



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 1/01/2015 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 creating WAC 388-400-0047 "Am I eligible for the Heat and Eat program?" to provide an energy assistance payment to select Basic Food and Food Assistance Program (FAP) for legal immigrant's households who are not eligible for the Standard Utility Allowance income deduction for SNAP, do not receive the maximum monthly benefit for Basic Food or FAP, and are not receiving Basic Food through WASHCAP.

Citation of existing rules affected by this order:

Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: RCW 74.04.050; 74.04.055; 74.04.057; 74.04.510; 74.04.515; 74.08.090; 74.04.500; 74.08A.010; 74.08A.903

Other authority:

Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by PL 113-79

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-17-132 on 8/20/14

Describe any changes other than editing from proposed to adopted version: No changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

October 31, 2014

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: November 03, 2014
TIME: 11:44 AM
WSR 14-22-076

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>1</u>	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in 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	<u>1</u>	Amended	_____	Repealed	_____

NEW SECTION

WAC 388-400-0047 Am I eligible for the heat and eat program?

(1) What is the heat and eat program?

The heat and eat is a special energy assistance program for certain assistance units receiving basic food or the food assistance program for legal immigrants (FAP).

An assistance unit (AU) in heat and eat receives up to \$20.01 in federal low income home energy assistance program (LIHEAP) benefits. This LIHEAP benefit makes the AU eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(2) Is my assistance unit eligible for heat and eat?

Your AU is eligible for heat and eat if you meet all of the following:

(a) You receive at least \$1 in basic food or FAP benefits, prior to any recoupments;

(b) You **do not** receive WASHCAP;

(c) You **do not** receive transitional food assistance (TFA);

(d) You **are not** eligible for the standard utility allowance (SUA) under WAC 388-450-0195 based on having out of pocket costs for heating or cooling;

(e) You have not received a regular LIHEAP benefit amount of more than twenty dollars in the past twelve months; and

(f) You **do not** receive the maximum allotment for your AU size under WAC 388-478-0060 without using the SUA.

(3) How do I receive heat and eat?

If you are eligible for heat and eat, we deposit the benefit on your EBT card. The heat and eat benefit is good for twelve months. After twelve months, we look at your circumstances to see if you are still eligible for heat and eat.

(4) How do I apply for heat and eat?

You do not apply for heat and eat. We will determine if your AU is eligible to receive heat and eat and automatically provide you the benefit.