3,357</u>	(1,339) <u>1,386</u>	(5,114) <u>5,539</u>
7	(4,541) <u>4,921</u>	(3,493) <u>3,785</u>	(1,480) <u>1,532</u>	(5,763) <u>6,246</u>
8	(5,052) <u>5,478</u>	(3,886) <u>4,214</u>	(1,691) <u>1,751</u>	(6,412) <u>6,952</u>
9	(5,564) <u>6,035</u>	(4,280) <u>4,643</u>	(1,902) <u>1,970</u>	(7,061) <u>7,659</u>
10	(6,076) <u>6,592</u>	(4,674) <u>5,072</u>	(2,113) <u>2,189</u>	(7,710) <u>8,366</u>
Each Additional Member	+ (512) <u>557</u>	+ (394) <u>429</u>	+ (211) <u>219</u>	+ (649) <u>707</u>

(2) Exceptions:

(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 budget your AU's income to decide the amount of basic food your AU will receive.

(b) If your AU includes a member who is 60 years of age or older or has a disability, your AU's income must be at or below the limit in column C of subsection (1) of this section.

(c) If you are 60 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.

(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.