

WSR 22-01-141
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 15, 2021, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-20-054.

Title of Rule and Other Identifying Information: The department is proposing adoption of new WAC 388-436-0065 What is the pandemic emergency assistance fund (PEAF)?

Hearing Location(s): On January 25, 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 impacts of COVID-19, hearings are being held virtually. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than January 26, 2022.

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. on January 25, 2022.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6196, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov [Tencza@dshs.wa.gov], by 5:00 p.m. on January 11, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule will allow for issuance of pandemic emergency assistance funds, a one-time cash payment to all families with children receiving temporary assistance for needy families, state family assistance, or basic food (state or federal) whose household income is at or below 75 percent of the federal poverty level. Proposed rule language provides definitions and eligibility requirements associated with the funds. The funds are part of the federal American Rescue Plan Act of 2021 (P.L. 117-2, Title IX, Subtitle C, Sec. 9201), enacted March 11, 2021.

Reasons Supporting Proposal: See above.

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

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

Rule is necessary because of federal law, P.L. 117-2, Title IX, Subtitle C, Sec. 9201.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jennie Fitzpatrick, P.O. Box 45470, Olympia, WA 98504, 360-688-6275.

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.

December 15, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4906.1

NEW SECTION

WAC 388-436-0065 What is the pandemic emergency assistance fund (PEAF)? (1) What is the pandemic emergency assistance fund (PEAF)?

The pandemic emergency assistance fund (PEAF) is administered by the department of social and health services and provides a one-time cash benefit to low income families with at least one qualifying child, to support them in meeting their basic needs as a result of the COVID-19 pandemic.

(2) The following definitions apply to PEAF:

(a) "Household" as defined in WAC 388-408-0015 or WAC 388-408-0035.

(b) "Qualifying child" means a child as defined in WAC 388-404-0005.

(3) Who is eligible for the PEAF?

Each child in your household may be eligible for PEAF if your child meets all of the following:

(a) A qualifying child lives in your home and has not already received PEAF;

(b) The household is active, eligible, and receiving TANF, SNAP, SFA, or FAP benefits in the month of issuance;

(c) The reported household income, as defined in chapter 388-450 WAC, at the time of issuance is at or below 75% of the federal poverty level;

(d) You reside in Washington state as required under WAC 388-468-0005.

(4) How do I apply for the pandemic emergency assistance fund?

(a) The department automatically reviews your eligibility for PEAF during the month of issuance:

(b) When you apply for TANF, SFA, SNAP, or FAP; or

(c) You are an active household receiving TANF, SFA, SNAP, or FAP.

(5) What benefits will I receive if I am eligible for PEAF?

(a) PEAF is issued only once per qualifying child.

(b) The amount of the PEAF benefit is the same for each qualifying child and is determined based on:

(i) The amount of available PEAF funding; and

(ii) The number of qualifying children in the month of issuance.

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