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SENATE BILL 6017

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State of Washington

58th Legislature

2003 Regular Session

By Senators Stevens and Hargrove

Read first time 03/04/2003. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to modifying general assistance provisions;  
2 amending RCW 74.04.005 and 74.08A.100; providing an effective date; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 74.04.005 and 2000 c 218 s 1 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.

16 (4) "Director" or "secretary" means the secretary of social and  
17 health services.

18 (5) "Federal-aid assistance"--The specific categories of assistance  
19 for which provision is made in any federal law existing or hereafter

1 passed by which payments are made from the federal government to the  
2 state in aid or in respect to payment by the state for public  
3 assistance rendered to any category of needy persons for which  
4 provision for federal funds or aid may from time to time be made, or a  
5 federally administered needs-based program.

6 (6)(a) "General assistance"--(~~Aid to persons in need~~) An economic  
7 assistance program for eligible persons who:

8 (i) Are not eligible to receive federal-aid assistance, other than  
9 food stamps or food stamp benefits transferred electronically and  
10 medical assistance; however, an individual who refuses or fails to  
11 cooperate in obtaining federal-aid assistance, without good cause, is  
12 not eligible 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~~) Is determined by the  
20 department to have a physical or mental impairment or combination of  
21 these impairments that can be expected to last for a continuous period  
22 of not less than twelve months from the date of request and that meets  
23 or equals the Listings of Impairment found in 20 C.F.R. Sec. 404,  
24 Subpart P, Appendix 1.

25 (C) Persons who are unemployable due to alcohol or drug addiction  
26 are not eligible for general assistance. Persons receiving general  
27 assistance on July 26, 1987, or becoming eligible for such assistance  
28 thereafter, due to an alcohol or drug-related incapacity, shall be  
29 referred to appropriate assessment, treatment, shelter, or supplemental  
30 security income referral services as authorized under chapter 74.50  
31 RCW. Referrals shall be made at the time of application or at the time  
32 of eligibility review. Alcoholic and drug addicted clients who are  
33 receiving general assistance on July 26, 1987, may remain on general  
34 assistance if they otherwise retain their eligibility until they are  
35 assessed for services under chapter 74.50 RCW. Subsection  
36 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
37 department from granting general assistance benefits to alcoholics and

1 drug addicts who are incapacitated due to other physical or mental  
2 conditions that meet the eligibility criteria for the general  
3 assistance program;

4 (iii) Are citizens ~~((or))~~, qualified aliens ~~((lawfully admitted for  
5 permanent residence))~~, or otherwise residing in the United States under  
6 color of law; and

7 (iv) Have furnished the department their social security account  
8 number. If the social security account number cannot be furnished  
9 because it has not been issued or is not known, an application for a  
10 number shall be made prior to authorization of assistance, and the  
11 social security number shall be provided to the department upon  
12 receipt.

13 ~~(b) ((Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
14 and (c) of this section, general assistance shall be provided to the  
15 following recipients of federal aid assistance:~~

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

19 ~~(ii) To the extent authorized by the legislature in the biennial  
20 appropriations act, to recipients of temporary assistance for needy  
21 families whose needs are not being met because of a temporary reduction  
22 in monthly income below the entitled benefit payment level caused by  
23 loss or reduction of wages or unemployment compensation benefits or  
24 some other unforeseen circumstances. The amount of general assistance  
25 authorized shall not exceed the difference between the entitled benefit  
26 payment level and the amount of income actually received.~~

27 ~~(e))~~ General assistance shall be provided only to persons who are  
28 not members of assistance units receiving federal aid assistance,  
29 except as provided in subsection (6)(a)(ii)(A) ~~((and (b)))~~ of this  
30 section, and will accept available services which can reasonably be  
31 expected to enable the person to work or reduce the need for assistance  
32 unless there is good cause to refuse. Failure to accept such services  
33 shall result in termination until the person agrees to cooperate in  
34 accepting such services and subject to the following maximum periods of  
35 ineligibility after reapplication:

- 36 (i) First failure: One week;
- 37 (ii) Second failure within six months: One month;
- 38 (iii) Third and subsequent failure within one year: Two months.

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

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

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

18       ~~((g) Recipients of general assistance based upon a finding of~~  
19 ~~incapacity from gainful employment who remain otherwise eligible shall~~  
20 ~~not have their benefits terminated absent a clear showing of material~~  
21 ~~improvement in their medical or mental condition or specific error in~~  
22 ~~the prior determination that found the recipient eligible by reason of~~  
23 ~~incapacitation.))~~ (f) Persons found eligible under subsection  
24 (6)(a)(ii)(B) of this section shall have their medical eligibility  
25 reviewed at least every six months to determine if their medical  
26 incapacity will continue for at least ninety days.

27       (g) Recipients of general assistance based upon pregnancy who  
28 relinquish their child for adoption, remain otherwise eligible, and are  
29 not eligible to receive benefits under the federal temporary assistance  
30 for needy families program shall not have their benefits terminated  
31 until the end of the month in which the period of six weeks following  
32 the birth of the recipient's child falls. Recipients of the federal  
33 temporary assistance for needy families program who lose their  
34 eligibility solely because of the birth and relinquishment of the  
35 qualifying child may receive general assistance through the end of the  
36 month in which the period of six weeks following the birth of the child  
37 falls.

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

3 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
4 confinement for conviction of, a felony, or an attempt to commit a  
5 felony, under the laws of the state of Washington or the place from  
6 which the person flees; or

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

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

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

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

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

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

28 (b) Household furnishings and personal effects;

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

31 (d) A motor vehicle necessary to transport a physically disabled  
32 household member. This exclusion is limited to one vehicle per  
33 physically disabled person;

34 (e) All other resources, including any excess of values exempted,  
35 not to exceed one thousand dollars or other limit as set by the  
36 department, to be consistent with limitations on resources and  
37 exemptions necessary for federal aid assistance. The department shall

1 also allow recipients of temporary assistance for needy families to  
2 exempt savings accounts with combined balances of up to an additional  
3 three thousand dollars;

4 (f) Applicants for or recipients of general assistance shall have  
5 their eligibility based on resource limitations consistent with the  
6 temporary assistance for needy families program rules adopted by the  
7 department; and

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

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

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

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

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

33 (11) "Income"--(a) All appreciable gains in real or personal  
34 property (cash or kind) or other assets, which are received by or  
35 become available for use and enjoyment by an applicant or recipient  
36 during the month of application or after applying for or receiving  
37 public assistance. The department may by rule and regulation exempt  
38 income received by an applicant for or recipient of public assistance

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

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

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

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

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

30 **Sec. 2.** RCW 74.08A.100 and 2002 c 366 s 1 are each amended to read  
31 as follows:

32 The state shall exercise its option under P.L. 104-193 to continue  
33 services to legal immigrants under temporary assistance for needy  
34 families, medicaid to the extent allowed by federal law, the state's  
35 basic health plan as provided in chapter 70.47 RCW, and social services  
36 block grant programs. Eligibility for these benefits for legal  
37 immigrants arriving after August 21, 1996, is limited to those families

1 where the parent, parents, or legal guardians have been in residence in  
2 Washington state for a period of twelve consecutive months before  
3 making their application for assistance. Legal immigrants who lose  
4 benefits under the supplemental security income program as a result of  
5 P.L. 104-193 (~~are immediately~~) may be eligible for benefits under the  
6 state's general assistance-unemployable program. The legal immigrant  
7 must apply and pursue becoming a naturalized citizen unless the  
8 department determines there is good cause not to naturalize. The  
9 department shall redetermine income and resource eligibility at least  
10 annually, in accordance with existing state policy.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and takes effect  
14 July 1, 2003.

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