



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 04, 2023

TIME: 10:19 AM

WSR 23-17-009

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 23-12-062 ; 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 proposes amending WAC 388-436-0050 "Determining financial need and benefit amount for CEAP", 388-478-0020 "Payment standards for TANF, SFA, and RCA", 388-478-0027 "What is the payment standard for pregnant women assistance (PWA)?", 388-478-0033 "What are the payment standards for aged, blind, or disabled (ABD) cash assistance?", and 388-478-0035 "What are the maximum earned income limits for TANF, SFA, PWA, and RCA?".

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|--------------------|----------|--------------------------------|---|
| September 26, 2023 | 10:00 am | Virtually via Teams or call in | Hearings are being held virtually. Please see the DSHS website for the most up to date information. |

Date of intended adoption: Not earlier than September 27, 2023 (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 26, 2023, at 5:00 pm

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) September 12, 2023, at 5:00pm

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These amendments will implement an 8% payment standard increase (effective January 1, 2024) for the Temporary Assistance for Needy Families (TANF), State Family Assistance (SFA), Refugee Cash Assistance (RCA), Aged, Blind, or Disabled (ABD), and Pregnant Women Assistance (PWA) programs, as approved via the 2024-2025 Operating Budget. 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, 74.04.055, 74.04.057, 74.04.660, 74.08.090, 74.08A.230

Statute being implemented: ESSB 5187 (Chapter 475, Laws of 2023)

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Social and Health Services

| 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: These rules 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"...

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language) | <input type="checkbox"/> 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\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 34.05.328\(5\)\(b\)\(vii\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: The proposed amendments do not impact small businesses. They only impact DSHS clients.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

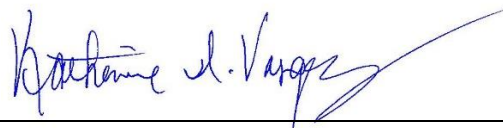
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: August 1, 2023

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 90 percent of the temporary assistance for needy families (TANF) payment standard. The net income limit for CEAP assistance units is:

| Assistance unit members | Net income limit |
|-------------------------|---------------------------------|
| 1 | (\$375) <u>\$405</u> |
| 2 | (475) <u>513</u> |
| 3 | (589) <u>636</u> |
| 4 | (694) <u>749</u> |
| 5 | (799) <u>863</u> |
| 6 | (908) <u>981</u> |
| 7 | (1,049) <u>1,132</u> |
| 8 | (1,160) <u>1,253</u> |
| 9 | (1,274) <u>1,376</u> |
| 10 or more | (1,385) <u>1,496</u> |

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

(a) The TANF payment standard, based on assistance unit size, 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 | 9 | 10 or more |
|------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------------------|
| Food | (\$253) <u>\$273</u> | (\$322) <u>\$348</u> | (\$397) <u>\$429</u> | (\$469) <u>\$507</u> | (\$539) <u>\$582</u> | (\$612) <u>\$661</u> | (\$699) <u>\$755</u> | (\$773) <u>\$835</u> | (\$864) <u>\$933</u> | (\$939) <u>\$1,014</u> |
| Shelter | (308) <u>333</u> | (390) <u>421</u> | (485) <u>524</u> | (572) <u>618</u> | (657) <u>710</u> | (744) <u>804</u> | (863) <u>932</u> | (952) <u>1,028</u> | (1,048) <u>1,132</u> | (1,139) <u>1,230</u> |
| Clothing | (36) <u>39</u> | (45) <u>49</u> | (56) <u>60</u> | (66) <u>71</u> | (76) <u>82</u> | (89) <u>96</u> | (98) <u>106</u> | (112) <u>121</u> | (127) <u>137</u> | (139) <u>150</u> |
| Minor medical care | (214) <u>231</u> | (273) <u>295</u> | (338) <u>365</u> | (397) <u>429</u> | (458) <u>495</u> | (516) <u>557</u> | (603) <u>651</u> | (665) <u>718</u> | (736) <u>795</u> | (800) <u>864</u> |
| Utilities | (105) <u>113</u> | (132) <u>143</u> | (163) <u>176</u> | (194) <u>206</u> | (220) <u>238</u> | (253) <u>273</u> | (292) <u>315</u> | (322) <u>348</u> | (354) <u>382</u> | (385) <u>416</u> |
| Household maintenance | (76) <u>82</u> | (97) <u>105</u> | (121) <u>131</u> | (140) <u>151</u> | (163) <u>176</u> | (185) <u>200</u> | (214) <u>231</u> | (235) <u>254</u> | (255) <u>275</u> | (277) <u>299</u> |
| Job related transportation | (417) <u>450</u> | (528) <u>570</u> | (654) <u>706</u> | (771) <u>833</u> | (888) <u>959</u> | (1,009) <u>1,090</u> | (1,165) <u>1,258</u> | (1,289) <u>1,392</u> | (1,416) <u>1,529</u> | (1,539) <u>1,662</u> |
| Child related transportation | (417) <u>450</u> | (528) <u>570</u> | (654) <u>706</u> | (771) <u>833</u> | (888) <u>959</u> | (1,009) <u>1,090</u> | (1,165) <u>1,258</u> | (1,289) <u>1,392</u> | (1,416) <u>1,529</u> | (1,539) <u>1,662</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 21-21-054, filed 10/15/21, effective 11/15/21)

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 | ((\$417) <u>\$450</u>) | 6 | ((\$1,009) <u>\$1,090</u>) |
| 2 | ((\$528) <u>\$570</u>) | 7 | ((\$1,165) <u>1,258</u>) |
| 3 | ((\$654) <u>706</u>) | 8 | ((\$1,289) <u>1,392</u>) |
| 4 | ((\$771) <u>833</u>) | 9 | ((\$1,416) <u>1,529</u>) |
| 5 | ((\$888) <u>959</u>) | 10 or more | ((\$1,539) <u>1,662</u>) |

AMENDATORY SECTION (Amending WSR 21-21-054, filed 10/15/21, effective 11/15/21)

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 | ((\$417) <u>\$450</u>) |

AMENDATORY SECTION (Amending WSR 23-01-057, filed 12/14/22, effective 1/14/23)

WAC 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance? (1) The maximum monthly payment standards for aged, blind, or disabled (ABD) cash assistance program assistance units are:

| Assistance Unit Size | Payment Standard |
|----------------------|--------------------------------------|
| 1 | ((\$417) <u>\$450</u>) |
| 2 | ((\$528) <u>\$570</u>) |

(2) ABD clothing, personal maintenance, and necessary incidentals (CPI) payment standards are listed in WAC 388-478-0006.

AMENDATORY SECTION (Amending WSR 21-21-054, filed 10/15/21, effective 11/15/21)

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 | (((\$834)) <u>\$900</u>) | 6 | (((\$2,018)) <u>\$2,180</u>) |
| 2 | (((\$1,056)) <u>1,140</u>) | 7 | (((\$2,330)) <u>2,516</u>) |
| 3 | (((\$1,308)) <u>1,412</u>) | 8 | (((\$2,578)) <u>2,784</u>) |
| 4 | (((\$1,542)) <u>1,666</u>) | 9 | (((\$2,832)) <u>3,058</u>) |
| 5 | (((\$1,776)) <u>1,918</u>) | 10 or more | (((\$3,078)) <u>3,324</u>) |