

WSR 25-15-076

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

(Home and Community Services)

[Filed July 15, 2025, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-04-110.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is planning to amend WAC 388-106-1700 What definitions apply to supportive housing?, 388-106-1705 What services may I receive under supportive housing?, 388-106-1720 Am I eligible for supportive housing funded services?, and 388-106-1750 Are there limits to the supportive housing services I receive?; and repeal WAC 388-106-1740 What are my rights when I receive supportive housing services in a setting owned by a service provider?, and 388-106-1760 Do I have the right to an administrative hearing regarding supportive housing services?

Hearing Location(s): On August 26, 2025, at 10:00 a.m., virtually via Teams or call in. See the DSHS website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: No earlier than August 27, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), beginning noon on July 23, 2025, by 5:00 p.m. on August 26, 2025.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov), by 5:00 p.m. August 12, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend rules that are related to supportive housing programs that need to align with policies that have been updated through an administrative process, and to define DSHS's supportive housing program rules. Other necessary changes and corrections related to grammar, numerical representation, consistency, and inclusive language are included and will clarify supportive housing programs, standards, and expectations. These changes are in response to ongoing program changes over time as approved by DSHS.

The purpose of repealing administrative hearing rights under supportive housing is due to WAC 388-106-1760 being duplicative of WAC 388-106-1305. It is unclear to clients that these are the same right as they are receiving two notices. This will not remove the client's right to an administrative hearing.

Reasons Supporting Proposal: The changes reflect a need to remove redundancy and update the descriptions of the information contained in WAC to match the current administrative process.

Statutory Authority for Adoption: RCW 74.08.090, 74.08.283, and 74.08.390.

Statute Being Implemented: RCW 74.08.283 and 74.08.390.

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: Samantha Thurston, P.O. Box 45600, Olympia, WA 98504-5600, 564-200-2296.

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. A preliminary cost-benefit analysis may be obtained by contacting Samantha Thurston, P.O. Box 45600, Olympia, WA 98504-5600, phone 564-200-2296, TTY 711 relay service, email Samantha.thurston1@dshs.wa.gov. The rule is exempt under RCW 34.05.328 (5)(b)(viii) "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"; however, DSHS prepared a cost-benefit analysis and it is available.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule describes and clarifies benefits and eligibility criteria of a client benefits program and does not affect small business.

Scope of exemption for rule proposal:

Is fully exempt.

July 11, 2025  
Katherine I. Vasquez  
Rules Coordinator

**SHS-5092.3**

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

**WAC 388-106-1700 What definitions apply to supportive housing?**

The following definitions apply to WAC 388-106-1700 through 388-106-1765:

~~(("Chronically homeless" means an individual who is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter.~~

~~"PRISM" means predictive risk intelligence system and is a web-based clinical decision support application that features predictive modeling tools and data integration to support care management for high-risk medicaid clients.)~~

"Supportive housing tenant" is a person utilizing voluntary supportive services who is:

(1) Living in a stable community setting of their choosing including hotels/motels; or

(2) Entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement pursuant to chapter 59.18 RCW.

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

**WAC 388-106-1705 What services may I receive under supportive housing?** (1) The services you may receive under supportive housing include, but are not limited to, activities that assist you to:

- (a) Identify appropriate housing;
- (b) Prepare for and transition to housing;
- (c) Connect with direct and collateral services;
- (d) Maintain your housing; ~~((and))~~
- (e) Develop and maintain a positive relationship with your landlord and other tenants; and
- (f) Integrate into your community and support social inclusion.

(2) The services you receive will be identified in your assessment as defined in WAC 388-106-0010.

AMENDATORY SECTION (Amending WSR 18-08-002, filed 3/21/18, effective 4/21/18)

**WAC 388-106-1720 Am I eligible for supportive housing funded services?** You are eligible for supportive housing services if you meet the following criteria:

- (1) Meet functional eligibility as defined in WAC 388-106-0210, 388-106-0277, 388-106-0310, 388-106-0338, or 388-106-1410;
- (2) Meet financial eligibility as defined in chapters 182-513 and 182-515 WAC;
- (3) Have a planned discharge or diversion from Eastern or Western State Hospital; or
- (4) ~~((You meet one or more of the following criteria:~~
  - ~~(a) Chronically homeless;~~
  - ~~(b) History of frequent or lengthy institutional stays;~~
  - ~~(c) History of frequent or lengthy adult residential care or treatment stays;~~
  - ~~(d) Experienced frequent turnover of in-home caregivers or providers;~~
  - ~~(e) A PRISM risk score of at least 1.5))~~ Meet foundational community supports program (FCS) supportive housing eligibility as defined by chapter 182-559 WAC.

AMENDATORY SECTION (Amending WSR 17-11-016, filed 5/9/17, effective 6/9/17)

**WAC 388-106-1750 Are there limits to the supportive housing services I receive?** There are limits to the supportive housing services you receive. Supportive housing services must not:

- (1) Exceed the amount authorized by the department;
- (2) Replace or duplicate existing services already available to you such as foundational community supports as defined in WAC 182-559-100 ~~((~~or~~~~
- ~~(3) Include payment for rent, food, and utilities)).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

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|------------------|---|
| WAC 388-106-1740 | What are my rights when I receive supportive housing services in a setting owned by a service provider? |
| WAC 388-106-1760 | Do I have the right to an administrative hearing regarding supportive housing services?                 |