



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: June 10, 2020

TIME: 8:39 AM

WSR 20-13-036

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 11, 2020

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 amending WAC 388-400-0055, Who is eligible for the pregnant women assistance (PWA) program? and WAC 388-400-0070, Who is eligible for referral to the housing and essential needs (HEN) program? to support implementation of Substitute Senate Bill 6495 (Chapter 322, Laws of 2020).

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-400-0055, WAC 388-400-0070
 Suspended: None

Statutory authority for adoption: RCW 74.04.005, RCW 74.04.0052, RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.04.655, RCW 74.04.770, RCW 74.04.805, RCW 74.08.043, RCW 74.08.090, RCW 74.08.335, RCW 74.08A.100

Other authority: Chapter 322, Laws of 2020

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: Emergency adoption of these amendments is necessary to implement Substitute Senate Bill 6495 (Chapter 322, Laws of 2020), effective June 11, 2020, extending a referral to the Housing and Essential Needs program for Pregnant Women Assistance program recipients.

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<u>2</u>	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:

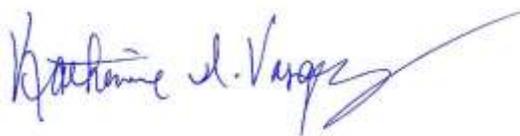
New ____ Amended ____ Repealed ____

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>2</u>	Repealed	____

Date Adopted: June 3, 2020	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-400-0055 Who is eligible for the pregnant women assistance (PWA) program? ((Effective November 1, 2011:))

(1) The pregnant women assistance (PWA) program provides a state-funded cash stipend and a referral to the housing and essential needs (HEN) program under WAC 388-400-0065 to eligible low-income individuals. A referral to the HEN program is valid for twenty-four consecutive months from the date the department determines PWA eligibility.

(2) You can get pregnant women assistance (PWA), if you:

(a) Are pregnant as verified by a medical professional;
(b) Meet the citizenship/alien status requirements of WAC 388-424-0010;

(c) Live in the state of Washington per WAC 388-468-0005;

(d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;

(e) Meet TANF/SFA:

(i) Income requirements under chapter 388-450 WAC;

(ii) Resource requirements under chapter 388-470 WAC; and

(iii) Transfer of property requirements under chapter 388-488 WAC.

(f) Tell us your Social Security number as required under WAC 388-476-0005;

(g) Report changes of circumstances as required under WAC 388-418-0005; and

((+2)) (3) If you are an unmarried pregnant minor your living arrangements must meet the requirements of WAC 388-486-0005.

((+3)) (4) You cannot get PWA if you:

(a) Are eligible for temporary assistance for needy families (TANF) benefits;

(b) Are eligible for state family assistance (SFA) benefits;

(c) Refuse or fail to meet a TANF or SFA eligibility rule;

(d) Refuse or fail to participate in drug or alcohol treatment as required in WAC 388-449-0220 without good cause; or

(e) Are eligible for supplemental security income (SSI) benefits.

AMENDATORY SECTION (Amending WSR 18-18-007, filed 8/23/18, effective 9/23/18)

WAC 388-400-0070 Who is eligible for referral to the housing and essential needs (HEN) program? (1) You are eligible for referral to the housing and essential needs (HEN) program if you:

(a) Apply for cash assistance as detailed in WAC 388-406-0010;

(b) Complete an interview with the department;

(c) Are incapacitated as defined in WAC 388-447-0001 through 388-447-0100;

(d) Are at least eighteen years old or, if under eighteen, legally emancipated or a member of a married couple;

(e) Are in financial need according to income rules in chapter 388-450 WAC and resource requirements in RCW 74.04.005 and chapter 388-470 WAC. We determine who is in your assistance unit according to WAC 388-408-0070;

- (f) Have countable income, as defined in WAC 388-450-0162, at or below the monthly income limits defined in WAC 388-478-0090;
- (g) Meet the citizenship/alien status requirement for ABD cash assistance under WAC 388-424-0015;
- (h) Meet the Social Security number verification requirement for cash assistance under WAC 388-476-0005;
- (i) Meet the residency requirement for cash assistance under WAC 388-468-0005;
- (j) Meet verification requirements for cash assistance detailed in WAC 388-490-0005.
- (k) To remain eligible for HEN referral, you must also:
 - (i) Report changes in your circumstances as required for cash assistance under WAC 388-418-0007; and
 - (ii) Complete and return eligibility reviews we send you under WAC 388-434-0005.
- (2) You are not eligible for referral to the HEN program if you:
 - (a) ~~((Are eligible for the pregnant women assistance (PWA) program;~~
 - ~~(b))~~ Are eligible for temporary assistance for needy families (TANF) program;
 - ~~((e))~~ (b) Refuse or fail to meet a TANF rule without good cause;
 - ~~((d))~~ (c) Refuse or fail to cooperate in obtaining federal aid assistance, including but not limited to medicaid, without good cause;
 - ~~((e))~~ (d) Refuse or fail to participate in drug or alcohol treatment as required in WAC 388-447-0120;
 - ~~((f))~~ (e) Are eligible for supplemental security income (SSI) benefits and receiving a state supplemental payment (SSP) under WAC 388-474-0012;
 - ~~((g))~~ (f) Are an ineligible spouse of an SSI recipient;
 - ~~((h))~~ (g) Refuse or fail to follow a Social Security Administration (SSA) program rule or application requirement without good cause and SSA denied or terminated your benefits;
 - ~~((i))~~ (h) Are terminated from ABD for refusing or failing to sign an interim assistance reimbursement authorization agreement under WAC 388-400-0060;
 - ~~((j))~~ (i) Are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony as described in WAC 388-442-0010; or
 - ~~((k))~~ (j) Are disqualified from receiving cash assistance due to a conviction related to unlawful practices in obtaining cash assistance as described in WAC 388-446-0005.
- (3) If you reside in a public institution and meet all other requirements, your eligibility for referral to the HEN program depends on the type of institution. A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it.
 - (a) You may be eligible for referral to the HEN program if you are:
 - (i) A patient in a public medical institution; or
 - (ii) A patient in a public mental institution and are sixty-five years of age or older.
 - (b) You aren't eligible for referral to the HEN program if you are in the custody of or confined in a public institution such as a state penitentiary or county jail, including placement:
 - (i) In a work release program; or
 - (ii) Outside of the institution including home detention.