STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Interim Rulemaking Notice Form and Cover Sheet

Proposed Interim Rule Number: 2026-1

Rule Number: He-W 742.02

1. **Agency:** Department of Health and Human Services
   Former Division of Human Services
   129 Pleasant St, Concord, NH

2. **RSA Authority:** RSA 161:4-a, IV; RSA 167:3-c, I

3. **Federal Authority:** 7 CFR 273.9(d)(6)(iii)

4. **Action(s):** Readopt w/Amendment

5. **Filing Date:** 2026-01-16

6. **Short Title:** Utility Expenses Incurred Separately

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

Name: Nicole Valanzola	**Title:** Rules Coordinator
Address: 129 Pleasant St, Concord, NH	**Phone Number:** (603) 271-9640
	FAX Number:
	Email: nicole.valanzola@dhhs.nh.gov

8. **Summary explaining the effect of the rule and, if the rules are being proposed to implement a state statute for the first time, identification of the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a):**

   He-W 742.02 specifies that the state of New Hampshire uses a standard utility allowance (SUA) for households that incur one or more utility expenses separate and apart from rent or mortgage expenses. The rule details the different categories of SUAs, when the specific categories are applied, the standard amounts for each category, and the process for updating the standard amounts each year.

The Department of Health and Human Services (Department) is proposing to readopt with amendment He-W 742.02 by:

- Removing the internet only SUA;
- Removing Internet service as an allowable expense for the utilities only SUA;
- Clarifying that SUAs are mandatory in New Hampshire, no matter what the household's actual utility expenses are;
- Updating the state's methodology for annual changes in the SUAs to reflect United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) guidance, multiplying the current SUA amount by the average consumer price index (CPI) percent of change for all items from the previous year to the current year using the most recent 12-month period available; and
- Correcting and updating citations.

The Department proposes to adopt the interim rule pursuant to RSA 541-A:19, I(c), to implement a change in Federal law.

9. **Listing of people, enterprises, and government agencies affected by the rule:**

Recipients of Supplemental Nutrition Assistance Program benefits.

10. **Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule	**Specific State or Federal Statute or Regulations the Rule Implements**
He-W 742.02	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)(ii)-(iii); 7 USC 2014(e)(6)(C).

11. **Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.**

No

12. **Summary of the effect upon the state if the rule were not adopted:**

The Department would not be in compliance with federal law.

13. **Proposed date of review by the Joint Legislative Committee on Administrative Rules:**

Friday, February 20, 2026

FIS #: 25:309**, dated:** 2026-01-15

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

There is no difference in cost between the proposed interim rule and the existing rule. Any difference in cost is attributable to changes in federal law.

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

The Department of Health and Human Services states that Public Law 119-21 (often referred to as the One Big Beautiful Bill ACT, or OBBBA) was signed into law on July 4, 2025. PL 119-21 added the following text to Section 5(e)(6) of the Food and Nutrition Act of 2008: “Any service fee associated with internet connection shall not be used in computing the excess shelter expense deduction under this paragraph.”

On November 18, 2024, the federal Food and Nutrition Services (FNS) published a final rule entitled, “SNAP: Standardization of State Heating and Cooling Standard Utility Allowances.” The final rule required changes to how standard utility allowances (SUAs) are calculated by adding internet costs and setting criteria for the nature and frequency of SUA methodology updates.

FNS released a policy memo on August 15, 2025, in light of the enactment of PL 119-21, directing states to adopt a simplified process for calculating fiscal year 2026 SUA values, adjusting their FY25 SUA values by the change in the Consumer Price Index (CPI) for All Items. New Hampshire adopted the simplified process as reflected in this rule. The policy memo also directed states with FY25 SUA values that included internet costs under an FNS-approved waiver to cease using those values immediately. New Hampshire was one of those states, and complied.

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

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

The cost of the proposed rule is attributable not to the rule itself, but to the federal policy that mandated it. The Department notes that on August 25, 2025, 4,562 SNAP households had their SUA deduction lowered due to the loss of the internet deduction due to changes in federal law. Most of these households saw a decrease in SNAP benefits.

C. To independently owned businesses:

Any cost of the proposed rule is attributable not to the rule itself, but to the federal policy that mandated it. The Department notes that the decrease in SNAP benefits may impact independently-owned businesses in that households will have fewer benefits to spend on food.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: 2026-01-16 **Name:** Lori Weaver **Title:** Commissioner

**('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*