



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services, Economic Services Administration

Emergency Rule Only

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) January 1, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☒ Yes ☐ No If Yes, explain: The Department received notice on October 26, 2015 that the USDA Food and Nutrition Service (FNS) has approved Washington State's waiver request for Able-Bodied Adults Without Dependents (ABAWD) work requirements and time limits for eligibility for the Supplemental Nutrition Assistance Program (SNAP).

Purpose: The amendments under this filing incorporate the annual update to Washington's Supplemental Nutrition Assistance Program (SNAP) state plan concerning Able-Bodied Adults Without Dependents (ABAWD) time-limits, work requirements, and waivers for certain geographic areas. The current ABAWD waiver is due to expire December 31, 2015. This rule filing is needed to reflect the new partial-state waiver in state code. Rules will also be amended to add clarification and remove unnecessary information.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 388-444-0030
Suspended: None

Statutory authority for adoption: RCW 74.04.050; RCW 74.04.055; RCW 74.04.057; RCW 74.04.510; RCW 74.08.090; RCW 74.04.500; RCW 74.08A.120; 7 U.S.C. § 2015 (o).

Other authority: 7 CFR 273.24

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to ABAWD rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

Date adopted: December 23, 2015

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 28, 2015

TIME: 10:51 AM

WSR 16-02-011

(COMPLETE REVERSE SIDE)

AMENDATORY SECTION (Amending WSR 15-18-042, filed 8/26/15, effective 9/26/15)

WAC 388-444-0030 What additional work requirements and time limits is an able-bodied adult without dependents (ABAWD) subject to in order to be eligible for Basic Food? (1) An able-bodied adult without dependents (ABAWD) is a person who:

(a) Is required to register for work under WAC 388-444-0005; and
(b) Is age eighteen through forty-nine; and
(c) Does not ~~((live with any minor children))~~ receive food assistance in an assistance unit that includes a minor child.

(2) If you are an ABAWD, you must participate in employment and training activities under subsection (4) unless you are exempt from ABAWD requirements under WAC 388-444-0035.

(3) Nonexempt ABAWDs who ~~((fail to participate))~~ do not live in King county, Snohomish county or Pierce county, and nonexempt ABAWDs who live in the city of Tacoma or the city of Lakewood, may continue to receive food assistance until December 31, ((2015)) 2016, even if the ABAWD fails to participate.

(4) Beginning January 1, 2016, a nonexempt ABAWD is not eligible to receive food assistance for more than three full months in a thirty-six month period, unless ~~((that person participates in at least twenty hours a week averaged monthly in any of the following))~~ the ABAWD:

(a) ~~((Paid work))~~ Works at least twenty hours per week, averaged monthly (eighty hours per month); or

(b) ~~((On the job training (OJT), which may include paid work and classroom training time,~~

~~(c) An unpaid work program as provided in WAC 388-444-0040; or~~

~~(d))~~ Participates in one of the following work programs and is meeting the requirements of that work program:

(i) The Workforce Innovation and Opportunity Act of 2014;

(ii) Section 236 of the Trade Act of 1974; ~~((or))~~

(iii) A state-approved employment and training program; or

(iv) An unpaid work program as provided in WAC 388-444-0040.