

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2252

Chapter 10, Laws of 2003

58th Legislature
2003 1st Special Session

REDEFINING ELIGIBILITY FOR GENERAL ASSISTANCE

EFFECTIVE DATE: 9/9/03

Passed by the House June 6, 2003
Yeas 93 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate June 10, 2003
Yeas 42 Nays 3

BRAD OWEN

President of the Senate

Approved June 20, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2252** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

June 20, 2003 - 2:17 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2252

Passed Legislature - 2003 1st Special Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Sommers, Fromhold and Moeller

Read first time 04/16/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to social service programs; and amending RCW
2 74.04.005.

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

4 **Sec. 1.** RCW 74.04.005 and 2000 c 218 s 1 are each amended to read
5 as follows:

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

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

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

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

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

17 (5) "Federal-aid assistance"--The specific categories of assistance
18 for which provision is made in any federal law existing or hereafter
19 passed by which payments are made from the federal government to the

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

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

6 (i) Are not eligible to receive federal-aid assistance, other than
7 food stamps or food stamp benefits transferred electronically and
8 medical assistance; however, an individual who refuses or fails to
9 cooperate in obtaining federal-aid assistance, without good cause, is
10 not eligible for general assistance;

11 (ii) Meet one of the following conditions:

12 (A) Pregnant: PROVIDED, That need is based on the current income
13 and resource requirements of the federal temporary assistance for needy
14 families program; or

15 (B) Subject to chapter 165, Laws of 1992, incapacitated from
16 gainful employment by reason of bodily or mental infirmity that will
17 likely continue for a minimum of ninety days as determined by the
18 department.

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

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

1 (iv) Have furnished the department their social security account
2 number. If the social security account number cannot be furnished
3 because it has not been issued or is not known, an application for a
4 number shall be made prior to authorization of assistance, and the
5 social security number shall be provided to the department upon
6 receipt.

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

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

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

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

30 (i) First failure: One week;

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

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

33 (d) Persons found eligible for general assistance based on
34 incapacity from gainful employment may, if otherwise eligible, receive
35 general assistance pending application for federal supplemental
36 security income benefits. Any general assistance that is subsequently
37 duplicated by the person's receipt of supplemental security income for

1 the same period shall be considered a debt due the state and shall by
2 operation of law be subject to recovery through all available legal
3 remedies.

4 (e) The department shall adopt by rule medical criteria for general
5 assistance eligibility to ensure that eligibility decisions are
6 consistent with statutory requirements and are based on clear,
7 objective medical information.

8 (f) The process implementing the medical criteria shall involve
9 consideration of opinions of the treating or consulting physicians or
10 health care professionals regarding incapacity, and any eligibility
11 decision which rejects uncontroverted medical opinion must set forth
12 clear and convincing reasons for doing so.

13 (g) Recipients of general assistance based upon a finding of
14 incapacity from gainful employment who remain otherwise eligible shall
15 ~~((not))~~ have their benefits ~~((terminated absent a clear showing of))~~
16 discontinued unless the recipient demonstrates no material improvement
17 in their medical or mental condition ~~((or))~~. The department may
18 discontinue benefits when there was specific error in the prior
19 determination that found the recipient eligible by reason of
20 incapacitation. Recipients of general assistance based upon pregnancy
21 who relinquish their child for adoption, remain otherwise eligible, and
22 are not eligible to receive benefits under the federal temporary
23 assistance for needy families program shall not have their benefits
24 terminated until the end of the month in which the period of six weeks
25 following the birth of the recipient's child falls. Recipients of the
26 federal temporary assistance for needy families program who lose their
27 eligibility solely because of the birth and relinquishment of the
28 qualifying child may receive general assistance through the end of the
29 month in which the period of six weeks following the birth of the child
30 falls.

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

33 (i) Is fleeing to avoid prosecution of, or to avoid custody or
34 confinement for conviction of, a felony, or an attempt to commit a
35 felony, under the laws of the state of Washington or the place from
36 which the person flees; or

37 (ii) Is violating a condition of probation, community supervision,

1 or parole imposed under federal or state law for a felony or gross
2 misdemeanor conviction.

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

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

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

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

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

21 (b) Household furnishings and personal effects;

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

24 (d) A motor vehicle necessary to transport a physically disabled
25 household member. This exclusion is limited to one vehicle per
26 physically disabled person;

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

34 (f) Applicants for or recipients of general assistance shall have
35 their eligibility based on resource limitations consistent with the
36 temporary assistance for needy families program rules adopted by the
37 department; and

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

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

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

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

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

26 (11) "Income"--(a) All appreciable gains in real or personal
27 property (cash or kind) or other assets, which are received by or
28 become available for use and enjoyment by an applicant or recipient
29 during the month of application or after applying for or receiving
30 public assistance. The department may by rule and regulation exempt
31 income received by an applicant for or recipient of public assistance
32 which can be used by him or her to decrease his or her need for public
33 assistance or to aid in rehabilitating him or her or his or her
34 dependents, but such exemption shall not, unless otherwise provided in
35 this title, exceed the exemptions of resources granted under this
36 chapter to an applicant for public assistance. In addition, for cash
37 assistance the department may disregard income pursuant to RCW
38 74.08A.230 and 74.12.350.

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

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

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

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

Passed by the House June 6, 2003.

Passed by the Senate June 10, 2003.

Approved by the Governor June 20, 2003.

Filed in Office of Secretary of State June 20, 2003.