



# 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: April 19, 2021

TIME: 10:22 AM

WSR 21-09-062

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

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) April 19, 2021

**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 388-436-0015, Consolidated emergency assistance program (CEAP); 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 adjust Consolidated Emergency Assistance and related Disaster Cash Assistance program rules in alignment with the current state of emergency and order from the Governor under RCW 74.04.660 (6).

**Citation of rules affected by this order:**

- New: None
- Repealed: None
- Amended: WAC 388-436-0015, 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 is filing is necessary to provide economic relief to people affected by the current state of emergency. Per HB 1151 (Chapter 9, Laws of 2021) and Proclamation of the Governor 20-63.8, expanded support through Family Emergency Assistance under RCW 74.04.660 has been authorized.

**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>4</u>	Repealed	____

<b>Date Adopted:</b> April 16, 2021	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 11-02-037, filed 12/29/10, effective 2/1/11)

**WAC 388-436-0015 Consolidated emergency assistance program (CEAP).** (1) CEAP is available to the following:

- (a) A pregnant woman in any stage of pregnancy; or
- (b) Families with dependent children, including families who have stopped receiving their TANF grant under WAC 388-310-1600 so long as:
  - (i) The dependent child is living with a parent or a relative of specified degree as defined under WAC 388-454-0010; or
  - (ii) The dependent child has lived with such a relative within six months of the request for assistance.

(2) Applicants must be residents of Washington state as defined in WAC 388-468-0005.

(3) 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;
- (g) Necessary clothing or transportation costs to accept or retain a job; or
- (h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to one time within twelve consecutive months for a period covering no more than thirty consecutive days, except when this limitation under RCW 74.04.660(1) is waived by order of the Governor under RCW 74.04.660(6). During the period of time when the Governor's order under proclamation 20-63.8 and subsequent proclamations are in effect, payments will be limited to once a month and applicants must apply each month they need assistance.

(5) The department may discontinue program benefits issuances during periods of time when state funds appropriated for CEAP are exhausted.

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) During the period of time when the Governor's order under proclamation 20-63.8 and subsequent proclamations is in effect, 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~~) one thousand five hundred dollars. During the period of time when the Governor's order

under proclamation 20-63.8 and subsequent proclamations is in effect, an equity value not to exceed 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	<u>Ninety percent net income limit</u>
1	\$327
2	413
3	512
4	603
5	695
6	789
7	912
8 or more	1,009

(2) During the period of time when the Governor's order under proclamation 20-63.8 and subsequent proclamations is in effect, the assistance unit's nonexcluded income, minus allowable deductions, must be less than or equal to the temporary assistance for needy families (TANF) payment standard. The net income limit for CEAP assistance units is:

<u>Assistance unit members</u>	<u>100 percent net income limit</u>
<u>1</u>	<u>\$363</u>
<u>2</u>	<u>459</u>
<u>3</u>	<u>569</u>
<u>4</u>	<u>670</u>
<u>5</u>	<u>772</u>
<u>6</u>	<u>877</u>
<u>7</u>	<u>1,103</u>
<u>8 or more</u>	<u>1,121</u>

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 <u>clothing and transportation</u>	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 without children 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 by)) or where the Governor((-)) has declared a state of emergency;

~~((b) You are not able to live in your home or you cannot return to your home because of the disaster;))~~

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

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

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

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

(f) You are not eligible for CEAP because you do not meet the criteria described in WAC 388-436-0015(1).

(2) In the event of a declared disaster, you must also meet the following:

(a) You are not able to live in your home or you cannot return to your home because of the disaster; and

(b) Your home in the disaster area is your primary residence (not a vacation home) and you were living there at the time of the declared disaster.

~~((2))~~ (3) 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; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

~~((3))~~ (4) DCAP benefits are available to households only when the Governor issues an order under RCW 74.04.660(6) extending CEAP benefits to households without children.

(5) Payments under this program are limited to not more than thirty consecutive days within a period of twelve consecutive months, except when this limitation under RCW 74.04.660(1) is waived by order of the Governor under RCW 74.04.660(6). During the period of time when the Governor's order under proclamation 20-63.8 and subsequent proclamations is in effect, payments will be limited to once a month and applicants must apply each month they need assistance.

(6) The department may discontinue program benefits issuances when the state of emergency or disaster declaration ends or when the Governor's Order under RCW 74.04.660(6) or the authority thereunder expires or is terminated.

(7) The department may discontinue program benefits issuances when funds appropriated for DCAP are exhausted.