
ENGROSSED SUBSTITUTE HOUSE BILL 1260

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio, and Pollet; by request of Department of Social and Health Services)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to accelerating stability for people with a work-
2 limiting disability or incapacity; amending RCW 74.04.805, 74.62.005,
3 and 74.62.030; and creating a new section.

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

5 **Sec. 1.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to
6 read as follows:

7 (1) The department is responsible for determining eligibility for
8 referral for essential needs and housing support under RCW
9 43.185C.220. Persons eligible for a referral are persons who:

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

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

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

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

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

14 (ii) Have income that meets the standard established by the
15 department, who are eligible for the pregnant women assistance
16 program;

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

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

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

25 ~~(3))~~ Recipients of pregnant women assistance program benefits
26 who meet other eligibility requirements in this section are eligible
27 for referral for essential needs and housing support services, within
28 funds appropriated for the department of commerce, for ~~((twenty-~~
29 ~~four))~~ 24 consecutive months from the date the department determines
30 pregnant women assistance program eligibility.

31 ~~((4))~~ (3) The following persons are not eligible for a referral
32 for essential needs and housing support:

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

35 (b) Persons who refuse or fail 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 (~~(e)~~), 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 (c) Persons who are fleeing to avoid prosecution of, or to avoid
10 custody or confinement for conviction of, a felony, or an attempt to
11 commit a felony, under the laws of the state of Washington or the
12 place from which the person flees; or who are violating a condition
13 of probation, community supervision, or parole imposed under federal
14 or state law for a felony or gross misdemeanor conviction.

15 (~~(4)~~) (4) For purposes of determining whether a person is
16 incapacitated from gainful employment under subsection (1) of this
17 section:

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

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

27 (~~(5)~~) (5) For purposes of reviewing a person's continuing
28 eligibility and in order to remain eligible for the program, persons
29 who have been found to have an incapacity from gainful employment
30 must demonstrate that there has been no material improvement in their
31 medical or mental health condition. The department may discontinue
32 benefits when there was specific error in the prior determination
33 that found the person eligible by reason of incapacitation.

34 (~~(6)~~) (6) The department must review the cases of all persons
35 who have received benefits under the essential needs and housing
36 support program for twelve consecutive months, and at least annually
37 after the first review, to determine whether they are eligible for
38 the aged, blind, or disabled assistance program.

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

3 (1) The legislature finds that:

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

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

12 (c) Persons who are homeless and suffering from significant
13 medical impairments, mental illness, or ~~((chemical dependency))~~
14 substance use disorder face substantial barriers to successful
15 participation in, and completion of, needed medical or behavioral
16 health treatment services. Stable housing increases the likelihood of
17 compliance with and completion of treatment.

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

20 (a) Terminate all components of the disability lifeline program
21 created in 2010 and codified in RCW 74.04.005 and create new
22 programs: (i) To provide financial grants through the aged, blind,
23 ~~((and [or]))~~ or disabled assistance program and the pregnant women
24 assistance program; and (ii) to provide services through the
25 essential needs and housing support program; and

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

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

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

34 (i) Are not eligible to receive ~~((federal aid assistance, other~~
35 ~~than basic food benefits transferred electronically and medical~~
36 ~~assistance))~~ supplemental security income, refugee cash assistance,
37 temporary assistance for needy families, or state family assistance
38 benefits;

1 (ii) Meet the eligibility requirements of subsection (3) of this
2 section; and

3 (iii) Are aged, blind, or disabled. For purposes of determining
4 eligibility for assistance for the aged, blind, or disabled
5 assistance program, the following definitions apply:

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

7 (B) "Blind" means statutorily blind as defined for the purpose of
8 determining eligibility for the federal supplemental security income
9 program.

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

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

17 (I) A previous disability determination by the social security
18 administration or the disability determination service entity within
19 the department; or

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

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

25 (i) Persons who are not able to engage in gainful employment due
26 primarily to a substance use disorder. These persons shall be
27 referred to appropriate assessment, treatment, or shelter services.
28 Referrals shall be made at the time of application or at the time of
29 eligibility review. This subsection may not be construed to prohibit
30 the department from granting aged, blind, or disabled assistance
31 benefits to persons with a substance use disorder who are
32 incapacitated due to other physical or mental conditions that meet
33 the eligibility criteria for the aged, blind, or disabled assistance
34 program; or

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

38 (c) Persons may receive aged, blind, or disabled assistance
39 benefits and essential needs and housing program support under RCW
40 43.185C.220 concurrently while pending application for federal

1 supplemental security income benefits. (~~The monetary value of any~~
2 ~~aged, blind, or disabled assistance benefit that is subsequently~~
3 ~~duplicated by the person's receipt of supplemental security income~~
4 ~~for the same period shall be considered a debt due the state and~~
5 ~~shall by operation of law be subject to recovery through all~~
6 ~~available legal remedies.)) Effective October 1, 2023, a person's
7 receipt of supplemental security income received for the same period
8 as aged, blind, or disabled program assistance as described in this
9 section shall not be considered a debt due to the state and is not
10 subject to recovery.~~

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

13 (a) (~~Are not eligible to receive federal aid assistance other~~
14 ~~than basic food benefits or medical assistance; and~~

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

20 (~~(e))~~ (b) Meet the eligibility requirements of subsection (3)
21 of this section.

22 (3) To be eligible for the aged, blind, or disabled assistance
23 program under subsection (1) of this section or the pregnant women
24 assistance program under subsection (2) of this section, a person
25 must:

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

29 (b) Meet the income and resource standards described in RCW
30 74.04.805(1) (d) and (e);

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

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

39 (d) Not have refused or failed without good cause to participate
40 in substance use treatment if an assessment by a certified substance

1 use disorder professional indicates a need for such treatment. Good
2 cause must be found to exist when a person's physical or mental
3 condition, as determined by the department, prevents the person from
4 participating in substance use treatment, when needed outpatient
5 treatment is not available to the person in the county of their
6 residence ((~~or~~)), when needed inpatient treatment is not available in
7 a location that is reasonably accessible for the person, or when the
8 person is a parent or other relative personally providing care for a
9 minor child or an incapacitated individual living in the same home as
10 the person, and child care or day care would be necessary for the
11 person to participate in substance use disorder treatment, and such
12 care is not available; and

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

15 (4) Referrals for essential needs and housing support under RCW
16 43.185C.220 shall be provided to persons found eligible under RCW
17 74.04.805.

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

21 (a) Is fleeing to avoid prosecution of, or to avoid custody or
22 confinement for conviction of, a felony, or an attempt to commit a
23 felony, under the laws of the state of Washington or the place from
24 which the person flees; or

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

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

32 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
33 this act, referencing this act by bill or chapter number, is not
34 provided by June 30, 2023, in the omnibus appropriations act, this
35 act is null and void.

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