

HB 2304 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Provides that, when an individual receives public assistance as defined in RCW 74.04.005 and the individual is the holder of record title to real property or the purchaser under a land sale contract, the department of social and health services may present to the county clerk for recording in the deed and mortgage records of a county a request for notice of transfer or encumbrance of the real property.

Requires a title insurance company or agent that discovers the presence of a request for notice of transfer or encumbrance under this act in the deed and mortgage records when performing a title search on real property to: (1) Provide the department of social and health services with a notice of transfer or encumbrance of the real property within thirty days of a transfer or encumbrance that results in the issuance of a certificate of title insurance; and (2) Disclose the presence of the request for notice of transfer or encumbrance in any report preliminary to, or any commitment to offer, a certificate of title insurance for the real property.

Declares that, consistent with 42 U.S.C. Sec. 1396(p), in the case of an individual who is an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution, with respect to whom the department has determined after notice and opportunity for a hearing that the individual cannot reasonably be expected to be discharged from the medical institution and to return home, the department shall file liens and seek adjustment and recovery from the individual's estate or upon sale of the property subject to a lien imposed on account of medical assistance paid on behalf of the individual.