



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: March 23, 2021

TIME: 4:25 PM

WSR 21-07-132

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

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**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 388-444-0010, Who is exempt from work registration while receiving basic food?; WAC 388-444-0030, Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?; and WAC 388-444-0035, Who is exempt from ABAWD time limits and minimum work requirements?.

These amendments will align rules regarding basic food work registration and able bodied adults without dependents (ABAWD) work requirements more closely with federal Supplemental Nutrition Assistance Program regulations, and strike obsolete or duplicative language.

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

- New: None
- Repealed: None
- Amended: WAC 388-444-0010, WAC 388-444-0030, WAC 388-444-0035
- Suspended: None

**Statutory authority for adoption:** RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, RCW 74.08A.120

**Other authority:** 7 C.F.R. 273.7, 7 C.F.R. 273.24

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-22-095 on November 3, 2020 (date).  
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**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Federal statute:	New	___	Amended	___	Repealed	___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	<u>3</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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:** March 22, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-444-0010 Who is exempt from work registration while receiving basic food?** If you receive basic food, you are exempt from work registration and the requirements in chapter 388-444 WAC if you meet any one of the following conditions:

- (1) Are age sixteen or seventeen, and:
  - (a) Not the head of household;
  - (b) Attend school; or
  - (c) Are enrolled at least half time (using the institutions definition) in an employment and training program under:
    - (i) The Workforce Innovation and Opportunity Act of 2014 (WIOA);
    - (ii) Section 236 of the Trade Act of 1974; or
    - (iii) A state or local employment and training program.
- (2) You are a student age eighteen or older enrolled at least half time as defined by the institution in:
  - (a) Any accredited school;
  - (b) A training program; or
  - (c) An institution of higher education. If you are enrolled in higher education, you must meet the requirements under WAC 388-482-0005 to be eligible for basic food benefits.
- (3) You are an employed or self-employed person working at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty;
- (4) You are complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);
- (5) You receive unemployment compensation (UC) benefits or have an application pending for UC benefits;
- (6) You are responsible to care for:
  - (a) A dependent child under age six; or
  - (b) (~~An adult~~) A person with an incapacity that meets the requirements of WAC 388-310-0350 (1)(d)(i), (ii), (iv), and (v), except the person does not need to be related to you as stated in (1)(d)(v).
- (7) You are physically or mentally unable to work as determined below:
  - (a) A DSHS SSI facilitator has assessed you as likely to be approved for SSI or other benefits and are required to apply for SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability) and your SSI application status may be verified through either the SSI facilitator or state data exchange, or both;
  - (b) You have a severe and chronic mental, physical, emotional, or cognitive disability that prevents you from participating in work or work activities for at least thirty hours a week; or
  - (c) We verify your disability using documentation from DDA, DVR, HCS, MHD, or RSN, or by one of the medical or mental health professionals listed in WAC 388-310-0350(2).
- (8) You regularly participate in a drug addiction or alcoholic treatment and rehabilitation program as defined by the Food Stamp Act of 1977.

AMENDATORY SECTION (Amending WSR 19-17-086, filed 8/21/19, effective 9/21/19)

**WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?** (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is age eighteen through forty-nine; and
- (b) Is fit for work and not exempted under WAC 388-444-0035 (~~(+)~~ and ~~(c)~~ Does not receive food assistance in an assistance unit (AU) that includes a minor child (we will consider the AU to include a minor child even if the minor child is not eligible to receive food assistance)).

(2) If you are an ABAWD, you must participate in work activities under subsection (~~(+4)~~) (3) of this section.

(3) (~~(Nonexempt ABAWDs who live outside of King County or on the Muckleshoot Tribal Reservation may continue to receive food assistance until December 31, 2019, even if they fail to participate in work-related activities.~~

~~(4)~~) A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a thirty-six month period, unless the ABAWD:

- (a) Works an average of eighty hours per month, including:
  - (i) Work in exchange for money;
  - (ii) Work in exchange for goods or services ("in kind" work);
  - (iii) Unpaid work that is verified according to department requirements; or
  - (iv) Any combination of (a)(i) through (iii) of this subsection;
- (b) Participates in one of the following work programs and is meeting the requirements of that work program:
  - (i) The Workforce Innovation and Opportunity Act of 2014;
  - (ii) Section 236 of the Trade Act of 1974;
  - (iii) A state-approved employment and training program at least an average of eighty hours per month; or
- (c) Participates in an unpaid work program as provided in WAC 388-444-0040.

AMENDATORY SECTION (Amending WSR 16-22-002, filed 10/19/16, effective 11/19/16)

**WAC 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements?** Some people who receive basic food are exempt from able-bodied adult without dependents (ABAWD) time limits and minimum work requirements. You are exempt from ABAWD time limits and work requirements under WAC 388-444-0030 if you meet any one or more of the following:

- (1) You are exempt from work requirements under WAC 388-444-0010;
- (2) You are under age eighteen or are age fifty or older;
- ~~(+2)~~ (3) You receive temporary or permanent disability benefits issued by a governmental or private source;

~~((3))~~ (4) You are obviously mentally or physically unfit for employment as determined by the department; however, if the unfitness is not obvious, you must provide a statement that you are physically or mentally unfit for employment from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel the department determines appropriate;

~~((4))~~ (5) You are an adult in a basic food assistance unit that has a family member who is under the age of eighteen;

~~((5))~~ (6) You are pregnant;

~~((6))~~ (7) You live in an area approved as exempt by U.S. Department of Agriculture (USDA); or

~~((7) You are complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);~~

~~(8) You are applying for or currently receive unemployment compensation;~~

~~(9) You are a student enrolled at least half time as defined by the institution in:~~

~~(a) Any accredited school;~~

~~(b) Training program; or~~

~~(c) Institution of higher education and you meet the requirements of WAC 388-482-0005 regarding basic food eligibility;~~

~~(10) You are participating in a chemical dependency treatment and rehabilitation program;~~

~~(11) You are employed a minimum of thirty hours per week or receive weekly earnings that equal the federal minimum hourly rate multiplied by thirty hours;~~

~~(12))~~ (8) You are eligible for one of the approved exemption slots under the U.S. Department of Agriculture (USDA) fifteen percent exemption rule(~~;~~ ~~or~~

~~(13) You are otherwise exempt from work requirements under WAC 388-444-0010)).~~