
SUBSTITUTE SENATE BILL 6769

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, West and Winsley)

Read first time 02/22/96.

1 AN ACT Relating to eligibility for general assistance; reenacting
2 and amending RCW 74.04.005; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The general assistance--unemployable
5 program is intended as temporary assistance to individuals who are
6 unemployable due to temporary physical or mental impairments lasting
7 more than ninety days. The two central goals of the program are to (a)
8 facilitate entry into the federal supplemental security income program
9 for permanently and totally disabled individuals, and (b) identify
10 services that temporarily or partially disabled recipients need to
11 become employable and offer those services while the recipients are in
12 the program.

13 (2) The department of social and health services shall develop an
14 eligibility and evaluation process for applicants to the general
15 assistance--unemployable program. The process shall examine the nature
16 of the disability that makes an applicant unemployable. If the
17 disability is permanent and total, the department shall facilitate the
18 applicant's entry into the federal supplemental security income
19 program. If the disability is temporary or partial, the process shall

1 target the services necessary to enable the applicant to successfully
2 manage his or her disability and to become employable.

3 (3) The department shall conduct a pilot project to evaluate the
4 implementation of the eligibility and evaluation process. The pilot
5 project shall include two sites, one rural and one urban. The
6 department shall collect data on the results of the process, including
7 how many recipients the process indicates will be made employable by
8 disability management services, the demographic characteristics and
9 economic situation of those recipients, the cost of identified
10 services, potential providers of identified services, and how long
11 recipients will require services before becoming employable.

12 (4) In developing the process, the department shall consult experts
13 in disability management, developmental disabilities, supported
14 employment programs, and related fields. The department shall complete
15 development of the process by November 1, 1996, and report on the
16 process to the appropriate committees of the legislature by December 1,
17 1996. The department shall complete evaluation of the pilot process
18 and report on outcomes for recipients in the pilot project by November
19 1, 1997.

20 **Sec. 2.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
21 each reenacted and amended to read as follows:

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

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

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

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

31 (4) "Director" or "secretary" means the secretary of social and
32 health services.

33 (5) "Federal-aid assistance"«The specific categories of assistance
34 for which provision is made in any federal law existing or hereafter
35 passed by which payments are made from the federal government to the
36 state in aid or in respect to payment by the state for public
37 assistance rendered to any category of needy persons for which

1 provision for federal funds or aid may from time to time be made, or a
2 federally administered needs-based program.

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

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

8 (ii) Meet one of the following conditions:

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

15 (B) Subject to chapter 165, Laws of 1992, incapacitated from
16 gainful employment by reason of bodily or mental infirmity that will
17 likely continue for a minimum of ninety days as determined by the
18 department. For individuals who would otherwise qualify for cash
19 benefits under this subsection (6)(a)(ii)(B), a recipient may elect to
20 receive only medical care services under RCW 74.09.035.

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

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

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

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

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

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

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

30 (i) First failure: One week;

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

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

33 (d) Persons found eligible for general assistance based on
34 incapacity from gainful employment may, if otherwise eligible, receive
35 general assistance pending application for federal supplemental
36 security income benefits. Any general assistance that is subsequently
37 duplicated by the person's receipt of supplemental security income for
38 the same period shall be considered a debt due the state and shall by

1 operation of law be subject to recovery through all available legal
2 remedies.

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

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

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

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

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

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

37 (10) "Resource"«Any asset, tangible or intangible, owned by or
38 available to the applicant at the time of application, which can be
39 applied toward meeting the applicant's need, either directly or by

1 conversion into money or its equivalent: PROVIDED, That an applicant
2 may retain the following described resources and not be ineligible for
3 public assistance because of such resources.

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

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

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

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

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

33 (f) If an applicant for or recipient of public assistance possesses
34 property and belongings in excess of the ceiling value, such value
35 shall be used in determining the need of the applicant or recipient,
36 except that: (i) The department may exempt resources or income when
37 the income and resources are determined necessary to the applicant's or
38 recipient's restoration to independence, to decrease the need for
39 public assistance, or to aid in rehabilitating the applicant or

1 recipient or a dependent of the applicant or recipient; and (ii) the
2 department may provide grant assistance for a period not to exceed nine
3 months from the date the agreement is signed pursuant to this section
4 to persons who are otherwise ineligible because of excess real property
5 owned by such persons when they are making a good faith effort to
6 dispose of that property: PROVIDED, That:

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

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

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

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

19 (11) "Income"«(a) All appreciable gains in real or personal
20 property (cash or kind) or other assets, which are received by or
21 become available for use and enjoyment by an applicant or recipient
22 during the month of application or after applying for or receiving
23 public assistance. The department may by rule and regulation exempt
24 income received by an applicant for or recipient of public assistance
25 which can be used by him to decrease his need for public assistance or
26 to aid in rehabilitating him or his dependents, but such exemption
27 shall not, unless otherwise provided in this title, exceed the
28 exemptions of resources granted under this chapter to an applicant for
29 public assistance. In determining the amount of assistance to which an
30 applicant or recipient of aid to families with dependent children is
31 entitled, the department is hereby authorized to disregard as a
32 resource or income the earned income exemptions consistent with federal
33 requirements. The department may permit the above exemption of
34 earnings of a child to be retained by such child to cover the cost of
35 special future identifiable needs even though the total exceeds the
36 exemptions or resources granted to applicants and recipients of public
37 assistance, but consistent with federal requirements. In formulating
38 rules and regulations pursuant to this chapter, the department shall
39 define income and resources and the availability thereof, consistent

1 with federal requirements. All resources and income not specifically
2 exempted, and any income or other economic benefit derived from the use
3 of, or appreciation in value of, exempt resources, shall be considered
4 in determining the need of an applicant or recipient of public
5 assistance.

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

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

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

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

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