

WSR 25-03-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 8, 2025, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-11-138.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-400-0030 Who is eligible for refugee cash assistance?, 388-424-0001 Citizenship and immigration status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0007 Citizenship and alien status—Armed services or veteran status, 388-424-0015 Immigration eligibility restrictions for the SFA, ABD cash, and PWA programs, 388-424-0020 How does my alien status impact my eligibility for federally funded Basic Food benefits?, 388-424-0030 How does my immigration status impact my eligibility for state-funded benefits under the food assistance program?, 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?, 388-466-0005 Immigration status requirements for refugee cash assistance, 388-466-0120 Refugee cash assistance (RCA), and 388-466-0150 Refugee employment and training services.

Hearing Location(s): On March 11, 2025, at 10:00 a.m., virtually via Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than March 12, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, beginning January 22, 2025, at noon, by March 11, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, 711 relay service, email Tenczsa@dshs.wa.gov, by February 25, 2025, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments update definitions related to federal benefits for certain immigration statuses, and clarify eligibility information for various cash and food benefit programs, refugee employment, and training services. The amendments also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Related emergency rules for WAC 388-424-0001, 388-424-0006, 388-424-0020, and 388-466-0005 are currently in place under WSR 24-24-031.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, 74.62.030.

Rule is necessary because of federal law, P.L. 118-42, the Consolidated Appropriations Act of 2024, Division G, Title II, Section 209(f); 8 U.S.C. §§ 1612, 1613 (b) (3) and 1641 (b) (8); H.R. 815, Division B pg. 11 - Ukrainian; and final rule for classification for victims of severe forms of trafficking in persons.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rocio Loera, P.O. Box 45470, Olympia, WA 98504-5470, 360-480-5477.

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. These rules are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "this 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 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: P.L. 118-42, the Consolidated Appropriations Act of 2024, Division G, Title II, Section 209(f); 8 U.S.C. §§ 1612, 1613 (b)(3) and 1641 (b)(8). Consequence would be out of compliance with federal statute.

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS clients.

Scope of exemption for rule proposal:

Is fully exempt.

January 6, 2025
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 25-04 issue of the Register.