
SENATE BILL 5924

State of Washington

55th Legislature

1997 Regular Session

By Senators West and Oke

Read first time 02/20/97. Referred to Committee on Ways & Means.

1 AN ACT Relating to general 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) Pregnant: PROVIDED, That need is based on the current income
12 and resource requirements of the federal aid to families with dependent
13 children program: PROVIDED FURTHER, That during any period in which an
14 aid for dependent children employable program is not in operation, only
15 those pregnant women who are categorically eligible for medicaid are
16 eligible for general assistance; or

17 (B) (~~Subject to chapter 165, Laws of 1992,~~) Incapacitated from
18 gainful employment by reason of bodily or mental infirmity that will
19 likely continue for a minimum of ninety days ((as determined by the
20 department)) in accordance with the provisions of Title XVI of the
21 federal social security act.

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 aid to families with dependent
18 children 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
39 security income benefits. Any general assistance that is subsequently

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

5 (e) The department shall adopt by rule medical criteria for general
6 assistance eligibility to ensure that eligibility decisions are
7 consistent with statutory requirements in subsection (6)(a)(ii)(B) of
8 this section and are based on clear, objective medical information.

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

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

30 (h) Applicants who have drug or alcohol addiction as a contributing
31 factor to their disability shall be eligible to receive general
32 assistance benefits only while they are attending a certified drug and
33 alcohol treatment program. The department shall periodically test
34 these recipients of general assistance--unemployable benefits for drug
35 use. Two consecutive positive tests shall result in a termination of
36 eligibility from the general assistance program.

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

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

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

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

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

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

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

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

38 (e) Applicants for or recipients of general assistance shall have
39 their eligibility based on resource limitations consistent with the aid

1 to families with dependent children program rules adopted by the
2 department.

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

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

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

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

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

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

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

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

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

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

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

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