

RULEMAKING NOTICE FORM

Notice Number	2016-135	Rule Number	He-W 742.02(b)
1. Agency Name & Address: Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301		2. RSA Authority:	RSA 161:4-a, IV, RSA 167:3-c, I
		3. Federal Authority:	_____
		4. Type of Action:	
		Adoption	_____
		Amendment	X
		Repeal	_____
		Readoption	_____
		Readoption w/amendment	_____

5. Short Title: **Update to the Food Stamp Program Standard Utility Allowances (SUA)**

6. (a) Summary of what the rule says and of any proposed amendments:

The Department of Health and Human Services (Department) is proposing to amend He-W 742.02(b) to update the level of the Food Stamp Program Standard Utility Allowances (SUAs) to reflect changes in costs, per 7 CFR 273.9(d)(6)(iii)(B).

The SUAs are an income deduction, applied if the Food Stamp (FS) household incurs certain utility costs separate from the household’s rent or mortgage, such as phone, electricity or heating costs. The SUAs are determined annually and adjustments in the amount of the allowances are based on changes in the Consumer Price Index for Urban Consumers (CPI-U).

The proposed amendment decreases the SUAs to reflect a CPI-U of -3.6% as of June 27, 2016. A negative CPI-U means that these income deductions will be smaller, which results in more income being considered available to the household and subsequently a smaller Food Stamp benefit allotment to the household.

The proposed amendment to the rule ensures the Department’s SUAs align with federal mandates, accurately reflect changes to the CPI-U, and do not artificially maintain SUAs at a higher level when there has been an actual reduction in costs.

6. (b) Brief description of the groups affected:

Applicants and recipients of Food Stamps who incur utility costs separate from rent or mortgage.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Federal Reg./RSA
He-W 742.02(b)	RSA 161:2, XIII; RSA 161:4-a, IV; RSA 167:3-c, I; RSA 167:4, I(a); 7 CFR 273.9(d)(6)(iii); 7 USC 2014(e)(6)(C)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard** Title: **Rules Coordinator**

Address: **Dept. of Health & Human Services** Phone #: **271-9374**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant Street
Concord, NH 03301 E-mail: **catherine.bernhard@dhhs.state.nh.us**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, August 25, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, August 18, 2016 12:30 pm**

Place: [**DHHS, Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH 03301**](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **16:138**, dated **07/19/16**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rule, the proposed rule may decrease benefits for state citizens to the extent that they are food stamp recipients.

2. Cite the Federal mandate. Identify the impact of state funds:

The proposed rule implements 7 CFR 273.9(d)(6)(iii)(B), which requires states to annually review standard utility allowances (SUA).

3. Cost and benefits of the proposed rule(s):

As noted above, states are required to annually review its SUAs, which are income deductions applied if food stamp households incur certain utility costs separate from the household's rent or mortgage, such as phone, electricity, or heating costs. SUAs are tied to the Consumer Price Index for Urban Consumers (CPI-U). The proposed rules will decrease the SUAs to reflect a CPI-U of -3.6% as of June 27, 2016. A negative CPI-U means that the income deductions will be smaller, which in turn results in more income being considered available to the household and subsequently a smaller food stamp benefit allotment to the household.

A. To State general or State special funds:

None. The food stamp program benefits are funded entirely with federal funds.

B. To State citizens and political subdivisions:

The proposed rule will decrease certain income deductions allowed to food stamp households, which will result in lower monthly food stamp benefits for certain households. The exact adjustment will vary by household circumstance, but the Department anticipates the decrease will be no more than \$8 per month per household if there are no other household changes.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Amend He-W 742.02, effective 2-24-16 (Document #11041), as amended effective 3-24-16 (Document #11057, Interim), by amending (b), cited and to read as follows:

He-W 742.02 Utility Expenses Incurred Separately.

(b) The minimum monthly SUA amounts shall be as listed in Table 700-1, SUA, below;

Table 700-1, SUA

SUA	Monthly Dollar Allowance
Heat SUA	<u>\$684659</u>
Utilities only SUA	<u>\$249240</u>
Electric only SUA	<u>\$145140</u>
Telephone only SUA	<u>\$2726</u>

APPENDIX

Rule	Federal Reg./RSA
He-W 742.02(b)	RSA 161:2, XIII; RSA 161:4-a, IV; RSA 167:3-c, I; RSA 167:4, I(a); 7 CFR 273.9(d)(6)(iii); 7 USC 2014(e)(6)(C)