



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 29, 2020

TIME: 11:44 AM

WSR 20-10-048

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department is adopting emergency amendments to WAC 388-437-0005, Changes to food assistance in response to the COVID-19 pandemic, extending changes to food assistance benefit issuances and implementing Supplemental Nutrition Assistance Program (SNAP) flexibilities as provided in the Families First Coronavirus Response Act (H.R. 6201, Section 2302).

This second emergency amends and supersedes the emergency rule filed as WSR 20-08-107.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-437-0005
 Suspended: None

Statutory authority for adoption: RCW 74.04.500, RCW 74.04.510, RCW 74.08A.120

Other authority: H.R. 6201

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: These changes are required to implement and extend provisions of the Families First Coronavirus Response Act (H.R. 6201, Section 2302) related to SNAP that support preservation of the public health, safety, or general welfare through access to food assistance.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|----------------------------------|-----|-----|---------|-----|----------|-----|
| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

| | | | | | | |
|--------------------------------|-----|------|---------|----------|----------|------|
| Negotiated rule making: | New | ____ | Amended | ____ | Repealed | ____ |
| Pilot rule making: | New | ____ | Amended | ____ | Repealed | ____ |
| Other alternative rule making: | New | | Amended | <u>1</u> | Repealed | ____ |

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|--------------------------------------|---|
| Date Adopted: April 28, 2020 | Signature:  |
| Name: Katherine I. Vasquez | |
| Title: DSHS Rules Coordinator | |

NEW SECTION

WAC 388-437-0005 Changes to food assistance in response to the COVID-19 pandemic.

(1) Starting March 2020, assistance units (AUs) eligible for either federal or state-funded food assistance, or both, will receive emergency allotments that bring the AU up to the maximum benefit for their household size.

(a) The amount is the maximum food assistance benefit allotment for your AU size under WAC 388-478-0060(1) less the amount received under WAC 388-450-0162(4)(b).

(b) Emergency allotments will continue each month until:

(i) The secretary for health and human services rescinds the public health emergency declaration that was issued on January 27, 2020, under section 319 of the Public Health Service Act;

(ii) The state-issued emergency or disaster declaration expires;
or

(iii) The food and nutrition service directs otherwise.

(c) Emergency allotments for state-funded food assistance will continue each month, contingent on the availability of state funds.

(2) If your certification period ends under WAC 388-416-0005 in April, May, or June 2020, your food benefits will be automatically extended by six months.

(3) If you are required to complete a mid-certification review under WAC 388-418-0011 in April, May, or June 2020, none will be required during this period.

(4) You are still required to report changes under WAC 388-418-0005.

(5) The department will review and act upon any new information we receive from you during this time.