

**WAC 388-408-0035 Who is in my assistance unit for basic food?**

(1) A person must be in your assistance unit if they live in the same home as you and regularly buy food or prepare meals with you.

(2) If the following people live with you, they must be in your assistance unit even if you do not usually buy or prepare food together:

- (a) Your spouse;
- (b) Your parents if you are under age 22;
- (c) Your children under age 22;
- (d) The parent of a child who must be in your assistance unit;
- (e) A child under age 18 who does not live with their parent unless the child:
  - (i) Is a foster child;
  - (ii) Is emancipated; or
  - (iii) Is not financially dependent on an adult in the assistance unit.

(3) If any of the people in subsections (1) or (2) of this section already receive transitional food assistance (TFA) under chapter 388-489 WAC, they can only receive benefits if they choose to reapply for basic food as described in WAC 388-489-0022.

(4) If you live in an institution where you may be eligible for basic food under WAC 388-408-0040, we decide who is in your assistance unit as follows:

(a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your assistance unit under subsection (2) of this section; or

(b) If you apply for benefits on your own, we include you, anyone who must be in your assistance unit under subsection (2) of this section, and other residents you choose to apply with.

(5) Anyone who must be in your assistance unit under subsection (1) or (2) of this section is an ineligible assistance unit member if they:

(a) Are disqualified for an intentional program violation under WAC 388-446-0015;

(b) Do not meet work requirements under WAC 388-444-0030 or WAC 388-444-0055;

(c) Do not provide a social security number under WAC 388-476-0005;

(d) Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(e) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010.

(6) If your assistance unit has an ineligible member:

(a) We count the ineligible member's income as part of your assistance unit's income under WAC 388-450-0140;

(b) We count all the ineligible members resources to your assistance unit; and

(c) We do not use the ineligible member to determine your assistance unit's size for the maximum income amount or allotment under WAC 388-478-0060.

(7) If the following people live in the same home as you, you can choose if we include them in your assistance unit:

(a) A permanently disabled person who is age 60 or over and cannot make their own meals if the total income of everyone else in the home, not counting the elderly and disabled person's spouse is not more than the 165% standard under WAC 388-478-0060;

(b) A boarder. If you do not include a boarder in your assistance unit, the boarder cannot get basic food benefits in a separate assistance unit;

(c) A person placed in your home for foster care. If you do not include this person in your assistance unit, they cannot get basic food benefits in a separate assistance unit;

(d) Roomers; or

(e) Live-in attendants even if they buy or prepare food with you.

(8) If someone in your assistance unit moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your assistance unit, unless you receive TFA.

(9) Your TFA household includes the people who were in your basic food assistance unit the month you received transitional cash assistance (TCA); or, for the last month you received:

(a) Temporary assistance for needy families;

(b) State family assistance; or

(c) Tribal TANF benefits.

(10) When the assistance described in subsection (9) of this section was reduced because a family member is not meeting WorkFirst program requirements (WAC 388-310-1600), the individual(s) in sanction will be excluded from TFA.

(11) If someone in your assistance unit received basic food or TFA in another assistance unit or another state, they cannot receive benefits in your assistance unit for the same period of time unless they left the assistance unit to live in a shelter for battered women and children under WAC 388-408-0045.

(12) A student who is ineligible for basic food under WAC 388-482-0005 is not a member of your assistance unit.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.680, 74.08.090, 74.08A.010, and 2022 c 98. WSR 23-23-134, § 388-408-0035, filed 11/17/23, effective 1/1/24. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.680, and 74.08.090. WSR 22-12-017, § 388-408-0035, filed 5/20/22, effective 7/1/22. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. § 273.1. WSR 13-16-102, § 388-408-0035, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, and 74.08A.903. WSR 10-13-047, § 388-408-0035, filed 6/9/10, effective 8/1/10. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. WSR 05-19-061, § 388-408-0035, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. WSR 04-14-040, § 388-408-0035, filed 6/29/04, effective 7/30/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. WSR 04-06-025, § 388-408-0035, filed 2/23/04, effective 4/1/04; WSR 03-19-118, § 388-408-0035, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. WSR 01-21-060, § 388-408-0035, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-408-0035, filed 7/31/98, effective 9/1/98.]