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**SENATE BILL 5164**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C., and Darneille

Read first time 01/15/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

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

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

6 **Sec. 1.** RCW 74.04.005 and 2018 c 40 s 1 are each amended to read  
7 as follows:

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

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

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

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

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

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

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

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

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

10 (9) "Income" means:

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

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

29 (10) "Need" means the difference between the applicant's or  
30 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) "Public assistance" or "assistance" means public aid to  
36 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) "Qualifying family member" includes: (a) A victim's spouse,  
40 children, parents, and unmarried siblings under the age of eighteen,

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

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

7 ~~((13))~~ (14) "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) A home that an applicant, recipient, or their dependents is  
15 living in, including the surrounding property;

16 (b) Household furnishings and personal effects;

17 (c) One motor vehicle, other than a motor home, used and useful  
18 having an equity value not to exceed ten thousand dollars;

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

22 (e) All other resources, including any excess of values exempted,  
23 not to exceed six thousand dollars or other limit as set by the  
24 department, to be consistent with limitations on resources and  
25 exemptions necessary for federal aid assistance;

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

30 (g) If an applicant for or recipient of public assistance  
31 possesses property and belongings in excess of the ceiling value,  
32 such value shall be used in determining the need of the applicant or  
33 recipient, except that: (i) The department may exempt resources or  
34 income when the income and resources are determined necessary to the  
35 applicant's or recipient's restoration to independence, to decrease  
36 the need for public assistance, or to aid in rehabilitating the  
37 applicant or recipient or a dependent of the applicant or recipient;  
38 and (ii) the department may provide grant assistance for a period not  
39 to exceed nine months from the date the agreement is signed pursuant  
40 to this section to persons who are otherwise ineligible because of

1 excess real property owned by such persons when they are making a  
2 good faith effort to dispose of that property if:

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

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

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

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

16 ~~((14))~~ (15) "Secretary" means the secretary of social and  
17 health services.

18 ~~((15))~~ (16) "Standards of assistance" means the level of income  
19 required by an applicant or recipient to maintain a level of living  
20 specified by the department.

21 ~~((16) For purposes of determining eligibility for public  
22 assistance and participation levels in the cost of medical care, the  
23 department shall exempt restitution payments made to people of  
24 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of  
25 1988 and the Aleutian and Pribilof Island Restitution Act passed by  
26 congress, P.L. 100-383, including all income and resources derived  
27 therefrom.~~

28 ~~(17) In the construction of words and phrases used in this title,  
29 the singular number shall include the plural, the masculine gender  
30 shall include both the feminine and neuter genders, and the present  
31 tense shall include the past and future tenses, unless the context  
32 thereof shall clearly indicate to the contrary.)~~

33 (17) "Victim of human trafficking" means a noncitizen and any  
34 qualifying family members who have:

35 (a) Filed or are preparing to file an application for T  
36 nonimmigrant status with the appropriate federal agency pursuant to 8  
37 U.S.C. Sec. 1101(a) (15) (T);

38 (b) Filed or are preparing to file a formal application with the  
39 appropriate federal agency for status pursuant to 8 U.S.C. Sec.  
40 1101(a) (15) (U);

1 (c) Been harmed by either any violation of chapter 9A.40 or 9.68A  
2 RCW, or both, or by substantially similar crimes under federal law or  
3 the laws of any other state, and who:

4 (i) Are otherwise taking steps to meet the conditions for federal  
5 benefits eligibility under 22 U.S.C. Sec. 7105; or

6 (ii) Have filed or are preparing to file a formal application  
7 with the appropriate federal agency for status under 8 U.S.C. Sec.  
8 1158.

9 NEW SECTION. Sec. 2. A new section is added to chapter 74.04  
10 RCW to read as follows:

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

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

22 **Sec. 3.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to  
23 read as follows:

24 (1) The department may establish a food assistance program for  
25 legal immigrants and victims of human trafficking as defined in RCW  
26 74.04.005 who are ineligible for the federal food stamp program.

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

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

32 (4) The department may enter into a contract with the United  
33 States department of agriculture to use the existing federal food  
34 stamp program coupon system for the purposes of administering the  
35 state food assistance program.

36 (5) In the event the department is unable to enter into a  
37 contract with the United States department of agriculture, the

1 department may issue vouchers to eligible households for the purchase  
2 of eligible foods at participating retailers.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.04  
4 RCW to read as follows:

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

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.09  
10 RCW to read as follows:

11 (1) Medical care services must be provided to victims of human  
12 trafficking, as defined in RCW 74.04.005, who are not eligible for  
13 medicaid under RCW 74.09.510 or section 1902(a)(10)(a)(i)(VIII) of  
14 the social security act, who otherwise qualify for the state family  
15 assistance program under this act.

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

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

24 (a) Add the medical care services enrollees into the apple health  
25 for kids, with the same benefits and services provided to medicaid  
26 apple health for kids enrollees; and

27 (b) Coordinate with the department, food assistance programs for  
28 legal immigrants, state family assistance programs, and refugee cash  
29 assistance.

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