
SENATE BILL 5959

State of Washington 52nd Legislature 1991 Regular Session

By Senators McDonald, Hayner and West.

Read first time April 15, 1991. Referred to Committee on Ways & Means.

1 AN ACT Relating to public assistance; amending RCW 74.04.005;
2 creating a new section; repealing RCW 74.04.660; providing an effective
3 date; and declaring an emergency.

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

5 **Sec. 1.** RCW 74.04.005 and 1990 c 285 s 2 are each amended to read
6 as follows:

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

9 (1) "Public assistance" or "assistance"--Public aid to persons in
10 need thereof for any cause, including services, medical care,
11 assistance grants, disbursing orders, work relief, general assistance
12 and federal-aid assistance.

13 (2) "Department"--The department of social and health services.

14 (3) "County or local office"--The administrative office for one or
15 more counties or designated service areas.

1 (4) "Director" or "secretary" means the secretary of social and
2 health services.

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

10 (6)(a) "General assistance"--Aid to persons in need who:

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

15 (ii) Are either:

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

22 (B) Incapacitated from gainful employment by reason of bodily or
23 mental infirmity that will likely continue for a minimum of (~~sixty~~)
24 ninety days as determined by the department. The determination of
25 incapacity shall be based on medical criteria as otherwise required in
26 this section and shall not include consideration of vocational factors,
27 including work history, age, training, or education. Assistance
28 provided under this subsection (6)(a)(ii)(B) is limited to twelve
29 months within any twenty-four-month period unless the recipient, in the
30 discretion of the department, appears to be eligible for federal

1 supplemental security income benefits and the recipient's application
2 or administrative appeal for federal benefits is pending. If the
3 application and any administrative appeal is denied, the department may
4 continue assistance under this subsection (6)(a)(ii)(B) for an
5 additional six months from the date of denial. Persons who are
6 unemployable due to alcohol or drug addiction are not eligible for
7 general assistance. Persons receiving general assistance on July 26,
8 1987, or becoming eligible for such assistance thereafter, due to an
9 alcohol or drug-related incapacity, shall be referred to appropriate
10 assessment, treatment, shelter, or supplemental security income
11 referral services as authorized under chapter 74.50 RCW. Referrals
12 shall be made at the time of application or at the time of eligibility
13 review. Alcoholic and drug addicted clients who are receiving general
14 assistance on July 26, 1987, may remain on general assistance if they
15 otherwise retain their eligibility until they are assessed for services
16 under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be
17 construed to prohibit the department from granting general assistance
18 benefits to alcoholics and drug addicts who are incapacitated due to
19 other physical or mental conditions that meet the eligibility criteria
20 for the general assistance program;

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

24 (iv) Have furnished the department their social security account
25 number. If the social security account number cannot be furnished
26 because it has not been issued or is not known, an application for a
27 number shall be made prior to authorization of assistance, and the
28 social security number shall be provided to the department upon
29 receipt.

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

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

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

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

24 (i) First failure: One week;

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

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

27 (d) The department shall adopt by rule medical criteria for general
28 assistance eligibility to ensure that eligibility decisions are
29 consistent with statutory requirements and are based on clear,
30 objective medical information.

1 (e) The process implementing the medical criteria shall involve
2 consideration of opinions of the treating or consulting physicians or
3 health care professionals regarding incapacity, and any eligibility
4 decision which rejects uncontroverted medical opinion must set forth
5 clear and convincing reasons for doing so.

6 (f) Recipients of general assistance based upon a finding of
7 incapacity from gainful employment who remain otherwise eligible shall
8 not have their benefits terminated absent a clear showing of material
9 improvement in their medical or mental condition or specific error in
10 the prior determination that found the recipient eligible by reason of
11 incapacitation. Recipients of general assistance based upon pregnancy
12 who remain otherwise eligible and who are not eligible to receive
13 benefits under the federal aid to families with dependent children
14 program shall not have their benefits terminated until six weeks
15 following the birth of the recipient's child.

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

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

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

25 (10) "Resource"--Any asset, tangible or intangible, owned by or
26 available to the applicant at the time of application, which can be
27 applied toward meeting the applicant's need, either directly or by
28 conversion into money or its equivalent: PROVIDED, That an applicant
29 may retain the following described resources and not be ineligible for
30 public assistance because of such resources.

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

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

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

22 (d) All other resources, including any excess of values exempted,
23 not to exceed one 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 (e) Applicants for or recipients of general assistance may retain
27 the following described resources in addition to exemption for a motor
28 vehicle or home and not be ineligible for public assistance because of
29 such resources:

1 (i) Household furnishings, personal effects, and other personal
2 property having great sentimental value to the applicant or recipient;

3 (ii) Term and burial insurance for use of the applicant or
4 recipient;

5 (iii) Life insurance having a cash surrender value not exceeding
6 one thousand five hundred dollars; and

7 (iv) Cash, marketable securities, and any excess of values above
8 one thousand five hundred dollars equity in a vehicle and above one
9 thousand five hundred dollars in cash surrender value of life
10 insurance, not exceeding one thousand five hundred dollars for a single
11 person or two thousand two hundred fifty dollars for a family unit of
12 two or more. The one thousand dollar limit in subsection (10)(d) of
13 this section does not apply to recipients of or applicants for general
14 assistance.

15 (f) If an applicant for or recipient of public assistance possesses
16 property and belongings in excess of the ceiling value, such value
17 shall be used in determining the need of the applicant or recipient,
18 except that: (i) The department may exempt resources or income when
19 the income and resources are determined necessary to the applicant's or
20 recipient's restoration to independence, to decrease the need for
21 public assistance, or to aid in rehabilitating the applicant or
22 recipient or a dependent of the applicant or recipient; and (ii) the
23 department may provide grant assistance to persons who are otherwise
24 ineligible because of excess real property owned by such persons when
25 they are making a good faith effort to dispose of that property, but
26 the recipient must sign an agreement to dispose of the property and
27 repay assistance payments made to the date of disposition of the
28 property which would not have been made had the disposal occurred at
29 the beginning of the period for which the payments of such assistance
30 were made. In no event shall such amount due the state exceed the net

1 proceeds otherwise available to the recipient from the disposition,
2 unless after nine months from the date of the agreement the property
3 has not been sold, or if the recipient's eligibility for financial
4 assistance ceases for any other reason. In these two instances the
5 entire amount of assistance paid during this period will be treated as
6 an overpayment and a debt due the state, and may be recovered pursuant
7 to RCW 43.20B.630.

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

1 of, or appreciation in value of, exempt resources, shall be considered
2 in determining the need of an applicant or recipient of public
3 assistance.

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

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

25 NEW SECTION. **Sec. 2.** RCW 74.04.660 and 1989 c 11 s 26, 1985
26 c 335 s 3, & 1981 1st ex.s. c 6 s 6 are each repealed.

27 NEW SECTION. **Sec. 3.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 4.** The secretary of the department of
4 social and health services may immediately take such steps as are
5 necessary to ensure that this act is implemented on its effective date.

6 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and shall take
9 effect July 1, 1991.