



# EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: December 06, 2022

TIME: 2:25 PM

WSR 22-24-099

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

**Title of rule and other identifying information:** (describe subject) WAC 388-310-0100, WorkFirst-Purpose and 388-450-0165, Gross earned income limit for TANF/SFA.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** These amendments revise obsolete policy language that was not updated when related TANF laws changed in 1999. With the passage of Public Law 104-193, there is no longer a requirement under federal law for a pregnant person with no other eligible child to be in their third trimester to qualify for TANF. In addition, these amendments remove references to the "general assistance for pregnant women," which is not a current public assistance program which provides WorkFirst services.

**Reasons supporting proposal:** See above.

**Statutory authority for adoption:** RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, and 74.08A.120

**Statute being implemented:** N/A

**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:	Sarah Garcia	PO Box 45470, Olympia, WA 98504	360-522-2214
Implementation:	Sarah Garcia	PO Box 45470, Olympia, WA 98504	360-522-2214
Enforcement:	Sarah Garcia	PO Box 45470, Olympia, WA 98504	360-522-2214

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**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):**

**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: DSHS

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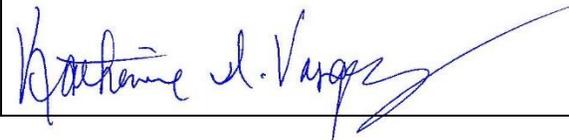
**AND RECEIVED BY** (date) February 7, 2023

**Date:** December 6, 2022

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 10-22-061, filed 10/29/10, effective 12/1/10)

**WAC 388-310-0100 WorkFirst—Purpose.** (1) **What is the WorkFirst program?**

The WorkFirst program offers services and activities to help people in low-income families find jobs, keep their jobs, find better jobs, and become self-sufficient. The program links families to a variety of state, federal, and community resources to meet this goal. When you enter the WorkFirst program, you will be asked to work, look for work, and/or prepare for work.

(2) **Who does the WorkFirst program serve?**

The WorkFirst program serves two groups:

(a) Parents and children age (~~(sixteen)~~) 16 or older who receive cash assistance under the temporary assistance for needy families (TANF) (~~(, general assistance for pregnant women (GA-S))~~) or state family assistance (SFA) programs; and

(b) Low-income parents who support their family without applying for or relying on cash assistance.

AMENDATORY SECTION (Amending WSR 04-05-010, filed 2/6/04, effective 3/8/04)

**WAC 388-450-0165 Gross earned income limit for TANF/SFA.** When applying the gross earned income limit as required under WAC 388-478-0035:

(1) "Family" means:

(a) All adults and children who would otherwise be included in the assistance unit under WAC 388-408-0015, but who do not meet TANF/SFA eligibility requirements;

(b) The unborn child of a (~~(woman in her third trimester of pregnancy)~~) pregnant person; and

(c) The (~~(husband)~~) spouse of a (~~(woman in her third trimester of pregnancy)~~) pregnant person, when residing together.

(2) "Gross earned income" does not include excluded income, as provided in WAC 388-450-0015.

(3) The following amounts are disregarded when determining a family's gross earned income:

(a) Court or administratively ordered current or back support paid to meet the needs of legal dependents, up to:

(i) The amount actually paid; or

(ii) A one-person need standard for each legal dependent.

(b) Authorized ongoing additional requirement payment as defined in chapter 388-473 WAC.