

ESSB 6462 - H COMM AMD

By Committee on Early Learning & Human Services

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

3 "Sec. 1. RCW 74.04.005 and 2011 1st sp.s. c 36 s 8 and 2011 1st
4 sp.s. c 15 s 61 are each reenacted and amended to 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 program
8 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 program
19 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 government
23 to the state in aid or in respect to payment by the state for public
24 assistance rendered to any category of needy persons for which
25 provision for federal funds or aid may from time to time be made, or a
26 federally administered needs-based program.

27 (9) "Income" means:

28 (a)(i) All appreciable gains in real or personal property (cash or
29 kind) or other assets, which are received by or become available for

1 use and enjoyment by an applicant or recipient during the month of
2 application or after applying for or receiving public assistance.

3 (ii) Profits of a business owned or controlled, in whole or in
4 part, by the applicant or recipient and from which the applicant or
5 recipient receives a salary is considered income for the purposes of
6 this title. The share of a business included as income of an applicant
7 or recipient shall be proportionate to his or her share of ownership or
8 control of the asset. To the extent this subsection conflicts with
9 federal maintenance of effort requirements, it does not apply to
10 medicaid.

11 (b) Notwithstanding (a) of this subsection, the department may by
12 rule and regulation exempt income received by an applicant for or
13 recipient of public assistance which can be used by him or her to
14 decrease his or her need for public assistance or to aid in
15 rehabilitating him or her or his or her 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 addition, for cash assistance the department may
19 disregard income pursuant to RCW 74.08A.230 and 74.12.350.

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

25 (10) "Need" means the difference between the applicant's or
26 recipient's standards of assistance for himself or herself and the
27 dependent members of his or her family, as measured by the standards of
28 the department, and value of all nonexempt resources and nonexempt
29 income received by or available to the applicant or recipient and the
30 dependent members of his or her family.

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

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

1 (13) "Resource" means any asset, tangible or intangible, including
2 ownership in a business, whether that business is a sole
3 proprietorship, partnership, limited liability company, or corporation,
4 owned by ~~((or))~~, available to, or whose assets may be available to, the
5 applicant at the time of application, which can be applied toward
6 meeting the applicant's need, either directly or by conversion into
7 money or its equivalent. The department may by rule designate
8 resources that an applicant may retain and not be ineligible for public
9 assistance because of such resources. Exempt resources shall include,
10 but are not limited to:

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

13 (b) Household furnishings and personal effects;

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

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

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

26 (f) Applicants for or recipients of benefits under RCW 74.62.030
27 and 43.185C.220 shall have their eligibility based on resource
28 limitations consistent with the temporary assistance for needy families
29 program rules adopted by the department; and

30 (g) If an applicant for or recipient of public assistance possesses
31 property and belongings in excess of the ceiling value, such value
32 shall be used in determining the need of the applicant or recipient,
33 except that: (i) The department may exempt resources or income when
34 the income and resources are determined necessary to the applicant's or
35 recipient's restoration to independence, to decrease the need for
36 public assistance, or to aid in rehabilitating the applicant or
37 recipient or a dependent of the applicant or recipient; and (ii) the
38 department may provide grant assistance for a period not to exceed nine

1 months from the date the agreement is signed pursuant to this section
2 to persons who are otherwise ineligible because of excess real property
3 owned by such persons when they are making a good faith effort to
4 dispose of that property if:

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

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

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

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

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

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

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

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

32 Correct the title.

EFFECT: Modifies the definition of "income" to include "profits"
of a business owned by an applicant or recipient rather than

"appreciable gains."

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