
SENATE BILL 5156

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By Senators Snyder, Moyer, Wojahn, Bauer, Talmadge, Pelz, McAuliffe, von Reichbauer, Winsley and Roach

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1 AN ACT Relating to public assistance; reenacting and amending RCW
2 74.04.005; and adding a new section to chapter 74.14 RCW.

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) Under twenty years of age and ineligible for aid to families
18 with dependent children solely due to federal age requirements, and are
19 full-time students reasonably expected to complete a program of
20 secondary school or the equivalent level of vocational or technical
21 training before the end of the month in which the person reaches
22 twenty. For purposes of determining payment amount, the student shall
23 be considered a member of the aid to families with dependent children
24 household of which the student would be a member but for the federal
25 age requirement. In determining eligibility and the amount of
26 benefits, earnings of a full-time student shall be disregarded. The
27 financial assistance shall also include a portion to meet the needs of
28 the student's needy caretaker relative if the needs are not otherwise
29 considered in an aid to families with dependent children or family
30 independence program grant provided to the household; or

31 (C) Subject to chapter 165, Laws of 1992, incapacitated from
32 gainful employment by reason of bodily or mental infirmity that will
33 likely continue for a minimum of ninety days as determined by the
34 department.

35 ((+C)) (D) Persons who are unemployable due to alcohol or drug
36 addiction are not eligible for general assistance. Persons receiving
37 general assistance on July 26, 1987, or becoming eligible for such
38 assistance thereafter, due to an alcohol or drug-related incapacity,
39 shall be referred to appropriate assessment, treatment, shelter, or

1 supplemental security income referral services as authorized under
2 chapter 74.50 RCW. Referrals shall be made at the time of application
3 or at the time of eligibility review. Alcoholic and drug addicted
4 clients who are receiving general assistance on July 26, 1987, may
5 remain on general assistance if they otherwise retain their eligibility
6 until they are assessed for services under chapter 74.50 RCW.
7 Subsection (6)(a)(ii)((~~B~~)) (C) of this section shall not be construed
8 to prohibit the department from granting general assistance benefits to
9 alcoholics and drug addicts who are incapacitated due to other physical
10 or mental conditions that meet the eligibility criteria for the general
11 assistance program;

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

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

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

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

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

35 (c) General assistance shall be provided only to persons who are
36 not members of assistance units receiving federal aid assistance,
37 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
38 and will accept available services which can reasonably be expected to
39 enable the person to work or reduce the need for assistance unless

1 there is good cause to refuse. Failure to accept such services shall
2 result in termination until the person agrees to cooperate in accepting
3 such services and subject to the following maximum periods of
4 ineligibility after reapplication:

5 (i) First failure: One week;

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

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

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

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

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

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

1 month in which the period of six weeks following the birth of the child
2 falls.

3 (h) Students with earnings shall not be eligible for the essential
4 persons program unless the earnings are disregarded.

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: PROVIDED, That an applicant
18 may retain the following described resources and not be ineligible for
19 public assistance because of such resources.

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

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

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

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

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

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

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

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

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

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

36 (11) "Income"«(a) All appreciable gains in real or personal
37 property (cash or kind) or other assets, which are received by or
38 become available for use and enjoyment by an applicant or recipient
39 during the month of application or after applying for or receiving

1 public assistance. The department may by rule and regulation exempt
2 income received by an applicant for or recipient of public assistance
3 which can be used by him to decrease his need for public assistance or
4 to aid in rehabilitating him or his dependents, but such exemption
5 shall not, unless otherwise provided in this title, exceed the
6 exemptions of resources granted under this chapter to an applicant for
7 public assistance. In determining the amount of assistance to which an
8 applicant or recipient of aid to families with dependent children is
9 entitled, the department is hereby authorized to disregard as a
10 resource or income the earned income exemptions consistent with federal
11 requirements. The department may permit the above exemption of
12 earnings of a child to be retained by such child to cover the cost of
13 special future identifiable needs even though the total exceeds the
14 exemptions or resources granted to applicants and recipients of public
15 assistance, but consistent with federal requirements. In formulating
16 rules and regulations pursuant to this chapter, the department shall
17 define income and resources and the availability thereof, consistent
18 with federal requirements. All resources and income not specifically
19 exempted, and any income or other economic benefit derived from the use
20 of, or appreciation in value of, exempt resources, shall be considered
21 in determining the need of an applicant or recipient of public
22 assistance.

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

28 (12) "Need"«The difference between the applicant's or recipient's
29 standards of assistance for himself and the dependent members of his
30 family, as measured by the standards of the department, and value of
31 all nonexempt resources and nonexempt income received by or available
32 to the applicant or recipient and the dependent members of his family.

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

1 (14) In the construction of words and phrases used in this title,
2 the singular number shall include the plural, the masculine gender
3 shall include both the feminine and neuter genders and the present
4 tense shall include the past and future tenses, unless the context
5 thereof shall clearly indicate to the contrary.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW
7 to read as follows:

8 The department shall amend the state plan to include an aid to
9 families with dependent children essential persons program that would,
10 to the extent permitted under federal law, allow eighteen to twenty
11 year old students to be eligible for federal aid to families with
12 dependent children matching grants.

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