

**ESHB 1260** - S COMM AMD

By Committee on Human Services

**ADOPTED 04/11/2023**

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

3 **"Sec. 1.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to  
4 read as follows:

5 (1) The department is responsible for determining eligibility for  
6 referral for essential needs and housing support under RCW  
7 43.185C.220. Persons eligible for a referral are persons who:

8 (a) Have been determined to be eligible for the aged, blind, or  
9 disabled assistance program under RCW 74.62.030 or the pregnant women  
10 assistance program under RCW 74.62.030, or are incapacitated from  
11 gainful employment by reason of bodily or mental infirmity that will  
12 likely continue for a minimum of (~~ninety~~) 90 days. The standard for  
13 incapacity in this subsection, as evidenced by the (~~ninety-day~~) 90-  
14 day duration standard, is not intended to be as stringent as federal  
15 supplemental security income disability standards;

16 (b) Are citizens or aliens lawfully admitted for permanent  
17 residence or otherwise residing in the United States under color of  
18 law, or are victims of human trafficking as defined in RCW 74.04.005;

19 (c)(i) Have furnished the department with their social security  
20 number. If the social security number cannot be furnished because it  
21 has not been issued or is not known, an application for a number must  
22 be made prior to authorization of benefits, and the social security  
23 number must be provided to the department upon receipt;

24 (ii) This requirement does not apply to victims of human  
25 trafficking as defined in RCW 74.04.005 if they have not been issued  
26 a social security number;

27 (d)(i) Have countable income as described in RCW 74.04.005 (~~at~~  
28 ~~or below four hundred twenty-eight dollars for a married couple or at~~  
29 ~~or below three hundred thirty-nine dollars for a single individual~~)  
30 that meets the standard established by the department, which shall  
31 not exceed 100 percent of the federal poverty level; or

1 (ii) Have income that meets the standard established by the  
2 department, who are eligible for the pregnant women assistance  
3 program;

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

6 (f) Are not eligible for federal aid assistance, other than basic  
7 food benefits transferred electronically and medical assistance.

8 ~~(2) ((Recipients of aged, blind, or disabled assistance program  
9 benefits who meet other eligibility requirements in this section are  
10 eligible for a referral for essential needs and housing support  
11 services within funds appropriated for the department of commerce.~~

12 ~~(3))~~ Recipients of pregnant women assistance program benefits  
13 who meet other eligibility requirements in this section are eligible  
14 for referral for essential needs and housing support services, within  
15 funds appropriated for the department of commerce, for ~~((twenty-~~  
16 ~~four))~~ 24 consecutive months from the date the department determines  
17 pregnant women assistance program eligibility.

18 ~~((4))~~ (3) The following persons are not eligible for a referral  
19 for essential needs and housing support:

20 (a) Persons who refuse or fail to cooperate in obtaining federal  
21 aid assistance, without good cause;

22 (b) Persons who refuse or fail without good cause to participate  
23 in substance use treatment if an assessment by a certified substance  
24 use disorder professional indicates a need for such treatment. Good  
25 cause must be found to exist when a person's physical or mental  
26 condition, as determined by the department, prevents the person from  
27 participating in substance use treatment, when needed outpatient  
28 treatment is not available to the person in the county of their  
29 residence ~~((or)),~~ when needed inpatient treatment is not available in  
30 a location that is reasonably accessible for the person, or when the  
31 person is a parent or other relative personally providing care for a  
32 minor child or an incapacitated individual living in the same home as  
33 the person, and child care or day care would be necessary for the  
34 person to participate in substance use disorder treatment, and such  
35 care is not available; and

36 (c) Persons who are fleeing to avoid prosecution of, or to avoid  
37 custody or confinement for conviction of, a felony, or an attempt to  
38 commit a felony, under the laws of the state of Washington or the  
39 place from which the person flees; or who are violating a condition

1 of probation, community supervision, or parole imposed under federal  
2 or state law for a felony or gross misdemeanor conviction.

3 ~~((+5))~~ (4) For purposes of determining whether a person is  
4 incapacitated from gainful employment under subsection (1) of this  
5 section:

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

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

15 ~~((+6))~~ (5) For purposes of reviewing a person's continuing  
16 eligibility and in order to remain eligible for the program, persons  
17 who have been found to have an incapacity from gainful employment  
18 must demonstrate that there has been no material improvement in their  
19 medical or mental health condition. The department may discontinue  
20 benefits when there was specific error in the prior determination  
21 that found the person eligible by reason of incapacitation.

22 ~~((+7))~~ (6) The department must review the cases of all persons  
23 who have received benefits under the essential needs and housing  
24 support program for twelve consecutive months, and at least annually  
25 after the first review, to determine whether they are eligible for  
26 the aged, blind, or disabled assistance program.

27 (7) The department shall share client data for individuals  
28 eligible for essential needs and housing support with the department  
29 of commerce and designated essential needs and housing support  
30 entities as required under RCW 43.185C.230.

31 **Sec. 2.** RCW 74.62.005 and 2011 1st sp.s. c 36 s 1 are each  
32 amended to read as follows:

33 (1) The legislature finds that:

34 (a) Persons who have a long-term disability and apply for federal  
35 supplemental security income benefits should receive assistance while  
36 their application for federal benefits is pending(~~(, with repayment~~  
37 ~~from the federal government of state-funded income assistance paid~~  
38 ~~through the aged, blind, or disabled assistance program)) ;~~

1 (b) Persons who are incapacitated from gainful employment for an  
2 extended period, but who may not meet the level of severity of a  
3 long-term disability, are at increased risk of homelessness; and

4 (c) Persons who are homeless and suffering from significant  
5 medical impairments, mental illness, or (~~chemical dependency~~)  
6 substance use disorder face substantial barriers to successful  
7 participation in, and completion of, needed medical or behavioral  
8 health treatment services. Stable housing increases the likelihood of  
9 compliance with and completion of treatment.

10 (2) Through chapter 36, Laws of 2011 1st sp. sess., the  
11 legislature intends to:

12 (a) Terminate all components of the disability lifeline program  
13 created in 2010 and codified in RCW 74.04.005 and create new  
14 programs: (i) To provide financial grants through the aged, blind,  
15 (~~and [or]~~) or disabled assistance program and the pregnant women  
16 assistance program; and (ii) to provide services through the  
17 essential needs and housing support program; and

18 (b) Increase opportunities to utilize limited public funding,  
19 combined with private charitable and volunteer efforts to serve  
20 persons who are recipients of the benefits provided by the new  
21 programs created under chapter 36, Laws of 2011 1st sp. sess.

22 **Sec. 3.** RCW 74.62.030 and 2022 c 208 s 2 are each amended to  
23 read as follows:

24 (1)(a) The aged, blind, or disabled assistance program shall  
25 provide financial grants to persons in need who:

26 (i) Are not eligible to receive (~~federal aid assistance, other~~  
27 ~~than basic food benefits transferred electronically and medical~~  
28 ~~assistance~~) supplemental security income, refugee cash assistance,  
29 temporary assistance for needy families, or state family assistance  
30 benefits;

31 (ii) Meet the eligibility requirements of subsection (3) of this  
32 section; and

33 (iii) Are aged, blind, or disabled. For purposes of determining  
34 eligibility for assistance for the aged, blind, or disabled  
35 assistance program, the following definitions apply:

36 (A) "Aged" means age (~~sixty-five~~) 65 or older.

37 (B) "Blind" means statutorily blind as defined for the purpose of  
38 determining eligibility for the federal supplemental security income  
39 program.

1 (C) "Disabled" means likely to meet the federal supplemental  
2 security income disability standard. In making this determination,  
3 the department should give full consideration to the cumulative  
4 impact of an applicant's multiple impairments, an applicant's age,  
5 and vocational and educational history.

6 In determining whether a person is disabled, the department may  
7 rely on, but is not limited to, the following:

8 (I) A previous disability determination by the social security  
9 administration or the disability determination service entity within  
10 the department; or

11 (II) A determination that an individual is eligible to receive  
12 optional categorically needy medicaid as a disabled person under the  
13 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

14 (b) The following persons are not eligible for the aged, blind,  
15 or disabled assistance program:

16 (i) Persons who are not able to engage in gainful employment due  
17 primarily to a substance use disorder. These persons shall be  
18 referred to appropriate assessment, treatment, or shelter services.  
19 Referrals shall be made at the time of application or at the time of  
20 eligibility review. This subsection may not be construed to prohibit  
21 the department from granting aged, blind, or disabled assistance  
22 benefits to persons with a substance use disorder who are  
23 incapacitated due to other physical or mental conditions that meet  
24 the eligibility criteria for the aged, blind, or disabled assistance  
25 program; or

26 (ii) Persons for whom there has been a final determination of  
27 ineligibility based on age, blindness, or disability for federal  
28 supplemental security income benefits.

29 (c) Persons may receive aged, blind, or disabled assistance  
30 benefits and essential needs and housing program support under RCW  
31 43.185C.220 concurrently while pending application for federal  
32 supplemental security income benefits. (~~The monetary value of any  
33 aged, blind, or disabled assistance benefit that is subsequently  
34 duplicated by the person's receipt of supplemental security income  
35 for the same period shall be considered a debt due the state and  
36 shall by operation of law be subject to recovery through all  
37 available legal remedies.~~) Effective October 1, 2025, a person's  
38 receipt of supplemental security income received for the same period  
39 as aged, blind, or disabled program assistance as described in this  
40 section shall not be considered a debt due to the state and is not

1 subject to recovery. However, the monetary value of aged, blind, or  
2 disabled cash assistance paid prior to October 1, 2025, that is  
3 duplicated by the person's receipt of supplemental security income  
4 for the same period shall be considered a debt due to the state and  
5 shall by operation of law be subject to recovery through all  
6 available legal remedies.

7 (2) The pregnant women assistance program shall provide financial  
8 grants to persons who:

9 ~~((Are not eligible to receive federal aid assistance other~~  
10 ~~than basic food benefits or medical assistance; and~~

11 ~~(b))~~ Are pregnant and in need, based upon the current income and  
12 resource standards of the federal temporary assistance for needy  
13 families program, but are ineligible for federal temporary assistance  
14 for needy families or state family assistance benefits for a reason  
15 other than failure to cooperate in program requirements; and

16 ~~((e))~~ (b) Meet the eligibility requirements of subsection (3)  
17 of this section.

18 (3) To be eligible for the aged, blind, or disabled assistance  
19 program under subsection (1) of this section or the pregnant women  
20 assistance program under subsection (2) of this section, a person  
21 must:

22 (a) Be a citizen or alien lawfully admitted for permanent  
23 residence or otherwise residing in the United States under color of  
24 law, or be a victim of human trafficking as defined in RCW 74.04.005;

25 (b) Meet the income and resource standards described in RCW  
26 74.04.805(1) (d) and (e);

27 (c)(i) Have furnished the department with their social security  
28 number. If the social security number cannot be furnished because it  
29 has not been issued or is not known, an application for a number  
30 shall be made prior to authorization of benefits, and the social  
31 security number shall be provided to the department upon receipt;

32 (ii) This requirement does not apply to victims of human  
33 trafficking as defined in RCW 74.04.005 if they have not been issued  
34 a social security number;

35 (d) Not have refused or failed without good cause to participate  
36 in substance use treatment if an assessment by a certified substance  
37 use disorder professional indicates a need for such treatment. Good  
38 cause must be found to exist when a person's physical or mental  
39 condition, as determined by the department, prevents the person from  
40 participating in substance use treatment, when needed outpatient

1 treatment is not available to the person in the county of their  
2 residence ((~~or~~)), when needed inpatient treatment is not available in  
3 a location that is reasonably accessible for the person, or when the  
4 person is a parent or other relative personally providing care for a  
5 minor child or an incapacitated individual living in the same home as  
6 the person, and child care or day care would be necessary for the  
7 person to participate in substance use disorder treatment, and such  
8 care is not available; and

9 (e) Not have refused or failed to cooperate in obtaining federal  
10 aid assistance, without good cause.

11 (4) Referrals for essential needs and housing support under RCW  
12 43.185C.220 shall be provided to persons found eligible under RCW  
13 74.04.805.

14 (5) No person may be considered an eligible individual for  
15 benefits under this section with respect to any month if during that  
16 month the person:

17 (a) Is fleeing to avoid prosecution of, or to avoid custody or  
18 confinement for conviction of, a felony, or an attempt to commit a  
19 felony, under the laws of the state of Washington or the place from  
20 which the person flees; or

21 (b) Is violating a condition of probation, community supervision,  
22 or parole imposed under federal or state law for a felony or gross  
23 misdemeanor conviction.

24 (6) The department must share client data for individuals  
25 eligible for essential needs and housing support with the department  
26 of commerce and designated essential needs and housing support  
27 entities as required under RCW 43.185C.230."

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28 On page 1, line 2 of the title, after "incapacity;" strike the  
29 remainder of the title and insert "and amending RCW 74.04.805,  
30 74.62.005, and 74.62.030."

EFFECT: Effective October 1, 2025, a person's receipt of  
supplemental security income received for the same period as aged,  
blind, or disabled program assistance shall not be considered a debt  
due to the state and is not subject to recovery.

It is clarified that the monetary value of aged, blind, or disabled cash assistance paid prior to October 1, 2025, that is duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due to the state and shall by operation of law be subject to recovery through all available legal remedies.

DSHS shall share client data for individuals eligible for essential needs and housing support with the Department of Commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

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