



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: **16-10-065**; 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: (Describe Subject)

The department is proposing to amend WAC 388-468-0005 "Residency".

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **July 26, 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
fax: (360) 664-6185

by: 5:00 p.m. July 26, 2016

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by July 12, 2016
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than July 27, 2016
(Note: This is **NOT** the **effective** date)

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

The department is proposing to amend WAC 388-468-0005 to comply with Federal Regulations for residency requirements for Basic Food, the Washington Combined Application Program (WASHCAP), the Food Assistance Program (FAP) for legal immigrants, and Transitional food assistance. The proposed amendments will also clarify residency requirements for cash and medical programs.

Reasons supporting proposal:

The department is proposing to amend WAC 388-468-0005 to comply with Code of Federal Regulations for the Supplemental Nutrition Assistance Program (SNAP).

Statutory authority for adoption:

RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.08.090, 7 CFR 273.2, and 7 CFR 273.3

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

June 16, 2016

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: June 21, 2016

TIME: 9:02 AM

WSR 16-13-113

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:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611
Implementation:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611
Enforcement:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611

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.

The proposed rule does not have an economic impact on small businesses. They only impact DSHS clients.

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, "this 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 388-468-0005 ((Residency.)) What are the residency requirements for cash and food programs? ((Subsections (1) through (4) applies to cash, the Basic Food program, and medical programs.))

(1) ((A resident is a person who)) For both cash and food programs, you:

(a) ((Currently lives in Washington and intends to continue living here permanently or for an indefinite period of time; or)) Must live in Washington state, but not for any specific period of time to be a resident;

(b) ((Entered the state looking for a job; or)) Must not receive comparable benefits from another state or tribe during the same month; and

(c) ((Entered the state with a job commitment)) Are a resident of the state where you are physically located when there is a residency dispute between states.

(2) ((A person does not need to live in the state for a specific period of time to be considered a resident)) Subsections (3) through (8) of this section apply to cash programs only.

(3) You are a resident if you currently live in Washington state voluntarily and:

(a) Intend to remain in the state not for a temporary purpose; or

(b) Entered the state looking for a job; or with a job commitment.

((3)) (4) A child under age eighteen is a resident of the state where the ((child's)) his or her primary custodian ((lives)) is a resident.

((4)) A client can temporarily be out of the state for more than one month. If so, the client must supply the department with adequate information to demonstrate the intent to continue to reside in the state of Washington. (5) You may temporarily leave Washington state for more than one month and continue to receive benefits if you give the department proof of your intent to continue to reside in Washington state.

((5)) A client may not receive comparable benefits from another state for the cash and Basic Food programs.

(6) ((A)) If you are a former resident of ((the)) Washington state, you can apply for the ((ABD)) aged, blind, or disabled (ABD) cash program while living in another state if:

(a) ((The person)) Your absence was:

(i) ((Plans to return to this state;)) Enforced and beyond your control; or

(ii) ((Intends to maintain a residence in this state; and)) Essential to your welfare and due to your physical or social needs;

((iii)) Lives in the United States at the time of the application.

(b) ((In addition to the conditions in subsection (6)(a)(i), (ii), and (iii) being met, the absence must be:

(i) Enforced and beyond the person's control; or) You plan to return to Washington state;

((ii)) Essential to the person's welfare and is due to physical or social needs.)

(c) ((See WAC 388-406-0035, 388-406-0040, and 388-406-0045 for time limits on processing applications.

~~(7) Residency is not a requirement for detoxification services.)~~
You intend to maintain a residence in Washington state; and

(d) You live in the United States of America at the time you applied for the ABD cash program.

~~((8) A person is)) (7) You are not a resident ((when the person enters))if you entered Washington state only for medical care. ((This person is not eligible for any medical program. The only exception is described in subsection (9) of this section.~~

~~(9) It is not necessary for a person moving)) (8) If you move from another state directly to a nursing facility in Washington state, you do not need to establish residency before entering the facility. ((The person is considered a resident if they intend to remain permanently or for an indefinite period unless))You are not considered a resident if you are placed in the nursing facility by another state.~~

(9) Subsections (10) and (11) of this section apply to basic food programs only.

~~(10) ((For purposes of medical programs, a client's residence is the state:~~

~~(a) Paying a state supplemental security income (SSI) payment; or~~

~~(b) Paying federal payments for foster or adoption assistance; or~~

~~(c) Where the noninstitutionalized individual lives when medicaid eligibility is based on blindness or disability; or~~

~~(d) Where the parent or legal guardian, if appointed, for an institutionalized:~~

~~(i) Minor child; or~~

~~(ii) Client twenty one years of age or older, who became incapable of determining residential intent before reaching age twenty one.~~

~~(e) Where a client is residing if the person becomes incapable of determining residential intent after reaching twenty one years of age; or~~

~~(f) Making a placement in an out of state institution; or~~

~~(g) For any other institutionalized individual, the state of residence is the state where the individual is living with the intent to remain there permanently or for an indefinite period))You are a resident for purposes of the basic food program if you live in Washington state.~~

~~(11) ((In a dispute between states as to which is a person's state of residence, the state of residence is the state in which the person is physically located.)) You are not required to:~~

~~(a) Live in a permanent dwelling;~~

~~(b) Have a fixed address; or~~

~~(c) Intend to live permanently in Washington state.~~