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HOUSE BILL 2427

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State of Washington

52nd Legislature

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By Representatives Leonard, Riley, Winsley, H. Myers, Brekke, Hochstatter, R. King, Beck, Anderson and Hargrove

Read first time 01/16/92. Referred to Committee on Human Services.

1 AN ACT Relating to technical clarification of general assistance  
2 laws; amending RCW 74.04.005; adding a new chapter to Title 74 RCW; and  
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that  
6 general assistance laws need to be updated to delete obsolete  
7 provisions, clarify vague or confusing language, and abbreviate  
8 provisions that are unnecessarily convoluted. This legislation is  
9 intended to perform these technical functions and shall not be  
10 construed to change existing substantive or procedural law of the state  
11 of Washington.

1        NEW SECTION.        **Sec. 2.**        GENERAL ASSISTANCE--ELIGIBLE PERSONS.

2        Subject to the provisions and limitations of this chapter, general  
3        assistance shall be provided to:

4            (1) Pregnant women in need;

5            (2) Persons in need who are incapacitated from gainful employment  
6        by reason of a physical or mental infirmity that is likely to continue  
7        for a minimum of ninety days;

8            (3) Any recipient of supplemental security income whose need is not  
9        met by his or her supplemental security income grant because of  
10       separation from a spouse;

11           (4) Any recipient of aid to families with dependent children whose  
12       need is not being met because of a temporary reduction in monthly  
13       income below the entitled benefit payment level caused by:

14           (a) The loss or reduction of wages or unemployment compensation  
15       benefits; or

16           (b) Some other unforeseen circumstances; and

17           (5) Recipients of the federal aid to families with dependent  
18       children program or of general assistance under subsection (1) of this  
19       section who loses their eligibility solely due to the birth and  
20       relinquishment for adoption of the qualifying child.

21        NEW SECTION.        **Sec. 3.**        GENERAL ASSISTANCE--MEASURE OF NEED.        (1)

22        Except as provided in subsection (2) of this section, need shall be  
23        measured by the standards established under RCW 74.04.770.

24           (2) General assistance eligibility and payment levels granted to  
25       women under section 2 (1) and (5) of this act shall be based on the  
26       income and resource requirements of the federal aid to families with  
27       dependent children program.

1        NEW SECTION.    **Sec. 4.**    GENERAL ASSISTANCE--TERMINATION OF BENEFITS.

2    (1)    Termination of benefits for those receiving general assistance  
3    under section 2(5) of this act shall occur at the end of the month in  
4    which the date of six weeks following the birth of the child falls.

5        (2) Recipients of general assistance under section 2(2) of this act  
6    who remain otherwise eligible shall not have their benefits terminated  
7    absent a clear showing of:

8        (a) Material improvement in their physical or mental condition; or

9        (b) Specific error in the prior determination.

10       NEW SECTION.    **Sec. 5.**    GENERAL ASSISTANCE--UNEMPLOYABLE--DRUG OR  
11    ALCOHOL ADDICTION.    (1) Persons who are unemployable solely due to

12    alcohol or drug addiction are not eligible for general assistance under  
13    section 2(2) of this act.    Upon application, such persons shall be  
14    referred to appropriate assessment, treatment, shelter, or supplemental  
15    security income referral services as authorized under chapter 74.50  
16    RCW.

17        (2) This section shall not be construed to prohibit the department  
18    from granting general assistance benefits to alcoholics and drug  
19    addicts who are incapacitated due to other physical or mental  
20    conditions that satisfy the eligibility criteria for the general  
21    assistance unemployable program.

22       NEW SECTION.    **Sec. 6.**    GENERAL ASSISTANCE--AFDC RECIPIENTS--  
23    LIMITATIONS--BENEFIT LEVELS.    (1) General assistance to recipients of

24    aid to families with dependent children under section 2(4) of this act  
25    shall be provided only to the extent authorized by the legislature in  
26    the biennial appropriations act.

27        (2) The amount of general assistance authorized for persons under  
28    section 2(4) of this act shall not exceed the difference between the

1 entitled benefit payment level and the amount of income actually  
2 received.

3 NEW SECTION. **Sec. 7.** GENERAL ASSISTANCE--GENERAL ELIGIBILITY  
4 REQUIREMENTS. (1) Any individual who fails to cooperate in obtaining  
5 federal aid assistance, without good cause, is not eligible for general  
6 assistance.

7 (2) General assistance shall only be granted to citizens of the  
8 United States or to aliens lawfully admitted for permanent residence or  
9 otherwise residing in the United States under color of law.

10 (3) General assistance applicants shall submit their social  
11 security account number to the department. If the social security  
12 account number cannot be submitted because it has not been issued or is  
13 not known, an application for a number shall be made prior to  
14 authorization of assistance, and the social security number shall be  
15 provided to the department upon receipt.

16 (4) General assistance shall only be provided to persons who will  
17 accept available services that can reasonably be expected to enable the  
18 person to work or reduce the need for assistance, unless there is good  
19 cause to refuse. Failure to accept these services without good cause  
20 shall result in termination of general assistance benefits until such  
21 time as the person agrees to cooperate in accepting such services. The  
22 following maximum periods of ineligibility after reapplication shall  
23 also apply to those who, without good cause, fail to accept these  
24 services:

25 (a) First failure: One week;

26 (b) Second failure within six months: One month;

27 (c) Third and subsequent failure within one year: Two months.

1        NEW SECTION.    **Sec. 8.**    GENERAL ASSISTANCE--UNEMPLOYABLE--EARNED  
2 INCOME EXEMPTION.    In determining need for general assistance for  
3 unemployable persons under section 2(2) of this act, the department is  
4 authorized to establish by rule a monthly earned income exemption in an  
5 amount not to exceed the exemption allowable under disability programs  
6 authorized in Title XVI of the federal social security act.

7        NEW SECTION.    **Sec. 9.**    GENERAL ASSISTANCE--MEDICAL ELIGIBILITY  
8 CRITERIA.    The department shall adopt rules establishing the medical  
9 criteria for general assistance eligibility.    The rules shall ensure  
10 that eligibility decisions are consistent with statutory requirements  
11 and are based on clear, objective, medical information.

12        NEW SECTION.    **Sec. 10.**    GENERAL ASSISTANCE--CONSIDERATION OF  
13 MEDICAL OPINION.    (1) The procedure established for implementing the  
14 medical criteria shall include the consideration of opinions of the  
15 treating or consulting physicians or health care professionals  
16 regarding incapacity.

17        (2) Any eligibility decision that rejects uncontroverted medical  
18 opinion must set forth clear and convincing reasons for doing so.

19        NEW SECTION.    **Sec. 11.**    GENERAL ASSISTANCE--MENTAL HEALTH SERVICES.  
20 Persons eligible for general assistance under this chapter are eligible  
21 for mental health services to the extent that they meet the client  
22 definitions and priorities established under chapter 71.24 RCW.

23        NEW SECTION.    **Sec. 12.**    GENERAL ASSISTANCE--LIMITATIONS ON MEMBERS  
24 OF ASSISTANCE UNITS.    General assistance shall not be provided to  
25 persons under section 2(2) of this act if they are members of  
26 assistance units eligible to receive federal aid assistance.

1        NEW SECTION.    **Sec. 13.**    GENERAL ASSISTANCE--LIMITATIONS ON PREGNANT  
2    AND UNEMPLOYABLE RECIPIENTS.    General assistance shall only be provided  
3    under section 2 (1) and (2) of this act to persons who are ineligible  
4    to receive federal aid assistance other than food stamps and medical  
5    assistance.

6        NEW SECTION.    **Sec. 14.**    CODIFICATION DIRECTIONS.    Sections 2  
7    through 13 of this act shall constitute a new chapter in Title 74 RCW.

8        **Sec. 15.**    RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to  
9    read as follows:

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

12        (1) "Public assistance" or "assistance"--Public aid to persons in  
13    need thereof for any cause, including services, medical care,  
14    assistance grants, disbursing orders, work relief, general assistance  
15    and federal-aid assistance.

16        (2) "Department"--The department of social and health services.

17        (3) "County or local office"--The administrative office for one or  
18    more counties or designated service areas.

19        (4) "Director" or "secretary" means the secretary of social and  
20    health services.

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

28        (6) ~~((a) "General assistance"--Aid to persons in need who:~~

1       ~~(i) Are not eligible to receive federal aid assistance, other than~~  
2 ~~food stamps and medical assistance; however, an individual who refuses~~  
3 ~~or fails to cooperate in obtaining federal aid assistance, without good~~  
4 ~~cause, is not eligible for general assistance;~~

5       ~~(ii) Are either:~~

6       ~~(A) Pregnant: PROVIDED, That need is based on the current income~~  
7 ~~and resource requirements of the federal aid to families with dependent~~  
8 ~~children program: PROVIDED FURTHER, That during any period in which an~~  
9 ~~aid for dependent children employable program is not in operation, only~~  
10 ~~those pregnant women who are categorically eligible for medicaid are~~  
11 ~~eligible for general assistance; or~~

12       ~~(B) Incapacitated from gainful employment by reason of bodily or~~  
13 ~~mental infirmity that will likely continue for a minimum of ninety days~~  
14 ~~as determined by the department. Persons who are unemployable due to~~  
15 ~~alcohol or drug addiction are not eligible for general assistance.~~  
16 ~~Persons receiving general assistance on July 26, 1987, or becoming~~  
17 ~~eligible for such assistance thereafter, due to an alcohol or drug-~~  
18 ~~related incapacity, shall be referred to appropriate assessment,~~  
19 ~~treatment, shelter, or supplemental security income referral services~~  
20 ~~as authorized under chapter 74.50 RCW. Referrals shall be made at the~~  
21 ~~time of application or at the time of eligibility review. Alcoholic~~  
22 ~~and drug addicted clients who are receiving general assistance on July~~  
23 ~~26, 1987, may remain on general assistance if they otherwise retain~~  
24 ~~their eligibility until they are assessed for services under chapter~~  
25 ~~74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to~~  
26 ~~prohibit the department from granting general assistance benefits to~~  
27 ~~alcoholics and drug addicts who are incapacitated due to other physical~~  
28 ~~or mental conditions that meet the eligibility criteria for the general~~  
29 ~~assistance program;~~

1       ~~(iii) Are citizens or aliens lawfully admitted for permanent~~  
2 ~~residence or otherwise residing in the United States under color of~~  
3 ~~law; and~~

4       ~~(iv) Have furnished the department their social security account~~  
5 ~~number. If the social security account number cannot be furnished~~  
6 ~~because it has not been issued or is not known, an application for a~~  
7 ~~number shall be made prior to authorization of assistance, and the~~  
8 ~~social security number shall be provided to the department upon~~  
9 ~~receipt.~~

10       ~~(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),~~  
11 ~~and (c) of this section, general assistance shall be provided to the~~  
12 ~~following recipients of federal aid assistance:~~

13       ~~(i) Recipients of supplemental security income whose need, as~~  
14 ~~defined in this section, is not met by such supplemental security~~  
15 ~~income grant because of separation from a spouse; or~~

16       ~~(ii) To the extent authorized by the legislature in the biennial~~  
17 ~~appropriations act, to recipients of aid to families with dependent~~  
18 ~~children whose needs are not being met because of a temporary reduction~~  
19 ~~in monthly income below the entitled benefit payment level caused by~~  
20 ~~loss or reduction of wages or unemployment compensation benefits or~~  
21 ~~some other unforeseen circumstances. The amount of general assistance~~  
22 ~~authorized shall not exceed the difference between the entitled benefit~~  
23 ~~payment level and the amount of income actually received.~~

24       ~~(c) General assistance shall be provided only to persons who are~~  
25 ~~not members of assistance units receiving federal aid assistance,~~  
26 ~~except as provided in subsection (6)(a)(ii)(A) and (b) of this section,~~  
27 ~~and will accept available services which can reasonably be expected to~~  
28 ~~enable the person to work or reduce the need for assistance unless~~  
29 ~~there is good cause to refuse. Failure to accept such services shall~~  
30 ~~result in termination until the person agrees to cooperate in accepting~~

1 such services and subject to the following maximum periods of  
2 ineligibility after reapplication:

3 (i) First failure: One week;

4 (ii) Second failure within six months: One month;

5 (iii) Third and subsequent failure within one year: Two months.

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

10 (e) The process implementing the medical criteria shall 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 (f) Recipients of general assistance based upon a finding of  
16 incapacity from gainful employment who remain otherwise eligible shall  
17 not have their benefits terminated absent a clear showing of material  
18 improvement in their medical or mental condition or specific error in  
19 the prior determination that found the recipient eligible by reason of  
20 incapacitation. Recipients of general assistance based upon pregnancy  
21 who relinquish their child for adoption, remain otherwise eligible, and  
22 are not eligible to receive benefits under the federal aid to families  
23 with dependent children program shall not have their benefits  
24 terminated until the end of the month in which the period of six weeks  
25 following the birth of the recipient's child falls. Recipients of the  
26 federal aid to families with dependent children program who lose their  
27 eligibility solely because of the birth and relinquishment of the  
28 qualifying child may receive general assistance through the end of the  
29 month in which the period of six weeks following the birth of the child

1 falls)) "General assistance"--State funded aid to persons who meet the  
2 eligibility requirements of sections 2 through 13 of this act.

3 (7) "Applicant"--Any person who has made a request, or on behalf of  
4 whom a request has been made, to any county or local office for  
5 assistance.

6 (8) "Recipient"--Any person receiving assistance and in addition  
7 those dependents whose needs are included in the recipient's  
8 assistance.

9 (9) "Standards of assistance"--The level of income required by an  
10 applicant or recipient to maintain a level of living specified by the  
11 department.

12 (10) "Resource"--Any asset, tangible or intangible, owned by or  
13 available to the applicant at the time of application, which can be  
14 applied toward meeting the applicant's need, either directly or by  
15 conversion into money or its equivalent: PROVIDED, That an applicant  
16 may retain the following described resources and not be ineligible for  
17 public assistance because of such resources.

18 (a) A home, which is defined as real property owned and used by an  
19 applicant or recipient as a place of residence, together with a  
20 reasonable amount of property surrounding and contiguous thereto, which  
21 is used by and useful to the applicant. Whenever a recipient shall  
22 cease to use such property for residential purposes, either for  
23 ((~~himself~~)) the recipient or his or her dependents, the property shall  
24 be considered as a resource which can be made available to meet need,  
25 and if the recipient or his or her dependents absent themselves from  
26 the home for a period of ninety consecutive days such absence, unless  
27 due to hospitalization or health reasons or a natural disaster, shall  
28 raise a rebuttable presumption of abandonment: PROVIDED, That if in  
29 the opinion of three physicians the recipient will be unable to return  
30 to the home during his or her lifetime, and the home is not occupied by

1 a spouse or dependent children or disabled sons or daughters, such  
2 property shall be considered as a resource which can be made available  
3 to meet need.

4 (b) Household furnishings and personal effects and other personal  
5 property having great sentimental value to the applicant or recipient,  
6 as limited by the department consistent with limitations on resources  
7 and exemptions for federal aid assistance.

8 (c) A motor vehicle, other than a motor home, used and useful  
9 having an equity value not to exceed one thousand five hundred dollars.

10 (d) All other resources, including any excess of values exempted,  
11 not to exceed one thousand dollars or other limit as set by the  
12 department, to be consistent with limitations on resources and  
13 exemptions necessary for federal aid assistance.

14 (e) Applicants for or recipients of general assistance may retain  
15 the following described resources in addition to exemption for a motor  
16 vehicle or home and not be ineligible for public assistance because of  
17 such resources:

18 (i) Household furnishings, personal effects, and other personal  
19 property having great sentimental value to the applicant or recipient;

20 (ii) Term and burial insurance for use of the applicant or  
21 recipient;

22 (iii) Life insurance having a cash surrender value not exceeding  
23 one thousand five hundred dollars; and

24 (iv) Cash, marketable securities, and any excess of values above  
25 one thousand five hundred dollars equity in a vehicle and above one  
26 thousand five hundred dollars in cash surrender value of life  
27 insurance, not exceeding one thousand five hundred dollars for a single  
28 person or two thousand two hundred fifty dollars for a family unit of  
29 two or more. The one thousand dollar limit in subsection (10)(d) of

1 this section does not apply to recipients of or applicants for general  
2 assistance.

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

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

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

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

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

28 (11) "Income"--(a) All appreciable gains in real or personal  
29 property (cash or kind) or other assets, which are received by or  
30 become available for use and enjoyment by an applicant or recipient

1 during the month of application or after applying for or receiving  
2 public assistance. The department may by rule and regulation exempt  
3 income received by an applicant for or recipient of public assistance  
4 which can be used by him to decrease his need for public assistance or  
5 to aid in rehabilitating him or his dependents, but such exemption  
6 shall not, unless otherwise provided in this title, exceed the  
7 exemptions of resources granted under this chapter to an applicant for  
8 public assistance. In determining the amount of assistance to which an  
9 applicant or recipient of aid to families with dependent children is  
10 entitled, the department is hereby authorized to disregard as a  
11 resource or income the earned income exemptions consistent with federal  
12 requirements. The department may permit the above exemption of  
13 earnings of a child to be retained by such child to cover the cost of  
14 special future identifiable needs even though the total exceeds the  
15 exemptions or resources granted to applicants and recipients of public  
16 assistance, but consistent with federal requirements. In formulating  
17 rules (~~and regulations~~) pursuant to this chapter, the department  
18 shall define income and resources and the availability thereof,  
19 consistent with federal requirements. All resources and income not  
20 specifically exempted, and any income or other economic benefit derived  
21 from the use of, or appreciation in value of, exempt resources, shall  
22 be considered in determining the need of an applicant or recipient of  
23 public assistance.

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 as  
27 income or as a resource, the department shall consider such property to  
28 be a resource.

29 (12) "Need"--The difference between the applicant's or recipient's  
30 standards of assistance for himself or herself and the dependent

1 members of his or her family, as measured by the standards of the  
2 department, and value of all nonexempt resources and nonexempt income  
3 received by or available to the applicant or recipient and the  
4 dependent members of his or her family.

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

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

16 NEW SECTION. **Sec. 16.** Captions as used in this act constitute  
17 no part of the law.