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SENATE BILL 6116

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State of Washington

65th Legislature

2018 Regular Session

By Senators Darneille, Keiser, and Chase

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1 AN ACT Relating to modifying eligibility and benefits under  
2 certain economic services programs; amending RCW 43.185C.220 and  
3 74.04.805; and creating a new section.

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

5 **Sec. 1.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to  
6 read as follows:

7 (1) The department shall distribute funds for the essential needs  
8 and housing support program established under this section in a  
9 manner consistent with the requirements of this section (~~and the~~  
10 ~~biennial operating budget~~). The first distribution of funds must be  
11 completed by September 1, 2011. Essential needs or housing support is  
12 only for persons found eligible for such services under RCW 74.04.805  
13 (~~and is not considered an entitlement~~).

14 (2) The department shall distribute funds appropriated for the  
15 essential needs and housing support program in the form of grants to  
16 designated essential needs support and housing support entities  
17 within each county. The department shall not distribute any funds  
18 until it approves the expenditure plan submitted by the designated  
19 essential needs support and housing support entities. The amount of  
20 funds to be distributed pursuant to this section (~~shall be~~  
21 ~~designated in the biennial operating budget~~) must be as appropriated

1 in the omnibus appropriations act. For the sole purpose of meeting  
2 the initial distribution of funds date, the department may distribute  
3 partial funds upon the department's approval of a preliminary  
4 expenditure plan. The department shall not distribute the remaining  
5 funds until it has approved a final expenditure plan.

6 ~~(3)((a) During the 2011-2013 biennium, in awarding housing~~  
7 ~~support that is not funded through the contingency fund in this~~  
8 ~~subsection, the designated housing support entity shall provide~~  
9 ~~housing support to clients who are homeless persons as defined in RCW~~  
10 ~~43.185C.010. As provided in the biennial operating budget for the~~  
11 ~~2011-2013 biennium, a contingency fund shall be used solely for those~~  
12 ~~clients who are at substantial risk of losing stable housing or at~~  
13 ~~substantial risk of losing one of the other services defined in RCW~~  
14 ~~74.62.010(6). For purposes of this chapter, "substantial risk" means~~  
15 ~~the client has provided documentation that he or she will lose his or~~  
16 ~~her housing within the next thirty days or that the services will be~~  
17 ~~discontinued within the next thirty days.~~

18 ~~(b) After July 1, 2013, the designated housing support entity~~  
19 ~~shall give first priority to clients who are homeless persons as~~  
20 ~~defined in RCW 43.185C.010 and second priority to clients who would~~  
21 ~~be at substantial risk of losing stable housing without housing~~  
22 ~~support.~~

23 ~~(4))~~ For each county, the department shall designate an  
24 essential needs support entity and a housing support entity that will  
25 begin providing these supports to medical care services program  
26 recipients on November 1, 2011. ~~((Essential needs and housing support~~  
27 ~~entities are not required to provide assistance to every person~~  
28 ~~referred to the local entity or who meets the priority standards in~~  
29 ~~subsection (3) of this section.))~~

30 (a) Each designated entity must be a local government or  
31 community-based organization, and may administer the funding for  
32 essential needs support, housing support, or both. Designated  
33 entities have the authority to subcontract with qualified entities.  
34 Upon request, and the approval of the department, two or more  
35 counties may combine resources to more effectively deliver services.

36 (b) The department's designation process must include a review of  
37 proficiency in managing housing or human services programs when  
38 designating housing support entities.

39 ~~((c) Within a county, if the department directly awards separate~~  
40 ~~grants to the designated housing support entity and the designated~~

1 ~~essential needs support entity, the department shall determine the~~  
2 ~~amount allocated for essential needs support as directed in the~~  
3 ~~biennial operating budget.~~

4 ~~(5))~~ (4)(a) Essential needs and housing support entities must  
5 use funds distributed under this section as flexibly as is  
6 practicable to provide essential needs items and housing support to  
7 recipients of the essential needs and housing support program,  
8 subject to the requirements of this section.

9 (b) Benefits provided under the essential needs and housing  
10 support program shall not be provided to recipients in the form of  
11 cash assistance.

12 (c) The department may move funds between entities or between  
13 counties to reflect actual caseload changes. In doing so, the  
14 department must: (i) Develop a process for reviewing the caseload of  
15 designated essential needs and housing support entities, and for  
16 redistributing grant funds from those entities experiencing reduced  
17 actual caseloads to those with increased actual caseloads; and (ii)  
18 inform all designated entities of the redistribution process. Savings  
19 resulting from program caseload attrition from the essential needs  
20 and housing support program shall not result in increased per-client  
21 expenditures.

22 (d) Essential needs and housing support entities must partner  
23 with other public and private organizations to maximize the  
24 beneficial impact of funds distributed under this section, and should  
25 attempt to leverage other sources of public and private funds to  
26 serve essential needs and housing support recipients. ~~((Funds~~  
27 ~~appropriated in the operating budget for essential needs and housing~~  
28 ~~support must be used only to serve persons eligible to receive~~  
29 ~~services under that program.~~

30 ~~(6))~~ (5) The department shall use no more than five percent of  
31 the funds for administration of the essential needs and housing  
32 support program. Each essential needs and housing support entity  
33 shall use no more than seven percent of the funds for administrative  
34 expenses.

35 ~~((7))~~ (6) The department shall:

36 (a) Require housing support entities to enter data into the  
37 homeless client management information system;

38 (b) Require essential needs support entities to report on  
39 services provided under this section;

1 (c) In collaboration with the department of social and health  
2 services, submit a report annually to the relevant policy and fiscal  
3 committees of the legislature. A preliminary report shall be  
4 submitted by December 31, 2011, and must include (c)(i), (iii), and  
5 (v) of this subsection. Annual reports must be submitted beginning  
6 December 1, 2012, and must include:

7 (i) A description of the actions the department has taken to  
8 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

9 (ii) The amount of funds used by the department to administer the  
10 program;

11 (iii) Information on the housing status of essential needs and  
12 housing support recipients served by housing support entities, and  
13 individuals who have requested housing support but did not receive  
14 housing support;

15 (iv) Grantee expenditure data related to administration and  
16 services provided under this section; and

17 (v) Efforts made to partner with other entities and leverage  
18 sources or public and private funds;

19 (d) Review the data submitted by the designated entities, and  
20 make recommendations for program improvements and administrative  
21 efficiencies. The department has the authority to designate  
22 alternative entities as necessary due to performance or other  
23 significant issues. Such change must only be made after consultation  
24 with the department of social and health services and the impacted  
25 entity.

26 ~~((+8))~~ (7) The department, counties, and essential needs and  
27 housing support entities are not civilly or criminally liable and may  
28 not have any penalty or cause of action of any nature arise against  
29 them related to decisions regarding: (a) The provision or lack of  
30 provision of housing or essential needs support; or (b) the type of  
31 housing arrangement supported with funds allocated under this  
32 section, when the decision was made in good faith and in the  
33 performance of the powers and duties under this section. However,  
34 this section does not prohibit legal actions against the department,  
35 county, or essential needs or housing support entity to enforce  
36 contractual duties or obligations.

37 **Sec. 2.** RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each  
38 amended to read as follows:

1 (1) The department is responsible for determining eligibility for  
2 referral for essential needs and housing support under RCW  
3 43.185C.220. Persons found to be eligible are entitled to services as  
4 provided in RCW 43.185C.220. Persons eligible are persons who:

5 (a) Are incapacitated from gainful employment by reason of bodily  
6 or mental infirmity that will likely continue for a minimum of ninety  
7 days. The standard for incapacity in this subsection, as evidenced by  
8 the ninety-day duration standard, is not intended to be as stringent  
9 as federal supplemental security income disability standards;

10 (b) Are citizens or aliens lawfully admitted for permanent  
11 residence or otherwise residing in the United States under color of  
12 law;

13 (c) Have furnished the department their social security number.  
14 If the social security number cannot be furnished because it has not  
15 been issued or is not known, an application for a number must be made  
16 prior to authorization of benefits, and the social security number  
17 must be provided to the department upon receipt;

18 (d) Have countable income as described in RCW 74.04.005 at or  
19 below four hundred twenty-eight dollars for a married couple or at or  
20 below three hundred thirty-nine dollars for a single individual;

21 (e) Do not have countable resources in excess of those described  
22 in RCW 74.04.005; and

23 (f) Are not eligible for:

24 (i) The aged, blind, or disabled assistance program;

25 (ii) The pregnant women assistance program; or

26 (iii) Federal aid assistance, other than basic food benefits  
27 transferred electronically and medical assistance.

28 (2) The following persons are not eligible for a referral for  
29 essential needs and housing support:

30 (a) Persons who are unemployable due primarily to alcohol or drug  
31 addiction, except as provided in subsection (3) of this subsection.  
32 These persons must be referred to appropriate assessment, treatment,  
33 shelter, or supplemental security income referral services as  
34 authorized under chapter 74.50 RCW. Referrals must be made at the  
35 time of application or at the time of eligibility review. This  
36 subsection may not be construed to prohibit the department from  
37 making a referral for essential needs and housing report for persons  
38 who have a substance abuse addiction who are incapacitated due to  
39 other physical or mental conditions that meet the eligibility  
40 criteria for a referral for essential needs and housing support;

1 (b) Persons who refuse or fail to cooperate in obtaining federal  
2 aid assistance, without good cause;

3 (c) Persons who refuse or fail without good cause to participate  
4 in drug or alcohol treatment if an assessment by a certified chemical  
5 dependency counselor indicates a need for such treatment. Good cause  
6 must be found to exist when a person's physical or mental condition,  
7 as determined by the department, prevents the person from  
8 participating in drug or alcohol dependency treatment, when needed  
9 outpatient drug or alcohol treatment is not available to the person  
10 in the county of his or her residence or when needed inpatient  
11 treatment is not available in a location that is reasonably  
12 accessible for the person; and

13 (d) Persons who are fleeing to avoid prosecution of, or to avoid  
14 custody or confinement for conviction of, a felony, or an attempt to  
15 commit a felony, under the laws of the state of Washington or the  
16 place from which the person flees; or who are violating a condition  
17 of probation, community supervision, or parole imposed under federal  
18 or state law for a felony or gross misdemeanor conviction.

19 (3) For purposes of determining whether a person is incapacitated  
20 from gainful employment under subsection (1) of this section:

21 (a) The department shall adopt by rule medical criteria for  
22 incapacity determinations to ensure that eligibility decisions are  
23 consistent with statutory requirements and are based on clear,  
24 objective medical information; and

25 (b) The process implementing the medical criteria must involve  
26 consideration of opinions of the treating or consulting physicians or  
27 health care professionals regarding incapacity, and any eligibility  
28 decision which rejects uncontroverted medical opinion must set forth  
29 clear and convincing reasons for doing so.

30 (4) For purposes of reviewing a person's continuing eligibility  
31 and in order to remain eligible for the program, persons who have  
32 been found to have an incapacity from gainful employment must  
33 demonstrate that there has been no material improvement in their  
34 medical or mental health condition. The department may discontinue  
35 benefits when there was specific error in the prior determination  
36 that found the person eligible by reason of incapacitation.

37 (5) The department must review the cases of all persons who have  
38 received benefits under the essential needs and housing support  
39 program for twelve consecutive months, and at least annually after

1 the first review, to determine whether they are eligible for the  
2 aged, blind, or disabled assistance program.

3 (6) Beginning the effective date of this section, persons found  
4 to be eligible for services under this section are entitled to  
5 services that equal the benefit amount as provided for in WAC  
6 388-478-0033 as it existed on the effective date of this section, or  
7 such subsequent date as may be provided by the department of social  
8 and health services by rule, consistent with the purposes of this  
9 section.

10 NEW SECTION. **Sec. 3.** The department of social and health  
11 services, in consultation with the office of financial management,  
12 must conduct a study to determine the appropriate financial grant  
13 amount for persons found eligible to receive services under the aged,  
14 blind, or disabled assistance program pursuant to RCW 74.62.030 and  
15 the essential needs and housing support program pursuant to RCW  
16 74.04.805 to help achieve or improve their financial stability and  
17 housing stability. The study must also identify the fiscal impacts of  
18 modifying the financial grant amount on other economic services  
19 programs within the department of social and health services. The  
20 department of social and health services must submit a report on the  
21 study, including legislative recommendations, to the appropriate  
22 committees of the legislature by July 1, 2019.

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