



# EXPEDITED RULE MAKING

## CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: October 01, 2024

TIME: 4:37 PM

WSR 24-20-135

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

**Title of rule and other identifying information:** (describe subject) The department is proposing to amend the following WAC sections: 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?", 388-470-0005, "How do resources affect my eligibility for cash assistance and basic food?", and 388-478-0060, "What are the income limits and maximum benefit amounts for basic food?"

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This filing is necessary to implement SNAP cost-of-living adjustments received August 3, 2024, from the United States Department of Agriculture, Food and Nutrition Service, and must be in place by October 1, 2024. The department has filed an emergency rule under WSR 24-20-081.

**Reasons supporting proposal:** The US Department of Agriculture, Food and Nutrition Services issued annual updates to standards for the upcoming federal fiscal year, effective October 1, 2024. These updates affect the standard deduction, shelter deduction, homeless shelter deduction, utility deduction, and minimum and maximum allotments for the Basic Food program.

**Statutory authority for adoption:** RCW 74.04.050, 74.04.057, 74.04.200, 74.04.510, and 74.08.090

**Statute being implemented:** N/A

**Is rule necessary because of a:**

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Name of proponent:** (person or organization) Department of Social and Health Services,

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	(253) 579-3144
Implementation:	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	(253) 579-3144
Enforcement:	Alexis Miller	PO Box 45470, Olympia, WA 98504-5470	(253) 579-3144

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** These changes are governed by changes to federal regulations and aren't subject to revision.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: DSHS Rules Coordinator

Agency: Department of Social and Health Services

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Other:

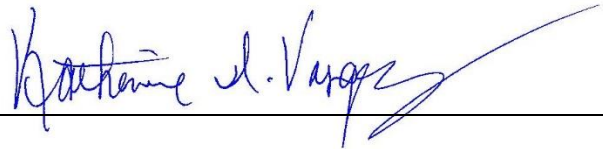
**BEGINNING** (date/time) noon on October 2, 2024 **AND RECEIVED BY** (date/time) 5:00 p.m. on December 3, 2024

**Date:** October 1, 2024

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 24-06-065, filed 3/4/24, effective 4/4/24)

**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
3 or fewer	<del>(\$198)</del> \$204
4	<del>(\$208)</del> \$217
5	<del>(\$244)</del> \$254
6 or more	<del>(\$279)</del> \$291

(b) ~~(20%)~~ Twenty percent 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 as defined in WAC 388-400-0040 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 24-06-065, filed 3/4/24, effective 4/4/24)

**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 (~~(\$179)~~) \$190. 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 (~~(\$672)~~) \$712 if no one in your AU is elderly or disabled as defined in WAC 388-400-0040; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over (~~(\$672)~~) \$712.

AMENDATORY SECTION (Amending WSR 24-06-065, filed 3/4/24, effective 4/4/24)

**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 (~~(\$483)~~) \$502.

(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 (~~(\$483)~~) \$502.

(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 (~~(\$383)~~) \$396.

(d) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of (~~(\$58)~~) \$56.

(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)~~) LIHEAP, you do not receive a utility allowance.

AMENDATORY SECTION (Amending WSR 23-24-007, filed 11/27/23, effective 2/1/24)

**WAC 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?** (1) The following definitions apply to this chapter:

- (a) **"We"** means the department of social and health services.
- (b) **"You"** means a person applying for or getting benefits from the department.
- (c) **"Fair market value"** or **"FMV"** means the price at which you could reasonably sell the resource.
- (d) **"Equity value"** means the FMV minus any amount you owe on the resource.
- (e) **"Community property"** means a resource in the name of the husband, wife, or both.
- (f) **"Separate property"** means a resource of a married person that one of the spouses:
  - (i) Had possession of and paid for before they were married;
  - (ii) Acquired and paid for entirely out of income from separate property; or
  - (iii) Received as a gift or inheritance.

(2) We count a resource to decide if your assistance unit (AU) is eligible for cash assistance or basic food when:

- (a) It is a resource we must count under WAC 388-470-0045 for cash assistance or WAC 388-470-0055 for basic food;
- (b) You own the resource and we consider you to own a resource if:
  - (i) Your name is on the title to the property; or
  - (ii) You have property that does not have a title;
  - (c) You have control over the resource, which means the resource is actually available to you; and
  - (d) You could legally sell the resource or convert it into cash within 20 days.

(3) For cash assistance, you must try to make your resources available even if it will take you more than 20 days to do so, unless:

- (a) There is a legal barrier; or
- (b) You must petition the court to release part or all of a resource.

(4) When you apply for assistance, we count your resources as of:

- (a) The date of your interview, if you are required to have an interview; or

(b) The date of your application, if you are not required to have an interview.

(5) If your total countable resources are over the resource limit in subsection (6) through (13) of this section, you are not eligible for benefits.

(6) For cash assistance, there is an equity value resource limit of \$12,000.

(7) If your AU is categorically eligible (CE) as described in WAC 388-414-0001, you do not have a resource limit for basic food.

(8) If your AU is not CE under WAC 388-414-0001, your AU may have countable resources up to the following amount and be eligible for basic food:

(a) (~~(\$4,250)~~) \$4,500 if your AU has either an elderly or disabled individual as defined in WAC 388-400-0040; or

(b) (~~(\$2,750)~~) \$3,000 for all other AUs.

(9) If you own a countable resource with someone who is not in your AU, we count the portion of the resource that you own. If we cannot determine how much of the resource is yours:

(a) For cash assistance, we count an equal portion of the resource that belongs to each person who owns it.

(b) For basic food, we count the entire amount unless you can prove that the entire amount is not available to you.

(10) We assume that you have control of community property and you can legally sell the property or convert it to cash unless you can show that you do not.

(11) We may not consider an item to be separate property if you used both separate and community funds to buy or improve it.

(12) We do not count the resources of victims of family violence when:

(a) The resource is owned jointly with members of the former household;

(b) Availability of the resource depends on an agreement of the joint owner; or

(c) Making the resource available would place the client at risk of harm.

(13) You may give us proof about a resource anytime, including when we ask for it or if you disagree with a decision we made, about:

(a) Who owns a resource;

(b) Who has legal control of a resource;

(c) The value of a resource;

(d) The availability of a resource; or

(e) The portion of a property you or another person owns.

AMENDATORY SECTION (Amending WSR 24-06-065, filed 3/4/24, effective 4/4/24)

**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 ((10/1/2023)) 10/1/2024

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income (130% of Poverty Level)	Column C Maximum Net (Countable) Monthly Income (100% of Poverty Level)	Column D Maximum Allotment	Column E 165% of Poverty Level
1	(((\$1,580)) <u>\$1,632</u>	(((\$1,215)) <u>\$1,255</u>	(((\$291)) <u>\$292</u>	(((\$2,005)) <u>\$2,071</u>
2	((2,137)) <u>2,215</u>	((1,644)) <u>1,704</u>	((535)) <u>536</u>	((2,712)) <u>2,811</u>
3	((2,694)) <u>2,798</u>	((2,072)) <u>2,152</u>	((766)) <u>768</u>	((3,419)) <u>3,551</u>
4	((3,250)) <u>3,380</u>	((2,500)) <u>2,600</u>	((973)) <u>975</u>	((4,125)) <u>4,290</u>
5	((3,807)) <u>3,963</u>	((2,929)) <u>3,049</u>	((1,155)) <u>1,158</u>	((4,832)) <u>5,030</u>
6	((4,364)) <u>4,546</u>	((3,357)) <u>3,497</u>	((1,386)) <u>1,390</u>	((5,539)) <u>5,770</u>
7	((4,921)) <u>5,129</u>	((3,785)) <u>3,945</u>	((1,532)) <u>1,536</u>	((6,246)) <u>6,510</u>
8	((5,478)) <u>5,712</u>	((4,214)) <u>4,394</u>	((1,751)) <u>1,756</u>	((6,952)) <u>7,249</u>
9	((6,035)) <u>6,295</u>	((4,643)) <u>4,843</u>	((1,970)) <u>1,976</u>	((7,659)) <u>7,989</u>
10	((6,592)) <u>6,878</u>	((5,072)) <u>5,292</u>	((2,189)) <u>2,196</u>	((8,366)) <u>8,729</u>
Each Additional Member	+ ((557)) <u>583</u>	+ ((429)) <u>449</u>	+ ((219)) <u>220</u>	+ ((707)) <u>740</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.