

***(Effective until August 1, 2024)***

**WAC 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral recipient?** This section applies to referrals to the housing and essential needs (HEN) program.

(1) When a HEN referral recipient is married and lives with their nonapplying spouse, the following income is considered available to the client:

(a) The remainder of the recipient's wages, retirement benefits and other income after reducing the total income by:

(i) The HEN referral work incentive deduction, as specified in WAC 388-450-0178; and

(ii) The amount of current and/or back child support that the recipient is paying each month under a court or administrative order. If the monthly child support payment is greater than the department's standard of need, income is instead reduced by the department's standard of need.

(b) The remainder of the nonapplying spouse's wages, retirement benefits and other income after reducing the total income by:

(i) An amount not to exceed the department's standard of need for court ordered or administratively ordered current or back child support for legal dependents; and

(ii) The HEN referral income limit amount as specified under WAC 388-478-0090 which includes ineligible assistance unit members.

(c) One-half of all other community income.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.08.025, 74.62.030, and 2013 2nd sp.s. c 10. WSR 13-24-044, § 388-450-0138, filed 11/26/13, effective 1/1/14.]

***(Effective August 1, 2024)***

**WAC 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral client?** This section applies to referrals to the housing and essential needs (HEN) program.

(1) When a HEN referral client is married and lives with their ineligible spouse, we take the following steps to figure out how much income we count:

(a) We start by totaling earned income, as defined in WAC 388-450-0030, and subtract the earned income deduction, as defined in WAC 388-450-0178;

(b) We add all the unearned income, as defined in WAC 388-450-0025;

(c) We subtract the difference between the two person and one person payment standards (payment standards can be found in WAC 388-478-0033).

(2) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot exceed the standard of need in WAC 388-478-0015 for the number of dependents.

(3) Then, we compare the remaining income after deductions in subsections (1) and (2) of this section to the income limits defined in WAC 388-478-0090.

[Statutory Authority: RCW 41.05.021, 49.46.120, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.09.035, 74.09.530, and 74.62.030. WSR 24-11-019, § 388-450-0138, filed 5/7/24, effective 8/1/24. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.08.025, 74.62.030, and 2013 2nd sp.s. c 10. WSR 13-24-044, § 388-450-0138, filed 11/26/13, effective 1/1/14.]