

WSR 21-06-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 25, 2021, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-22-062.

Title of Rule and Other Identifying Information: The department is proposing adoption of WAC 388-434-0015 Extension of certification periods and waiver of eligibility reviews and mid-certification reviews during the COVID-19 pandemic.

Hearing Location(s): On April 6, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington Street S.E., Olympia, WA 98501. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or by Skype. Due to the COVID-19 pandemic, hearing may be held via Skype, see DSHS website for most up-to-date information.

Date of Intended Adoption: Not earlier than April 7, 2021.

Submit Written Comments to: DSHS, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., April 6, 2021.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay services, email Kildaja@dshs.wa.gov, by March 23, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed adoption of WAC 388-434-0015 will implement administrative flexibilities regarding certification periods and mid-certification reviews as allowed under H.R. 8337, Continuing Appropriations Act, 2021 and Other Extensions Act of 2020.

These adjustments to certification periods and mid-certification reviews have been in effect since November 2020 under emergency rule adoption filed as WSR 20-22-065.

Reasons Supporting Proposal: The proposed rule is necessary to administer flexibilities of the Continuing Appropriations Act, 2021 and Other Extensions Act of 2020 (H.R. 8337 Section 4603) related to the Supplemental Nutrition Assistance Program (SNAP), which support preservation of public health, safety, and general welfare through access to food assistance during the COVID-19 pandemic.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Rule is necessary because of federal law, H.R. 8337 Section 4603.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ivette Dones-Figueroa, P.O. Box 45470, Olympia, WA 98504, 360-764-3812.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS clients.

February 25, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4805.4

NEW SECTION

WAC 388-434-0015 Extension of certification periods and waiver of eligibility reviews and mid-certification reviews during the COVID-19 pandemic. (1) Recertification requirements for food assistance under WAC 388-434-0010 are waived in the months listed below and your certification period will automatically be extended as follows:

(a) Certification periods ending in November 2020 and December 2020 will be automatically extended by two months;

(b) Certification periods ending in January 2021 and February 2021 will be automatically extended by four months, if not previously extended.

(2) Eligibility review requirements for cash assistance under WAC 388-434-0005 are waived as follows:

(a) All eligibility reviews due in November 2020 and December 2020;

(b) Eligibility reviews, not already extended, due in January 2021 and February 2021.

(3) If your cash assistance eligibility review is waived under subsection (2) of this section, the following programs are included:

(a) Temporary assistance for needy families;

(b) State family assistance;

(c) Aged, blind or disabled cash assistance; and

(d) Housing and essential needs referral.

(4) If your working family support certification period ends under WAC 388-493-0010, your certification period will be extended as described in subsection (1) of this section.

(5) Mid-certification review requirements for cash and food assistance under WAC 388-418-0011 are waived from November 1, 2020, to June 30, 2021.

(6) You are still required to report changes under WAC 388-418-0005.

(7) The department will review and act upon any new information we receive from you during this time under WAC 388-418-0020.

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