

**WSR 21-17-060
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 11, 2021, 9:44 a.m., effective August 11, 2021, 9:44 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending WAC 388-437-0005, changes to food assistance in response to the COVID-19 pandemic. The amendments define that households that receive a zero benefit are not eligible for emergency adjustments to food assistance benefit issuances and that households that are eligible to receive an emergency adjustment will receive a minimum of \$95, as implemented under the Families First Coronavirus Response Act (H.R. 6201, Section 2302).

Citation of Rules Affected by this Order: Amending WAC 388-437-0005.

Statutory Authority for Adoption: RCW 74.04.500, 74.04.510, 74.08A.120.

Other Authority: H.R. 6201.

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 emergency amendment is required to implement provisions from an April 1, 2021, memo issued by United States Department of Agriculture's Food and Nutrition Service (FNS) and to align department policies with an April 21, 2021, Supplemental Nutrition Assistance Program clarification issued by FNS for the Families First Coronavirus Response Act (H.R. 6201, Section 2302) to be implemented immediately.

This filing is also necessary to extend existing emergency rules filed under two separate orders: WSR 21-09-036 filed on April 13, 2021, and WSR 21-10-048 filed on April 28, 2021. This filing consolidates these into one emergency filing and supersedes the aforementioned WSR.

The department filed notice of its intent to adopt the rule as a permanent rule under WSR 21-17-026 and is actively undertaking appropriate 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 10, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 0, Amended 1, Repealed 0.

Date Adopted: August 11, 2021.

Katherine I. Vasquez
Rules Coordinator

SHS-4883.1

AMENDATORY SECTION (Amending WSR 21-07-098, filed 3/22/21, effective 4/22/21)

WAC 388-437-0005 Changes to food assistance in response to the COVID-19 pandemic. Starting March 2020, assistance units (AUs) eligible for either federal or state-funded food assistance, or both, will receive emergency allotments that bring the AU up to the maximum benefit for their household size.

(1) The amount is the maximum food assistance benefit allotment for your AU size under WAC 388-478-0060(1) less the amount received under WAC 388-450-0162 (4) (b).

(2) Beginning April 2021, assistance units (AU) that receive less than ninety-five dollars, but more than zero, in emergency allotments under WAC 388-437-0005(1) will receive a minimum emergency allotment of ninety-five dollars.

(3) AUs receiving zero benefits due to income do not qualify for an emergency allotment unless the zero benefit is due to a prorated issuance in the first month of eligibility, as described in WAC 388-412-0015(4), with ongoing months above zero benefits.

(4) Emergency allotments will continue each month until:

(a) The secretary for health and human services rescinds the public health emergency declaration that was issued on January 27, 2020, under section 319 of the Public Health Service Act;

(b) The state-issued emergency or disaster declaration expires;
or

(c) The food and nutrition service directs otherwise.

~~((3))~~ (5) Emergency allotments for state-funded food assistance will continue each month, contingent on the availability of state funds.

[Statutory Authority: RCW 74.04.500, 74.04.510, 74.08A.120 and H.R. 6201. WSR 21-07-098, § 388-437-0005, filed 3/22/21, effective 4/22/21.]