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**HOUSE BILL 2009**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Berry, Peterson, Ramel, Ryu, Macri, Bateman, Hackney, Ormsby, Frame, and Pollet

AN ACT Relating to creating the evergreen basic income trust; amending RCW 74.04.005, 43.185C.220, and 43.216.1368; reenacting and amending RCW 10.101.010; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.216 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that economic inequality continues to widen the gap between the top few earners and working and low-income families. The legislature recognizes that wages have failed to keep pace with the cost of living. The legislature finds that centuries of discriminatory policies have resulted especially in black and African American, American Indian and Alaskan Native, Hispanic or Latinx, and other households of color having significantly lower median incomes than white and Asian households.

The legislature declares that all Washington households deserve basic financial security and that it is the goal of the state of Washington to ensure economic sustainability for all families. The legislature finds that direct cash assistance is one of the most effective ways to increase financial stability among people and families struggling to cover essential expenses. The legislature finds that flexible cash assistance allows recipients to choose how to allocate funds in order to best care for themselves and meet the particular needs of their families.

The legislature recognizes that direct cash assistance is a policy solution that will advance racial wealth equity and has been promoted by black leaders for many decades, including Martin Luther King Jr., the black panther party, and the national welfare rights organization. In addition, the legislature finds that a substantial body of evidence suggests that direct cash assistance reduces poverty, increases economic mobility, and improves health and well-being.

The legislature finds that communities are leading local guaranteed basic income pilot projects across Washington state, and that the Washington state department of social and health services is currently completing a feasibility study jointly with the poverty reduction work group and a steering committee of people and communities historically excluded from social and economic well-being on a statewide universal basic income pilot program.

The legislature intends to advance a statewide guaranteed basic income program that builds on the experience of locally based, community driven pilot programs and the statewide feasibility study.

The legislature further intends that income received from this and other basic income programs not impact eligibility for other benefits like food assistance or child care.

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

(1) The evergreen basic income trust is created within the department.

(2) The trust shall provide a monthly payment for 36 months to persons who:

(a) Are at least 18 years of age;

(b) Are a resident of Washington state;

(c) Have reported gross income that does not exceed 50 percent of area median income, as determined by the United States department of housing and urban development's annually adjusted home income limits or a substantially similar amount determined by the department; and

(d) Have submitted an evergreen basic income trust application to the department, in a form and manner determined by the department in collaboration with the poverty reduction work group and a steering committee of people and communities historically excluded from social and economic well-being.

(3) The department shall make an eligibility determination within 45 days of receipt of a complete application.

(4) For the purpose of the trust, the cash assistance provided may not impact eligibility for other income or means tested programs including, but not limited to: The Washington basic food program, as provided for in rule; the aged, blind, or disabled cash assistance program, as provided for in RCW 74.62.030; the essential needs and housing support program, as provided for in RCW 43.185C.220; temporary assistance for needy families, as provided for in RCW 74.08.025; indigent defense services, as provided for in RCW 10.101.010; the working connections child care program, as provided for in RCW 43.216.136; and the early childhood education and assistance program as provided for in RCW 43.216.510.

(5) Beginning January 1, 2023, the department shall:

(a) Provide monthly cash assistance equal to the fair market rent for a two bedroom home in the zip code in which the eligible individual resides, or a substantially similar amount as determined by the department, for 36 months;

(b) Prioritize outreach and enrollment efforts to lowest income households and other key populations, such as young adults who have aged out of foster care, young adults experiencing homelessness, and adults who were formerly incarcerated;

(c) Work with and provide financial support for community-based organizations to support outreach and enrollment, especially to communities who are harder to reach, such as people experiencing homelessness, rural communities, and immigrant and refugee communities;

(d) Prioritize 12-month continuous eligibility, automatic enrollment whenever possible, and integration with other public benefits;

(e) Track information on who is receiving basic income from the trust by age, ethnicity, gender, household size, housing status, and race; and

(f) By November 1, 2023, submit a report to the appropriate committees of the legislature. The report shall include outcomes of the trust, including information on who is being served by age, ethnicity, gender, household size, housing status, race, and other metrics developed in collaboration with the poverty reduction work group and a steering committee of people and communities historically excluded from social and economic well-being.

(6) The department shall consult with the poverty reduction work group and a steering committee of people and communities historically excluded from social and economic well-being for feedback on equitable and effective implementation of the evergreen basic income trust, including the enrollment forms, community-based outreach efforts, appeals process, and program evaluation.

**Sec.**  RCW 10.101.010 and 2011 1st sp.s. c 36 s 12 are each reenacted and amended to read as follows:

The following definitions shall be applied in connection with this chapter:

(1) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(2) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

(3) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income, or cash assistance from the evergreen basic income trust as provided for in section 2 of this act; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(4) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

**Sec.**  RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350. Furthermore, any cash assistance a person receives from the evergreen basic income trust as provided for in section 2 of this act or any guaranteed basic income program operated by a government or private entity may not be considered in determining a person's initial or ongoing eligibility for public assistance.

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

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

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

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

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

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

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, used and useful having an equity value not to exceed ten thousand dollars;

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

(e) All other resources, including any excess of values exempted, not to exceed six thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under twenty-one years of age, a victim's parents and unmarried siblings under the age of eighteen.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

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

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

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

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

(2) The department shall distribute funds appropriated for the essential needs and housing support program in the form of grants to designated essential needs support and housing support entities within each county. The department shall not distribute any funds until it approves the expenditure plan submitted by the designated essential needs support and housing support entities. The amount of funds to be distributed pursuant to this section shall be designated in the biennial operating budget. For the sole purpose of meeting the initial distribution of funds date, the department may distribute partial funds upon the department's approval of a preliminary expenditure plan. The department shall not distribute the remaining funds until it has approved a final expenditure plan.

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

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

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

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

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

(c) Within a county, if the department directly awards separate grants to the designated housing support entity and the designated essential needs support entity, the department shall determine the amount allocated for essential needs support as directed in the biennial operating budget.

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

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

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

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

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

(7) The department shall:

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

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

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

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

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

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

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

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

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

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

(9) Eligible recipients of cash assistance from the evergreen basic income trust, as provided for in section 2 of this act, are eligible for assistance through the essential needs and housing support program.

(a) Any cash assistance a person receives from the evergreen basic income trust under section 2 of this act or any guaranteed basic income program operated by a government or private entity may not be considered in determining a person's initial or ongoing eligibility for the essential needs and housing support program.

(b) The department shall coordinate with the department of social and health services to ensure that eligible recipients of the evergreen basic income trust have access to benefits through the essential needs and housing support program.

**Sec.**  RCW 43.216.1368 and 2021 c 199 s 201 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning July 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

|  |  |
| --- | --- |
| If the household's income is: | Then the household's maximum monthly copayment is: |
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of $15 |
| Above 20 percent and at or below 36 percent of the state median income | $65 |
| Above 36 percent and at or below 50 percent of the state median income | $115 until December 31, 2021, and $90 beginning January 1, 2022 |
| Above 50 percent and at or below 60 percent of the state median income | $115 |

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

|  |  |
| --- | --- |
| If the household's income is: | Then the household's maximum monthly copayment is: |
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of $15 |
| Above 20 percent and at or below 36 percent of the state median income | $65 |
| Above 36 percent and at or below 50 percent of the state median income | $90 |
| Above 50 percent and at or below 60 percent of the state median income | $165 |

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of $215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) The department must adopt rules to implement this section, including an income phase-out eligibility period.

(7) For the working connections child care program, the department may not consider any cash assistance a person receives from the evergreen basic income trust as provided for in section 2 of this act or any guaranteed basic income program operated by a government or private entity in determining a person's initial or ongoing eligibility or copayment.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

For the early childhood education and assistance program, the department may not consider any cash assistance a person receives from the evergreen basic income trust as provided for in section 2 of this act or any guaranteed basic income program operated by a government or private entity in determining family income or a child's eligibility.

**--- END ---**