

Title of Proposed Rule: SNAP FFY24 COLA Updates

CDHS Tracking #: 23-08-18-01

Office, Division, & Program: Rule Author: Teri Chasten  
Office of Economic Security,  
Food and Energy Assistance  
Division, SNAP

Phone: 303-866-5813

E-Mail:  
teri.chasten@state.co.us

**RULEMAKING PACKET**

Type of Rule: *(complete a and b, below)*

- a.  Board  Executive Director
- b.  Regular  Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- AG Initial Review
- Initial Board Reading
- AG 2<sup>nd</sup> Review
- Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number
- 10 Amended Rules
- 0 New Rules
- 0 Repealed Rules
- 0 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	September 2023
What date is being requested for this rule to be effective?	October 2023
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION**

Comments:

Estimated Dates:	1st Board	September 2023	2nd Board	October 2023	Effective Date	9/8/2023 (Emergency) 11/30/2023 (Permanent)
		_____		_____		_____

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### **STATEMENT OF BASIS AND PURPOSE**

#### **Summary of the basis and purpose for new rule or rule change.**

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Supplemental Nutrition Assistance Program (SNAP) is a federal food assistance program actively administered in Colorado. SNAP provides food assistance benefits as part of a federal nutrition program to help low-income households purchase food. The United States Department of Agriculture, Food and Nutrition Service annually evaluates Federal income poverty guidelines and cost of living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming Federal Fiscal Year (FFY). The modified figures are typically made available to states during the month of August immediately prior to the next fiscal year. The COLA changes in this regulation package are required to become effective 10/01/2023.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or  
 to preserve public health, safety and welfare

Justification for emergency:

Each year, FNS disseminates the new standards to states for use in the upcoming federal fiscal year. The COLA adjustments are mandated to be implemented at the beginning of FFY24 (October 1, 2023). It is imperative to incorporate these rules to comply with federal SNAP regulations that must be effective October 1, 2023. Noncompliance with federal SNAP regulations as of October 1, 2023, conflicts with public interest.

#### **State Board Authority for Rule:**

Code	Description
26-1-107, C.R.S. (2022)	State Board to promulgate rules
26-1-109, C.R.S. (2022)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2022)	State department to promulgate rules for public assistance and welfare activities.

**Program Authority for Rule:** *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-2-301 (2022), C.R.S.	Designates the Colorado Department of Human Services as the responsible agency to administer the Food Assistance Program in the State of Colorado.
26-2-302 (2022), C.R.S.	Prohibits any interference that would prevent the Colorado Department of Human Services from complying with federal mandates prescribed under the federal "Food Stamp Act" as amended.

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26-1-107(5)(b) (2022), C.R.S.	Authorizes the State Board to adopt rules for “programs administered ... by the state department as set out in this title [26],” and § 26-2-301 designates the Department as the agency to “administer” the Food Assistance program
Agricultural Act of 2014 (Public Law 113-79)	Federal program authority

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

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## **REGULATORY ANALYSIS**

### **1. List of groups impacted by this rule.**

*Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?*

Changes to COLA amounts will benefit all SNAP applicants and participants as well as county SNAP administration and staff. There are no adverse impacts with the adoption of these changes in rules.

### **2. Describe the qualitative and quantitative impact.**

*How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?*

Annual adjustments to the four-tiered mandatory standard utility allowances, standard deduction, homeless shelter deduction, maximum allotments, and income threshold guidelines have the potential to increase current benefit amounts for participants and increase program accessibility for future applicants.

### **3. Fiscal Impact**

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is no impact because the costs associated with the Colorado Benefits Management System to incorporate these changes have already been allocated in the system maintenance budget.

County Fiscal Impact

This rule change may increase county government expenditures for administering SNAP to their county clients. This is due to the potential increase in those eligible for SNAP benefits in their county as the annual Cost of Living Adjustment (COLA) increases, which may increase county caseloads and associated workforce time needed to process any potential additional cases. Separately, workloads must shift to address associated exceptions for the COLA to be processed for existing SNAP cases. CDHS and counties will monitor the caseload for any potential increases.

Federal Fiscal Impact

There are no federal fiscal impacts with this rule change as there is no involvement from a federal agency.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts associated with this rule change.

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#### 4. Data Description

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

Federal memorandums from the Food and Nutrition Services as well as data from the Consumer Price Index for all Urban Consumers were used in the development of this rule.

#### 5. Alternatives to this Rule-making

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."*

As these annual COLA are federally mandated by SNAP federal partners to be incorporated into regulation prior to implementation, there are no available alternatives that exist to incorporate these program changes statewide.

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**OVERVIEW OF PROPOSED RULE**

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail																																		
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>																																				
4.000.1	Outdated language	<p><b>4.000.1 SNAP DEFINITIONS</b></p> <p>“Able-Bodied Adult Without Dependents (ABAWD)” means an individual aged eighteen (18) through the age of forty-nine (49) without a physical or mental disability who lives in a SNAP household with no one under the age of eighteen (18).</p> <p>***</p>	<p><b>4.000.1 SNAP DEFINITIONS</b></p> <p>“Able-Bodied Adult Without Dependents (ABAWD)” means an individual aged eighteen (18) through the age of <b>FIFTY-TWO (52)</b> <del>forty-nine (49)</del> without a physical or mental disability who lives in a <del>SNAP</del> household with no one under the age of eighteen (18).</p> <p>***</p>																																				
4.207.3(D)	Outdated figures and dates	<table border="1"> <thead> <tr> <th>Household Size</th> <th>Maximum Monthly Allotment Effective October 1, 2022</th> </tr> </thead> <tbody> <tr><td>1</td><td>\$281</td></tr> <tr><td>2</td><td>\$516</td></tr> <tr><td>3</td><td>\$740</td></tr> <tr><td>4</td><td>\$939</td></tr> <tr><td>5</td><td>\$1,116</td></tr> <tr><td>6</td><td>\$1,339</td></tr> <tr><td>7</td><td>\$1,480</td></tr> <tr><td>8</td><td>\$1,691</td></tr> </tbody> </table>	Household Size	Maximum Monthly Allotment Effective October 1, 2022	1	\$281	2	\$516	3	\$740	4	\$939	5	\$1,116	6	\$1,339	7	\$1,480	8	\$1,691	<table border="1"> <thead> <tr> <th>Household Size</th> <th>Maximum Monthly Allotment Effective October 1, 202<del>2</del>3</th> </tr> </thead> <tbody> <tr><td>1</td><td><del>\$281</del></td></tr> <tr><td>2</td><td><del>\$516</del></td></tr> <tr><td>3</td><td><del>\$740</del></td></tr> <tr><td>4</td><td><del>\$939</del></td></tr> <tr><td>5</td><td><del>\$1,116</del></td></tr> <tr><td>6</td><td><del>\$1,339</del></td></tr> <tr><td>7</td><td><del>\$1,480</del></td></tr> </tbody> </table>	Household Size	Maximum Monthly Allotment Effective October 1, 202 <del>2</del> 3	1	<del>\$281</del>	2	<del>\$516</del>	3	<del>\$740</del>	4	<del>\$939</del>	5	<del>\$1,116</del>	6	<del>\$1,339</del>	7	<del>\$1,480</del>	Updated figures and dates	
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		<table border="1" data-bbox="487 443 821 529"> <tr> <td>Each additional person</td> <td>+\$211</td> </tr> </table> <p><b>4.207.3 Benefit Allotment</b></p> <p>***</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table border="1" data-bbox="579 789 877 987"> <thead> <tr> <th>Household Size</th> <th>Minimum Monthly Allotment Effective October 1, 2022</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>\$23</td> </tr> </tbody> </table>	Each additional person	+\$211	Household Size	Minimum Monthly Allotment Effective October 1, 2022	1-2	\$23	<table border="1" data-bbox="949 443 1283 561"> <tr> <td>8</td> <td>\$1,751,694</td> </tr> <tr> <td>Each additional person</td> <td>+\$24,19</td> </tr> </table> <p><b>4.207.3 Benefit Allotment</b></p> <p>****</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table border="1" data-bbox="1041 789 1339 987"> <thead> <tr> <th>Household Size</th> <th>Minimum Monthly Allotment Effective October 1, 2023</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>\$23</td> </tr> </tbody> </table>	8	\$1,751,694	Each additional person	+\$24,19	Household Size	Minimum Monthly Allotment Effective October 1, 2023	1-2	\$23		
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4.311	Outdated and incomplete information	<p><b>4.311 ABAWD WORK REQUIREMENTS</b></p> <p>ABAWDs must fulfill an ABAWD work requirement in addition to the general work requirements. For the remainder of this section, client statement is considered acceptable verification unless questionable. If verification is requested from the client, case documentation must thoroughly explain why the original client statement was considered questionable.</p> <p>A. To fulfill the ABAWD work requirement, the ABAWD must be:</p>	<p><b>4.311 ABAWD WORK REQUIREMENTS</b></p> <p>ABAWDs must fulfill an ABAWD work requirement in addition to the general work requirements. For the remainder of this section, client statement is considered acceptable verification unless questionable. If verification is requested from the client, case documentation must thoroughly explain why the original client statement was considered questionable.</p> <p>A. <b>THE FOLLOWING INDIVIDUALS ARE NOT CONSIDERED ABAWDS AND ARE THEREFORE NOT SUBJECT TO THE ABAWD WORK REQUIREMENT:</b></p>	Updated language; added regulatory language															

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		***  Failure to meet the ABAWD work requirement will result in the ABAWD losing eligibility as a result of the accruing three countable months within a thirty-six (36) calendar month period.	<ol style="list-style-type: none"><li>1. AGED SEVENTEEN (17) OR YOUNGER;</li><li>2. AGED FIFTY-THREE (53) OR OLDER;</li><li>3. DETERMINED TO BE MEDICALLY CERTIFIED AS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT. AN INDIVIDUAL IS MEDICALLY CERTIFIED AS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT IF THEY:<ol style="list-style-type: none"><li>A. ARE RECEIVING TEMPORARY OR PERMANENT DISABILITY BENEFITS ISSUED BY GOVERNMENTAL OR PRIVATE SOURCES;</li><li>B. ARE OBVIOUSLY MENTALLY OR PHYSICALLY UNFIT FOR EMPLOYMENT AS DETERMINED BY THE LOCAL OFFICE;</li><li>C. PROVIDE A STATEMENT FROM A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE, NURSE PRACTITIONER, DESIGNATED REPRESENTATIVE OF THE PHYSICIAN'S OFFICE, A LICENSED OR CERTIFIED PSYCHOLOGIST, A SOCIAL WORKER, OR ANY OTHER QUALIFIED HEALTH PROFESSIONAL AS</li></ol></li></ol>		
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			<p>DEFINED IN 12-200-101 THROUGH 12-315-126, C.R.S., THAT THE CLIENT IS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT</p> <p>4. IS RESIDING IN THE SAME PHYSICAL HOUSEHOLD WITH AN INDIVIDUAL WHO IS UNDER THE AGE OF EIGHTEEN (18). THE MINOR INDIVIDUAL DOES NOT HAVE TO BE INCLUDED IN THE SAME SNAP HOUSEHOLD FOR THIS EXCLUSION TO APPLY.</p> <p>AB. To fulfill the ABAWD work requirement, the ABAWD must be:</p> <p>***</p> <p>Failure to meet the ABAWD work requirement will result in the ABAWD losing eligibility <del>as a result of</del> IF THEY ACCRUE <del>the accruing</del> three countable months within a thirty-six (36) calendar month period.</p>		
4.311.1	Missing language	<p><b>4.311.1 ABAWD Exemptions</b> While ABAWDs can be exempt under general work requirement exemptions, these individuals could also meet one of the following ABAWD exemptions:</p> <p>A. Age eighteen (18) through the age of forty-nine (49);</p> <p>B. Exempt from the general work requirements;</p>	<p><b>4.311.1 ABAWD Exemptions</b> ANY INDIVIDUAL WHO MEETS THE DEFINITION OF AN ABAWD CAN BE EXEMPT FROM THE ABAWD WORK REQUIREMENT BY MEETING ONE OF THE FOLLOW EXEMPTIONS: <del>While ABAWDs can be exempt under general work requirement exemptions, these individuals could also meet one of the following ABAWD exemptions:</del></p> <p><del>A. Age eighteen (18) through the age of forty-nine (49);</del></p>	Added language	

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		<p>C. Is residing in a SNAP household where a household member is under age 18;</p> <p>D. Pregnancy;</p> <p>E. Exempt under a waiver approved by the USDA, FNS;</p> <p>F. Exempt using Colorado defined state exemptions as identified in the current SNAP Employment and Training State Plan.</p>	<p><del>AB.</del> Exempt from the general work requirements;</p> <p><del>C. Is residing in a household where a household member is under the age 18;</del></p> <p><del>BD.</del> Pregnancy;</p> <p><del>C. A PERSON EXPERIENCING HOMELESSNESS, AS DEFINED IN SECTION 4.000.1</del></p> <p><del>D. VETERANS</del></p> <p><del>E. AGED TWENTY-FOUR (24) YEARS AND YOUNGER AND IN FOSTER CARE ON THEIR EIGHTEENTH (18<sup>TH</sup>) BIRTHDAY</del></p> <p><del>FE.</del> Exempt under a waiver approved by the USDA, FNS;</p> <p><del>GF.</del> Exempt using Colorado defined state exemptions as identified in the current SNAP Employment and Training State Plan.</p> <p>***</p>		
4.401.1	Outdated figures and dates	<p><b>4.401.1 Gross Income Limits</b></p> <p>Effective October 1, 2022, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:</p>	<p><b>4.401.1 Gross Income Limits</b></p> <p>Effective October 1, 2023<del>2</del>, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:</p>	Updated figures and dates	

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Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level	Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
	1	\$1,473	\$2,266		\$1,869	1	\$1,580,473
2	\$1,984	\$3,072	\$2,518	2	\$2,137,198	\$3,052,288	\$2,712,518
3	\$2,495	\$3,840	\$3,167	3	\$2,694,495	\$3,840,144	\$3,419,167
4	\$3,007	\$4,626	\$3,816	4	\$3,250,007	\$4,626,500	\$3,816,125
5	\$3,518	\$5,412	\$4,465	5	\$3,807,518	\$5,412,858	\$4,465,832
6	\$4,029	\$6,200	\$5,114	6	\$4,364,029	\$6,200,714	\$5,114,539
7	\$4,541	\$6,986	\$5,763	7	\$4,921,544	\$6,986,570	\$6,246,576
8	\$5,052	\$7,772	\$6,412	8	\$5,478,052	\$7,772,828	\$6,952,412
Each additional person	+\$512	+788	+\$649	Each additional person	+\$557,42	+788,858	+\$707,649

  

4.401.2	Outdated figures and dates	<b>4.401.2 Net Income Levels</b>	<b>4.401.2 Net Income Levels</b>
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Effective October 1, 2022, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,133
2	\$1,526
3	\$1,920
4	\$2,313
5	\$2,706
6	\$3,100
7	\$3,493
8	\$3,886
Each additional person	+\$394

Effective October 1, 2022, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1, <del>133</del> 215
2	\$1, <del>526</del> 644
3	\$ <del>1,920</del> 2,072
4	\$2, <del>313</del> 500
5	\$2, <del>706</del> 929
6	\$3, <del>100</del> 357
7	\$3, <del>493</del> 785
8	\$ <del>3,886</del> 4,214
Each additional person	+\$ <del>394</del> 429

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4.407.1	Outdated figures and dates	<p><b>4.407.1 Standard Deduction</b></p> <p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table border="1" data-bbox="485 946 894 1149"> <thead> <tr> <th colspan="4">Standard Deduction Amount</th> </tr> <tr> <th>Household Size</th> <th>1-4</th> <th>5</th> <th>6+</th> </tr> </thead> <tbody> <tr> <td>Effective October 1, 2022</td> <td>\$193</td> <td>\$220</td> <td>\$258</td> </tr> </tbody> </table>	Standard Deduction Amount				Household Size	1-4	5	6+	Effective October 1, 2022	\$193	\$220	\$258	<p><b>4.407.1 Standard Deduction</b></p> <p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table border="1" data-bbox="951 805 1570 992"> <thead> <tr> <th colspan="5">Standard Deduction Amount</th> </tr> <tr> <th>Household Size</th> <th>1-34</th> <th>4</th> <th>5</th> <th>6+</th> </tr> </thead> <tbody> <tr> <td>Effective October 1, 20232</td> <td>\$1983</td> <td>\$220</td> <td>\$244</td> <td>\$279</td> </tr> </tbody> </table> <p>***</p>	Standard Deduction Amount					Household Size	1-34	4	5	6+	Effective October 1, 20232	\$1983	\$220	\$244	\$279	Updated figures and dates	
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Household Size	1-34	4	5	6+																												
Effective October 1, 20232	\$1983	\$220	\$244	\$279																												
4.407.3	Outdated figures and dates	<p><b>4.407.3 Excess Shelter Deduction</b></p> <p>***</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a</p>	<p><b>4.407.3 Excess Shelter Deduction</b></p> <p>***</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households containing a person who is aged sixty (60) and older and/or a person</p>	Updated figures and dates																												

**Title of Proposed Rule: SNAP FFY24 COLA Updates**

**CDHS Tracking #: 23-08-18-01**

Office, Division, & Program:  
Office of Economic Security,  
Food and Energy Assistance  
Division, SNAP

Rule Author: Teri Chasten

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teri.chasten@state.co.us

disability as defined in Section 4.304.41. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

Shelter Deduction Cap	
Effective October 1, 2022	\$624

C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted. The Homeless Shelter Deduction is as follows:

Homeless Shelter Deduction	

with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

Shelter Deduction Cap	
Effective October 1, 2023 <del>2</del>	<del>\$67224</del>

C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted. The Homeless Shelter Deduction is as follows:

Homeless Shelter Deduction	
Effective October 1, 2023 <del>2</del>	<del>\$179.66466.84</del>

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**Title of Proposed Rule: SNAP FFY24 COLA Updates**

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		Effective October 1, 2022	\$166.81																				
		***																					
4.407.3	Outdated figures and dates	<p><b>4.207.31 Four-Tiered Mandatory Standard Utility Allowance</b></p> <p>***</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>***</p> <p>4. The HCUA standard is as follows:</p> <table border="1"> <tr> <th colspan="2">HCUA Standard</th> </tr> <tr> <td>Effective October 1, 2022</td> <td>\$531</td> </tr> </table> <p>B. Basic Utility Allowance (BUA)</p> <p>***</p> <p>3. The BUA standard is as follows:</p> <table border="1"> <tr> <th colspan="2">BUA Standard</th> </tr> <tr> <td>Effective October 1, 2022</td> <td>\$338</td> </tr> </table> <p>C. One Utility Allowance (OUA)</p> <p>***</p>	HCUA Standard		Effective October 1, 2022	\$531	BUA Standard		Effective October 1, 2022	\$338		<p><b>4.407.31 Four-Tiered Mandatory Standard Utility Allowance</b></p> <p>***</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>***</p> <p>4. The HCUA standard is as follows:</p> <table border="1"> <tr> <th colspan="2">HCUA Standard</th> </tr> <tr> <td>Effective October 1, 2023<del>2</del></td> <td>\$560<del>31</del></td> </tr> </table> <p>B. Basic Utility Allowance (BUA)</p> <p>***</p> <p>3. The BUA standard is as follows:</p> <table border="1"> <tr> <th colspan="2">BUA Standard</th> </tr> <tr> <td>Effective October 1, 2023<del>2</del></td> <td>\$356<del>38</del></td> </tr> </table> <p>C. One Utility Allowance (OUA)</p> <p>***</p> <p>3. The OUA standard is as follows:</p> <table border="1"> <tr> <th colspan="2">OUA Standard</th> </tr> </table>	HCUA Standard		Effective October 1, 2023 <del>2</del>	\$560 <del>31</del>	BUA Standard		Effective October 1, 2023 <del>2</del>	\$356 <del>38</del>	OUA Standard		
HCUA Standard																							
Effective October 1, 2022	\$531																						
BUA Standard																							
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BUA Standard																							
Effective October 1, 2023 <del>2</del>	\$356 <del>38</del>																						
OUA Standard																							

**Title of Proposed Rule: SNAP FFY24 COLA Updates**

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		<p>3. The OUA standard is as follows:</p> <table border="1" data-bbox="499 558 915 618"> <tr> <th colspan="2">OUA Standard</th> </tr> <tr> <td>Effective October 1, 2022</td> <td>\$64</td> </tr> </table> <p>D. Telephone allowance</p> <p>***</p> <p>2. The telephone allowance is as follows:</p> <table border="1" data-bbox="491 878 915 938"> <tr> <th colspan="2">Telephone Standard</th> </tr> <tr> <td>Effective October 1, 2022</td> <td>\$86</td> </tr> </table>	OUA Standard		Effective October 1, 2022	\$64	Telephone Standard		Effective October 1, 2022	\$86	<table border="1" data-bbox="1047 443 1472 475"> <tr> <td>Effective October 1, 2023<del>2</del></td> <td>\$<del>67</del>4</td> </tr> </table> <p>D. Telephone allowance</p> <p>***</p> <p>2. The telephone allowance is as follows:</p> <table border="1" data-bbox="1052 672 1472 760"> <tr> <th colspan="2">Telephone Standard</th> </tr> <tr> <td>Effective October 1, 2023<del>2</del></td> <td>\$<del>91</del> 86</td> </tr> </table> <p>***</p>	Effective October 1, 2023 <del>2</del>	\$ <del>67</del> 4	Telephone Standard		Effective October 1, 2023 <del>2</del>	\$ <del>91</del> 86		
OUA Standard																			
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Telephone Standard																			
Effective October 1, 2023 <del>2</del>	\$ <del>91</del> 86																		
4.408	Outdated dates	<p><b>4.408 RESOURCE ELIGIBILITY STANDARDS</b></p> <p>***</p> <p>E. The resource limits are as follows:</p> <p>Effective October 1, 2022, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is four thousand two hundred and fifty dollars (\$4,250). The</p>	<p><b>4.408 RESOURCE ELIGIBILITY STANDARDS</b></p> <p>***</p> <p>E. The resource limits are as follows:</p> <p>Effective October 1, 2023<del>2</del>, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is four thousand two hundred and fifty dollars (\$4,250). The resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand seven hundred and fifty dollars (\$2,750).</p>	Updated dates															



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		resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand seven hundred and fifty dollars (\$2,750).	***		
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**Title of Proposed Rule:** SNAP FFY24 COLA Updates

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### **STAKEHOLDER COMMENT SUMMARY**

#### **Development**

*The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):*

Office of Economic Security (OES) Sub-PAC

#### **This Rule-Making Package**

*The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:*

Office of Economic Security (OES) PAC

#### **Other State Agencies**

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes  No

If yes, who was contacted and what was their input?

#### **Sub-PAC**

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes  No

Name of Sub-PAC	Economic Security Sub-PAC		
Date presented	September 7, 2023		
What issues were raised?	There was additional discussion on the fiscal impact of these changes and additional information was added to this document.		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

#### **PAC**

Have these rules been approved by PAC?

Yes  No

Date presented	September 7, 2023		
What issues were raised?	None.		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.	12	0	5 absent

#### **Other Comments**

Comments were received from stakeholders on the proposed rules:

**Title of Proposed Rule:** SNAP FFY24 COLA Updates

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Yes     No

*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

#### 4.000.1 SNAP DEFINITIONS

“Able-Bodied Adult Without Dependents (ABAWD)” means an individual aged eighteen (18) through the age of ~~FIFTY-TWO (52)~~ ~~forty-nine (49)~~ without a physical or mental disability who lives in a ~~SNAP~~ household with no one under the age of eighteen (18).

\*\*\*

#### 4.207.3 Benefit Allotment

\*\*\*

- D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.

Household Size	Maximum Monthly Allotment Effective October 1, 2023 <del>2</del>
1	\$2918 <del>4</del>
2	\$5354 <del>6</del>
3	\$7664 <del>0</del>
4	\$9733 <del>9</del>
5	\$1,1554 <del>6</del>
6	\$1,3863 <del>9</del>
7	\$1,5324 <del>80</del>
8	\$1,7516 <del>94</del>
Each additional person	+\$2441 <del>9</del>

Household Size	Minimum Monthly Allotment Effective October 1, 2023 <del>2</del>
1-2	\$23

\*\*\*

#### 4.311 ABAWD WORK REQUIREMENTS

ABAWDs must fulfill an ABAWD work requirement in addition to the general work requirements. For the remainder of this section, client statement is considered acceptable verification unless questionable. If verification is requested from the client, case documentation must thoroughly explain why the original client statement was considered questionable.

- A. THE FOLLOWING INDIVIDUALS ARE NOT CONSIDERED ABAWDs AND ARE THEREFORE NOT SUBJECT TO THE ABAWD WORK REQUIREMENT:

1. AGED SEVENTEEN (17) OR YOUNGER.

2. AGED FIFTY-THREE (53) OR OLDER.
3. DETERMINED TO BE MEDICALLY CERTIFIED AS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT. AN INDIVIDUAL IS MEDICALLY CERTIFIED AS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT IF THEY:
  - A. ARE RECEIVING TEMPORARY OR PERMANENT DISABILITY BENEFITS ISSUED BY GOVERNMENTAL OR PRIVATE SOURCES;
  - B. ARE OBVIOUSLY MENTALLY OR PHYSICALLY UNFIT FOR EMPLOYMENT AS DETERMINED BY THE LOCAL OFFICE; OR
  - C. PROVIDE A STATEMENT FROM A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE, NURSE PRACTITIONER, DESIGNATED REPRESENTATIVE OF THE PHYSICIAN'S OFFICE, A LICENSED OR CERTIFIED PSYCHOLOGIST, A SOCIAL WORKER, OR ANY OTHER QUALIFIED HEALTH PROFESSIONAL AS DEFINED IN 12-200-101 THROUGH 12-315-126, C.R.S., THAT THE CLIENT IS PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT.
4. RESIDING IN THE SAME PHYSICAL HOUSEHOLD WITH AN INDIVIDUAL WHO IS UNDER THE AGE OF EIGHTEEN (18). THE MINOR INDIVIDUAL DOES NOT HAVE TO BE INCLUDED IN THE SAME SNAP HOUSEHOLD FOR THIS EXCLUSION TO APPLY.

**AB.** To fulfill the ABAWD work requirement, the ABAWD must be:

\*\*\*

Failure to meet the ABAWD work requirement will result in the ABAWD losing eligibility ~~as a result of~~ **IF THEY ACCRUE the accruing** three countable months within a thirty-six (36) calendar month period.

#### **4.311.1 ABAWD Exemptions**

ANY INDIVIDUAL WHO MEETS THE DEFINITION OF AN ABAWD CAN BE EXEMPT FROM THE ABAWD WORK REQUIREMENT BY MEETING ONE OF THE FOLLOW EXEMPTIONS: ~~While ABAWDs can be exempt under general work requirement exemptions, these individuals could also meet one of the following ABAWD exemptions:~~

~~A. Age eighteen (18) through the age of forty-nine (49);~~

**AB.** Exempt from the general work requirements;

~~C. Is residing in a household where a household member is under the age 18;~~

~~BD.~~ Pregnancy;

C. A PERSON EXPERIENCING HOMELESSNESS, AS DEFINED IN SECTION 4.000.1;

D. VETERANS;

E. AGED TWENTY-FOUR (24) YEARS AND YOUNGER AND IN FOSTER CARE ON THEIR EIGHTEENTH (18<sup>TH</sup>) BIRTHDAY;

**FE.** Exempt under a waiver approved by the USDA, FNS; OR

**GF.** Exempt using Colorado defined state exemptions as identified in the current SNAP Employment and Training State Plan.

\*\*\*

#### 4.401.1 Gross Income Limits

Effective October 1, 2023~~2~~, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,580 <del>473</del>	\$2,266 <del>430</del>	\$1,869 <del>2,005</del>
2	\$2,137 <del>1,984</del>	\$3,052 <del>288</del>	\$2,712 <del>518</del>
3	\$2,694 <del>495</del>	\$3,840 <del>1,144</del>	\$3,419 <del>167</del>
4	\$3,250 <del>097</del>	\$4,626 <del>5,000</del>	\$3,816 <del>4,125</del>
5	\$3,807 <del>518</del>	\$5,412 <del>858</del>	\$4,465 <del>832</del>
6	\$4,364 <del>029</del>	\$6,200 <del>714</del>	\$5,414 <del>539</del>
7	\$4,921 <del>541</del>	\$6,986 <del>7,570</del>	\$6,246 <del>5,763</del>
8	\$5,478 <del>062</del>	\$7,772 <del>8,428</del>	\$6,952 <del>412</del>
Each additional person	+\$557 <del>12</del>	+\$788 <del>858</del>	+\$707 <del>649</del>

#### 4.401.2 Net Income Levels

Effective October 1, 2023~~3~~, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,433 <del>215</del>
2	\$1,526 <del>644</del>
3	\$1,929 <del>2,072</del>
4	\$2,313 <del>500</del>
5	\$2,706 <del>929</del>
6	\$3,100 <del>357</del>
7	\$3,493 <del>785</del>
8	\$3,886 <del>4,214</del>
Each additional person	+\$394 <del>429</del>

\*\*\*

#### 4.407.1 Standard Deduction

A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.

Household Size	Standard Deduction Amount			
	1-3 <del>4</del>	4	5	6+
Effective October 1, 2023 <del>2</del>	\$198 <del>3</del>	\$208	\$244 <del>25</del>	\$279 <del>58</del>

\*\*\*

**4.407.3 Excess Shelter Deduction**

\*\*\*

- B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

<b>Shelter Deduction Cap</b>	
Effective October 1, 202 <del>3</del> 2	\$ <del>67</del> 224

- C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted. The Homeless Shelter Deduction is as follows:

<b>Homeless Shelter Deduction</b>	
Effective October 1, 202 <del>3</del> 2	\$ <del>179.66</del> 166.84

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**4.407.31 Four-Tiered Mandatory Standard Utility Allowance**

\*\*\*

- A. Heating and Cooling Utility Allowance (HCUA)

\*\*\*

- 4. The HCUA standard is as follows:

<b>HCUA Standard</b>	
Effective October 1, 202 <del>3</del> 2	\$ <del>560</del> 34

- B. Basic Utility Allowance (BUA)

\*\*\*

- 3. The BUA standard is as follows:

<b>BUA Standard</b>	
Effective October 1, 202 <del>3</del> 2	\$ <del>356</del> 38

- C. One Utility Allowance (OUA)

\*\*\*

- 3. The OUA standard is as follows:

<b>OUA Standard</b>
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Effective October 1, 2023 <del>2</del>	\$674
--	-------

D. Telephone allowance

\*\*\*

2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 2023 <del>2</del>	\$9186

\*\*\*

#### 4.408 RESOURCE ELIGIBILITY STANDARDS

\*\*\*

E. The resource limits are as follows:

Effective October 1, 2023~~2~~, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is four thousand two hundred and fifty dollars (\$4,250). The resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand seven hundred and fifty dollars (\$2,750).

\*\*\*