
SUBSTITUTE SENATE BILL 6116

State of Washington

65th Legislature

2018 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Darneille, Keiser, and Chase)

READ FIRST TIME 01/25/18.

1 AN ACT Relating to modifying eligibility and benefits under
2 certain economic services programs; amending RCW 43.185C.220 and
3 74.04.805; and creating a new section.

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

5 **Sec. 1.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to
6 read as follows:

7 (1) The department shall distribute funds for the essential needs
8 and housing support program established under this section in a
9 manner consistent with the requirements of this section (~~and the~~
10 ~~biennial operating budget~~). The first distribution of funds must be
11 completed by September 1, 2011. Essential needs or housing support is
12 only for persons found eligible for such services under RCW 74.04.805
13 (~~and is not considered an entitlement~~).

14 (2) The department shall distribute funds appropriated for the
15 essential needs and housing support program in the form of grants to
16 designated essential needs support and housing support entities
17 within each county. The department shall not distribute any funds
18 until it approves the expenditure plan submitted by the designated
19 essential needs support and housing support entities. The amount of
20 funds to be distributed pursuant to this section (~~shall be~~
21 ~~designated in the biennial operating budget~~) must be as appropriated

1 in the omnibus appropriations act. For the sole purpose of meeting
2 the initial distribution of funds date, the department may distribute
3 partial funds upon the department's approval of a preliminary
4 expenditure plan. The department shall not distribute the remaining
5 funds until it has approved a final expenditure plan.

6 ~~(3)((a) During the 2011-2013 biennium, in awarding housing~~
7 ~~support that is not funded through the contingency fund in this~~
8 ~~subsection, the designated housing support entity shall provide~~
9 ~~housing support to clients who are homeless persons as defined in RCW~~
10 ~~43.185C.010. As provided in the biennial operating budget for the~~
11 ~~2011-2013 biennium, a contingency fund shall be used solely for those~~
12 ~~clients who are at substantial risk of losing stable housing or at~~
13 ~~substantial risk of losing one of the other services defined in RCW~~
14 ~~74.62.010(6). For purposes of this chapter, "substantial risk" means~~
15 ~~the client has provided documentation that he or she will lose his or~~
16 ~~her housing within the next thirty days or that the services will be~~
17 ~~discontinued within the next thirty days.~~

18 ~~(b) After July 1, 2013, the designated housing support entity~~
19 ~~shall give first priority to clients who are homeless persons as~~
20 ~~defined in RCW 43.185C.010 and second priority to clients who would~~
21 ~~be at substantial risk of losing stable housing without housing~~
22 ~~support.~~

23 ~~(4))~~ For each county, the department shall designate an
24 essential needs support entity and a housing support entity that will
25 begin providing these supports to medical care services program
26 recipients on November 1, 2011. ~~((Essential needs and housing support~~
27 ~~entities are not required to provide assistance to every person~~
28 ~~referred to the local entity or who meets the priority standards in~~
29 ~~subsection (3) of this section.))~~

30 (a) Each designated entity must be a local government or
31 community-based organization, and may administer the funding for
32 essential needs support, housing support, or both. Designated
33 entities have the authority to subcontract with qualified entities.
34 Upon request, and the approval of the department, two or more
35 counties may combine resources to more effectively deliver services.

36 (b) The department's designation process must include a review of
37 proficiency in managing housing or human services programs when
38 designating housing support entities.

39 ~~((c) Within a county, if the department directly awards separate~~
40 ~~grants to the designated housing support entity and the designated~~

1 ~~essential needs support entity, the department shall determine the~~
2 ~~amount allocated for essential needs support as directed in the~~
3 ~~biennial operating budget.~~

4 ~~(5))~~ (4)(a) Essential needs and housing support entities must
5 use funds distributed under this section as flexibly as is
6 practicable to provide essential needs items and housing support to
7 recipients of the essential needs and housing support program,
8 subject to the requirements of this section.

9 (b) Benefits provided under the essential needs and housing
10 support program shall not be provided to recipients in the form of
11 cash assistance.

12 (c) The department may move funds between entities or between
13 counties to reflect actual caseload changes. In doing so, the
14 department must: (i) Develop a process for reviewing the caseload of
15 designated essential needs and housing support entities, and for
16 redistributing grant funds from those entities experiencing reduced
17 actual caseloads to those with increased actual caseloads; and (ii)
18 inform all designated entities of the redistribution process. Savings
19 resulting from program caseload attrition from the essential needs
20 and housing support program shall not result in increased per-client
21 expenditures.

22 (d) Essential needs and housing support entities must partner
23 with other public and private organizations to maximize the
24 beneficial impact of funds distributed under this section, and should
25 attempt to leverage other sources of public and private funds to
26 serve essential needs and housing support recipients. Funds
27 appropriated in the ~~((operating budget))~~ omnibus appropriations act
28 for essential needs and housing support must be used only to serve
29 persons eligible to receive services under that program.

30 ~~((6))~~ (5) The department shall use no more than five percent of
31 the funds for administration of the essential needs and housing
32 support program. Each essential needs and housing support entity
33 shall use no more than seven percent of the funds for administrative
34 expenses.

35 ~~((7))~~ (6) The department shall:

36 (a) Require housing support entities to enter data into the
37 homeless client management information system;

38 (b) Require essential needs support entities to report on
39 services provided under this section;

1 (c) In collaboration with the department of social and health
2 services, submit a report annually to the relevant policy and fiscal
3 committees of the legislature. A preliminary report shall be
4 submitted by December 31, 2011, and must include (c)(i), (iii), and
5 (v) of this subsection. Annual reports must be submitted beginning
6 December 1, 2012, and must include:

7 (i) A description of the actions the department has taken to
8 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

9 (ii) The amount of funds used by the department to administer the
10 program;

11 (iii) Information on the housing status of essential needs and
12 housing support recipients served by housing support entities, and
13 individuals who have requested housing support but did not receive
14 housing support;

15 (iv) Grantee expenditure data related to administration and
16 services provided under this section; and

17 (v) Efforts made to partner with other entities and leverage
18 sources or public and private funds;

19 (d) Review the data submitted by the designated entities, and
20 make recommendations for program improvements and administrative
21 efficiencies. The department has the authority to designate
22 alternative entities as necessary due to performance or other
23 significant issues. Such change must only be made after consultation
24 with the department of social and health services and the impacted
25 entity.

26 ~~((+8))~~ (7) The department, counties, and essential needs and
27 housing support entities are not civilly or criminally liable and may
28 not have any penalty or cause of action of any nature arise against
29 them related to decisions regarding: (a) The provision or lack of
30 provision of housing or essential needs support; or (b) the type of
31 housing arrangement supported with funds allocated under this
32 section, when the decision was made in good faith and in the
33 performance of the powers and duties under this section. However,
34 this section does not prohibit legal actions against the department,
35 county, or essential needs or housing support entity to enforce
36 contractual duties or obligations.

37 **Sec. 2.** RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each
38 amended to read as follows:

1 (1) The department is responsible for determining eligibility for
2 referral for essential needs and housing support under RCW
3 43.185C.220. Persons found to be eligible are entitled to services as
4 provided in RCW 43.185C.220. Persons eligible are persons who:

5 (a) Are incapacitated from gainful employment by reason of bodily
6 or mental infirmity that will likely continue for a minimum of ninety
7 days. The standard for incapacity in this subsection, as evidenced by
8 the ninety-day duration standard, is not intended to be as stringent
9 as federal supplemental security income disability standards;

10 (b) Are citizens or aliens lawfully admitted for permanent
11 residence or otherwise residing in the United States under color of
12 law;

13 (c) Have furnished the department their social security number.
14 If the social security number cannot be furnished because it has not
15 been issued or is not known, an application for a number must be made
16 prior to authorization of benefits, and the social security number
17 must be provided to the department upon receipt;

18 (d) Have countable income as described in RCW 74.04.005 at or
19 below four hundred twenty-eight dollars for a married couple or at or
20 below three hundred thirty-nine dollars for a single individual;

21 (e) Do not have countable resources in excess of those described
22 in RCW 74.04.005; and

23 (f) Are not eligible for:

24 (i) The aged, blind, or disabled assistance program;

25 (ii) The pregnant women assistance program; or

26 (iii) Federal aid assistance, other than basic food benefits
27 transferred electronically and medical assistance.

28 (2) The following persons are not eligible for a referral for
29 essential needs and housing support:

30 (a) Persons who are unemployable due primarily to alcohol or drug
31 addiction, except as provided in subsection (3) of this subsection.
32 These persons must be referred to appropriate assessment, treatment,
33 shelter, or supplemental security income referral services as
34 authorized under chapter 74.50 RCW. Referrals must be made at the
35 time of application or at the time of eligibility review. This
36 subsection may not be construed to prohibit the department from
37 making a referral for essential needs and housing report for persons
38 who have a substance abuse addiction who are incapacitated due to
39 other physical or mental conditions that meet the eligibility
40 criteria for a referral for essential needs and housing support;

1 (b) Persons who refuse or fail to cooperate in obtaining federal
2 aid assistance, without good cause;

3 (c) Persons who refuse or fail without good cause to participate
4 in drug or alcohol treatment if an assessment by a certified chemical
5 dependency counselor indicates a need for such treatment. Good cause
6 must be found to exist when a person's physical or mental condition,
7 as determined by the department, prevents the person from
8 participating in drug or alcohol dependency treatment, when needed
9 outpatient drug or alcohol treatment is not available to the person
10 in the county of his or her residence or when needed inpatient
11 treatment is not available in a location that is reasonably
12 accessible for the person; and

13 (d) Persons who are fleeing to avoid prosecution of, or to avoid
14 custody or confinement for conviction of, a felony, or an attempt to
15 commit a felony, under the laws of the state of Washington or the
16 place from which the person flees; or who are violating a condition
17 of probation, community supervision, or parole imposed under federal
18 or state law for a felony or gross misdemeanor conviction.

19 (3) For purposes of determining whether a person is incapacitated
20 from gainful employment under subsection (1) of this section:

21 (a) The department shall adopt by rule medical criteria for
22 incapacity determinations to ensure that eligibility decisions are
23 consistent with statutory requirements and are based on clear,
24 objective medical information; and

25 (b) The process implementing the medical criteria must involve
26 consideration of opinions of the treating or consulting physicians or
27 health care professionals regarding incapacity, and any eligibility
28 decision which rejects uncontroverted medical opinion must set forth
29 clear and convincing reasons for doing so.

30 (4) For purposes of reviewing a person's continuing eligibility
31 and in order to remain eligible for the program, persons who have
32 been found to have an incapacity from gainful employment must
33 demonstrate that there has been no material improvement in their
34 medical or mental health condition. The department may discontinue
35 benefits when there was specific error in the prior determination
36 that found the person eligible by reason of incapacitation.

37 (5) The department must review the cases of all persons who have
38 received benefits under the essential needs and housing support
39 program for twelve consecutive months, and at least annually after

1 the first review, to determine whether they are eligible for the
2 aged, blind, or disabled assistance program.

3 NEW SECTION. **Sec. 3.** The department of social and health
4 services and the department of commerce, in consultation with the
5 office of financial management, must conduct a study to determine the
6 appropriate benefit amount for persons found eligible to receive
7 services under the aged, blind, or disabled assistance program
8 pursuant to RCW 74.62.030 or the essential needs and housing support
9 program pursuant to RCW 74.04.805 to help achieve or improve their
10 financial stability and housing stability. The study must also
11 identify the fiscal impacts of modifying each benefit amount on other
12 economic services programs. The department of social and health
13 services and the department of commerce must submit a report on the
14 study, including any legislative recommendations, to the appropriate
15 committees of the legislature by July 1, 2019.

--- END ---