

WSR 21-12-087  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)  
[Filed June 1, 2021, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-16-129.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 388-436-0055 What is the disaster cash assistance program (DCAP)?

Hearing Location(s): On July 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 98504. 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 virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

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

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m. [no date supplied].

Assistance for Persons with Disabilities: Contact Katherine Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email [vasquki@dshs.wa.gov](mailto:vasquki@dshs.wa.gov), by June 23, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments will update and clarify disaster cash assistance program rules.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, 74.08A.230.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sarah Garcia, P.O. Box 45470, Olympia, WA 98504, 360-522-2214.

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. This amendment is 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: The proposed amendments do not impact small businesses. They only impact DSHS clients.

May 28, 2021  
Katherine I. Vasquez  
Rules Coordinator

SHS-4792.8

AMENDATORY SECTION (Amending WSR 08-18-008, filed 8/22/08, effective 9/22/08)

**WAC 388-436-0055 What is the disaster cash assistance program (DCAP)?** Disaster cash assistance program (DCAP) is paid through the consolidated emergency assistance program (CEAP) and is designed to provide cash assistance to individuals and families who face an emergency and do not have the money to meet their basic needs.

(1) DCAP is available if you meet all of the following:

(a) You suffered losses ~~((and))~~;

(b) You live in an area that has been declared a disaster ~~((for individuals by))~~ or where the Governor~~((r))~~ has declared a state of emergency;

~~((b)) You are not able to live in your home or you cannot return to your home because of the disaster;~~

~~((c)) Your home in the disaster area is your primary residence (not a vacation home) and you were living there at the time of the disaster;~~

~~((d))~~ (c) You are a resident of Washington state as defined in WAC 388-468-0005;

~~((e))~~ (d) Your net income is under the limits in WAC 388-436-0050(1); and

~~((f))~~ (e) You or your family is not eligible for any other program that could meet your need as stated in WAC 388-436-0030.

~~((2))~~ (2) In the event of a declared disaster, you must also meet the following:

(a) You are not able to live in your home or you cannot return to your home because of the disaster; and

(b) Your home in the disaster area is your primary residence (not a vacation home) and you were living there at the time of the declared disaster.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

(a) Food;

(b) Shelter;

(c) Clothing;

(d) Minor medical care;

(e) Utilities;

(f) Household maintenance supplies; or

(g) Necessary clothing or transportation costs to accept or retain a job or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

~~((3))~~ (4) DCAP benefits are only available to households when the Governor issues an order under RCW 74.04.660(6) extending CEAP benefits to households without children.

(5) Payments under this program are limited to not more than thirty consecutive days within a period of twelve consecutive months, except when this limitation under RCW 74.04.660(1) is waived by proclamation of the Governor. The Governor's proclamation will determine the frequency if the thirty day limitation is waived.

(6) The department may discontinue program benefits issuances when the state of emergency or disaster declaration ends or when the

Governor's Order under RCW 74.04.660(6) or the authority thereunder expires or is terminated.

(7) The department may discontinue the program benefits issuances when the funds appropriated for DCAP are exhausted.

[Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 181 § 301(6). WSR 08-18-008, § 388-436-0055, filed 8/22/08, effective 9/22/08.]