

2SHB 1447 - S AMD 458

By Senator Nguyen

ADOPTED 04/21/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 74.04.005 and 2020 c 136 s 1 are each amended to
4 read as follows:

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

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

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

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

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

15 (5) "Department" means the department of social and health
16 services.

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

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

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

27 (9) "Income" means:

28 (a) All appreciable gains in real or personal property (cash or
29 kind) or other assets, which are received by or become available for
30 use and enjoyment by an applicant or recipient during the month of
31 application or after applying for or receiving public assistance. The
32 department may by rule and regulation exempt income received by an

1 applicant for or recipient of public assistance which can be used by
2 him or her to decrease his or her need for public assistance or to
3 aid in rehabilitating him or her or his or her dependents, but such
4 exemption shall not, unless otherwise provided in this title, exceed
5 the exemptions of resources granted under this chapter to an
6 applicant for public assistance. In addition, for cash assistance the
7 department may disregard income pursuant to RCW 74.08A.230 and
8 74.12.350.

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

14 (10) "Need" means the difference between the applicant's or
15 recipient's standards of assistance for himself or herself and the
16 dependent members of his or her family, as measured by the standards
17 of the department, and value of all nonexempt resources and nonexempt
18 income received by or available to the applicant or recipient and the
19 dependent members of his or her family.

20 (11) "Public assistance" or "assistance" means public aid to
21 persons in need thereof for any cause, including services, medical
22 care, assistance grants, disbursing orders, work relief, benefits
23 under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

24 (12) "Recipient" means any person receiving assistance and in
25 addition those dependents whose needs are included in the recipient's
26 assistance.

27 (13) "Resource" means any asset, tangible or intangible, owned by
28 or available to the applicant at the time of application, which can
29 be applied toward meeting the applicant's need, either directly or by
30 conversion into money or its equivalent. The department may by rule
31 designate resources that an applicant may retain and not be
32 ineligible for public assistance because of such resources. Exempt
33 resources shall include, but are not limited to:

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

36 (b) Household furnishings and personal effects;

37 (c) One motor vehicle, other than a motor home, that is used and
38 useful (~~having an equity value not to exceed ten thousand dollars~~);

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

4 (e) Retirement funds, pension plans, and retirement accounts;

5 (f) All other resources, including any excess of values exempted,
6 not to exceed (~~six thousand dollars~~) \$12,000 or other limit as set
7 by the department, to be consistent with limitations on resources and
8 exemptions necessary for federal aid assistance;

9 (~~(f)~~) (g) Applicants for or recipients of benefits under RCW
10 74.62.030 and 43.185C.220 shall have their eligibility based on
11 resource limitations consistent with the temporary assistance for
12 needy families program rules adopted by the department; and

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

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

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

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

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

39 (14) "Secretary" means the secretary of social and health
40 services.

1 (15) "Standards of assistance" means the level of income required
2 by an applicant or recipient to maintain a level of living specified
3 by the department.

4 (16)(a) "Victim of human trafficking" means a noncitizen and any
5 qualifying family members who have:

6 (i) Filed or are preparing to file an application for T
7 nonimmigrant status with the appropriate federal agency pursuant to 8
8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

9 (ii) Filed or are preparing to file an application with the
10 appropriate federal agency for status pursuant to 8 U.S.C. Sec.
11 1101(a)(15)(U), as it existed on January 1, 2020; or

12 (iii) Been harmed by either any violation of chapter 9A.40 or
13 9.68A RCW, or both, or by substantially similar crimes under federal
14 law or the laws of any other state, and who:

15 (A) Are otherwise taking steps to meet the conditions for federal
16 benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on
17 January 1, 2020; or

18 (B) Have filed or are preparing to file an application with the
19 appropriate federal agency for status under 8 U.S.C. Sec. 1158.

20 (b)(i) "Qualifying family member" means:

21 (A) A victim's spouse and children; and

22 (B) When the victim is under (~~twenty-one~~) 21 years of age, a
23 victim's parents and unmarried siblings under the age of (~~eighteen~~)
24 18.

25 (ii) "Qualifying family member" does not include a family member
26 who has been charged with or convicted of attempt, conspiracy,
27 solicitation, or commission of any crime referenced in this
28 subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as
29 either existed on January 1, 2020, when the crime is against a spouse
30 who is a victim of human trafficking or against the child of a victim
31 of human trafficking.

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

39 (18) In the construction of words and phrases used in this title,
40 the singular number shall include the plural, the masculine gender

1 shall include both the feminine and neuter genders, and the present
2 tense shall include the past and future tenses, unless the context
3 thereof shall clearly indicate to the contrary.

4 **Sec. 2.** RCW 74.08A.010 and 2022 c 24 s 1 are each amended to
5 read as follows:

6 (1) A family that includes an adult who has received temporary
7 assistance for needy families for ~~((sixty))~~ 60 months after July 27,
8 1997, shall be ineligible for further temporary assistance for needy
9 families assistance.

10 (2) For the purposes of applying the rules of this section, the
11 department shall count any month in which an adult family member
12 received a temporary assistance for needy families cash assistance
13 grant unless the assistance was provided when the adult family member
14 was a minor child and not the head of the household or married to the
15 head of the household.

16 ~~((The department shall adopt regulations to apply the sixty-~~
17 ~~month time limit to households in which a parent is in the home and~~
18 ~~ineligible for temporary assistance for needy families. Any~~
19 ~~regulations shall be consistent with federal funding requirements.~~

20 ~~(4))~~ The department shall refer recipients who require
21 specialized assistance to appropriate department programs, crime
22 victims' programs through the department of commerce, or the crime
23 victims' compensation program of the department of labor and
24 industries.

25 ~~((5-a))~~ (4) The department shall add to adopted rules related
26 to temporary assistance for needy families time limit extensions, the
27 following criteria by which the department shall exempt a recipient
28 and the recipient's family from the application of subsection (1) of
29 this section:

30 ~~((i))~~ (a) By reason of hardship, including when:

31 ~~((A))~~ (i) The recipient's family includes a child or youth who
32 is without a fixed, regular, and adequate nighttime residence as
33 described in the federal McKinney-Vento homeless assistance act
34 (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed
35 on January 1, 2020;

36 ~~((B))~~ (ii) The recipient received temporary assistance for
37 needy families during a month on or after March 1, 2020, when
38 Washington state's unemployment rate as published by the Washington
39 employment security department was equal to or greater than seven

1 percent, and the recipient is otherwise eligible for temporary
2 assistance for needy families except that they have exceeded 60
3 months. The extension provided for under this subsection ~~((5))~~ (4)
4 ~~(a)((i)(B))~~ (ii) is equal to the number of months that the
5 recipient received temporary assistance for needy families during a
6 month on or after March 1, 2020, when the unemployment rate was equal
7 to or greater than seven percent, and is applied sequentially to any
8 other hardship extensions that may apply under this subsection
9 ~~((5))~~ (4) or in rule; or

10 ~~((C))~~ (iii) Beginning July 1, 2022, the Washington state
11 unemployment rate most recently published by the Washington
12 employment security department is equal to or greater than seven
13 percent; or

14 ~~((ii))~~ (b) If the family includes an individual who meets the
15 family violence options of section 402(A)(7) of Title IVA of the
16 federal social security act as amended by P.L. 104-193.

17 ~~((b) Policies related to circumstances under which a recipient~~
18 ~~will be exempted from the application of subsection (1) or (3) of~~
19 ~~this section shall treat adults receiving benefits on their own~~
20 ~~behalf, and parents receiving benefits on behalf of their child~~
21 ~~similarly, unless required otherwise under federal law.~~

22 ~~(6))~~ (5) The department shall not exempt a recipient and his or
23 her family from the application of subsection (1) ~~((or (3))~~ of this
24 section until after the recipient has received ~~((fifty-two))~~ 52
25 months of assistance under this chapter.

26 ~~((7))~~ (6) The department shall provide transitional food
27 assistance for a period of five months to a household that ceases to
28 receive temporary assistance for needy families assistance and is not
29 in sanction status. If necessary, the department shall extend the
30 household's basic food certification until the end of the transition
31 period.

32 ~~((8))~~ (7) The department may adopt rules specifying which
33 published employment security department unemployment rates to use
34 for the purposes of subsection ~~((5))~~ (4) ~~(a)((i)(B) and (C))~~ (ii)
35 and (iii) of this section.

36 **Sec. 3.** RCW 74.08A.010 and 2022 c 98 s 1 and 2022 c 24 s 1 are
37 each reenacted and amended to read as follows:

38 (1) A family that includes an adult who has received temporary
39 assistance for needy families for ~~((sixty))~~ 60 months after July 27,

1 1997, shall be ineligible for further temporary assistance for needy
2 families assistance.

3 (2) For the purposes of applying the rules of this section, the
4 department shall count any month in which an adult family member
5 received a temporary assistance for needy families cash assistance
6 grant unless the assistance was provided when the adult family member
7 was a minor child and not the head of the household or married to the
8 head of the household.

9 ~~(3) ((The department shall adopt regulations to apply the sixty-~~
10 ~~month time limit to households in which a parent is in the home and~~
11 ~~ineligible for temporary assistance for needy families. Any~~
12 ~~regulations shall be consistent with federal funding requirements.~~

13 ~~(4))~~ The department shall refer recipients who require
14 specialized assistance to appropriate department programs, crime
15 victims' programs through the department of commerce, or the crime
16 victims' compensation program of the department of labor and
17 industries.

18 ~~((5)(a))~~ (4) The department shall add to adopted rules related
19 to temporary assistance for needy families time limit extensions, the
20 following criteria by which the department shall exempt a recipient
21 and the recipient's family from the application of subsection (1) of
22 this section:

23 ~~((i))~~ (a) By reason of hardship, including when:

24 ~~((A))~~ (i) The recipient's family includes a child or youth who
25 is without a fixed, regular, and adequate nighttime residence as
26 described in the federal McKinney-Vento homeless assistance act
27 (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed
28 on January 1, 2020;

29 ~~((B))~~ (ii) The recipient received temporary assistance for
30 needy families during a month on or after March 1, 2020, when
31 Washington state's unemployment rate as published by the Washington
32 employment security department was equal to or greater than seven
33 percent, and the recipient is otherwise eligible for temporary
34 assistance for needy families except that they have exceeded 60
35 months. The extension provided for under this subsection ~~((5))~~ (4)

36 ~~(a)((i)(B))~~ (ii) is equal to the number of months that the
37 recipient received temporary assistance for needy families during a
38 month on or after March 1, 2020, when the unemployment rate was equal
39 to or greater than seven percent, and is applied sequentially to any

1 other hardship extensions that may apply under this subsection
2 ~~((5))~~ (4) or in rule; or
3 ~~((C))~~ (iii) Beginning July 1, 2022, the Washington state
4 unemployment rate most recently published by the Washington
5 employment security department is equal to or greater than seven
6 percent; or
7 ~~((ii))~~ (b) If the family includes an individual who meets the
8 family violence options of section 402(A)(7) of Title IVA of the
9 federal social security act as amended by P.L. 104-193.
10 ~~((b) Policies related to circumstances under which a recipient~~
11 ~~will be exempted from the application of subsection (1) or (3) of~~
12 ~~this section shall treat adults receiving benefits on their own~~
13 ~~behalf, and parents receiving benefits on behalf of their child~~
14 ~~similarly, unless required otherwise under federal law.~~
15 ~~(6))~~ (5) The department shall not exempt a recipient and his or
16 her family from the application of subsection (1) ~~((or (3)))~~ of this
17 section until after the recipient has received ~~((fifty-two))~~ 52
18 months of assistance under this chapter.
19 ~~((7))~~ (6) The department shall provide transitional food
20 assistance for a period of five months to a household that ceases to
21 receive temporary assistance for needy families assistance and is not
22 in full-family sanction status. If a member of a household has been
23 sanctioned but the household is still receiving benefits, the
24 remaining eligible household members may receive transitional food
25 assistance. If necessary, the department shall extend the household's
26 basic food certification until the end of the transition period.
27 ~~((8))~~ (7) The department may adopt rules specifying which
28 published employment security department unemployment rates to use
29 for the purposes of subsection ~~((5))~~ (4)(a) ~~((i)(B) and (C))~~ (ii)
30 and (iii) of this section.

31 **Sec. 4.** RCW 74.08A.015 and 2021 c 239 s 3 are each amended to
32 read as follows:

33 All families who have received temporary assistance for needy
34 families since March 1, 2020, are eligible for the extension under
35 RCW 74.08A.010 ~~((5))~~ (4)(a) ~~((i)(B))~~ (ii), regardless of whether
36 they are current recipients. Eligible families shall only receive
37 temporary assistance for needy families benefits that accrue after
38 July 25, 2021.

1 **Sec. 5.** RCW 74.08A.230 and 1997 c 58 s 308 are each amended to
2 read as follows:

3 (1) In addition to their monthly benefit payment, a family may
4 earn and keep the first \$500 of the family's earnings in addition to
5 one-half of ((its)) the family's remaining earnings during every
6 month it is eligible to receive assistance under this section.

7 (2) In no event may a family be eligible for temporary assistance
8 for needy families if its monthly gross earned income exceeds the
9 maximum earned income level as set by the department. In calculating
10 a household's gross earnings, the department shall disregard the
11 earnings of a minor child who is:

12 (a) A full-time student; or

13 (b) A part-time student carrying at least half the normal school
14 load and working fewer than ((~~thirty-five~~)) 35 hours per week.

15 **Sec. 6.** RCW 74.08A.250 and 2019 c 343 s 5 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, as used in this
18 chapter, "work activity" means:

19 (1) Unsubsidized paid employment in the private or public sector;

20 (2) Subsidized paid employment in the private or public sector,
21 including employment through the state or federal work-study program
22 for a period not to exceed ((~~twenty-four~~)) 24 months;

23 (3) Work experience, including:

24 (a) An internship or practicum, that is paid or unpaid and is
25 required to complete a course of vocational training or to obtain a
26 license or certificate in a high-demand occupation, as determined by
27 the employment security department. No internship or practicum shall
28 exceed ((~~twelve~~)) 12 months; or

29 (b) Work associated with the refurbishing of publicly assisted
30 housing, if sufficient paid employment is not available;

31 (4) On-the-job training;

32 (5) Job search and job readiness assistance;

33 (6) Community service programs, including a recipient's voluntary
34 service at a child care or preschool facility licensed under chapter
35 43.216 RCW or an elementary school in which his or her child is
36 enrolled;

37 (7) Vocational educational training, not to exceed ((~~twelve~~)) 12
38 months with respect to any individual except that this ((~~twelve-~~

1 ~~month~~) 12-month limit may be increased to (~~twenty-four~~) 24 months
2 subject to funding appropriated specifically for this purpose;

3 (8) Job skills training directly related to employment;

4 (9) Education directly related to employment, in the case of a
5 recipient who has not received a high school diploma or a high school
6 equivalency certificate as provided in RCW 28B.50.536;

7 (10) Satisfactory attendance at secondary school or in a course
8 of study leading to a high school equivalency certificate as provided
9 in RCW 28B.50.536, in the case of a recipient who has not completed
10 secondary school or received such a certificate;

11 (11) The provision of child care services to an individual who is
12 participating in a community service program;

13 (12) Internships, that shall be paid or unpaid work experience
14 performed by an intern in a business, industry, or government or
15 nongovernmental agency setting;

16 (13) Practicums, which include any educational program in which a
17 student is working under the close supervision of a professional in
18 an agency, clinic, or other professional practice setting for
19 purposes of advancing their skills and knowledge;

20 (14) Services required by the recipient under RCW 74.08.025(2)
21 and 74.08A.010(~~(4)~~) (3) to become employable;

22 (15) Financial literacy activities designed to be effective in
23 assisting a recipient in becoming self-sufficient and financially
24 stable; and

25 (16) Parent education services or programs that support
26 development of appropriate parenting skills, life skills, and
27 employment-related competencies.

28 **Sec. 7.** RCW 74.08A.270 and 2017 3rd sp.s. c 21 s 2 are each
29 amended to read as follows:

30 (1) Good cause reasons for failure to participate in WorkFirst
31 program components include situations where: (a) (~~Situations where~~
32 ~~the~~) The recipient is a parent or other relative personally
33 providing care for a child under the age of six years, and formal or
34 informal child care, or day care for an incapacitated individual
35 living in the same home as a dependent child, is necessary for an
36 individual to participate or continue participation in the program or
37 accept employment, and such care is not available, and the department
38 fails to provide such care; (~~or~~) (b) the recipient is a parent with

1 a child under the age of two years; or (c) the recipient is
2 experiencing a hardship as defined by the department in rule.

3 (2) A parent claiming a good cause exemption from WorkFirst
4 participation under subsection (1)(b) of this section may be required
5 to participate in one or more of the following, up to a maximum total
6 of twenty hours per week, if such treatment, services, or training is
7 indicated by the comprehensive evaluation or other assessment:

8 (a) Mental health treatment;

9 (b) Alcohol or drug treatment;

10 (c) Domestic violence services; or

11 (d) Parenting education or parenting skills training, if
12 available.

13 (3) The department shall: (a) Work with a parent claiming a good
14 cause exemption under subsection (1)(b) of this section to identify
15 and access programs and services designed to improve parenting skills
16 and promote child well-being, including but not limited to home
17 visitation programs and services; and (b) provide information on the
18 availability of home visitation services to temporary assistance for
19 needy families caseworkers, who shall inform clients of the
20 availability of the services. If desired by the client, the
21 caseworker shall facilitate appropriate referrals to providers of
22 home visitation services.

23 (4) Nothing in this section shall prevent a recipient from
24 participating in the WorkFirst program on a voluntary basis.

25 (5) A parent is eligible for a good cause exemption under
26 subsection (1)(b) of this section for a maximum total of (~~twenty-~~
27 ~~four~~) 24 months over the parent's lifetime.

28 **Sec. 8.** RCW 74.04.266 and 2011 1st sp.s. c 36 s 21 are each
29 amended to read as follows:

30 In determining need for aged, blind, or disabled assistance, and
31 medical care services, the department may by rule and regulation
32 establish a monthly earned income exemption (~~in an amount not to~~
33 ~~exceed the exemption allowable under disability programs authorized~~
34 ~~in Title XVI of the federal social security act~~) as provided for in
35 RCW 74.08A.230.

36 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2023, in the omnibus appropriations act, this
2 act is null and void.

3 NEW SECTION. **Sec. 10.** Section 2 of this act is necessary for
4 the immediate preservation of the public peace, health, or safety, or
5 support of the state government and its existing public institutions,
6 and takes effect July 1, 2023.

7 NEW SECTION. **Sec. 11.** Section 2 of this act expires January 1,
8 2024.

9 NEW SECTION. **Sec. 12.** Section 3 of this act takes effect
10 January 1, 2024.

11 NEW SECTION. **Sec. 13.** Section 1 of this act takes effect
12 February 1, 2024.

13 NEW SECTION. **Sec. 14.** Section 5 of this act takes effect August
14 1, 2024."

2SHB 1447 - S AMD 458
By Senator Nguyen

ADOPTED 04/21/2023

15 On page 1, line 3 of the title, after "families;" strike the
16 remainder of the title and insert "amending RCW 74.04.005,
17 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, 74.08A.270, and
18 74.04.266; reenacting and amending RCW 74.08A.010; creating a new
19 section; providing effective dates; providing an expiration date; and
20 declaring an emergency."

EFFECT: The following changes are made to the underlying bill:
Clarifies that in determining the need for aged, blind, or
disabled assistance, and medical care services, a family may earn and
keep the first \$500 of the family's earnings in addition to one-half
of the family's remaining earnings every month it is eligible to
receive assistance;
Regarding resources that are exempt from being considered an
asset at the time of application for cash assistance programs, as of
February 1, 2024, "all other resources" are not to exceed \$12,000;
and

Regarding a family's earnings, as of August 1, 2024, families eligible for cash assistance may earn and keep the first \$500 of the family's earnings.

The provision allowing families eligible for TANF to earn up to 200% of the federal poverty level is struck.

--- **END** ---