

**WSR 21-03-014
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 8, 2021, 11:29 a.m., effective January 8, 2021, 11:29 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is adopting WAC 388-437-0015 Good cause extension of Social Security number (SSN) requirement for basic food applicants during COVID-19, to comply with approval from the United States Department of Agriculture, Food and Nutrition Service (FNS) to extend the amount of time good cause for failure to provide the SSN is allowed during the COVID-19 pandemic. The department is also amending WAC 388-476-0005 Social Security number requirements, to align rule language more closely with federal regulations governing the Supplemental Nutrition Assistance Program.

The department filed a CR-101 Preproposal statement of inquiry for WAC 388-437-0015 as WSR 21-03-009 on January 8, 2021, and a CR-101 Preproposal statement of inquiry for WAC 388-476-0005 as WSR 20-22-079 on November 3, 2020, to begin the permanent rule-making process.

Citation of Rules Affected by this Order: New WAC 388-437-0015; and amending WAC 388-476-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Under current federal law, all applicants and recipients must have a valid Social Security number to receive basic food benefits. For those who do not yet have a number, they are given the month of application and the month following to provide this information. Due to the conditions of the COVID-19 pandemic, FNS approved a waiver allowing the good cause period to be extended to the month of application plus four additional months. This filing aligns rule with this waiver approval, which supports access to basic food benefits.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: January 8, 2021.

Katherine I. Vasquez
Rules Coordinator

SHS-4820.2

NEW SECTION

WAC 388-437-0015 Good cause extension of Social Security number (SSN) requirement for basic food applicants during COVID-19. Applicants for food benefits must provide an SSN under WAC 388-476-0005(1) in order to qualify. For those who do not have an SSN, they must apply for one and provide it to DSHS when issued.

(1) For applicants with an initial application date of March 1, 2020, or later, who have established good cause for failure to provide an SSN, the good cause period is extended for three months, in addition to the application month and the next month under WAC 388-476-0005 (5) (a), for a total of up to five months.

(2) To continue receiving benefits beyond the five month good cause period, the applicant must show good cause for failure to apply for an SSN on a monthly basis in accordance with WAC 388-476-0005 (5) (b).

(3) Adjustments under subsection (1) will continue each month until the U.S. department of agriculture, food and nutrition service no longer approves these adjustments.

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AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-476-0005 Social Security number requirements. (1) With certain exceptions, each person who applies for or receives cash or food assistance benefits must provide to the department a Social Security number (SSN), or numbers if more than one has been issued. For SSN requirements for immigrants, see WAC 388-424-0009.

(2) If the person is unable to provide the SSN, either because it is not known or has not been issued, the person must:

(a) Apply for the SSN;

(b) Provide proof that the SSN has been applied for; and

(c) Provide the SSN when it is received.

(3) Assistance will not be delayed, denied or terminated pending the issuance of an SSN by the Social Security Administration. However, a person who does not comply with these requirements is not eligible for assistance.

(4) For cash and food assistance benefits, a person cannot be disqualified from receiving benefits for refusing to apply for or supply an SSN based on religious grounds.

(5) For food assistance programs:

(a) A person can receive benefits for the month of application and the following month if the person attempted to apply for the SSN and made every effort to provide the needed information to the Social Security Administration.

(b) In order for a person to receive benefits after the time period provided in subsection (5) (a), good cause for failure to apply for the SSN must be shown monthly.

(c) If a person is unable to provide proof of application for a SSN for a newborn:

(i) The newborn can receive Basic Food with the household while effort is being made to get the SSN.

(ii) For the newborn to continue receiving Basic Food benefits; the household must provide proof of application for SSN or the SSN for the newborn, at the next recertification, or within six months following the month the baby is born, whichever is later.

(6) There is no SSN requirement for the following programs:

- (a) The consolidated emergency assistance program; and
- (b) The refugee cash assistance program.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-476-0005, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770, 74.04.0052, 74.04.655, 74.08.043, 74.08.335, and 2011 1st sp.s. c 36. WSR 12-10-042, § 388-476-0005, filed 4/27/12, effective 6/1/12. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and Title 7, 273.6 C.F.R. WSR 10-17-101, § 388-476-0005, filed 8/17/10, effective 9/17/10. Statutory Authority: RCW 74.08.090. WSR 03-20-061, § 388-476-0005, filed 9/26/03, effective 10/27/03. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 99-17-025, § 388-476-0005, filed 8/10/99, effective 10/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-476-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0530.]