



# 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 28, 2022

TIME: 7:48 AM

WSR 22-14-047

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

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 1, 2022

**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 388-424-0015, Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs.

Effective July 1, 2022, these amendments are necessary to implement House Bill 1748 (Chapter 208, Laws of 2022) and expand Aged, Blind, or Disabled (ABD) program and Housing and Essential Needs (HEN) referral eligibility to victims of human trafficking (as defined in RCW 74.04.005).

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

- New: None
- Repealed: None
- Amended: 388-424-0015
- Suspended: None

**Statutory authority for adoption:** RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, and 74.62.030.

**Other authority:** House Bill 1748 (Chapter 208, Laws of 2022)

**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 amendments are necessary to implement House Bill 1748 (Chapter 208, Laws of 2022), which takes effect July 1, 2022.

The department is actively taking appropriate steps to adopt the rule as permanent, and filed notice of its intent under WSR 22-11-081.

**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>1</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:**

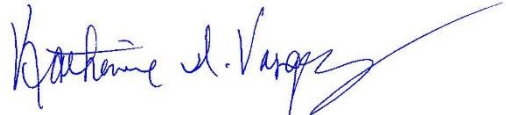
New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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>1</u>	Repealed	____

<b>Date Adopted:</b> June 28, 2022	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**WAC 388-424-0015 Immigrant eligibility restrictions for the ((state family assistance)) SFA, ABD cash, and PWA programs.** (1) To receive state family assistance (SFA) benefits, you must be:

(a) A "qualified alien" as defined in WAC 388-424-0001 who is ineligible for temporary assistance to needy families (TANF) due to the five-year bar as described in WAC 388-424-0006(~~(+3)~~);

(b) A "nonqualified alien" who meets the Washington state residency requirements (~~(as listed)~~) in WAC 388-468-0005, including a non-citizen American Indian who does not meet the criteria in WAC 388-424-0001; or

(c) A "survivor of certain crimes" as defined in WAC 388-424-0001(~~(+4)~~).

(2) To receive aged, blind, or disabled (ABD) cash or pregnant women assistance (PWA) benefits, you must be:

(a) A "U.S. citizen" as defined in WAC 388-424-0001;

(b) A "U.S. national" as defined in WAC 388-424-0001;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" (~~(or similarly defined lawful immigrant such as victim of trafficking)~~) as defined in WAC 388-424-0001; or

(e) A "nonqualified alien" as defined (~~(described)~~) in WAC 388-424-0001 who(~~(+)~~) , United States Immigration and Customs Enforcement is not taking steps to enforce their departure; or

~~((i) Has verified their intent to stay in the United States indefinitely; and~~

~~(ii) The United States Immigration and Customs Enforcement is not taking steps to enforce their departure.)~~

(f) A "survivor of certain crimes" as defined in WAC 388-424-0001.