



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: August 13, 2021
TIME: 2:23 PM

WSR 21-17-094

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 21-13-014 ; 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 planning to amend 388-478-0020, Payment standards for TANF, SFA and RCA; WAC 388-478-0027, What is the payment standard for pregnant women assistance (PWA); WAC 388-478-0035, What are the maximum earned income limits for TANF, SFA, PWA and RCA?; WAC 388-436-0050, Determining financial need and benefit amount for CEAP.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 21, 2021	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504 Or Virtually	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2 Due to the COVID-19 pandemic, hearings are being held by Skype. Please see the DSHS website for the most current information.

Date of intended adoption: Not earlier than September 22, 2021 (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. September 21, 2021

Assistance for persons with disabilities:

Contact Katherine Vasquez, DSHS Rules Coordinator
Phone: 360-664-6097
Fax: 360-664-6185
TTY: 711 Relay Service
Email: DSHSRPAURulesCoordinator@dshs.wa.gov
Other:
By (date) 5:00 pm September 7, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: : Planned amendments will implement the 15% payment standard increase (effective July 1, 2021) for the Temporary Assistance for Needy Families (TANF), State Family Assistance (SFA), Refugee Cash Assistance (RCA), and Pregnant Women Assistance (PWA) programs, approved via the 2021-2023 Operating Budget. Planned amendments will also update net income limits and allowable benefit amounts for the Consolidated Emergency Assistance Program (CEAP).

Reasons supporting proposal: See above

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.660, RCW 74.08.090 and RCW 74.08A.230.

Statute being implemented: 2021-2023 Operating Budget (Chapter 334, Laws of 2021)

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:

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	360-522-2214
Implementation:	Sarah Garcia	PO Box 45470 Olympia, WA 98504	360-522-2214
Enforcement:	Sarah Garcia	PO Box 45470 Olympia, WA 98504	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 RCW 34.05.328(5)(b)(vii).

Explanation of exemptions, if necessary: The proposed amendments do not impact small businesses. They only impact DSHS clients

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:

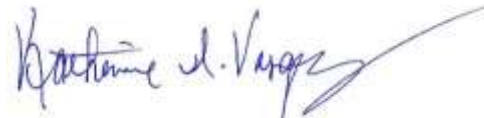
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: August 12, 2021

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 the consolidated emergency assistance program (CEAP), the assistance unit's nonexcluded income, minus allowable deductions, must be less than or equal to ninety percent of the 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	((\$327) <u>\$375</u>)
2	((413) <u>475</u>)
3	((512) <u>589</u>)
4	((603) <u>694</u>)
5	((695) <u>799</u>)
6	((789) <u>908</u>)
7	((912) <u>1,049</u>)
8 or more	((1,009) <u>1,160</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	((\$220) <u>\$253</u>)	((\$280) <u>\$322</u>)	((\$345) <u>\$397</u>)	((\$408) <u>\$469</u>)	((\$469) <u>\$539</u>)	((\$532) <u>\$612</u>)	((\$608) <u>\$699</u>)	((\$672) <u>\$773</u>)
Shelter	((268) <u>308</u>)	((339) <u>390</u>)	((422) <u>485</u>)	((497) <u>572</u>)	((571) <u>657</u>)	((647) <u>744</u>)	((750) <u>863</u>)	((828) <u>952</u>)
Clothing	((31) <u>36</u>)	((39) <u>45</u>)	((49) <u>56</u>)	((57) <u>66</u>)	((66) <u>76</u>)	((77) <u>89</u>)	((85) <u>98</u>)	((97) <u>112</u>)
Minor medical care	((186) <u>214</u>)	((237) <u>273</u>)	((294) <u>338</u>)	((345) <u>397</u>)	((398) <u>458</u>)	((449) <u>516</u>)	((524) <u>603</u>)	((578) <u>665</u>)
Utilities	((91) <u>105</u>)	((115) <u>132</u>)	((142) <u>163</u>)	((166) <u>191</u>)	((191) <u>220</u>)	((220) <u>253</u>)	((254) <u>292</u>)	((280) <u>322</u>)
Household maintenance	((66) <u>76</u>)	((84) <u>97</u>)	((105) <u>121</u>)	((122) <u>140</u>)	((142) <u>163</u>)	((161) <u>185</u>)	((186) <u>214</u>)	((204) <u>235</u>)
Job related transportation	((363) <u>417</u>)	((459) <u>528</u>)	((569) <u>654</u>)	((670) <u>771</u>)	((772) <u>888</u>)	((877) <u>1,009</u>)	((1,013) <u>1,165</u>)	((1,121) <u>1,289</u>)
Child related transportation	((363) <u>417</u>)	((459) <u>528</u>)	((569) <u>654</u>)	((670) <u>771</u>)	((772) <u>888</u>)	((877) <u>1,009</u>)	((1,013) <u>1,165</u>)	((1,121) <u>1,289</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 20-20-007, filed 9/24/20, effective 10/25/20)

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

Assistance unit size	Payment standard	Assistance unit size	Payment standard
1	((363)) \$417	6	((877)) \$1,009
2	((459)) 528	7	((1,013)) 1,165
3	((569)) 654	8	((1,121)) 1,289
4	((670)) 771	9	((1,231)) 1,416
5	((772)) 888	10 or more	((1,338)) 1,539

AMENDATORY SECTION (Amending WSR 20-20-007, filed 9/24/20, effective 10/25/20)

WAC 388-478-0027 What is the payment standard for pregnant women assistance (PWA)? The payment standard for a PWA cash assistance unit is:

Assistance Unit Size	Payment Standard
1	((363)) \$417

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

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	(\$726) <u>\$834</u>	6	(\$1,754) <u>\$2,018</u>
2	((918)) <u>1,056</u>	7	((2,026)) <u>2,330</u>
3	((1,138)) <u>1,308</u>	8	((2,242)) <u>2,578</u>
4	((1,340)) <u>1,542</u>	9	((2,462)) <u>2,832</u>
5	((1,544)) <u>1,776</u>	10 or more	((2,676)) <u>3,078</u>