

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 1260**

Chapter 289, Laws of 2023

68th Legislature  
2023 Regular Session

AGED, BLIND, OR DISABLED ASSISTANCE, PREGNANT WOMEN ASSISTANCE, AND  
ESSENTIAL NEEDS AND HOUSING SUPPORT PROGRAMS—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 18, 2023  
Yeas 93 Nays 4

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 11, 2023  
Yeas 44 Nays 5

DENNY HECK

**President of the Senate**

Approved May 4, 2023 3:14 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1260** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 5, 2023

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1260**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**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; and amending RCW 74.04.805,  
3 74.62.005, and 74.62.030.

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.

39 (7) The department shall share client data for individuals  
40 eligible for essential needs and housing support with the department

1 of commerce and designated essential needs and housing support  
2 entities as required under RCW 43.185C.230.

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

5 (1) The legislature finds that:

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

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

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

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

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

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

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

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

36 (i) Are not eligible to receive ~~((federal aid assistance, other~~  
37 ~~than basic food benefits transferred electronically and medical~~  
38 ~~assistance))~~ supplemental security income, refugee cash assistance,

1 temporary assistance for needy families, or state family assistance  
2 benefits;

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

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

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

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

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

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

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

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

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

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

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

1 (c) Persons may receive aged, blind, or disabled assistance  
2 benefits and essential needs and housing program support under RCW  
3 43.185C.220 concurrently while pending application for federal  
4 supplemental security income benefits. (~~The monetary value of any~~  
5 ~~aged, blind, or disabled assistance benefit that is subsequently~~  
6 ~~duplicated by the person's receipt of supplemental security income~~  
7 ~~for the same period shall be considered a debt due the state and~~  
8 ~~shall by operation of law be subject to recovery through all~~  
9 ~~available legal remedies.)) Effective October 1, 2025, a person's  
10 receipt of supplemental security income received for the same period  
11 as aged, blind, or disabled program assistance as described in this  
12 section shall not be considered a debt due to the state and is not  
13 subject to recovery. However, the monetary value of aged, blind, or  
14 disabled cash assistance paid prior to October 1, 2025, that is  
15 duplicated by the person's receipt of supplemental security income  
16 for the same period shall be considered a debt due to the state and  
17 shall by operation of law be subject to recovery through all  
18 available legal remedies.~~

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

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

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

28 (~~(e))~~ (b) Meet the eligibility requirements of subsection (3)  
29 of this section.

30 (3) To be eligible for the aged, blind, or disabled assistance  
31 program under subsection (1) of this section or the pregnant women  
32 assistance program under subsection (2) of this section, a person  
33 must:

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

37 (b) Meet the income and resource standards described in RCW  
38 74.04.805(1) (d) and (e);

39 (c) (i) Have furnished the department with their social security  
40 number. If the social security number cannot be furnished because it

1 has not been issued or is not known, an application for a number  
2 shall be made prior to authorization of benefits, and the social  
3 security number shall be provided to the department upon receipt;

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

7 (d) Not have refused or failed without good cause to participate  
8 in substance use treatment if an assessment by a certified substance  
9 use disorder professional indicates a need for such treatment. Good  
10 cause must be found to exist when a person's physical or mental  
11 condition, as determined by the department, prevents the person from  
12 participating in substance use treatment, when needed outpatient  
13 treatment is not available to the person in the county of their  
14 residence (~~(or)~~), when needed inpatient treatment is not available in  
15 a location that is reasonably accessible for the person, or when the  
16 person is a parent or other relative personally providing care for a  
17 minor child or an incapacitated individual living in the same home as  
18 the person, and child care or day care would be necessary for the  
19 person to participate in substance use disorder treatment, and such  
20 care is not available; and

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

23 (4) Referrals for essential needs and housing support under RCW  
24 43.185C.220 shall be provided to persons found eligible under RCW  
25 74.04.805.

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

29 (a) Is fleeing to avoid prosecution of, or to avoid custody or  
30 confinement for conviction of, a felony, or an attempt to commit a  
31 felony, under the laws of the state of Washington or the place from  
32 which the person flees; or

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

36 (6) The department must share client data for individuals  
37 eligible for essential needs and housing support with the department  
38 of commerce and designated essential needs and housing support  
39 entities as required under RCW 43.185C.230.



Passed by the House April 18, 2023.  
Passed by the Senate April 11, 2023.  
Approved by the Governor May 4, 2023.  
Filed in Office of Secretary of State May 5, 2023.

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