

---

HOUSE BILL 2083

---

State of Washington

54th Legislature

1995 Regular Session

By Representatives Silver and Cooke

Read first time 03/21/95. Referred to Committee on Appropriations.

1 AN ACT Relating to public assistance; and reenacting and amending  
2 RCW 74.04.005.

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

4 **Sec. 1.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
5 each reenacted and amended to read as follows:

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

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

12 (2) "Department"«The department of social and health services.

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

15 (4) "Director" or "secretary" means the secretary of social and  
16 health services.

17 (5) "Federal-aid assistance"«The specific categories of assistance  
18 for which provision is made in any federal law existing or hereafter  
19 passed by which payments are made from the federal government to the

1 state in aid or in respect to payment by the state for public  
2 assistance rendered to any category of needy persons for which  
3 provision for federal funds or aid may from time to time be made, or a  
4 federally administered needs-based program.

5 (6)(a) "General assistance"«Aid to persons in need who:

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

10 (ii) Meet one of the following conditions:

11 (A) Are pregnant, age eighteen or over, and incapacitated from  
12 gainful employment by a pregnancy-related condition as determined by  
13 the department: PROVIDED, That need is based on the current income and  
14 resource requirements of the federal aid to families with dependent  
15 children program: PROVIDED FURTHER, That during any period in which an  
16 aid for dependent children employable program is not in operation, only  
17 those pregnant women who are categorically eligible for medicaid are  
18 eligible for general assistance; or

19 (B) Subject to chapter 165, Laws of 1992, incapacitated from  
20 gainful employment by reason of bodily or mental infirmity that will  
21 likely continue for a minimum of ninety days as determined by the  
22 department. Recipients eligible for benefits under this subsection  
23 (6)(a)(ii)(B) shall not receive more than twelve monthly payments in  
24 any consecutive thirty-six month period. In determining incapacitation  
25 from gainful employment for purposes of this subsection (6)(a)(ii)(B),  
26 the department shall not consider vocational factors such as age,  
27 education, work experience, or transferable skills.

28 (C) Persons who are unemployable due to alcohol or drug addiction  
29 are not eligible for general assistance. Persons receiving general  
30 assistance on July 26, 1987, or becoming eligible for such assistance  
31 thereafter, due to an alcohol or drug-related incapacity, shall be  
32 referred to appropriate assessment, treatment, shelter, or supplemental  
33 security income referral services as authorized under chapter 74.50  
34 RCW. Referrals shall be made at the time of application or at the time  
35 of eligibility review. Alcoholic and drug addicted clients who are  
36 receiving general assistance on July 26, 1987, may remain on general  
37 assistance if they otherwise retain their eligibility until they are  
38 assessed for services under chapter 74.50 RCW. Subsection  
39 (6)(a)(ii)(B) of this section shall not be construed to prohibit the

1 department from granting general assistance benefits to alcoholics and  
2 drug addicts who are incapacitated due to other physical or mental  
3 conditions that meet the eligibility criteria for the general  
4 assistance program;

5 (iii) Are citizens or aliens lawfully admitted for permanent  
6 residence or otherwise residing in the United States under color of  
7 law; and

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

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

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

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

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

37 (i) First failure: One week;

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

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

1 (d) Persons found eligible for general assistance based on  
2 incapacity from gainful employment may, if otherwise eligible, receive  
3 general assistance pending application for federal supplemental  
4 security income benefits. Any general assistance that is subsequently  
5 duplicated by the person's receipt of supplemental security income for  
6 the same period shall be considered a debt due the state and shall by  
7 operation of law be subject to recovery through all available legal  
8 remedies.

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

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

18 (g) Recipients of general assistance based upon a finding of  
19 incapacity from gainful employment who remain otherwise eligible shall  
20 not have their benefits terminated absent a clear showing of material  
21 improvement in their medical or mental condition or specific error in  
22 the prior determination that found the recipient eligible by reason of  
23 incapacitation. Recipients of general assistance based upon pregnancy  
24 who relinquish their child for adoption, remain otherwise eligible, and  
25 are not eligible to receive benefits under the federal aid to families  
26 with dependent children program shall not have their benefits  
27 terminated until the end of the month in which the period of six weeks  
28 following the birth of the recipient's child falls. Recipients of the  
29 federal aid to families with dependent children program who lose their  
30 eligibility solely because of the birth and relinquishment of the  
31 qualifying child may receive general assistance through the end of the  
32 month in which the period of six weeks following the birth of the child  
33 falls.

34 (7) "Applicant"«Any person who has made a request, or on behalf of  
35 whom a request has been made, to any county or local office for  
36 assistance.

37 (8) "Recipient"«Any person receiving assistance and in addition  
38 those dependents whose needs are included in the recipient's  
39 assistance.

1 (9) "Standards of assistance"«The level of income required by an  
2 applicant or recipient to maintain a level of living specified by the  
3 department.

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

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

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

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

31 (d) All other resources, including any excess of values exempted,  
32 not to exceed one thousand dollars or other limit as set by the  
33 department, to be consistent with limitations on resources and  
34 exemptions necessary for federal aid assistance.

35 (e) Applicants for or recipients of general assistance shall have  
36 their eligibility based on resource limitations consistent with the aid  
37 to families with dependent children program rules adopted by the  
38 department.

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

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

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

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

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

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

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

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

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

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

29 (14) In the construction of words and phrases used in this title,  
30 the singular number shall include the plural, the masculine gender  
31 shall include both the feminine and neuter genders and the present  
32 tense shall include the past and future tenses, unless the context  
33 thereof shall clearly indicate to the contrary.

--- END ---