



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: July 29, 2022

TIME: 4:48 PM

WSR 22-16-078

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 22-11-081 ; 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 amendments to WAC 388-424-0015, Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 6, 2022	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504 Or virtual	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 pandemic, hearings are being held virtually. Please see the DSHS website for the most up to date information

Date of intended adoption: No earlier September 7, 2022 (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) September 6, 2022, at 5:00 p.m.

Assistance for persons with disabilities:

Contact Shelley Tencza, DSHS Rules Consultant

Phone: 360-664-6036

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Tencza@dshs.wa.gov

Other:

By (date) August 23, 2022, at 5:00 p.m.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Proposed amendments are necessary to implement House Bill 1748 (Chapter 208, Laws of 2022) and expand Aged, Blind, or Disabled (ABD) program and Housing and Essential Needs (HEN) referral eligibility to victims of human trafficking (as defined in RCW 74.04.005).

Emergency amendments to implement this change took effect July 1, 2022, under WSR 22-14-047.

Reasons supporting proposal: See above.

Statutory authority for adoption: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, and 74.62.030

Statute being implemented: House Bill 1748 (Chapter 208, Laws of 2022)

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:	Nicholas Swiatkowski	PO Box 45470, Olympia, WA 98504-5470	360.764.3494
Implementation:	Nicholas Swiatkowski	PO Box 45470, Olympia, WA 98504-5470	360.764.3494
Enforcement:	Nicholas Swiatkowski	PO Box 45470, Olympia, WA 98504-5470	360.764.3494

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: These rules 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.

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 ~~34.05.328(5)(b)(vii)~~.

Explanation of exemptions, if necessary: These 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:

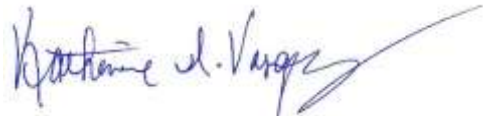
Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Other:

Date: July 28, 2022

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-424-0015 Immigrant eligibility restrictions for the ((state family assistance)) SFA, ABD cash, and PWA programs. (1) To receive state family assistance (SFA) benefits, you must be:

(a) A "qualified alien" as defined in WAC 388-424-0001 who is ineligible for temporary assistance to needy families (TANF) due to the five-year bar as described in WAC 388-424-0006(~~(+3)~~);

(b) A "nonqualified alien" who meets the Washington state residency requirements (~~as listed~~) in WAC 388-468-0005, including a non-citizen American Indian who does not meet the criteria in WAC 388-424-0001; or

(c) A "survivor of certain crimes" as defined in WAC 388-424-0001(~~(+4)~~).

(2) To receive aged, blind, or disabled (ABD) cash or pregnant women assistance (PWA) benefits, you must be:

(a) A "U.S. citizen" as defined in WAC 388-424-0001;

(b) A "U.S. national" as defined in WAC 388-424-0001;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" (~~or similarly defined lawful immigrant such as victim of trafficking~~) as defined in WAC 388-424-0001; or

(e) A "nonqualified alien" as defined (~~described~~) in WAC 388-424-0001 who(~~+~~) , U.S. Immigration and Customs Enforcement is not taking steps to enforce their departure; or

(~~(i) Has verified their intent to stay in the United States indefinitely; and~~

(~~ii) The United States Immigration and Customs Enforcement is not taking steps to enforce their departure.~~)

(f) A "survivor of certain crimes" as defined in WAC 388-424-0001.