

Notice of Agency Rule-making Proposal

MAPA 3

AGENCY: Department of Health and Human Services, Office for Family Independence

CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules

Rule #231 – FFY24 Budgeting Changes

PROPOSED RULE NUMBER:

BRIEF SUMMARY: Maine exercises an option for Broad Based Categorical Eligibility under 7 C.F.R. § 273.2(j)(2) which includes a 200% Federal Poverty Level (FPL) test. This figure is not included in the figures updated each federal fiscal year per 7 C.F.R. § 273.9(a)(4), it is updated as soon as the the FPLs are published. This year's FPLs were published at <https://www.federalregister.gov/documents/2023/01/19/2023-00885/annual-update-of-the-hhs-poverty-guidelines> on January 19. See also, Annual Update of the HHS Poverty Guidelines, Federal Register 88:12 (January 19, 2023) p. 3424, <https://www.govinfo.gov/content/pkg/FR-2023-01-19/pdf/2023-00885.pdf>. The Department proposes to incorporate these figures effective January 19, 2023. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as these changes afford this benefit to more residents of the State of Maine and do not adversely impact applicants, participants, beneficiaries, or providers. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

Federal rule 7 C.F.R. §§ 273.9(a)(3), 273.10(e)(4), and 273.11(r)(2)(ii) require that income allowances, standard shelter deductions, and minimum and maximum benefit limits, are updated each year, effective October 1st. The U.S.D.A. - Food and Nutrition Services (FNS) provides updated income allowances, standard deductions, and minimum and maximum benefit standards to states and territories, annually. The final income allowance, standard deductions, and minimum and maximum benefit levels were distributed by the USDA FNS on August 3, 2023. The Department proposes to incorporate these figures effective October 1, 2023. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as these changes afford this benefit to more residents of the State of Maine and do not adversely impact applicants, participants, beneficiaries, or providers. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

Federal rule 7 C.F.R. § 273.9 (d)(6)(ii) and (iii)(B) requires that standard heating/cooling, non-heat, and phone allowances as well as excess shelter deductions are updated each year, effective October 1st. The U.S.D.A. - Food and Nutrition Services (FNS) provides the updated excess shelter deduction to states and territories, annually. The final excess shelter deduction was distributed by the USDA FNS on August 3, 2023. FNS annually approves utility allowances calculated by states. The calculations are based on the change in the Consumer Price Index for fuel and utilities, between June 2023 and June 2024. FNS approved Maine's SUAs for FFY 2024 on August 18, 2023. These figures were adopted in emergency rule SNAP 231E on September 29, 2023. This rulemaking would extend the use of these figures beyond the emergency period.

See <http://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. §§ 42(1); 3104

PUBLIC HEARING: No hearing is scheduled.

COMMENT DEADLINE: Monday, November 6, 2023, at 5:00 p.m. EST.

Written public comments may be submitted via the link at <https://www.maine.gov/dhhs/about/rulemaking>

CONTACT PERSON FOR THIS FILING:

Ian Miller, Senior Program Manager - SNAP
Department of Health and Human Services
Office for Family Independence
109 Capitol Street
Augusta, ME 04330-6841
Phone: (207) 624-4138/Fax: (207) 287-3455
TT Users Call Maine Relay – 711
Ian.Miller@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The proposed changes are not anticipated to have an impact on municipalities or counties.

AGENCY WEBSITE: <https://www.maine.gov/dhhs/ofi>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:

Emily.A.Cathcart@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)