



# RULE-MAKING ORDER

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

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

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify \_\_\_\_\_ (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 amending WAC 388-400-0047 "Am I eligible for the heat and eat program?" to add the Washington combined application project (WASHCAP) population to the Heat and Eat program. This change is needed in order to be consistent with federal requirements for the low income energy assistance program (LIHEAP) under the WASHCAP project renewal.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: WAC 388-400-0047  
 Suspended: None

**Statutory authority for adoption:**

RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.04.515, RCW 74.08.090, RCW 74.04.500, RCW 74.08A.010, RCW 74.08A.903, Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by PL 113-79.

**Other authority:**

7 CFR 273

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-21-086 on October 18, 2016 (date).

Describe any changes other than editing from proposed to adopted version:

None

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

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:**

December 1, 2016

**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: December 01, 2016**

**TIME: 5:00 PM**

**WSR 16-24-050**

**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:**

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

**WAC 388-400-0047 ((Am I eligible for)) What is the heat and eat program and are you eligible?** (1) What is the heat and eat program?

(a) The heat and eat program is a special energy assistance program for certain assistance units ~~((receiving))~~ that receive basic food, Washington combined application project (WASHCAP), or the food assistance program for legal immigrants (FAP).

(b) An assistance unit (AU) in heat and eat program receives up to ~~(((\$20.01))~~ twenty dollars and one cent 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) If you receive WASHCAP, you will get LIHEAP and your AU is eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(3) Is ~~((my))~~ your 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))~~ one dollar 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))~~ (c) 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))~~ (d) You have not received a regular LIHEAP benefit amount of more than twenty dollars in the past twelve months; and

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

~~((3))~~ (4) How do ~~((I))~~ you receive heat and eat?

(a) If you are eligible for heat and eat, we deposit the benefit on your EBT card.

(b) The heat and eat benefit is good for twelve months.

(c) After twelve months, we look at your circumstances to see if you are still eligible for heat and eat.

~~((4))~~ (5) How do ~~((I))~~ you apply for heat and eat?

(a) You do not apply for heat and eat.

(b) We will determine if your AU is eligible to receive heat and eat and automatically provide the benefit to you ~~((the benefit))~~.