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SENATE BILL 6144

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State of Washington

57th Legislature

2001 Regular Session

By Senators Stevens, Rossi, Long, Hewitt, Carlson, Zarelli, Honeyford, Parlette, McDonald and West

Read first time . Referred to Committee on .

1 AN ACT Relating to general assistance to persons in need; and  
2 amending RCW 74.04.005.

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

4 **Sec. 1.** RCW 74.04.005 and 2000 c 218 s 1 are each amended to read  
5 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 or food stamp benefits transferred electronically and  
8 medical assistance; however, an individual who refuses or fails to  
9 cooperate in obtaining federal-aid assistance, without good cause, or  
10 who has received general assistance for a maximum lifetime benefit of  
11 thirty-six months after the effective date of this act, is not eligible  
12 for general assistance;

13 (ii) Meet one of the following conditions:

14 (A) Pregnant: PROVIDED, That need is based on the current income  
15 and resource requirements of the federal temporary assistance for needy  
16 families program; 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.

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 temporary assistance for needy  
15 families 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))~~ who comply with an individual  
25 responsibility plan that: (i) Sets forth an employment goal and a plan  
26 for moving the recipient into gainful employment; (ii) contains the  
27 obligation of the recipient to become and remain gainfully employed;  
28 (iii) moves the recipient into whatever gainful employment the  
29 recipient is capable of handling as quickly as possible; and (iv)  
30 specifies necessary medical, social, and employment services which can  
31 reasonably be expected to enable the person to work or reduce the need  
32 for assistance ~~((unless there is good cause to refuse))~~. Failure to  
33 accept such services, without good cause, shall result in termination  
34 until the person agrees to cooperate in accepting such services and  
35 subject to the following maximum periods of ineligibility after  
36 reapplication:

37 ~~((i))~~ (A) First failure: One week;

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

1       (~~(iii)~~) (C) Third and subsequent failure within one year: Two  
2 months.

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

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

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

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

36       (h) No person may be considered an eligible individual for general  
37 assistance with respect to any month if during that month the person:

38       (i) Is fleeing to avoid prosecution of, or to avoid custody or  
39 confinement for conviction of, a felony, or an attempt to commit a

1 felony, under the laws of the state of Washington or the place from  
2 which the person flees; or

3 (ii) Is violating a condition of probation, community supervision,  
4 or parole imposed under federal or state law for a felony or gross  
5 misdemeanor conviction.

6 (7) "Applicant"--Any person who has made a request, or on behalf of  
7 whom a request has been made, to any county or local office for  
8 assistance.

9 (8) "Recipient"--Any person receiving assistance and in addition  
10 those dependents whose needs are included in the recipient's  
11 assistance.

12 (9) "Standards of assistance"--The level of income required by an  
13 applicant or recipient to maintain a level of living specified by the  
14 department.

15 (10) "Resource"--Any asset, tangible or intangible, owned by or  
16 available to the applicant at the time of application, which can be  
17 applied toward meeting the applicant's need, either directly or by  
18 conversion into money or its equivalent. The department may by rule  
19 designate resources that an applicant may retain and not be ineligible  
20 for public assistance because of such resources. Exempt resources  
21 shall include, but are not limited to:

22 (a) A home that an applicant, recipient, or their dependents is  
23 living in, including the surrounding property;

24 (b) Household furnishings and personal effects;

25 (c) A motor vehicle, other than a motor home, used and useful  
26 having an equity value not to exceed five thousand dollars;

27 (d) A motor vehicle necessary to transport a physically disabled  
28 household member. This exclusion is limited to one vehicle per  
29 physically disabled person;

30 (e) All other resources, including any excess of values exempted,  
31 not to exceed one thousand dollars or other limit as set by the  
32 department, to be consistent with limitations on resources and  
33 exemptions necessary for federal aid assistance. The department shall  
34 also allow recipients of temporary assistance for needy families to  
35 exempt savings accounts with combined balances of up to an additional  
36 three thousand dollars;

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

1 temporary assistance for needy families program rules adopted by the  
2 department; and

3 (g) 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 or her to decrease his or her need for public  
35 assistance or to aid in rehabilitating him or her or his or her  
36 dependents, but such exemption shall not, unless otherwise provided in  
37 this title, exceed the exemptions of resources granted under this  
38 chapter to an applicant for public assistance. In addition, for cash

1 assistance the department may disregard income pursuant to RCW  
2 74.08A.230 and 74.12.350.

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

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

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

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

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