

Rule-Making Fact Sheet

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

AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-3
SNAP Rule #231 – FFY24 Budgeting Changes

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(1), 3104

PUBLIC HEARING: No public hearing is scheduled.

COMMENT DEADLINE: Monday, November 5, 2023 at 5:00 p.m. EST.
Written public comments may be submitted via the link at
<https://www.maine.gov/dhhs/about/rulemaking>.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: 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 U.S.D.A. - 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 U.S.D.A. - 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.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? No.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The proposed rule change implements updates to the standard utility allowance deductions for the Supplemental Nutrition Assistance Program (SNAP) as of January 19, and October 1, 2023. As a result, SNAP benefits will change for some households.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE: 7 C.F.R. §§ 273.9(a)(3) and (d)(6)(ii) and (iii)(B), 273.10(e)(4), and 273.211(r)(2)(ii) and U.S.D.A. - FNS approval of FFY 2024 Standard Utility Allowance values were considered in the development of this rule. In addition, 22 M.R.S. § 3104-A was considered for general SNAP eligibility and benefit levels.

ESTIMATED FISCAL IMPACT OF THE RULE: State-Funded SNAP benefits are estimated to cost an additional \$978,000 for Federal Fiscal Year 2024. These same changes will result in an estimated additional \$3,260,000 in federal funds flowing to Maine residents and grocers.

Increases in the income thresholds for eligibility may result in additional households being eligible for state or federally funded benefits. The number of households and the amount of benefits cannot be determined. These potential increases will be absorbed by existing budgeting.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.