
SENATE BILL 6155

State of Washington

61st Legislature

2009 Regular Session

By Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, King, and Pflug

Read first time 04/10/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to modifying general assistance provisions;
2 amending RCW 74.04.005 and 74.08A.100; adding a new section to chapter
3 74.08 RCW; repealing RCW 74.04.266, 74.50.035, and 74.50.060; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended
7 to read as follows:

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

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

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

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

17 (4) "Director" or "secretary" means the secretary of social and
18 health services.

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

8 ~~(6)((a)) "General assistance"--((Aid to persons in need who:~~
9 ~~(i) Are not eligible to receive federal aid assistance, other than~~
10 ~~food stamps or food stamp benefits transferred electronically and~~
11 ~~medical assistance; however, an individual who refuses or fails to~~
12 ~~cooperate in obtaining federal aid assistance, without good cause, is~~
13 ~~not eligible for general assistance;~~

14 ~~(ii) Meet one of the following conditions:~~

15 ~~(A) Pregnant: PROVIDED, That need is based on the current income~~
16 ~~and resource requirements of the federal temporary assistance for needy~~
17 ~~families program; or~~

18 ~~(B) Subject to chapter 165, Laws of 1992, incapacitated from~~
19 ~~gainful employment by reason of bodily or mental infirmity that will~~
20 ~~likely continue for a minimum of ninety days as determined by the~~
21 ~~department.~~

22 ~~(C) Persons who are unemployable due to alcohol or drug addiction~~
23 ~~are not eligible for general assistance. Persons receiving general~~
24 ~~assistance on July 26, 1987, or becoming eligible for such assistance~~
25 ~~thereafter, due to an alcohol or drug-related incapacity, shall be~~
26 ~~referred to appropriate assessment, treatment, shelter, or supplemental~~
27 ~~security income referral services as authorized under chapter 74.50~~
28 ~~RCW. Referrals shall be made at the time of application or at the time~~
29 ~~of eligibility review. Alcoholic and drug addicted clients who are~~
30 ~~receiving general assistance on July 26, 1987, may remain on general~~
31 ~~assistance if they otherwise retain their eligibility until they are~~
32 ~~assessed for services under chapter 74.50 RCW. Subsection~~
33 ~~(6)(a)(ii)(B) of this section shall not be construed to prohibit the~~
34 ~~department from granting general assistance benefits to alcoholics and~~
35 ~~drug addicts who are incapacitated due to other physical or mental~~
36 ~~conditions that meet the eligibility criteria for the general~~
37 ~~assistance program;~~

1 ~~(iii) Are citizens or aliens lawfully admitted for permanent~~
2 ~~residence or otherwise residing in the United States under color of~~
3 ~~law; and~~

4 ~~(iv) Have furnished the department their social security account~~
5 ~~number. If the social security account number cannot be furnished~~
6 ~~because it has not been issued or is not known, an application for a~~
7 ~~number shall be made prior to authorization of assistance, and the~~
8 ~~social security number shall be provided to the department upon~~
9 ~~receipt.~~

10 ~~(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),~~
11 ~~and (c) of this section, general assistance shall be provided to the~~
12 ~~following recipients of federal aid assistance:~~

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

16 ~~(ii) To the extent authorized by the legislature in the biennial~~
17 ~~appropriations act, to recipients of temporary assistance for needy~~
18 ~~families whose needs are not being met because of a temporary reduction~~
19 ~~in monthly income below the entitled benefit payment level caused by~~
20 ~~loss or reduction of wages or unemployment compensation benefits or~~
21 ~~some other unforeseen circumstances. The amount of general assistance~~
22 ~~authorized shall not exceed the difference between the entitled benefit~~
23 ~~payment level and the amount of income actually received.~~

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

33 ~~(i) First failure: One week;~~

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

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

36 ~~(d) Persons found eligible for general assistance based on~~
37 ~~incapacity from gainful employment may, if otherwise eligible, receive~~
38 ~~general assistance pending application for federal supplemental~~

1 security income benefits. Any general assistance that is subsequently
2 duplicated by the person's receipt of supplemental security income for
3 the same period shall be considered a debt due the state and shall by
4 operation of law be subject to recovery through all available legal
5 remedies.

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

10 (f) The process implementing the medical criteria shall involve
11 consideration of opinions of the treating or consulting physicians or
12 health care professionals regarding incapacity, and any eligibility
13 decision which rejects uncontroverted medical opinion must set forth
14 clear and convincing reasons for doing so.

15 (g) Recipients of general assistance based upon a finding of
16 incapacity from gainful employment who remain otherwise eligible shall
17 have their benefits discontinued unless the recipient demonstrates no
18 material improvement in their medical or mental condition. The
19 department may discontinue benefits when there was specific error in
20 the prior determination that found the recipient eligible by reason of
21 incapacitation. Recipients of general assistance based upon pregnancy
22 who relinquish their child for adoption, remain otherwise eligible, and
23 are not eligible to receive benefits under the federal temporary
24 assistance for needy families program shall not have their benefits
25 terminated until the end of the month in which the period of six weeks
26 following the birth of the recipient's child falls. Recipients of the
27 federal temporary assistance for needy families program who lose their
28 eligibility solely because of the birth and relinquishment of the
29 qualifying child may receive general assistance through the end of the
30 month in which the period of six weeks following the birth of the child
31 falls.

32 (h) No person may be considered an eligible individual for general
33 assistance with respect to any month if during that month the person:

34 (i) Is fleeing to avoid prosecution of, or to avoid custody or
35 confinement for conviction of, a felony, or an attempt to commit a
36 felony, under the laws of the state of Washington or the place from
37 which the person flees; or

1 ~~(ii) Is violating a condition of probation, community supervision,~~
2 ~~or parole imposed under federal or state law for a felony or gross~~
3 ~~misdemeanor conviction)) An income assistance program for eligible~~
4 ~~persons, as described in section 2 of this act.~~

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

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

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

14 (10) "Resource"--Any asset, tangible or intangible, owned by or
15 available to the applicant at the time of application, which can be
16 applied toward meeting the applicant's need, either directly or by
17 conversion into money or its equivalent. The department may by rule
18 designate resources that an applicant may retain and not be ineligible
19 for public assistance because of such resources. Exempt resources
20 shall include, but are not limited to:

21 (a) A home that an applicant, recipient, or their dependents is
22 living in, including the surrounding property;

23 (b) Household furnishings and personal effects;

24 (c) A motor vehicle, other than a motor home, used and useful
25 having an equity value not to exceed five thousand dollars;

26 (d) A motor vehicle necessary to transport a ~~((physically~~
27 ~~disabled))~~ household member with a physical disability. This exclusion
28 is limited to one vehicle per ~~((physically disabled))~~ person with a
29 physical disability;

30 (e) All other resources, including any excess of values exempted,
31 not to exceed one thousand dollars or other limit as set by the
32 department, to be consistent with limitations on resources and
33 exemptions necessary for federal aid assistance. The department shall
34 also allow recipients of temporary assistance for needy families to
35 exempt savings accounts with combined balances of up to an additional
36 three thousand dollars;

37 (f) Applicants for or recipients of general assistance shall have

1 their eligibility based on resource limitations consistent with the
2 temporary assistance for needy families program rules adopted by the
3 department; and

4 (g) If an applicant for or recipient of public assistance possesses
5 property and belongings in excess of the ceiling value, such value
6 shall be used in determining the need of the applicant or recipient,
7 except that: (i) The department may exempt resources or income when
8 the income and resources are determined necessary to the applicant's or
9 recipient's restoration to independence, to decrease the need for
10 public assistance, or to aid in rehabilitating the applicant or
11 recipient or a dependent of the applicant or recipient; and (ii) the
12 department may provide grant assistance for a period not to exceed nine
13 months from the date the agreement is signed pursuant to this section
14 to persons who are otherwise ineligible because of excess real property
15 owned by such persons when they are making a good faith effort to
16 dispose of that property: PROVIDED, That:

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

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

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

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

29 (11) "Income"--(a) All appreciable gains in real or personal
30 property (cash or kind) or other assets, which are received by or
31 become available for use and enjoyment by an applicant or recipient
32 during the month of application or after applying for or receiving
33 public assistance. The department may by rule and regulation exempt
34 income received by an applicant for or recipient of public assistance
35 which can be used by him or her to decrease his or her need for public
36 assistance or to aid in rehabilitating him or her or his or her
37 dependents, but such exemption shall not, unless otherwise provided in
38 this title, exceed the exemptions of resources granted under this

1 chapter to an applicant for public assistance. In addition, for cash
2 assistance the department may disregard income pursuant to RCW
3 74.08A.230 and 74.12.350.

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

9 (12) "Need"--The difference between the applicant's or recipient's
10 standards of assistance for himself or herself and the dependent
11 members of his or her family, as measured by the standards of the
12 department, and value of all nonexempt resources and nonexempt income
13 received by or available to the applicant or recipient and the
14 dependent members of his or her family.

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

21 (14) In the construction of words and phrases used in this title,
22 the singular number shall include the plural, the masculine gender
23 shall include both the feminine and neuter genders and the present
24 tense shall include the past and future tenses, unless the context
25 thereof shall clearly indicate to the contrary.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08 RCW
27 to read as follows:

28 (1) The general assistance program shall provide temporary income
29 assistance for eligible persons who:

30 (a) Are not eligible to receive federal-aid assistance, other than
31 medical assistance and food stamps or food stamp benefits transferred
32 electronically. However, an individual who refuses or fails to
33 cooperate in obtaining federal aid assistance, without good cause, is
34 not eligible for general assistance;

35 (b) Meet one of the following conditions:

36 (i) Are determined by the department to have a physical or mental
37 impairment or combination of these impairments that can be expected to

1 last for a continuous period of not less than twelve months from the
2 date of request and that meets or equals the listings of impairment
3 found under social security disability criteria;

4 (ii) Are determined by the department to be incapacitated from
5 gainful employment by reason of bodily or mental infirmity that will
6 likely continue for a minimum of ninety days and do not qualify under
7 (b)(i) of this subsection;

8 (iii) Are legal immigrants and are otherwise eligible for
9 supplemental security income except due to immigration status; or

10 (iv) Are pregnant and meet the current income and resource
11 requirements of the federal temporary assistance for needy families
12 program but are not otherwise eligible for temporary assistance for
13 needy families;

14 (c) Are citizens, qualified aliens as defined by the immigration
15 and naturalization act, or otherwise residing in the United States
16 under color of law; and

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

22 (2)(a) Persons who are unemployable due to alcohol or drug
23 addiction are not eligible for general assistance. Applicants for
24 general assistance who are unemployable due to alcohol or drug-related
25 incapacity shall be referred to appropriate assessment and treatment
26 services as authorized under chapter 74.50 RCW. This section does not
27 prohibit the department from granting general assistance benefits to
28 alcoholics and drug addicts who are incapacitated due to other physical
29 or mental conditions that meet the eligibility criteria for the general
30 assistance program.

31 (b) In determining the need for general assistance for unemployable
32 persons as defined in this section, the department may by rule
33 establish a monthly earned income exemption in an amount not to exceed
34 the exemption allowable under disability programs authorized in Title
35 XVI of the federal social security act.

36 (c) Persons eligible for general assistance under this section are
37 eligible for mental health services to the extent that they meet the
38 client definitions and priorities established by chapter 71.24 RCW.

1 (3) General assistance shall be provided only to persons who will
2 accept available services that can reasonably be expected to enable the
3 person to work or reduce the need for assistance unless there is good
4 cause to refuse that service. Failure to accept such services shall
5 result in termination until the person cooperates in accepting such
6 services.

7 (4) Persons eligible under subsection (1)(b)(i) of this section are
8 not eligible unless the person applies for supplemental security income
9 and complies with the application process, and assigns initial or
10 reinstated supplemental security income payments to the department to
11 cover the cost of general assistance cash payments that have provided
12 for basic needs from the date of application for supplemental security
13 income. Persons found eligible for general assistance based on
14 incapacity from gainful employment may, if otherwise eligible, receive
15 general assistance pending application for federal supplemental
16 security income benefits. Any general assistance that is subsequently
17 duplicated by the person's receipt of supplemental security income for
18 the same period shall be considered a debt due to the state and shall
19 by operation of law be subject to recovery through all available legal
20 remedies.

21 (5) A person shall not receive general assistance under subsection
22 (1)(b)(ii) of this section for more than six months in any twenty-four
23 consecutive months, including assistance prior to the effective date of
24 this section. A person who has received assistance under subsection
25 (1)(b)(ii) of this section is not eligible to receive assistance under
26 subsection (1)(b)(i) of this section for the twenty-four months
27 following the date on which assistance was first granted under
28 subsection (1)(b)(ii) of this section, unless the department determines
29 within the first thirty days after receiving assistance under
30 subsection (1)(b)(ii) of this section that the person should have been
31 enrolled under subsection (1)(b)(i) of this section.

32 (6) Persons are not considered disabled for the purposes of being
33 eligible for general assistance under subsection (1)(b) of this section
34 if the persons do not have an impairment or impairments included in the
35 supplemental security income listing of impairments. Persons are not
36 eligible for general assistance based on vocational factors. The
37 department is prohibited from using specific procedures and definitions
38 to determine eligibility for general assistance using vocational

1 factors. Vocational factors include whether the persons' physical or
2 mental condition or conditions, not listed in the supplemental security
3 income listing of impairments, substantially reduces or eliminates
4 their ability to work. Vocational factors include, but are not limited
5 to, age, previous work experience, and the availability of suitable
6 work.

7 (7) Persons eligible under subsection (1)(b)(i) of this section and
8 whose application for supplemental security income has been denied by
9 the federal government without further opportunity for administrative
10 appeal, or if the department does not consider it feasible to pursue an
11 appeal, may become eligible under subsection (1)(b)(ii) of this section
12 only to the extent the time limits in subsection (5) of this section
13 have not expired. Such time limits shall begin from the date the
14 person first received general assistance.

15 (8) Persons eligible under subsection (1)(b)(iii) of this section
16 must pursue becoming a naturalized citizen unless the department
17 determines there is good cause not to naturalize, and are not eligible
18 to receive general assistance for more than twelve months in their
19 lifetime.

20 (9) The department shall adopt by rule medical criteria for general
21 assistance eligibility to ensure that eligibility decisions are
22 consistent with statutory requirements and are based on clear,
23 objective medical information.

24 (10) No person may be considered an eligible individual for general
25 assistance with respect to any month if during that month the person:

26 (a) Is fleeing to avoid prosecution of, or to avoid custody or
27 confinement for conviction of, a felony, or an attempt to commit a
28 felony, under the laws of the state of Washington or the place from
29 which the person flees; or

30 (b) Is violating a condition of probation, community supervision,
31 or parole imposed under federal or state law for a felony or gross
32 misdemeanor conviction.

33 **Sec. 3.** RCW 74.08A.100 and 2002 c 366 s 1 are each amended to read
34 as follows:

35 The state shall exercise its option under P.L. 104-193 to continue
36 services to legal immigrants under temporary assistance for needy
37 families, medicaid to the extent allowed by federal law, the state's

1 basic health plan as provided in chapter 70.47 RCW, and social services
2 block grant programs. Eligibility for these benefits for legal
3 immigrants arriving after August 21, 1996, is limited to those families
4 where the parent, parents, or legal guardians have been in residence in
5 Washington state for a period of twelve consecutive months before
6 making their application for assistance. ((Legal immigrants who lose
7 benefits under the supplemental security income program as a result of
8 P.L. 104-193 are immediately eligible for benefits under the state's
9 general assistance unemployable program. The department shall
10 redetermine income and resource eligibility at least annually, in
11 accordance with existing state policy.))

12 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
13 repealed:

14 (1) RCW 74.04.266 (General assistance--Earned income exemption to
15 be established for unemployable persons) and 1977 ex.s. c 215 s 1;

16 (2) RCW 74.50.035 (Shelter services--Eligibility) and 1989 1st
17 ex.s. c 18 s 2; and

18 (3) RCW 74.50.060 (Shelter assistance program) and 1989 1st ex.s.
19 c 18 s 3, 1988 c 163 s 4, & 1987 c 406 s 7.

20 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately.

--- END ---