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**SECOND SUBSTITUTE SENATE BILL 5164**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C., and Darneille)

READ FIRST TIME 01/23/20.

1 AN ACT Relating to providing public assistance to victims of  
2 certain crimes including human trafficking; amending RCW 74.04.005,  
3 74.08A.120, and 74.09.035; adding a new section to chapter 74.04 RCW;  
4 and providing an effective date.

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

6 **Sec. 1.** RCW 74.04.005 and 2018 c 40 s 1 are each amended to read  
7 as follows:

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

10 (1) "Aged, blind, or disabled assistance program" means the  
11 program established under RCW 74.62.030.

12 (2) "Applicant" means any person who has made a request, or on  
13 behalf of whom a request has been made, to any county or local office  
14 for assistance.

15 (3) "Authority" means the health care authority.

16 (4) "County or local office" means the administrative office for  
17 one or more counties or designated service areas.

18 (5) "Department" means the department of social and health  
19 services.

20 (6) "Director" means the director of the health care authority.

1 (7) "Essential needs and housing support program" means the  
2 program established in RCW 43.185C.220.

3 (8) "Federal aid assistance" means the specific categories of  
4 assistance for which provision is made in any federal law existing or  
5 hereafter passed by which payments are made from the federal  
6 government to the state in aid or in respect to payment by the state  
7 for public assistance rendered to any category of needy persons for  
8 which provision for federal funds or aid may from time to time be  
9 made, or a federally administered needs-based program.

10 (9) "Income" means:

11 (a) All appreciable gains in real or personal property (cash or  
12 kind) or other assets, which are received by or become available for  
13 use and enjoyment by an applicant or recipient during the month of  
14 application or after applying for or receiving public assistance. The  
15 department may by rule and regulation exempt income received by an  
16 applicant for or recipient of public assistance which can be used by  
17 him or her to decrease his or her need for public assistance or to  
18 aid in rehabilitating him or her or his or her dependents, but such  
19 exemption shall not, unless otherwise provided in this title, exceed  
20 the exemptions of resources granted under this chapter to an  
21 applicant for public assistance. In addition, for cash assistance the  
22 department may disregard income pursuant to RCW 74.08A.230 and  
23 74.12.350.

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

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

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

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

4 (13) "Resource" means any asset, tangible or intangible, owned by  
5 or available to the applicant at the time of application, which can  
6 be applied toward meeting the applicant's need, either directly or by  
7 conversion into money or its equivalent. The department may by rule  
8 designate resources that an applicant may retain and not be  
9 ineligible for public assistance because of such resources. Exempt  
10 resources shall include, 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) One motor vehicle, other than a motor home, used and useful  
15 having an equity value not to exceed ten thousand dollars;

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

19 (e) All other resources, including any excess of values exempted,  
20 not to exceed six 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;

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

27 (g) If an applicant for or recipient of public assistance  
28 possesses property and belongings in excess of the ceiling value,  
29 such value shall be used in determining the need of the applicant or  
30 recipient, except that: (i) The department may exempt resources or  
31 income when the income and resources are determined necessary to the  
32 applicant's or recipient's restoration to independence, to decrease  
33 the need for public assistance, or to aid in rehabilitating the  
34 applicant or recipient or a dependent of the applicant or recipient;  
35 and (ii) the department may provide grant assistance for a period not  
36 to exceed nine months from the date the agreement is signed pursuant  
37 to this section to persons who are otherwise ineligible because of  
38 excess real property owned by such persons when they are making a  
39 good faith effort to dispose of that property if:

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

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

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

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

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

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

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

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

31 (18)(a) "Victim of human trafficking" means a noncitizen and any  
32 qualifying family members who have:

33 (i) Filed or are preparing to file an application for T  
34 nonimmigrant status with the appropriate federal agency pursuant to 8  
35 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

36 (ii) Filed or are preparing to file a formal application with the  
37 appropriate federal agency for status pursuant to 8 U.S.C. Sec.  
38 1101(a)(15)(U), as it existed on January 1, 2020;

1 (iii) Been harmed by either any violation of chapter 9A.40 or  
2 9.68A RCW, or both, or by substantially similar crimes under federal  
3 law or the laws of any other state, and who:

4 (A) Are otherwise taking steps to meet the conditions for federal  
5 benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on  
6 January 1, 2020; or

7 (B) Have filed or are preparing to file a formal application with  
8 the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

9 (b) "Qualifying family member" includes:

10 (i) A victim's spouse, children, parents, and unmarried siblings  
11 under the age of eighteen, when the victim is under twenty-one years  
12 of age; and

13 (ii) A victim's spouse and children when the victim is twenty-one  
14 years of age or older.

15 **Sec. 2.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to  
16 read as follows:

17 (1) The department may establish a food assistance program for  
18 legal immigrants and victims of human trafficking as defined in RCW  
19 74.04.005 who are ineligible for the federal food stamp program.

20 (2) The rules for the state food assistance program shall follow  
21 exactly the rules of the federal food stamp program except for the  
22 provisions pertaining to immigrant status.

23 (3) The benefit under the state food assistance program shall be  
24 established by the legislature in the biennial operating budget.

25 (4) The department may enter into a contract with the United  
26 States department of agriculture to use the existing federal food  
27 stamp program coupon system for the purposes of administering the  
28 state food assistance program.

29 (5) In the event the department is unable to enter into a  
30 contract with the United States department of agriculture, the  
31 department may issue vouchers to eligible households for the purchase  
32 of eligible foods at participating retailers.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04  
34 RCW to read as follows:

35 Victims of human trafficking, as defined in RCW 74.04.005, are  
36 eligible for state family assistance programs as provided in rule on  
37 the effective date of this section, who otherwise meet program  
38 eligibility requirements.

1       **Sec. 4.** RCW 74.09.035 and 2013 2nd sp.s. c 10 s 7 are each  
2 amended to read as follows:

3       (1) To the extent of available funds, medical care services may  
4 be provided to:

5       (a) Victims of human trafficking, as defined in RCW 74.04.005,  
6 who are not eligible for medicaid under RCW 74.09.510, section  
7 1902(a)(10)(A)(i)(VIII) of the social security act, or apple health  
8 for kids under RCW 74.09.470, who otherwise qualify for state family  
9 assistance programs under this chapter;

10       (b) Persons eligible for the aged, blind, or disabled assistance  
11 program authorized in RCW 74.62.030 and who are not eligible for  
12 medicaid under RCW 74.09.510; and

13       (~~(b)~~) (c) Persons eligible for essential needs and housing  
14 support under RCW 74.04.805 and who are not eligible for medicaid  
15 under RCW 74.09.510.

16       (2) Enrollment in medical care services may not result in  
17 expenditures that exceed the amount that has been appropriated in the  
18 operating budget. If it appears that continued enrollment will result  
19 in expenditures exceeding the appropriated level for a particular  
20 fiscal year, the department may freeze new enrollment and establish a  
21 waiting list of persons who may receive benefits only when sufficient  
22 funds are available.

23       (3) Determination of the amount, scope, and duration of medical  
24 care services shall be limited to coverage as defined by the  
25 authority, except that adult dental, and routine foot care shall not  
26 be included unless there is a specific appropriation for these  
27 services.

28       (4) The authority shall enter into performance-based contracts  
29 with one or more managed health care systems for the provision of  
30 medical care services under this section. The contract must provide  
31 for integrated delivery of medical and mental health services.

32       (5) The authority shall establish standards of assistance and  
33 resource and income exemptions, which may include deductibles and  
34 coinsurance provisions. In addition, the authority may include a  
35 prohibition against the voluntary assignment of property or cash for  
36 the purpose of qualifying for assistance.

37       (6) Eligibility for medical care services shall commence with the  
38 date of eligibility for the aged, blind, or disabled assistance  
39 program provided under RCW 74.62.030 or the date of eligibility for  
40 the essential needs and housing support program under RCW 74.04.805.

1       (7) To the extent possible, the authority must coordinate with  
2 the department of social and health services, food assistance  
3 programs for legal immigrants, state family assistance programs, and  
4 refugee cash assistance programs.

5       NEW SECTION.   **Sec. 5.**   This act takes effect February 1, 2022.

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