**WSR 23-07-098**
**EXPEDITED RULES**
**DEPARTMENT OF**
**SOCIAL AND HEALTH SERVICES**
(Economic Services Administration)
[Filed March 17, 2023, 2:33 p.m.]

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing amendments to WAC 388-414-0001 Do I have to meet all eligibility requirements for basic food?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments replace an obsolete link with a newer Health and Human Services (HHS) poverty guideline website and do not change the effect of the rule.

Reasons Supporting Proposal: These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353, specifically subsection (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.010, 74.08A.120, and 74.08A.250; and 7 C.F.R. 273.11(r).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Troy Burgess, P.O. Box 45470, Olympia, WA 98504-5770, 360-584-5162.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendment updates the link to the correct HHS poverty guidelines website and does not change the effect of the rule.

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 Rules Coordinator, DSHS, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m. on May 23, 2023.

March 17, 2023
Katherine I. Vasquez
Rules Coordinator

SHS-4975.1

<u>AMENDATORY SECTION</u> (Amending WSR 20-02-018, filed 12/19/19, effective 1/20/20)

**WAC 388-414-0001  Do I have to meet all eligibility requirements for basic food?** (1) **What is "categorically eligible" (CE)?**
(a) Being categorically eligible (CE) means that you have already met requirements for the program. If you are CE, you do not have to meet **every** program requirement to be eligible for basic food.
(b) If your assistance unit (AU) is CE, you automatically meet the following requirements for basic food:
(i) Countable resource limit under WAC 388-470-0005;
(ii) Maximum gross monthly income under WAC 388-478-0060; and
(iii) Maximum net monthly income under WAC 388-478-0060.
(c) If your AU is CE and the information is available from another program, you do not need to provide the following for basic food:
(i) Social Security number information under WAC 388-476-0005;
(ii) Sponsored alien information under WAC 388-450-0155; and
(iii) Residency under WAC 388-468-0005.
(d) Being CE does not mean that your AU is guaranteed to get basic food benefits. If your AU is CE:
(i) You must still meet the other basic food program requirements under WAC 388-400-0040; and
(ii) If you meet the other program requirements, we must budget your AU's income to determine the amount of benefits your AU will receive.
(2) **Who is categorically eligible for basic food?** Your basic food AU is CE when your household meets the conditions in subsection (2)(a) or (b) ((below)) <u>of this section</u>:
(a) Your AU's income that we do not exclude under WAC 388-450-0015 is at or under ((two hundred percent)) <u>200%</u> of the federal poverty guidelines we use for department programs.
(i) The federal government publishes the federal poverty guidelines on the health and human services website. These are currently posted at ~~http://aspe.hhs.gov/poverty/index.shtml~~)) <u>https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines</u>.
(ii) The department uses the monthly value of the income guidelines for the current year beginning the first of April every year.
(iii) If your income is not over ((two hundred percent)) <u>200%</u> of the federal poverty guidelines, we provide your AU information about the department programs and resources in the community.
(b) Everyone in your AU receives one of the following cash assistance programs:
(i) Temporary assistance for needy families (TANF)/state family assistance (SFA) or tribal TANF under WAC 388-400-0005 and WAC 388-400-0010;
(ii) Aged, blind, or disabled (ABD) cash assistance under WAC 388-400-0060;
(iii) Supplemental security income (SSI) under Title XVI of the Social Security Act; or
(iv) Diversion cash assistance (DCA) under WAC 388-432-0005. DCA makes the basic food AU CE for the month it receives DCA and the following three months.
(3) **Who is not CE even if my AU meets the above criteria?**
(a) Even if your AU is CE, members of your AU are not eligible for basic food if they:
(i) Are not eligible because of their alien or student status;

(ii) Were disqualified from basic food under WAC 388-444-0055 for failing work requirements;

(iii) Are not eligible for failing to provide or apply for a Social Security number;

(iv) Receive SSI in a cash-out state (state where SSI payments are increased to include the value of the client's food stamp allotment); or

(v) Live in an institution not eligible for basic food under WAC 388-408-0040.

(b) If a person in your AU is not eligible for basic food, we do not include them as an **eligible member** of your CE AU.

(c) Your AU is not CE if:

(i) Your AU lost eligibility due to substantial lottery or gambling winnings as indicated under WAC 388-483-0005;

(ii) Your AU is not eligible because of striker requirements under WAC 388-480-0001;

(iii) Your AU is ineligible for knowingly transferring countable resources in order to qualify for benefits under WAC 388-488-0010;

(iv) Your AU refused to cooperate in providing information that is needed to determine your eligibility;

(v) The head of household for your AU failed to meet work requirements; or

(vi) Anyone in your AU is disqualified because of an intentional program violation under WAC 388-446-0015.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.010, 74.08A.120, 74.08A.250, and 7 C.F.R. 273.11(r), 84 F.R. 15083. WSR 20-02-018, § 388-414-0001, filed 12/19/19, effective 1/20/20. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090 and 7 C.F.R. 273.2 and 273.3. WSR 15-05-010, § 388-414-0001, filed 2/5/15, effective 3/8/15. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. 273.2(j). WSR 14-15-070, § 388-414-0001, filed 7/15/14, effective 8/15/14. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 7 C.F.R. 273.2(j), 273.8(a), 273.9(a), 273.10. WSR 08-15-137, § 388-414-0001, filed 7/22/08, effective 10/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. WSR 05-23-081, § 388-414-0001, filed 11/15/05, effective 1/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 24. WSR 04-14-038, § 388-414-0001, filed 6/29/04, effective 8/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. WSR 04-07-139, § 388-414-0001, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.08.090, 74.04.510. WSR 01-07-054, § 388-414-0001, filed 3/16/01, effective 3/29/01; WSR 00-11-035, § 388-414-0001, filed 5/10/00, effective 8/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-414-0001, filed 7/31/98, effective 9/1/98.]