
SENATE BILL 6336

State of Washington

59th Legislature

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By Senators Haugen, Prentice, Fairley, Oke, Fraser, Swecker, Shin, Kline, Rockefeller, Eide, Kohl-Welles, Keiser, McAuliffe, Rasmussen, Franklin, Thibaudeau, Jacobsen, Brown and Sheldon

Read first time 01/11/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the definition of income for public assistance;
2 amending RCW 74.04.005; and creating a new section.

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

4 **Sec. 1.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended
5 to read 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 have their benefits discontinued unless the recipient demonstrates no
16 material improvement in their medical or mental condition. The
17 department may discontinue benefits when there was specific error in
18 the prior determination that found the recipient eligible by reason of
19 incapacitation. Recipients of general assistance based upon pregnancy
20 who relinquish their child for adoption, remain otherwise eligible, and
21 are not eligible to receive benefits under the federal temporary
22 assistance for needy families program shall not have their benefits
23 terminated until the end of the month in which the period of six weeks
24 following the birth of the recipient's child falls. Recipients of the
25 federal temporary assistance for needy families program who lose their
26 eligibility solely because of the birth and relinquishment of the
27 qualifying child may receive general assistance through the end of the
28 month in which the period of six weeks following the birth of the child
29 falls.

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

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

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

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

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

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

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

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

19 (b) Household furnishings and personal effects;

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

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

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

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

36 (g) If an applicant for or recipient of public assistance possesses
37 property and belongings in excess of the ceiling value, such value
38 shall be used in determining the need of the applicant or recipient,

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

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

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

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

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

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

23 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
24 conflict with federal requirements that are a prescribed condition to
25 the allocation of federal funds to the state, the conflicting part of
26 this act is inoperative solely to the extent of the conflict and with
27 respect to the agencies directly affected, and this finding does not
28 affect the operation of the remainder of this act in its application to
29 the agencies concerned. Rules adopted under this act must meet federal
30 requirements that are a necessary condition to the receipt of federal
31 funds by the state.

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