



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

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

- Preproposal Statement of Inquiry was filed as WSR: 15-20-110; or
- Expedited Rule Making--Proposed notice was filed as WSR: \_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:**

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?"

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504  
Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **February 9, 2016** Time: **10:00 a.m.**

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax (360) 664-6185  
**by: 5:00 p.m. February 9, 2016**

**Assistance for persons with disabilities:** Contact  
Jeff Kildahl, DSHS Rules Consultant by January 26, 2016  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Date of intended adoption:** Not earlier than February 10, 2016  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed 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 all counties in Washington State except King, Snohomish, and most of Pierce County. The cities of Tacoma and Lakewood in Pierce County will remain exempt. 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 administrative code. Rules will also be amended to add clarification and remove unnecessary information. This rule will be adopted via emergency rule filing effective January 1, 2016. All non-exempt ABAWD individuals in King, Snohomish, and parts of Pierce County could lose Basic Food benefits as early as April 1, 2016 if they are not participating in an approved work activity.

**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, and RCW 74.08A.120

**Statute being implemented:**

RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.300, RCW 74.04.510, RCW 74.08.090, RCW 74.04.500 and RCW 74.08A.120

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION: 7 CFR §273.24

**DATE**

December 30, 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: January 05, 2016**

**TIME: 3:08 PM**

**WSR 16-02-106**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization)

Department of Social and Health Services

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Corinna Adams	712 Pear St. SE Olympia, WA 98504	(360) 725-4640
Implementation... Corinna Adams	712 Pear St. SE Olympia, WA 98504	(360) 725-4640
Enforcement..... Corinna Adams	712 Pear St. SE Olympia, WA 98504	(360) 725-4640

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

e-mail

No. Explain why no statement was prepared.

These proposed rules do not have an economic impact on small businesses. The proposed amendment only affects ABAWD individuals served by DSHS who apply for or receive benefits under Basic Food.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ( )

fax: ( )

e-mail:

No: Please explain:

These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, “[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.”

**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))~~ age eighteen through forty-nine; and

(b) Is ~~((age eighteen through forty-nine))~~ fit for work and not exempted under WAC 388-444-0035(1); and

(c) Does not ~~((live with any minor children))~~ receive food assistance in an assistance unit (AU) that includes a minor child, even if the minor child is not eligible to receive food assistance in that AU; or

(d) Is not otherwise exempt under WAC 388-444-0035.

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

(3) Nonexempt ABAWDs who ~~((fail to participate))~~ live outside of King county, Snohomish county or Pierce county, and nonexempt ABAWDs who live within 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, not including any partial benefit 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). Working includes:

(i) Work in exchange for money;

(ii) Work in exchange for goods or services ("in kind" work);

(iii) Unpaid work that is verified according to department requirements; or

(iv) Any combination of (4)(a)(i) through (4)(a)(iii).

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.