

WSR 21-21-070
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 18, 2021, 10:40 a.m., effective October 20, 2021]

Effective Date of Rule: October 20, 2021.

Purpose: The department is extending emergency amendments for 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.

These amendments implement a 15 percent payment standard increase (effective July 1, 2021) for the TANF, SFA, RCA, and PWA programs, approved via the 2021-2023 Operating Budget. Amendments also update net income limits and allowable benefit amounts for the Consolidated Emergency Assistance Program.

Citation of Rules Affected by this Order: Amending WAC 388-478-0020, 388-478-0027, 388-478-0035, and 388-436-0050.

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

Other Authority: ESSB 5092 (chapter 334, Laws of 2021).

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule filing increases cash payment standards thereby providing essential supports to individuals and families necessary for the preservation of public welfare.

Operating Budget - ESSB 5092 (chapter 334, Laws of 2021), effective July 1, 2021, also supports immediate adoption of this rule.

The department filed CR-101 under WSR 21-13-014, and CR-102 under WSR 21-17-094, and continues to undertake procedures to adopt the rule as permanent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.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 4, 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 0, Amended 4, Repealed 0.

Date Adopted: October 18, 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>) |
| 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) \$417 | 6 | (\$877) \$1,009 |
| 2 | ((459)) 528 | 7 | ((1,013)) 1,165 |
| 3 | ((569)) 654 | 8 | ((1,121)) 1,289 |
| 4 | ((670)) 771 | 9 | ((1,231)) 1,416 |
| 5 | ((772)) 888 | 10 or more | ((1,338)) 1,539 |

[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) <u>\$417</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, § 388-478-0027, 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.]