



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: January 08, 2021

TIME: 11:29 AM

WSR 21-03-014

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 WAC 388-437-0015, Good cause extension of social security number (SSN) requirement for basic food applicants during COVID-19, to comply with approval from the US Department of Agriculture (USDA), Food and Nutrition Service (FNS) to extend the amount of time good cause for failure to provide the SSN is allowed during the COVID-19 pandemic. The department is also amending WAC 388-476-0005, Social Security number requirements, to align rule language more closely with federal regulation governing the Supplemental Nutrition Assistance Program (SNAP).

The department filed a CR-101 Preproposal Statement of Inquiry for WAC 388-437-0015 as WSR 21-03-009 on January 8, 2021, and a CR-101 Preproposal Statement of Inquiry for WAC 388-476-0005 as WSR 20-22-079 on November 3, 2020 to begin the permanent rulemaking process.

Citation of rules affected by this order:

- New: WAC 388-437-0015
- Repealed: None
- Amended: WAC 388-476-0005
- Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.08.090, RCW 74.04.510

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: Under current federal law, all applicants and recipients must have a valid Social Security number to receive Basic Food benefits. For those who do not yet have a number, they are given the month of application and the month following to provide this information. Due to the conditions of the COVID-19 pandemic, FNS approved a waiver allowing the good cause period to be extended to the month of application plus four additional months. This filing aligns rule with this waiver approval, which supports access to Basic Food benefits.

**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	<u>1</u>	Amended	<u>1</u>	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 1 Amended 1 Repealed ____

Date Adopted: January 8, 2021	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

NEW SECTION

WAC 388-437-0015 Good cause extension of social security number (SSN) requirement for basic food applicants during COVID-19. Applicants for food benefits must provide an SSN under WAC 388-476-0005(1) in order to qualify. For those who do not have an SSN, they must apply for one and provide it to DSHS when issued.

(1) For applicants with an initial application date of March 1, 2020, or later, who have established good cause for failure to provide an SSN, the good cause period is extended for three months, in addition to the application month and the next month under WAC 388-476-0005(5)(a), for a total of up to five months.

(2) To continue receiving benefits beyond the five month good cause period, the applicant must show good cause for failure to apply for an SSN on a monthly basis in accordance with WAC 388-476-0005(5)(b).

(3) Adjustments under subsection (1) will continue each month until the U.S. department of agriculture, food and nutrition service no longer approves these adjustments.

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-476-0005 Social Security number requirements. (1) With certain exceptions, each person who applies for or receives cash or food assistance benefits must provide to the department a Social Security number (SSN), or numbers if more than one has been issued. For SSN requirements for immigrants, see WAC 388-424-0009.

(2) If the person is unable to provide the SSN, either because it is not known or has not been issued, the person must:

- (a) Apply for the SSN;
- (b) Provide proof that the SSN has been applied for; and
- (c) Provide the SSN when it is received.

(3) Assistance will not be delayed, denied or terminated pending the issuance of an SSN by the Social Security Administration. However, a person who does not comply with these requirements is not eligible for assistance.

(4) For cash and food assistance benefits, a person cannot be disqualified from receiving benefits for refusing to apply for or supply an SSN based on religious grounds.

(5) For food assistance programs:

(a) A person can receive benefits for the month of application and the following month if the person attempted to apply for the SSN and made every effort to provide the needed information to the Social Security Administration.

(b) In order for a person to receive benefits after the time period provided in subsection (5)(a), good cause for failure to apply for the SSN must be shown monthly.

(c) If a person is unable to provide proof of application for a SSN for a newborn:

(i) The newborn can receive Basic Food with the household while effort is being made to get the SSN.

(ii) For the newborn to continue receiving Basic Food benefits; the household must provide proof of application for SSN or the SSN for the newborn, at the next recertification, or within six months following the month the baby is born, whichever is later.

(6) There is no SSN requirement for the following programs:

- (a) The consolidated emergency assistance program; and
- (b) The refugee cash assistance program.