



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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FILED

DATE: July 15, 2021

TIME: 2:49 PM

WSR 21-15-060

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

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-450-0100, Allocating income-Definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend WAC 388-450-0100 through expedited rulemaking process for housekeeping purposes as the amendments remove outdated language.

Reasons supporting proposal: These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353, specifically subsection (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.08.090, RCW 74.08A.250

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Name of proponent: (person or organization) Department of Social and Health Services

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kathryn Gussett	PO Box 45470, Olympia, WA 98504	509-290-8435
Implementation:	Kathryn Gussett	PO Box 45470, Olympia, WA 98504	509-290-8435
Enforcement:	Kathryn Gussett	PO Box 45470, Olympia, WA 98504	509-290-8435

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The amendments clarify language of a rule without changing its effect. The change to the number of days from 90 days to 180 in 3(c) aligns with the permanent filing under WSR 08-14-105 [see changes to WAC 388-418-0007 (6)] and was missed at the time of that filing.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: Department of Social and Health Services

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Other:


AND RECEIVED BY (date) 5:00 pm September 21, 2021

Date: July 15, 2021

Name: Katherine I. Vasquez

Title: DSHS RPAU Rules Coordinator

Signature:



WAC 388-450-0100 Allocating income—Definitions. The following definitions apply to the allocation rules for TANF/SFA, RCA, PWA, and ABD cash programs:

- (1) **"Dependent"** means a person who:
 - (a) Is or could be claimed for federal income tax purposes by the financially responsible person; or
 - (b) The financially responsible person is legally obligated to support.
- (2) **"Financially responsible person"** means a parent, stepparent, adoptive parent, spouse, or caretaker relative.
- (3) A **"disqualified assistance unit member"** means a person who is:
 - (a) An unmarried pregnant or parenting minor who is under age eighteen, who has not completed a high school education or high school equivalency certification, and who is not participating in those educational activities which would lead to the attainment of a high school diploma or high school equivalency;
 - (b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;
 - (c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed (~~ninety~~) one hundred eighty days;
 - (d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and
 - (e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.
- (4) **"Ineligible assistance unit member"** means an individual who is:
 - (a) Ineligible for cash assistance due to the (~~citizenship/ alien~~) citizenship/immigration status requirements in WAC 388-424-0010;
 - (b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;
 - (c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;
 - (d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;
 - (e) The spouse of a (~~woman~~) person who receives cash benefits from the PWA program; or
 - (f) The adult parent of a minor parent's child.