

---

SENATE BILL 5818

---

State of Washington

65th Legislature

2017 Regular Session

By Senators Saldaña, Frockt, Chase, and Conway

Read first time 02/15/17. Referred to Committee on Human Services,  
Mental Health & Housing.

1 AN ACT Relating to providing public assistance to certain victims  
2 of human trafficking; amending RCW 74.08A.120; reenacting and  
3 amending RCW 74.04.005; adding a new section to chapter 74.04 RCW;  
4 and adding a new section to chapter 74.09 RCW.

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

6 **Sec. 1.** RCW 74.04.005 and 2011 1st sp.s. c 36 s 8 and 2011 1st  
7 sp.s. c 15 s 61 are each reenacted and amended to read as follows:

8 (1) For the purposes of this title, unless the context indicates  
9 otherwise, the following definitions shall apply:

10 ~~((1))~~ (a) "Aged, blind, or disabled assistance program" means  
11 the program established under RCW 74.62.030.

12 ~~((2))~~ (b) "Applicant" means any person who has made a request,  
13 or on behalf of whom a request has been made, to any county or local  
14 office for assistance.

15 ~~((3))~~ (c) "Authority" means the health care authority.

16 ~~((4))~~ (d) "County or local office" means the administrative  
17 office for one or more counties or designated service areas.

18 ~~((5))~~ (e) "Department" means the department of social and  
19 health services.

20 ~~((6))~~ (f) "Director" means the director of the health care  
21 authority.

1       ~~((7))~~ (g) "Essential needs and housing support program" means  
2 the program established in RCW 43.185C.220.

3       ~~((8))~~ (h) "Federal aid assistance" means the specific  
4 categories of assistance for which provision is made in any federal  
5 law existing or hereafter passed by which payments are made from the  
6 federal government to the state in aid or in respect to payment by  
7 the state for public assistance rendered to any category of needy  
8 persons for which provision for federal funds or aid may from time to  
9 time be made, or a federally administered needs-based program.

10       ~~((9))~~ (i) "Income" means:

11       ~~((a))~~ (i) All appreciable gains in real or personal property  
12 (cash or kind) or other assets, which are received by or become  
13 available for use and enjoyment by an applicant or recipient during  
14 the month of application or after applying for or receiving public  
15 assistance. The department may by rule and regulation exempt income  
16 received by an applicant for or recipient of public assistance which  
17 can be used by him or her to decrease his or her need for public  
18 assistance or to aid in rehabilitating him or her or his or her  
19 dependents, but such exemption shall not, unless otherwise provided  
20 in this title, exceed the exemptions of resources granted under this  
21 chapter to an applicant for public assistance. In addition, for cash  
22 assistance the department may disregard income pursuant to RCW  
23 74.08A.230 and 74.12.350.

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

29       ~~((10))~~ (j) "Need" means the difference between the applicant's  
30 or recipient's standards of assistance for himself or herself and the  
31 dependent members of his or her family, as measured by the standards  
32 of the department, and value of all nonexempt resources and nonexempt  
33 income received by or available to the applicant or recipient and the  
34 dependent members of his or her family.

35       ~~((11))~~ (k) "Public assistance" or "assistance" means public aid  
36 to persons in need thereof for any cause, including services, medical  
37 care, assistance grants, disbursing orders, work relief, benefits  
38 under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

39       ~~((12))~~ (l) "Qualifying family member" includes a victim's  
40 spouse, children, parents, and unmarried siblings under the age of

1 eighteen, when the victim is under twenty-one years of age; and a  
2 victim's spouse and children, when the victim is twenty-one years old  
3 or older.

4 (m) "Recipient" means any person receiving assistance and in  
5 addition those dependents whose needs are included in the recipient's  
6 assistance.

7 ~~((+13))~~ (n) "Resource" means any asset, tangible or intangible,  
8 owned by or available to the applicant at the time of application,  
9 which can be applied toward meeting the applicant's need, either  
10 directly or by conversion into money or its equivalent. The  
11 department may by rule designate resources that an applicant may  
12 retain and not be ineligible for public assistance because of such  
13 resources. Exempt resources shall include, but are not limited to:

14 ~~((+a))~~ (i) A home that an applicant, recipient, or their  
15 dependents is living in, including the surrounding property;

16 ~~((+b))~~ (ii) Household furnishings and personal effects;

17 ~~((+c))~~ (iii) A motor vehicle, other than a motor home, used and  
18 useful having an equity value not to exceed five thousand dollars;

19 ~~((+d))~~ (iv) A motor vehicle necessary to transport a household  
20 member with a physical disability. This exclusion is limited to one  
21 vehicle per person with a physical disability;

22 ~~((+e))~~ (v) All other resources, including any excess of values  
23 exempted, not to exceed one thousand dollars or other limit as set by  
24 the department, to be consistent with limitations on resources and  
25 exemptions necessary for federal aid assistance. The department shall  
26 also allow recipients of temporary assistance for needy families to  
27 exempt savings accounts with combined balances of up to an additional  
28 three thousand dollars;

29 ~~((+f))~~ (vi) Applicants for or recipients of benefits under RCW  
30 74.62.030 and 43.185C.220 shall have their eligibility based on  
31 resource limitations consistent with the temporary assistance for  
32 needy families program rules adopted by the department; and

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

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

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

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

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

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

20 ~~((+14+))~~ (o) "Secretary" means the secretary of social and health  
21 services.

22 ~~((+15+))~~ (p) "Standards of assistance" means the level of income  
23 required by an applicant or recipient to maintain a level of living  
24 specified by the department.

25 ~~((+16+))~~ (q) "Victim of human trafficking" means a noncitizen who  
26 has been harmed by either any violation of chapter 9A.40 or 9.68A  
27 RCW, or both, or by substantially similar crimes under federal law or  
28 the laws of any other state and includes qualifying family members.  
29 The victim of human trafficking and any qualifying family members  
30 must have: (i) Filed or are preparing to file an application for T  
31 nonimmigrant status with the appropriate federal agency pursuant to 8  
32 U.S.C. Sec. 1101(a)(15)(T); (ii) is otherwise taking steps to meet  
33 the conditions for federal benefits eligibility under 22 U.S.C. Sec.  
34 7105; (iii) has filed or is preparing to file a formal application  
35 with the appropriate federal agency for status pursuant to 8 U.S.C.  
36 Sec. 1101(a)(15)(U); or (iv) has filed or is preparing to file a  
37 formal application with the appropriate federal agency for status  
38 under 8 U.S.C. Sec. 1158.

39 (2) For purposes of determining eligibility for public assistance  
40 and participation levels in the cost of medical care, the department

1 shall exempt restitution payments made to people of Japanese and  
2 Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the  
3 Aleutian and Pribilof Island Restitution Act passed by congress, P.L.  
4 100-383, including all income and resources derived therefrom.

5 ~~((17))~~ (3) In the construction of words and phrases used in  
6 this title, the singular number shall include the plural, the  
7 masculine gender shall include both the feminine and neuter genders,  
8 and the present tense shall include the past and future tenses,  
9 unless the context thereof shall clearly indicate to the contrary.

10 **Sec. 2.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to  
11 read as follows:

12 (1) The department may establish a food assistance program for  
13 legal immigrants and victims of human trafficking as defined in RCW  
14 74.04.005 who are ineligible for the federal food stamp program.

15 (2) The rules for the state food assistance program shall follow  
16 exactly the rules of the federal food stamp program except for the  
17 provisions pertaining to immigrant status.

18 (3) The benefit under the state food assistance program shall be  
19 established by the legislature in the biennial operating budget.

20 (4) The department may enter into a contract with the United  
21 States department of agriculture to use the existing federal food  
22 stamp program coupon system for the purposes of administering the  
23 state food assistance program.

24 (5) In the event the department is unable to enter into a  
25 contract with the United States department of agriculture, the  
26 department may issue vouchers to eligible households for the purchase  
27 of eligible foods at participating retailers.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04  
29 RCW to read as follows:

30 Victims of human trafficking, as defined in RCW 74.04.005, are  
31 eligible for state family assistance programs as provided in rule on  
32 the effective date of this section, who otherwise meet program  
33 eligibility requirements.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09  
35 RCW to read as follows:

36 (1) Medical care services must be provided to victims of human  
37 trafficking, as defined in RCW 74.04.005, who are not eligible for

1    medicaid under RCW 74.09.510 or section 1902(a)(10)(a)(i)(VIII) of  
2    the social security act, who otherwise qualify for the state family  
3    assistance program under this act.

4       (2) Enrollment in medical care services may not result in  
5    expenditures that exceed the amount that has been appropriated in the  
6    state's operating budget. If it appears that continued enrollment  
7    will result in expenditures exceeding the appropriated level for a  
8    particular fiscal year, the authority may freeze new enrollment and  
9    establish a waiting list of persons who may receive benefits only  
10   when sufficient funds are available.

11       (3) To the extent possible, the authority must:

12       (a) Add the medical care services enrollees into the apple health  
13    for kids, with the same benefits and services provided to medicaid  
14    apple health for kids enrollees; and

15       (b) Coordinate with the department, food assistance programs for  
16    legal immigrants, state family assistance programs, and refugee cash  
17    assistance.

--- END ---