



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: December 06, 2021

TIME: 2:17 PM

WSR 22-01-035

**Agency:** Department of Social and Health Services, Economic Services Administration

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) December 10, 2021

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
- No
- If Yes, explain:

**Purpose:** The department is extending emergency amendments to WAC 388-437-0005, Changes to food assistance in response to the COVID-19 pandemic, to define that households that receive a zero benefit are not eligible for emergency adjustments to food assistance benefit issuances and 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:**

- New:
- Repealed:
- Amended: 388-437-0005
- Suspended:

**Statutory authority for adoption:** RCW 74.04.500, RCW 74.04.510, RCW 74.08A.120

**Other authority:** H.R. 6201

**EMERGENCY RULE**

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.
- 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:** Extension of these emergency amendments is required to continue 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). 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.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	<u>1</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

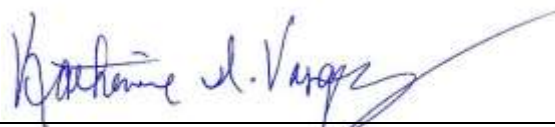
New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New		Amended	1	Repealed	____

<b>Date Adopted:</b> December 6, 2021	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> Rules Coordinator	

**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.