



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 15, 2025

TIME: 4:00 PM

WSR 25-15-076

Agency: Department of Social and Health Services, Home and Community Living Administration (HCLA), HCS

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 25-04-110 ; 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 of Social and Health Services (department) is planning to: Amend the following rules: WAC 388-106-1700 What definitions apply to supportive housing?, 388-106-1705 What services may I receive under supportive housing?, 388-106-1720 Am I eligible for supportive housing funded services?, and 388-106-1750 Are there limits to the supportive housing services I receive?. And repeal the following rules: 388-106-1740 What are my rights when I receive supportive housing services in a setting owned by a service provider? and 388-106-1760 Do I have the right to an administrative hearing regarding supportive housing services?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 26, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: No earlier than August 27, 2025 (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 n/a
Other
Beginning (date and time) noon on July 23, 2025
By (date and time) 5:00 p.m. on August 26, 2025

Assistance for persons with disabilities:

Contact Shelley Tencza, Rules Consultant
Phone 360-664-6036
Fax n/a
TTY 711 Relay Service
Email shelley.tencza@dshs.wa.gov
Other
By (date) 5:00 p.m. August 12, 2025


Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to amend rules that are related to supportive housing programs that need to align with policies that have been updated through an administrative process, and to define the department's supportive housing program rules. Other necessary changes and corrections related to grammar, numerical representation, consistency, and inclusive language are included, and will clarify supportive housing programs, standards, and expectations. These changes are in response to ongoing program changes over time as approved by the department.
The purpose of repealing administrative hearing rights under supportive housing is due to WAC 388-106-1760 being duplicative of WAC 388-106-1305. It is unclear to clients that these are the same right as they are receiving two notices. This will not remove the client's right to administrative hearing.

Reasons supporting proposal: The changes reflect a need to remove redundancy and update the descriptions of the information contained in WAC to match the current administrative process.

Statutory authority for adoption: RCW 74.08.090, 74.08.283, and 74.08.390

Statute being implemented: RCW 74.08.283 and 74.08.390

Is rule necessary because of a:			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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			
Type of proponent: <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.			
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting	Samantha Thurston1	P.O. Box 45600, Olympia, WA 98504-5600	564-200-2296
Implementation	Samantha Thurston1	P.O. Box 45600, Olympia, WA 98504-5600	564-200-2296
Enforcement	Samantha Thurston1	P.O. Box 45600, Olympia, WA 98504-5600	564-200-2296
Is a school district fiscal impact statement required under RCW 28A.305.135? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, insert statement here:			
<p>The public may obtain a copy of the school district fiscal impact statement by contacting:</p> <p>Name _____</p> <p>Address _____</p> <p>Phone _____</p> <p>Fax _____</p> <p>TTY _____</p> <p>Email _____</p> <p>Other _____</p>			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name Samantha Thurston Address P.O. Box 45600, Olympia, WA 98504-5600 Phone 564-200-2296 Fax N/A TTY 711 relay service Email Samantha.thurston1@dshs.wa.gov Other _____			
<input checked="" type="checkbox"/> No: Please explain: The rule is exempt under RCW 34.05.328(5)(b)(viii) "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", however the department prepared a CBA and it is available.			
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):			
<input type="checkbox"/> 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:			
<input type="checkbox"/> 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.			
<input type="checkbox"/> 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.			

<input type="checkbox"/> 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 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 checked="" 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)
<input checked="" type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) . (Does not affect small businesses).	
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW _____.	
Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule describes and clarifies benefits and eligibility criteria of a client benefits program and does not affect small business.	
(2) Scope of exemptions: Check one.	
<input checked="" type="checkbox"/> The rule proposal: Is fully exempt. (<i>Skip section 3.</i>) Exemptions identified above apply to all portions of the rule proposal.	
<input type="checkbox"/> The rule proposal: Is partially exempt. (<i>Complete section 3.</i>) 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):	
<input type="checkbox"/> The rule proposal: Is not exempt. (<i>Complete section 3.</i>) 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?	
<input type="checkbox"/> No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____	
<input type="checkbox"/> 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: <div style="margin-left: 20px;"> Name Address Phone Fax TTY Email Other </div>	
Date: July 11, 2025	Signature:
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

WAC 388-106-1700 What definitions apply to supportive housing?

The following definitions apply to WAC 388-106-1700 through 388-106-1765:

~~(("Chronically homeless" means an individual who is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter.~~

~~"PRISM" means predictive risk intelligence system and is a web-based clinical decision support application that features predictive modeling tools and data integration to support care management for high-risk medicaid clients.))~~

"Supportive housing tenant" is a person utilizing voluntary supportive services who is:

(1) Living in a stable community setting of their choosing including hotels/motels; or

(2) Entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement pursuant to chapter 59.18 RCW.

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

WAC 388-106-1705 What services may I receive under supportive housing?

(1) The services you may receive under supportive housing include , but are not limited to , activities that assist you to:

(a) Identify appropriate housing;

(b) Prepare for and transition to housing;

(c) Connect with direct and collateral services;

(d) Maintain your housing; ~~((and))~~

(e) Develop and maintain a positive relationship with your landlord and other tenants ; and

(f) Integrate into your community and support social inclusion.

(2) The services you receive will be identified in your assessment as defined in WAC 388-106-0010.

AMENDATORY SECTION (Amending WSR 18-08-002, filed 3/21/18, effective 4/21/18)

WAC 388-106-1720 Am I eligible for supportive housing funded services? You are eligible for supportive housing services if you meet the following criteria:

(1) Meet functional eligibility as defined in WAC 388-106-0210, 388-106-0277, 388-106-0310, 388-106-0338, or 388-106-1410;

(2) Meet financial eligibility as defined in chapters 182-513 and 182-515 WAC;

(3) Have a planned discharge or diversion from Eastern or Western State Hospital; or

~~(4) ((You meet one or more of the following criteria:~~

- ~~(a) Chronically homeless;~~
- ~~(b) History of frequent or lengthy institutional stays;~~
- ~~(c) History of frequent or lengthy adult residential care or treatment stays;~~
- ~~(d) Experienced frequent turnover of in-home caregivers or providers;~~
- ~~(e) A PRISM risk score of at least 1.5)) Meet foundational community supports program (FCS) supportive housing eligibility as defined by chapter 182-559 WAC.~~

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

WAC 388-106-1750 Are there limits to the supportive housing services I receive? There are limits to the supportive housing services you receive. Supportive housing services must not:

- (1) Exceed the amount authorized by the department;
- (2) Replace or duplicate existing services already available to you such as foundational community supports as defined in WAC 182-559-100 (~~or~~
- ~~(3) Include payment for rent, food, and utilities)) .~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|---|
| WAC 388-106-1740 | What are my rights when I receive supportive housing services in a setting owned by a service provider? |
| WAC 388-106-1760 | Do I have the right to an administrative hearing regarding supportive housing services? |