

WSR 26-03-097

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 21, 2026, 8:32 a.m., effective January 21, 2026, 8:32 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of social and health services (department) is extending emergency amendments to WAC 388-412-0015 General information about your food assistance allotments, 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?

These amendments are necessary to implement supplemental nutrition assistance program cost-of-living adjustments received from the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS), effective October 1, 2025.

Citation of Rules Affected by this Order: Amending WAC 388-412-0015, 388-450-0185, 388-450-0190, 388-450-0195, and 388-478-0060.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.200, 74.04.500, 74.04.510, 74.08.090, 74.08A.010, 74.08A.120, and 74.08A.250.

Other Authority: New standards issued by USDA, FNS.

Under RCW 34.05.350 the agency for good cause finds 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: USDA, FNS issued annual updates to standards for federal fiscal year 2026, effective October 1, 2025. 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 proceeding with the permanent rule-making process and filed a CR-103P under WSR 26-02-071 on January 7, 2026. Once effective, the permanent rule-making order filed under WSR 26-02-071 will supersede this emergency rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: January 8, 2026.

Katherine I. Vasquez
Rules Coordinator

SHS-5107.2

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

WAC 388-412-0015 General information about your food assistance allotments. (1) Your monthly allotment under the Washington basic food program, food assistance program for legal immigrants (FAP), Washington combined application project (WASHCAP), or the transitional food assistance (TFA) program is the total dollar value of benefits your assistance unit (AU) receives for a calendar month.

(2) **How we determine monthly allotments:**

(a) We calculate your monthly allotment for federally funded basic food as described under WAC 388-450-0162.

(b) We calculate your monthly allotment for state-funded food assistance as described under WAC 388-400-0050.

(3) **Maximum allotment:**

(a) The maximum allotment for the number of people in your AU eligible for federally funded basic food benefits is described under WAC 388-478-0060.

(b) The maximum allotment for the number of people in your AU eligible for state-funded FAP benefits is set by the legislature in the biennial operating budget as described in WAC 388-400-0050.

(4) **Prorated benefits in the first month.** If we determine you are eligible for food assistance, your first month's benefits are calculated from the date you applied through the end of the month of your application. This is called proration and is based on a 30-day month:

(a) If your prorated benefits for the first month are under 10 dollars, you will not receive an allotment for the first month.

(b) If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055.

(5) **Combined allotment for first and second month's benefits.** If you apply for benefits on or after the 16th of the month and we determine you are eligible for food assistance for both the first and second month, we will issue both months' benefits in one allotment.

(6) **Minimum allotment.** Unless it is the first month of your certification period and your benefits are prorated as described in subsection (4) of this section, your monthly allotment will be at least:

(a) ((~~\$23~~)) \$24 if your AU has one or two members and at least one person is eligible for federally funded basic food; or

(b) ((~~\$23~~)) \$24 dollars if your AU has one or two members and all members of your AU are eligible for state-funded FAP.

(7) **Use of food assistance benefits.** Your food assistance benefits may only be used to buy eligible food items as described under WAC 388-412-0046. If you use your benefits in any other way, it is an intentional program violation under WAC 388-446-0015 and could result in fines, imprisonment, disqualification from receiving food assistance benefits, or any combination of these penalties.

AMENDATORY SECTION (Amending WSR 25-01-045, filed 12/10/24, effective 1/10/25)

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	(\$204) <u>\$209</u>
4	(\$217) <u>\$223</u>
5	(\$254) <u>\$261</u>
6 or more	(\$291) <u>\$299</u>

(b) 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 25-01-045, filed 12/10/24, effective 1/10/25)

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 (~~(\$190)~~) \$198. 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 (~~(\$712)~~) \$744 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 (~~(\$712)~~) \$744.

AMENDATORY SECTION (Amending WSR 25-01-045, filed 12/10/24, effective 1/10/25)

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 from the heat and eat program under WAC 388-400-0047 each year, you get a standard utility allowance (SUA) of (~~(\$502)~~) \$515.

(b) If your household does not receive a LIHEAP heat and eat payment and the reason is solely because of your immigration status, you get a SUA of (~~(\$502)~~) \$515.

(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 (~~(\$396)~~) \$406.

(d) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of (~~(\$56)~~) \$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 LIHEAP from the heat and eat program under WAC 388-400-0047, you do not receive a utility allowance.

AMENDATORY SECTION (Amending WSR 25-01-045, filed 12/10/24, effective 1/10/25)

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/((2024)) 2025

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	(((\$1,632)) <u>\$1,696</u>)	(((\$1,255)) <u>\$1,305</u>)	(((\$292)) <u>\$298</u>)	(((\$2,071)) <u>\$2,152</u>)
2	(((\$2,215)) <u>2,292</u>)	(((\$1,704)) <u>1,763</u>)	(((\$36)) <u>546</u>)	(((\$2,811)) <u>\$2,909</u>)
3	(((\$2,798)) <u>2,888</u>)	(((\$2,152)) <u>2,221</u>)	(((\$768)) <u>785</u>)	(((\$3,551)) <u>3,665</u>)
4	(((\$3,380)) <u>3,483</u>)	(((\$2,600)) <u>2,680</u>)	(((\$975)) <u>994</u>)	(((\$4,290)) <u>4,421</u>)
5	(((\$3,963)) <u>4,079</u>)	(((\$3,049)) <u>3,138</u>)	(((\$1,158)) <u>1,183</u>)	(((\$5,030)) <u>5,177</u>)
6	(((\$4,546)) <u>4,675</u>)	(((\$3,497)) <u>3,596</u>)	(((\$1,390)) <u>1,421</u>)	(((\$5,770)) <u>5,934</u>)
7	(((\$5,129)) <u>5,271</u>)	(((\$3,945)) <u>4,055</u>)	(((\$1,536)) <u>1,571</u>)	(((\$6,510)) <u>6,690</u>)
8	(((\$5,712)) <u>5,867</u>)	(((\$4,394)) <u>4,513</u>)	(((\$1,756)) <u>1,789</u>)	(((\$7,249)) <u>7,446</u>)
((9	6,295	4,843	1,976	7,989
10	6,878	5,292	2,196	8,729))
Each Additional Member	+ (((\$583)) <u>596</u>)	+ (((\$449)) <u>459</u>)	+ (((\$220)) <u>218</u>)	+ (((\$740)) <u>757</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.