
HOUSE BILL 2708

State of Washington

52nd Legislature

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By Representatives Roland, Winsley, Riley, Morris, Heavey, Hargrove, Rasmussen, Grant, Day, Sheldon, Brough, Vance, Paris, Carlson, Hochstatter, Broback, Ferguson, Van Luven, Forner, Edmondson, P. Johnson, Horn, May, Wynne, McLean and Wood

Read first time 01/24/92. Referred to Committee on Human Services.

1 AN ACT Relating to general assistance; and amending RCW 74.04.005.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to
4 read as follows:

5 For the purposes of this title, unless the context indicates
6 otherwise, the following definitions shall apply:

7 (1) "Public assistance" or "assistance"--Public aid to persons in
8 need thereof for any cause, including services, medical care,
9 assistance grants, disbursing orders, work relief, general assistance
10 and federal-aid assistance.

11 (2) "Department"--The department of social and health services.

12 (3) "County or local office"--The administrative office for one or
13 more counties or designated service areas.

1 (4) "Director" or "secretary" means the secretary of social and
2 health services.

3 (5) "Federal-aid assistance"--The specific categories of assistance
4 for which provision is made in any federal law existing or hereafter
5 passed by which payments are made from the federal government to the
6 state in aid or in respect to payment by the state for public
7 assistance rendered to any category of needy persons for which
8 provision for federal funds or aid may from time to time be made, or a
9 federally administered needs-based program.

10 (6)(a) "General assistance"--Aid to persons in need who:

11 (i) Are not eligible to receive federal-aid assistance, other than
12 food stamps and medical assistance; however, an individual who refuses
13 or fails to cooperate in obtaining federal-aid assistance, without good
14 cause, is not eligible for general assistance;

15 (ii) Are either:

16 (A) Pregnant(~~(: PROVIDED, That)~~) and need is based on the current
17 income and resource requirements of the federal aid to families with
18 dependent children program(~~(: PROVIDED FURTHER, That)~~); in addition,
19 during any period in which an aid for dependent children employable
20 program is not in operation, only those pregnant women who are
21 categorically eligible for medicaid are eligible for general
22 assistance; or

23 (B) Incapacitated from gainful employment by reason of bodily or
24 mental infirmity that will likely continue for a minimum of ninety days
25 as determined by the department. Persons who are unemployable due to
26 alcohol or drug addiction are not eligible for general assistance.
27 Persons receiving general assistance on July 26, 1987, or becoming
28 eligible for such assistance thereafter, due to an alcohol or drug-
29 related incapacity, shall be referred to appropriate assessment,
30 treatment, shelter, or supplemental security income referral services

1 as authorized under chapter 74.50 RCW. Referrals shall be made at the
2 time of application or at the time of eligibility review. Alcoholic
3 and drug addicted clients who are receiving general assistance on July
4 26, 1987, may remain on general assistance if they otherwise retain
5 their eligibility until they are assessed for services under chapter
6 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to
7 prohibit the department from granting general assistance benefits to
8 alcoholics and drug addicts who are incapacitated due to other physical
9 or mental conditions that meet the eligibility criteria for the general
10 assistance program;

11 (iii) Are citizens or aliens lawfully admitted for permanent
12 residence or otherwise residing in the United States under color of law
13 and have been domiciled in the state of Washington for six months; and

14 (iv) Have furnished the department their social security account
15 number. If the social security account number cannot be furnished
16 because it has not been issued or is not known, an application for a
17 number shall be made prior to authorization of assistance, and the
18 social security number shall be provided to the department upon
19 receipt.

20 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
21 and (c) of this section, general assistance shall be provided to the
22 following recipients of federal-aid assistance:

23 (i) Recipients of supplemental security income whose need, as
24 defined in this section, is not met by such supplemental security
25 income grant because of separation from a spouse; or

26 (ii) To the extent authorized by the legislature in the biennial
27 appropriations act, to recipients of aid to families with dependent
28 children whose needs are not being met because of a temporary reduction
29 in monthly income below the entitled benefit payment level caused by
30 loss or reduction of wages or unemployment compensation benefits or

1 some other unforeseen circumstances. The amount of general assistance
2 authorized shall not exceed the difference between the entitled benefit
3 payment level and the amount of income actually received.

4 (c) General assistance shall be provided only to persons who are
5 not members of assistance units receiving federal aid assistance,
6 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
7 and will accept available services which can reasonably be expected to
8 enable the person to work or reduce the need for assistance unless
9 there is good cause to refuse. Failure to accept such services shall
10 result in termination until the person agrees to cooperate in accepting
11 such services and subject to the following maximum periods of
12 ineligibility after reapplication:

13 (i) First failure: One week;

14 (ii) Second failure within six months: One month;

15 (iii) Third and subsequent failure within one year: Two months.

16 (d) The department shall provide general assistance to a person who
17 is otherwise eligible but who has not been domiciled in the state of
18 Washington for six months in an amount equal in value to the lesser of:

19 (i) The assistance the person would have received from the state of his
20 or her previous domicile; or (ii) the assistance the person qualifies
21 for under the department's rules. The person applying for general
22 assistance is responsible for providing evidence of domicile for the
23 purposes of this provision. Evidence must be in the form of a sworn
24 affidavit of either the applicant or third parties, rent receipts
25 signed by the applicant, or other evidence of similar weight acceptable
26 to the department.

27 (e) The department shall adopt by rule medical criteria for general
28 assistance eligibility to ensure that eligibility decisions are
29 consistent with statutory requirements and are based on clear,
30 objective medical information.

1 (~~(e)~~) (f) The process implementing the medical criteria shall
2 involve consideration of opinions of the treating or consulting
3 physicians or health care professionals regarding incapacity, and any
4 eligibility decision which rejects uncontroverted medical opinion must
5 set forth clear and convincing reasons for doing so.

6 (~~(f)~~) (g) Recipients of general assistance based upon a finding
7 of incapacity from gainful employment who remain otherwise eligible
8 shall not have their benefits terminated absent a clear showing of
9 material improvement in their medical or mental condition or specific
10 error in the prior determination that found the recipient eligible by
11 reason of incapacitation. Recipients of general assistance based upon
12 pregnancy who relinquish their child for adoption, remain otherwise
13 eligible, and are not eligible to receive benefits under the federal
14 aid to families with dependent children program shall not have their
15 benefits terminated until the end of the month in which the period of
16 six weeks following the birth of the recipient's child falls.
17 Recipients of the federal aid to families with dependent children
18 program who lose their eligibility solely because of the birth and
19 relinquishment of the qualifying child may receive general assistance
20 through the end of the month in which the period of six weeks following
21 the birth of the child falls.

22 (7) "Applicant"--Any person who has made a request, or on behalf of
23 whom a request has been made, to any county or local office for
24 assistance.

25 (8) "Recipient"--Any person receiving assistance and in addition
26 those dependents whose needs are included in the recipient's
27 assistance.

28 (9) "Standards of assistance"--The level of income required by an
29 applicant or recipient to maintain a level of living specified by the
30 department.

1 (10) "Resource"--Any asset, tangible or intangible, owned by or
2 available to the applicant at the time of application, which can be
3 applied toward meeting the applicant's need, either directly or by
4 conversion into money or its equivalent: PROVIDED, That an applicant
5 may retain the following described resources and not be ineligible for
6 public assistance because of such resources.

7 (a) A home, which is defined as real property owned and used by an
8 applicant or recipient as a place of residence, together with a
9 reasonable amount of property surrounding and contiguous thereto, which
10 is used by and useful to the applicant. Whenever a recipient shall
11 cease to use such property for residential purposes, either for himself
12 or his dependents, the property shall be considered as a resource which
13 can be made available to meet need, and if the recipient or his
14 dependents absent themselves from the home for a period of ninety
15 consecutive days such absence, unless due to hospitalization or health
16 reasons or a natural disaster, shall raise a rebuttable presumption of
17 abandonment: PROVIDED, That if in the opinion of three physicians the
18 recipient will be unable to return to the home during his lifetime, and
19 the home is not occupied by a spouse or dependent children or disabled
20 sons or daughters, such property shall be considered as a resource
21 which can be made available to meet need.

22 (b) Household furnishings and personal effects and other personal
23 property having great sentimental value to the applicant or recipient,
24 as limited by the department consistent with limitations on resources
25 and exemptions for federal aid assistance.

26 (c) A motor vehicle, other than a motor home, used and useful
27 having an equity value not to exceed one thousand five hundred dollars.

28 (d) All other resources, including any excess of values exempted,
29 not to exceed one thousand dollars or other limit as set by the

1 department, to be consistent with limitations on resources and
2 exemptions necessary for federal aid assistance.

3 (e) Applicants for or recipients of general assistance may retain
4 the following described resources in addition to exemption for a motor
5 vehicle or home and not be ineligible for public assistance because of
6 such resources:

7 (i) Household furnishings, personal effects, and other personal
8 property having great sentimental value to the applicant or recipient;

9 (ii) Term and burial insurance for use of the applicant or
10 recipient;

11 (iii) Life insurance having a cash surrender value not exceeding
12 one thousand five hundred dollars; and

13 (iv) Cash, marketable securities, and any excess of values above
14 one thousand five hundred dollars equity in a vehicle and above one
15 thousand five hundred dollars in cash surrender value of life
16 insurance, not exceeding one thousand five hundred dollars for a single
17 person or two thousand two hundred fifty dollars for a family unit of
18 two or more. The one thousand dollar limit in subsection (10)(d) of
19 this section does not apply to recipients of or applicants for general
20 assistance.

21 (f) If an applicant for or recipient of public assistance possesses
22 property and belongings in excess of the ceiling value, such value
23 shall be used in determining the need of the applicant or recipient,
24 except that: (i) The department may exempt resources or income when
25 the income and resources are determined necessary to the applicant's or
26 recipient's restoration to independence, to decrease the need for
27 public assistance, or to aid in rehabilitating the applicant or
28 recipient or a dependent of the applicant or recipient; and (ii) the
29 department may provide grant assistance for a period not to exceed nine
30 months from the date the agreement is signed pursuant to this section

1 to persons who are otherwise ineligible because of excess real property
2 owned by such persons when they are making a good faith effort to
3 dispose of that property: PROVIDED, That:

4 (A) The applicant or recipient signs an agreement to repay the
5 lesser of the amount of aid received or the net proceeds of such sale;

6 (B) If the owner of the excess property ceases to make good faith
7 efforts to sell the property, the entire amount of assistance may
8 become an overpayment and a debt due the state and may be recovered
9 pursuant to RCW 43.20B.630;

10 (C) Applicants and recipients are advised of their right to a fair
11 hearing and afforded the opportunity to challenge a decision that good
12 faith efforts to sell have ceased, prior to assessment of an
13 overpayment under this section; and

14 (D) At the time assistance is authorized, the department files a
15 lien without a sum certain on the specific property.

16 (11) "Income"--(a) All appreciable gains in real or personal
17 property (cash or kind) or other assets, which are received by or
18 become available for use and enjoyment by an applicant or recipient
19 during the month of application or after applying for or receiving
20 public assistance. The department may by rule and regulation exempt
21 income received by an applicant for or recipient of public assistance
22 which can be used by him to decrease his need for public assistance or
23 to aid in rehabilitating him or his dependents, but such exemption
24 shall not, unless otherwise provided in this title, exceed the
25 exemptions of resources granted under this chapter to an applicant for
26 public assistance. In determining the amount of assistance to which an
27 applicant or recipient of aid to families with dependent children is
28 entitled, the department is hereby authorized to disregard as a
29 resource or income the earned income exemptions consistent with federal
30 requirements. The department may permit the above exemption of

1 earnings of a child to be retained by such child to cover the cost of
2 special future identifiable needs even though the total exceeds the
3 exemptions or resources granted to applicants and recipients of public
4 assistance, but consistent with federal requirements. In formulating
5 rules and regulations pursuant to this chapter, the department shall
6 define income and resources and the availability thereof, consistent
7 with federal requirements. All resources and income not specifically
8 exempted, and any income or other economic benefit derived from the use
9 of, or appreciation in value of, exempt resources, shall be considered
10 in determining the need of an applicant or recipient of public
11 assistance.

12 (b) If, under applicable federal requirements, the state has the
13 option of considering property in the form of lump sum compensatory
14 awards or related settlements received by an applicant or recipient as
15 income or as a resource, the department shall consider such property to
16 be a resource.

17 (12) "Need"--The difference between the applicant's or recipient's
18 standards of assistance for himself and the dependent members of his
19 family, as measured by the standards of the department, and value of
20 all nonexempt resources and nonexempt income received by or available
21 to the applicant or recipient and the dependent members of his family.

22 (13) For purposes of determining eligibility for public assistance
23 and participation levels in the cost of medical care, the department
24 shall exempt restitution payments made to people of Japanese and Aleut
25 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
26 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
27 including all income and resources derived therefrom.

28 (14) In the construction of words and phrases used in this title,
29 the singular number shall include the plural, the masculine gender
30 shall include both the feminine and neuter genders and the present

1 tense shall include the past and future tenses, unless the context
2 thereof shall clearly indicate to the contrary.