

WSR 21-17-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 13, 2021, 2:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-13-014.

Title of Rule and Other Identifying Information: The department is planning to amend WAC 388-478-0020 Payment standards for TANF, SFA and RCA, 388-478-0027 What is the payment standard for pregnant women assistance (PWA), 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA?, and 388-436-0050 Determining financial need and benefit amount for CEAP.

Hearing Location(s): On September 21, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, 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 by Skype. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than September 22, 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., September 21, 2021.

Assistance for Persons with Disabilities: Contact Katherine Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email DSHSRPAURulesCoordinator@dshs.wa.gov, by 5:00 p.m., September 7, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Planned amendments will implement the 15 percent payment standard increase (effective July 1, 2021) for the temporary assistance for needy families, state family assistance, refugee cash assistance, and pregnant women assistance programs, approved via the 2021-2023 operating budget. Planned amendments will also update net income limits and allowable benefit amounts for the consolidated emergency assistance program.

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, and 74.08A.230.

Statute Being Implemented: 2021-2023 Operating Budget (chapter 334, Laws of 2021).

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.

August 12, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4868.1

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for the consolidated emergency assistance program (CEAP), the assistance unit's nonexcluded income, minus allowable deductions, must be less than or equal to ninety percent of the temporary assistance for needy families (TANF) payment standard (~~for households with shelter costs~~). The net income limit for CEAP assistance units is:

Assistance unit members	Net income limit
1	((\$327) <u>\$375</u>)
2	((413) <u>475</u>)
3	((512) <u>589</u>)
4	((603) <u>694</u>)
5	((695) <u>799</u>)
6	((789) <u>908</u>)
7	((912) <u>1,049</u>)
8 or more	((1,009) <u>1,160</u>)

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, (~~for households with shelter costs~~) as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need item: Maximum allowable amount by assistance unit size:

	1	2	3	4	5	6	7	8 or more
Food	((\$220) <u>\$253</u>)	((\$280) <u>\$322</u>)	((\$345) <u>\$397</u>)	((\$408) <u>\$469</u>)	((\$469) <u>\$539</u>)	((\$532) <u>\$612</u>)	((\$608) <u>\$699</u>)	((\$672) <u>\$773</u>)
Shelter	((268) <u>308</u>)	((339) <u>390</u>)	((422) <u>485</u>)	((497) <u>572</u>)	((571) <u>657</u>)	((647) <u>744</u>)	((750) <u>863</u>)	((828) <u>952</u>)
Clothing	((31) <u>36</u>)	((39) <u>45</u>)	((49) <u>56</u>)	((57) <u>66</u>)	((66) <u>76</u>)	((77) <u>89</u>)	((85) <u>98</u>)	((97) <u>112</u>)
Minor medical care	((186) <u>214</u>)	((237) <u>273</u>)	((294) <u>338</u>)	((345) <u>397</u>)	((398) <u>458</u>)	((449) <u>516</u>)	((524) <u>603</u>)	((578) <u>665</u>)
Utilities	((91) <u>105</u>)	((115) <u>132</u>)	((142) <u>163</u>)	((166) <u>191</u>)	((191) <u>220</u>)	((220) <u>253</u>)	((254) <u>292</u>)	((280) <u>322</u>)

	1	2	3	4	5	6	7	8 or more
Household maintenance	((66)) <u>76</u>	((84)) <u>97</u>	((105)) <u>121</u>	((122)) <u>140</u>	((142)) <u>163</u>	((161)) <u>185</u>	((186)) <u>214</u>	((204)) <u>235</u>
Job related transportation	((363)) <u>417</u>	((459)) <u>528</u>	((569)) <u>654</u>	((670)) <u>771</u>	((772)) <u>888</u>	((877)) <u>1,009</u>	((1,013)) <u>1,165</u>	((1,121)) <u>1,289</u>
Child related transportation	((363)) <u>417</u>	((459)) <u>528</u>	((569)) <u>654</u>	((670)) <u>771</u>	((772)) <u>888</u>	((877)) <u>1,009</u>	((1,013)) <u>1,165</u>	((1,121)) <u>1,289</u>

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

- (a) The assistance unit's net income, as determined under subsection (1) of this section and WAC 388-436-0045;
- (b) Cash on hand, if not already counted as income; and
- (c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, 2018 c 299 and 2017 c 1. WSR 18-09-088, § 388-436-0050, filed 4/17/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, and 2015 3rd sp.s. c 4 § 207. WSR 16-01-093, § 388-436-0050, filed 12/15/15, effective 1/15/16. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, and chapters 74.08A and 74.12 RCW. WSR 11-16-029, § 388-436-0050, filed 7/27/11, effective 8/27/11. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.660. WSR 09-14-040, § 388-436-0050, filed 6/24/09, effective 7/25/09. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. WSR 08-18-009, § 388-436-0050, filed 8/22/08, effective 9/22/08; WSR 98-16-044, § 388-436-0050, filed 7/31/98, effective 9/1/98.]

AMENDATORY SECTION (Amending WSR 20-20-007, filed 9/24/20, effective 10/25/20)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units are:

Assistance unit size	Payment standard	Assistance unit size	Payment standard
1	((\$363) <u>\$417</u>)	6	((\$877) <u>\$1,009</u>)
2	((459) <u>528</u>)	7	((1,013) <u>1,165</u>)
3	((569) <u>654</u>)	8	((1,121) <u>1,289</u>)
4	((670) <u>771</u>)	9	((1,231) <u>1,416</u>)
5	((772) <u>888</u>)	10 or more	((1,338) <u>1,539</u>)

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.62.030 and 2020 c 357. WSR 20-20-007, § 388-478-0020, filed 9/24/20, effective 10/25/20. Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, 2018 c 299 and 2017 c 1. WSR 18-09-088, § 388-478-0020, filed 4/17/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, and 2015 3rd sp.s. c 4 § 207. WSR 16-01-093, § 388-478-0020, filed 12/15/15, effective 1/15/16. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, and chapters 74.08A and 74.12 RCW. WSR 11-16-029, § 388-478-0020, filed 7/27/11, effective 8/27/11. Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 329 § 207 (1)(e). WSR 08-16-105, § 388-478-0020, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-478-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-507-0710.]

AMENDATORY SECTION (Amending WSR 20-20-007, filed 9/24/20, effective 10/25/20)

WAC 388-478-0027 What is the payment standard for pregnant women assistance (PWA)? The payment standard for a PWA cash assistance unit is:

Assistance Unit Size	Payment Standard
1	(\$363) \$417

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.62.030 and 2020 c 357. WSR 20-20-007, § 388-478-0027, filed 9/24/20, effective 10/25/20. 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 2019 c 415. WSR 19-21-056, § 388-478-0027, filed 10/11/19, effective 11/11/19. 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, § 388-478-0027, filed 4/27/12, effective 6/1/12.]

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA? To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash assistance (RCA), or a pregnant women assistance (PWA), a family's gross earned income must be below the following levels:

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	((726)) <u>\$834</u>	6	((1,754)) <u>\$2,018</u>
2	((918)) <u>1,056</u>	7	((2,026)) <u>2,330</u>
3	((1,138)) <u>1,308</u>	8	((2,242)) <u>2,578</u>
4	((1,340)) <u>1,542</u>	9	((2,462)) <u>2,832</u>
5	((1,544)) <u>1,776</u>	10 or more	((2,676)) <u>3,078</u>

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, 2018 c 299 and 2017 c 1. WSR 18-09-088, § 388-478-0035, filed 4/17/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.230, and 2015 3rd sp.s. c 4 § 207. WSR 16-01-093, § 388-478-0035, filed 12/15/15, effective 1/15/16. 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, § 388-478-0035, filed 4/27/12, effective 6/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, and chapters 74.08A and 74.12 RCW. WSR 11-16-029, § 388-478-0035, filed 7/27/11, effective 8/27/11. Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 329 § 207 (1) (e). WSR 08-16-105, § 388-478-0035, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-478-0035, filed 7/31/98, effective 9/1/98.]