



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: August 13, 2020

TIME: 9:15 AM

WSR 20-17-069

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 15, 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 extending emergency amendments to WAC 388-436-0040, Excluded income and resources for CEAP; WAC 388-436-0050, Determining financial need and benefit amount for CEAP; and WAC 388-436-0055, What is the disaster cash assistance program (DCAP)?.

These amendments are necessary to expand Consolidated Emergency Assistance and related Disaster Cash Assistance program during the statewide public health crisis created by the COVID-19 virus (commonly referred to as the "Coronavirus").

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-436-0040, WAC 388-436-0050, WAC 388-436-0055
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.660, RCW 74.08.090, RCW 74.08A.230

Other authority:

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: This filing is necessary to extend existing emergency rules originally filed under WSR 20-09-102, which provide relief in response to health and economic impacts of COVID-19. The department filed notice of its intent to adopt the rule as a permanent rule by filing a CR-101 Preproposal Statement of Inquiry on August 3, 2020 under WSR 20-16-129, and is actively undertaking appropriate procedures to adopt the rule as a permanent rule.

**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 3 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>3</u> | Repealed | ____ |

| | |
|--------------------------------------|---|
| Date Adopted: August 6, 2020 | Signature:  |
| Name: Katherine I. Vasquez | |
| Title: DSHS Rules Coordinator | |

AMENDATORY SECTION (Amending WSR 04-05-010, filed 2/6/04, effective 3/8/04)

WAC 388-436-0040 Excluded income and resources for CEAP. Resources and income listed below will not be considered in determining need or payment for CEAP:

- (1) A home as defined under WAC 388-470-0045;
- (2) Liquid resources as defined in WAC 388-470-0045 valued at six thousand dollars or less;
- (3) One vehicle, running and used regularly by the assistance unit, with an equity value not to exceed ~~((one))~~ ten thousand ~~((five hundred))~~ dollars;
- ~~((3))~~ (4) Household furnishings being used by the assistance unit;
- ~~((4))~~ (5) Personal items being used by members of the assistance unit;
- ~~((5))~~ (6) Tools and equipment being used in the applicant's occupation;
- ~~((6))~~ (7) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;
- ~~((7))~~ (8) Benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;
- ~~((8))~~ (9) Energy assistance payments;
- ~~((9))~~ (10) Grants, loans, or work study to a student under Title IV of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution;
- ~~((10))~~ (11) Income and resources of an SSI recipient;
- ~~((11))~~ (12) Livestock when the products are consumed by members of the assistance unit;
- ~~((12))~~ (13) All resources and income excluded for the TANF program under WAC 388-470-0045 and by federal law.

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

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 ~~((ninety percent of))~~ or equal to the temporary assistance for needy families (TANF) payment standard for households with shelter costs. The net income limit for CEAP assistance units is:

| Assistance unit members | Net income limit |
|-------------------------|-------------------------------|
| 1 | ((327)) <u>363</u> |
| 2 | ((413)) <u>459</u> |
| 3 | ((512)) <u>569</u> |
| 4 | ((603)) <u>670</u> |
| 5 | ((695)) <u>772</u> |
| 6 | ((789)) <u>877</u> |

| | |
|-------------------------|------------------------|
| Assistance unit members | Net income limit |
| 7 | ((942)) <u>1,103</u> |
| 8 or more | ((1,009)) <u>1,121</u> |

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

(a) The TANF payment standard, based on assistance unit size, for households with shelter costs 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 or more |
|------------------------------|-------|-------|-------|-------|-------|-------|-------|-----------|
| Food | \$220 | \$280 | \$345 | \$408 | \$469 | \$532 | \$608 | \$672 |
| Shelter | 268 | 339 | 422 | 497 | 571 | 647 | 750 | 828 |
| Clothing | 31 | 39 | 49 | 57 | 66 | 77 | 85 | 97 |
| Minor medical care | 186 | 237 | 294 | 345 | 398 | 449 | 524 | 578 |
| Utilities | 91 | 115 | 142 | 166 | 191 | 220 | 254 | 280 |
| Household maintenance | 66 | 84 | 105 | 122 | 142 | 161 | 186 | 204 |
| Job related transportation | 363 | 459 | 569 | 670 | 772 | 877 | 1,013 | 1,121 |
| Child related transportation | 363 | 459 | 569 | 670 | 772 | 877 | 1,013 | 1,121 |

(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 08-18-008, filed 8/22/08, effective 9/22/08)

WAC 388-436-0055 What is the disaster cash assistance program (DCAP)? Disaster cash assistance program (DCAP) is paid through the consolidated emergency assistance program (CEAP) and is designed to provide cash assistance to individuals and families who face an emergency and do not have the money to meet their basic needs.

(1) DCAP is available if you meet all of the following:

(a) You suffered losses ~~((and))~~;

(b) You live in an area that has been declared a disaster for individuals or a state of emergency related to COVID-19 by the Governor((=));

~~((b))~~ (c) In the event of a declared disaster, you are not able to live in your home or you cannot return to your home because of the disaster;

~~((e))~~ (d) Your home in the disaster or emergency area is your primary residence (not a vacation home) and you were living there at the time of the disaster or emergency;

~~((d))~~ (e) You are a resident of Washington state as defined in WAC 388-468-0005;

~~((e))~~ (f) Your net income is under the limits in WAC 388-436-0050(1); and

~~((f))~~ (g) You or your family is not eligible for any other program that could meet your need as stated in WAC 388-436-0030.

(2) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

(a) Food;

(b) Shelter;

(c) Clothing;

(d) Minor medical care;

(e) Utilities;

(f) Household maintenance supplies; or

(g) Necessary clothing or transportation costs to accept or retain a job.

(3) Payments under this program are limited to not more than thirty consecutive days within a period of twelve consecutive months.