



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 16, 2018

TIME: 9:31 AM

WSR 18-05-064

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-17-173 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-478-0020 "Payment standards for TANF, SFA, and RCA", WAC 388-478-0035 "What are the maximum earned income limits for TANF, SFA, PWA, and RCA?", and WAC 388-436-0050 "Determining financial need and benefit amount for CEAP".

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|----------------|------------|--|---|
| March 27, 2018 | 10:00 a.m. | Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504 | Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2 |

Date of intended adoption: Not earlier than March 28, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. March 27, 2018

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Kildaja@dshs.wa.gov

Other:

By (date) March 13, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend WAC 388-478-0020, WAC 388-478-0035, and WAC 388-436-0050 to implement a 2.5% increase in the payment standards for Temporary Assistance for Needy Families (TANF), State Family Assistance (SFA), and Refugee Cash Assistance (RCA), a 2.5% increase in the financial need and benefit amount limits for the Consolidated Emergency Assistance Program (CEAP), and a 2.5% increase in the maximum earned income limits for the TANF, SFA, RCA, and the Pregnancy Women Assistance (PWA) programs.

Reasons supporting proposal: The Washington State 2017-19 biennial operating budget (Chapter 1, 2017 Laws 3rd Special Session) provides funding to increase the TANF, SFA, RCA, and CEAP payment standards by 2.5% effective July 1, 2018. This increase will provide essential supports to families and individuals experiencing financial hardship.

Statutory authority for adoption: RCW 74.04.050, RCW 74.08.090, RCW 74.08a.230

Statute being implemented: None

Is rule necessary because of a:

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

If yes, CITATION:

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: | Sarah Garcia | PO Box 45470, Olympia, WA 98504-5470 | 360-522-2214 |
| Implementation: | Sarah Garcia | PO Box 45470, Olympia, WA 98504-5470 | 360-522-2214 |
| Enforcement: | Sarah Garcia | PO Box 45470, Olympia, WA 98504-5470 | 360-522-2214 |

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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:
TTY:
Email:
Other:

No: Please explain: This amendment is 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."

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025.

Explanation of exemptions, if necessary: RCW 34.05.328 (5)(b)(vii)

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: February 13, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for (~~CEAP assistance~~) the consolidated emergency assistance program (CEAP), the assistance unit's nonexcluded income, minus allowable deductions, must be less than ninety percent of the (~~TANF~~) temporary assistance for needy families (TANF) payment standard for households with shelter costs. The net income limit for CEAP assistance units is:

| Assistance unit members | Net income limit |
|-------------------------|--------------------------------------|
| 1 | ((\$300) <u>\$308</u>) |
| 2 | ((377) <u>386</u>) |
| 3 | ((468) <u>480</u>) |
| 4 | ((550) <u>564</u>) |
| 5 | ((634) <u>650</u>) |
| 6 | ((722) <u>740</u>) |
| 7 | ((834) <u>855</u>) |
| 8 or more | ((923) <u>946</u>) |

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, for households with shelter costs as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need item: Maximum allowable amount by assistance unit size:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
|------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Food | ((\$201) <u>\$206</u>) | ((\$256) <u>\$262</u>) | ((\$316) <u>\$324</u>) | ((\$373) <u>\$382</u>) | ((\$429) <u>\$440</u>) | ((\$487) <u>\$499</u>) | ((\$556) <u>\$570</u>) | ((\$615) <u>\$630</u>) |
| Shelter | ((245) <u>251</u>) | ((310) <u>318</u>) | ((386) <u>396</u>) | ((455) <u>466</u>) | ((522) <u>535</u>) | ((592) <u>607</u>) | ((686) <u>703</u>) | ((758) <u>877</u>) |
| Clothing | ((28) <u>29</u>) | ((36) <u>37</u>) | ((45) <u>46</u>) | ((52) <u>54</u>) | ((60) <u>62</u>) | ((70) <u>72</u>) | ((78) <u>80</u>) | ((89) <u>91</u>) |
| Minor medical care | ((170) <u>174</u>) | ((217) <u>222</u>) | ((269) <u>276</u>) | ((316) <u>324</u>) | ((364) <u>373</u>) | ((411) <u>421</u>) | ((479) <u>491</u>) | ((529) <u>542</u>) |
| Utilities | ((83) <u>85</u>) | ((105) <u>108</u>) | ((130) <u>133</u>) | ((152) <u>156</u>) | ((175) <u>179</u>) | ((201) <u>206</u>) | ((232) <u>238</u>) | ((256) <u>262</u>) |
| Household maintenance | ((60) <u>62</u>) | ((77) <u>79</u>) | ((96) <u>98</u>) | ((112) <u>115</u>) | ((130) <u>133</u>) | ((147) <u>151</u>) | ((170) <u>174</u>) | ((187) <u>192</u>) |
| Job related transportation | ((332) <u>340</u>) | ((420) <u>431</u>) | ((521) <u>534</u>) | ((613) <u>628</u>) | ((706) <u>724</u>) | ((802) <u>822</u>) | ((927) <u>950</u>) | ((1,026) <u>1,052</u>) |
| Child related transportation | ((332) <u>340</u>) | ((420) <u>431</u>) | ((521) <u>534</u>) | ((613) <u>628</u>) | ((706) <u>724</u>) | ((802) <u>822</u>) | ((927) <u>950</u>) | ((1,026) <u>1,052</u>) |

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

(a) The assistance unit's net income, as determined under subsection (1) of this section and WAC 388-436-0045;

(b) Cash on hand, if not already counted as income; and

(c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

AMENDATORY SECTION (Amending WSR 16-01-093, filed 12/15/15, effective 1/15/16)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. (1) The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units with obligations to pay shelter costs are:

| Assistance unit size | Payment standard | Assistance unit size | Payment standard |
|----------------------|------------------------------------|----------------------|------------------------------------|
| 1 | ((<u>\$332</u>)) <u>\$340</u> | 6 | ((<u>\$802</u>)) <u>\$822</u> |
| 2 | ((<u>420</u>)) <u>431</u> | 7 | ((<u>927</u>)) <u>950</u> |
| 3 | ((<u>521</u>)) <u>534</u> | 8 | ((<u>1,026</u>)) <u>1,052</u> |
| 4 | ((<u>613</u>)) <u>628</u> | 9 | ((<u>1,126</u>)) <u>1,154</u> |
| 5 | ((<u>706</u>)) <u>724</u> | 10 or more | ((<u>1,224</u>)) <u>1,255</u> |

(2) The maximum monthly payment standards for TANF, SFA, and RCA assistance units with shelter provided at no cost are:

| Assistance unit size | Payment standard | Assistance unit size | Payment standard |
|----------------------|------------------------------------|----------------------|------------------------------------|
| 1 | ((<u>\$202</u>)) <u>\$207</u> | 6 | ((<u>\$487</u>)) <u>\$499</u> |
| 2 | ((<u>256</u>)) <u>262</u> | 7 | ((<u>564</u>)) <u>578</u> |
| 3 | ((<u>316</u>)) <u>324</u> | 8 | ((<u>623</u>)) <u>639</u> |
| 4 | ((<u>373</u>)) <u>382</u> | 9 | ((<u>685</u>)) <u>702</u> |
| 5 | ((<u>429</u>)) <u>440</u> | 10 or more | ((<u>744</u>)) <u>763</u> |

AMENDATORY SECTION (Amending WSR 16-01-093, filed 12/15/15, effective 1/15/16)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA? To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash assistance (RCA), or a pregnant women assistance (PWA), a family's gross earned income must be below the following levels:

| Number of family members | Maximum earned income level | Number of family members | Maximum monthly earned income level |
|--------------------------|------------------------------------|--------------------------|--|
| 1 | ((<u>\$665</u>)) <u>\$682</u> | 6 | ((<u>\$1,604</u>)) <u>\$1,644</u> |
| 2 | ((<u>839</u>)) <u>860</u> | 7 | ((<u>1,853</u>)) <u>1,899</u> |
| 3 | ((<u>1,042</u>)) <u>1,068</u> | 8 | ((<u>2,051</u>)) <u>2,102</u> |
| 4 | ((<u>1,225</u>)) <u>1,256</u> | 9 | ((<u>2,252</u>)) <u>2,308</u> |
| 5 | ((<u>1,413</u>)) <u>1,448</u> | 10 or more | ((<u>2,448</u>)) <u>2,509</u> |