



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

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

Title of rule and other identifying information: (Describe Subject)  
The department is proposing to amend WAC 388-450-0215 "How does the department estimate my assistance unit's income to determine my eligibility and benefits?".

### 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**

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**AND RECEIVED BY September 5, 2017**

Purpose of the proposal and its anticipated effects, including any changes in existing rules:  
The proposed amendment changes incorrect references contained in subsections (4)(a) and (7)(b) from subsection (6) to subsection (5).

Reasons supporting proposal: The proposed amendment corrects typographical errors.

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, and RCW 74.08A.120

Statute being implemented:

**Is rule necessary because of a:**  
Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No  
If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 05, 2017**  
**TIME: 9:24 AM**

**WSR 17-14-105**

**DATE**  
June 29, 2017

**NAME (TYPE OR PRINT)**  
Katherine Vasquez

**SIGNATURE**

**TITLE**  
DSHS Rules Coordinator

**Name of proponent: (person or organization):** Department of Social and Health Services

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

**WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits?** (1) We decide if your assistance unit (AU) is eligible for benefits and calculate your monthly benefits based on an estimate of your AU's gross monthly income and expenses. This is known as prospective budgeting.

(2) We use your current, past, and future circumstances for a representative estimate of your monthly income.

(3) We may need proof of your circumstances to ensure our estimate is reasonable. This may include documents, statements from other people, or other proof as explained in WAC 388-490-0005.

(4) We use one of two methods to estimate income:

(a) **Anticipating monthly income (AM):** With this method, we base the estimate on the actual income we expect your AU to receive in the month ~~((see subsection (6)))~~, as described in subsection (5) of this section; ((and)) or

(b) **Averaging income (CA):** With this method, we add the total income we expect your AU to receive for a period of time and divide by the number of months in the period ~~((see))~~, as described in subsection (6)((+)) of this section.

(5) Anticipating monthly income: We must use the anticipating monthly method:

(a) When we estimate income for anyone in your AU, if you or anyone in your AU receive SSI-related medical benefits under chapter 182-512 WAC.

(b) When we must allocate income to someone who is receiving SSI-related medical benefits under chapter 182-512 WAC.

(c) In the month of application, when you are a destitute migrant or destitute seasonal farmworker under WAC 388-406-0021. In this situation, we must use anticipating monthly (AM) for all your AU's income.

(d) To budget SSI or Social Security benefits even if we average other sources of income your AU receives.

(6) Averaging income: When we average your income, we consider changes we expect for your AU's income. We determine a monthly amount of your income based on how often you are paid:

(a) If you are paid weekly, we multiply your expected income by 4.3;

(b) If you are paid every other week, we multiply your expected income by 2.15;

(c) In most cases if you receive your income other than weekly or every other week, we estimate your income over your certification period by:

(i) Adding the total income for representative period of time;

(ii) Dividing by the number of months in the time frame; and

(iii) Using the result as a monthly average.

(d) If you receive your yearly income over less than a year because you are self-employed or work under a contract, we average this income over the year unless you are:

(i) Paid on an hourly or piecework basis; or

(ii) A migrant or seasonal farmworker under WAC 388-406-0021.

(7) We use the same method for each month in your certification period, including the month of application, unless:

(a) A full month's income is not anticipated in the month of application. In this situation, we budget your income in the month of application using the anticipated monthly (AM) method and average your income (CA) for the rest of the months in your certification.

(b) You are a destitute migrant or destitute seasonal farmworker. We must budget your income in the month of application using the anticipated monthly method, as required by subsection ~~((+6+))~~ (5) of this section. We may average your income for the rest of the months in your certification period.

(8) If you report a change in your AU's income, and we expect the change to last through the end of the next month after you reported it, we update the estimate of your AU's income based on this change.

(9) If your actual income is different than the income we estimated, we don't make you repay an overpayment under chapter 388-410 WAC or increase your benefits unless you meet one of the following conditions:

- (a) You provided incomplete or false information; or
- (b) We made an error in calculating your benefits.