



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 25, 2023

TIME: 10:14 AM

WSR 23-18-017

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 1, 2023

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 amending WAC 388-444-0030 "Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?" and 388-444-0035 "Who is exempt from ABAWD time limits and minimum work requirements?" Adoption of these emergency amendments is necessary to comply with federal regulatory changes under the Fiscal Responsibility Act of 2023, effective September 1, 2023.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-444-0030 and 388-444-0035
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120

Other authority: H.R. 3746, 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: These emergency amendments are necessary to comply with federal regulatory changes under the Fiscal Responsibility Act of 2023, effective September 1, 2023. The department is concurrently proceeding with the permanent rule change process.

**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Federal statute:	New	___	Amended	___	Repealed	___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>2</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	Repealed	___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	<u>2</u>	Repealed	____

Date Adopted: August 23, 2023	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 21-07-132, filed 3/23/21, effective 4/23/21)

WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food? (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is age ~~((eighteen))~~ 18 through:
 - (i) ~~((forty-nine))~~ 50 from September 1, 2023, to September 30, 2023;
 - (ii) 52 from October 1, 2023, to September 30, 2024;
 - (iii) 54 beginning October 1, 2024; and
 - (b) Is fit for work and not exempted under WAC 388-444-0035.
- (2) ~~((If you are an ABAWD, you must participate in work activities under subsection (3) of this section. (3-))~~ A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a ~~((thirty-six))~~ 36 month period, unless the ABAWD:
- (a) Works an average of ~~((eighty))~~ 80 hours per month, including:
 - (i) Work in exchange for money;
 - (ii) Work in exchange for goods or services ("in kind" work);
 - (iii) Unpaid work that is verified according to department requirements; or
 - (iv) Any combination of (a)(i) through (iii) of this subsection;
 - (b) Participates in one of the following work programs and is meeting the requirements of that work program:
 - (i) The Workforce Innovation and Opportunity Act of 2014;
 - (ii) Section 236 of the Trade Act of 1974;
 - (iii) A state-approved employment and training program at least an average of ~~((eighty))~~ 80 hours per month; or
 - (c) Participates in an unpaid work program as provided in WAC 388-444-0040.

AMENDATORY SECTION (Amending WSR 21-07-132, filed 3/23/21, effective 4/23/21)

WAC 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements? Some people who receive basic food are exempt from able-bodied adult without dependents (ABAWD) time limits and minimum work requirements. You are exempt from ABAWD time limits and work requirements under WAC 388-444-0030 if you meet any one or more of the following:

- (1) You are exempt from work requirements under WAC 388-444-0010;
- (2) You are under age ~~((eighteen))~~ 18 or are age:
 - (a) ~~((fifty))~~ 51 or older from September 1, 2023, to September 30, 2023;
 - (b) 53 or older beginning October 1, 2023, through September 30, 2024; and
 - (c) 55 or older beginning October 1, 2024.
- (3) You receive temporary or permanent disability benefits issued by a governmental or private source;

(4) You are obviously mentally or physically unfit for employment as determined by the department; however, if the unfitness is not obvious, you must provide a statement that you are physically or mentally unfit for employment from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel the department determines appropriate;

(5) You are an adult in a basic food assistance unit that has a family member who is under the age of ~~((eighteen))~~ 18;

(6) You are pregnant;

(7) You are homeless;

(8) You are a veteran as defined under the James M. Inhofe National Defense Authorization Act of 2023;

(9) You are 24 or younger, and were:

(a) In foster care as defined in RCW 74.13.020 at the time of your 18th birthday; or

(b) Under extended foster care services as defined in RCW 74.13.336;

(10) You live in an area approved as exempt by U.S. Department of Agriculture (USDA); or

~~((+8))~~ (11) You are eligible for one of the approved exemption slots under the ((U.S. Department of Agriculture-())USDA(()-fifteen percent exemption)) discretionary exemptions rule.