
HOUSE BILL 1052

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Leonard, Winsley, Riley and Basich; by request of Dept. of Social and Health Services.

Read first time January 17, 1991. Referred to Committee on Human Services.

1 AN ACT Relating to clarification of existing public assistance
2 statutes; amending RCW 74.04.005, 74.04.055, 74.04.060, 74.04.500, and
3 74.04.515; adding a new chapter to Title 74 RCW; and repealing RCW
4 74.04.390, 74.04.400, 74.04.410, 74.04.420, 74.04.430, 74.04.440,
5 74.04.450, 74.04.460, 74.04.470, 74.04.473, 74.04.505, 74.22.010,
6 74.22.020, 74.22.030, 74.22.040, 74.22.050, 74.22.060, 74.22.070,
7 74.22.080, 74.22.090, 74.22.100, 74.22.110, 74.22.120, 74.23.005,
8 74.23.010, 74.23.020, 74.23.030, 74.23.040, 74.23.050, 74.23.060,
9 74.23.070, 74.23.080, 74.23.090, 74.23.100, 74.23.110, 74.23.120, and
10 74.23.900.

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

12 **Sec. 1.** RCW 74.04.005 and 1990 c 285 s 2 are each amended to read
13 as follows:

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

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

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

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

8 (4) "Director" or "secretary" means the secretary of social and
9 health services.

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

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

18 (i) Are not eligible to receive federal-aid assistance, other than
19 food stamps and medical assistance; however, an individual who refuses
20 or fails to cooperate in obtaining federal-aid assistance, without good
21 cause, is not eligible for general assistance;

22 (ii) Are either:

23 (A) Pregnant: PROVIDED, That need is based on the current income
24 and resource requirements of the federal aid to families with dependent
25 children program: PROVIDED FURTHER, That during any period in which an
26 aid for dependent children employable program is not in operation, only
27 those pregnant women who are categorically eligible for medicaid are
28 eligible for general assistance; or

29 (B) Incapacitated from gainful employment by reason of bodily or
30 mental infirmity that will likely continue for a minimum of sixty days

1 as determined by the department. Persons who are unemployable due to
2 alcohol or drug addiction are not eligible for general assistance.
3 Persons receiving general assistance on July 26, 1987, or becoming
4 eligible for such assistance thereafter, due to an alcohol or drug-
5 related incapacity, shall be referred to appropriate assessment,
6 treatment, shelter, or supplemental security income referral services
7 as authorized under chapter 74.50 RCW. Referrals shall be made at the
8 time of application or at the time of eligibility review. Alcoholic
9 and drug addicted clients who are receiving general assistance on July
10 26, 1987, may remain on general assistance if they otherwise retain
11 their eligibility until they are assessed for services under chapter
12 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to
13 prohibit the department from granting general assistance benefits to
14 alcoholics and drug addicts who are incapacitated due to other physical
15 or mental conditions that meet the eligibility criteria for the general
16 assistance program;

17 (iii) Are citizens or aliens lawfully admitted for permanent
18 residence or otherwise residing in the United States under color of
19 law; and

20 (iv) Have furnished the department their social security account
21 number. If the social security account number cannot be furnished
22 because it has not been issued or is not known, an application for a
23 number shall be made prior to authorization of assistance, and the
24 social security number shall be provided to the department upon
25 receipt.

26 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
27 and (c) of this section, general assistance shall be provided to the
28 following recipients of federal-aid assistance:

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

4 (ii) To the extent authorized by the legislature in the biennial
5 appropriations act, to recipients of aid to families with dependent
6 children whose needs are not being met because of a temporary reduction
7 in monthly income below the entitled benefit payment level caused by
8 loss or reduction of wages or unemployment compensation benefits or
9 some other unforeseen circumstances. The amount of general assistance
10 authorized shall not exceed the difference between the entitled benefit
11 payment level and the amount of income actually received.

12 (c) General assistance shall be provided only to persons who are
13 not members of assistance units receiving federal aid assistance,
14 except as provided in subsection (6) (a)(ii)(A) and (b) of this
15 section, and will accept available services which can reasonably be
16 expected to enable the person to work or reduce the need for assistance
17 unless there is good cause to refuse. Failure to accept such services
18 shall result in termination until the person agrees to cooperate in
19 accepting such services and subject to the following maximum periods of
20 ineligibility after reapplication:

21 (i) First failure: One week;

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

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

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

28 (e) The process implementing the medical criteria shall involve
29 consideration of opinions of the treating or consulting physicians or
30 health care professionals regarding incapacity, and any eligibility

1 decision which rejects uncontroverted medical opinion must set forth
2 clear and convincing reasons for doing so.

3 (f) Recipients of general assistance based upon a finding of
4 incapacity from gainful employment who remain otherwise eligible shall
5 not have their benefits terminated absent a clear showing of material
6 improvement in their medical or mental condition or specific error in
7 the prior determination that found the recipient eligible by reason of
8 incapacitation. Recipients of general assistance based upon pregnancy
9 who relinquish their child for adoption, remain otherwise eligible, and
10 ((who)) are not eligible to receive benefits under the federal aid to
11 families with dependent children program shall not have their benefits
12 terminated until the end of the month in which the period of six weeks
13 following the birth of the recipient's child falls. Recipients of the
14 federal aid to families with dependent children program who lose their
15 eligibility solely because of the birth and relinquishment of the
16 qualifying child may receive general assistance through the end of the
17 month in which the period of six weeks following the birth of the child
18 falls.

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

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

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

28 (10) "Resource"--Any asset, tangible or intangible, owned by or
29 available to the applicant at the time of application, which can be
30 applied toward meeting the applicant's need, either directly or by

1 conversion into money or its equivalent: PROVIDED, That an applicant
2 may retain the following described resources and not be ineligible for
3 public assistance because of such resources.

4 (a) A home, which is defined as real property owned and used by an
5 applicant or recipient as a place of residence, together with a
6 reasonable amount of property surrounding and contiguous thereto, which
7 is used by and useful to the applicant. Whenever a recipient shall
8 cease to use such property for residential purposes, either for himself
9 or his dependents, the property shall be considered as a resource which
10 can be made available to meet need, and if the recipient or his
11 dependents absent themselves from the home for a period of ninety
12 consecutive days such absence, unless due to hospitalization or health
13 reasons or a natural disaster, shall raise a rebuttable presumption of
14 abandonment: PROVIDED, That if in the opinion of three physicians the
15 recipient will be unable to return to the home during his lifetime, and
16 the home is not occupied by a spouse or dependent children or disabled
17 sons or daughters, such property shall be considered as a resource
18 which can be made available to meet need.

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

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

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

29 (e) Applicants for or recipients of general assistance may retain
30 the following described resources in addition to exemption for a motor

1 vehicle or home and not be ineligible for public assistance because of
2 such resources:

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

5 (ii) Term and burial insurance for use of the applicant or
6 recipient;

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

9 (iv) Cash, marketable securities, and any excess of values above
10 one thousand five hundred dollars equity in a vehicle and above one
11 thousand five hundred dollars in cash surrender value of life
12 insurance, not exceeding one thousand five hundred dollars for a single
13 person or two thousand two hundred fifty dollars for a family unit of
14 two or more. The one thousand dollar limit in subsection (10)(d) of
15 this section does not apply to recipients of or applicants for general
16 assistance.

17 (f) If an applicant for or recipient of public assistance possesses
18 property and belongings in excess of the ceiling value, such value
19 shall be used in determining the need of the applicant or recipient,
20 except that: (i) The department may exempt resources or income when
21 the income and resources are determined necessary to the applicant's or
22 recipient's restoration to independence, to decrease the need for
23 public assistance, or to aid in rehabilitating the applicant or
24 recipient or a dependent of the applicant or recipient; and (ii) the
25 department may provide grant assistance for a period not to exceed nine
26 months from the date the agreement is signed pursuant to this section
27 to persons who are otherwise ineligible because of excess real property
28 owned by such persons when they are making a good faith effort to
29 dispose of that property, (~~but the recipient must sign an agreement to~~
30 ~~dispose of the property and repay assistance payments made to the date~~

1 of disposition of the property which would not have been made had the
2 disposal occurred at the beginning of the period for which the payments
3 of such assistance were made. In no event shall such amount due the
4 state exceed the net proceeds otherwise available to the recipient from
5 the disposition, unless after nine months from the date of the
6 agreement the property has not been sold, or if the recipient's
7 eligibility for financial assistance ceases for any other reason. In
8 these two instances the entire amount of assistance paid during this
9 period will be treated as an overpayment and a debt due the state, and
10 may be recovered pursuant to RCW 43.20B.630)) by listing the property
11 with a multiple listing realtor or other reasonable means when a
12 multiple listing is unavailable or the realtor refuses to list the
13 property: PROVIDED, That:

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

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

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

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

26 (11) "Income"--(a) All appreciable gains in real or personal
27 property (cash or kind) or other assets, which are received by or
28 become available for use and enjoyment by an applicant or recipient
29 during the month of application or after applying for or receiving
30 public assistance. The department may by rule and regulation exempt

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

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

27 (12) "Need"--The difference between the applicant's or recipient's
28 standards of assistance for himself and the dependent members of his
29 family, as measured by the standards of the department, and value of

1 all nonexempt resources and nonexempt income received by or available
2 to the applicant or recipient and the dependent members of his family.

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

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

14 **Sec. 2.** RCW 74.04.055 and 1979 c 141 s 298 are each amended to
15 read as follows:

16 In furtherance of the policy of this state to cooperate with the
17 federal government in the programs included in this title the secretary
18 shall issue such rules and regulations as may become necessary to
19 entitle this state to participate in federal grants-in-aid, goods,
20 commodities and services unless the same be expressly prohibited by
21 this title. Any section or provision of this title which may be
22 susceptible to more than one construction shall be interpreted in favor
23 of the construction most likely to satisfy federal laws entitling this
24 state to receive federal matching or other funds for the various
25 programs of public assistance. If any part of this chapter is found by
26 an agency of the federal government to be in conflict with federal
27 requirements which are a prescribed condition to the receipts of
28 federal funds to the state, the conflicting part of this chapter is
29 hereby inoperative solely to the extent of the conflict with respect to

1 the agencies directly affected, and such finding or determination shall
2 not affect the operation of the remainder of this chapter.

3 **Sec. 3.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
4 as follows:

5 For the protection of applicants and recipients, the department and
6 the county offices and their respective officers and employees are
7 prohibited, except as hereinafter provided, from disclosing the
8 contents of any records, files, papers and communications, except for
9 purposes directly connected with the administration of the programs of
10 this title. In any judicial proceeding, except such proceeding as is
11 directly concerned with the administration of these programs, such
12 records, files, papers and communications, and their contents, shall be
13 deemed privileged communications and except for the right of any
14 individual to inquire of the office whether a named individual is a
15 recipient of welfare assistance and such person shall be entitled to an
16 affirmative or negative answer. ~~((However, upon written request of a
17 parent who has been awarded visitation rights in an action for divorce
18 or separation or any parent with legal custody of the child, the
19 department shall disclose to him or her the last known address and
20 location of his or her natural or adopted children. The secretary
21 shall adopt rules which establish procedures for disclosing the address
22 of the children and providing, when appropriate, for prior notice to
23 the custodian of the children. The notice shall state that a request
24 for disclosure has been received and will be complied with by the
25 department unless the department receives a copy of a court order which
26 enjoins the disclosure of the information or restricts or limits the
27 requesting party's right to contact or visit the other party or the
28 child. Information supplied to a parent by the department shall be
29 used only for purposes directly related to the enforcement of the~~

1 ~~visitation and custody provisions of the court order of separation or~~
2 ~~decree of divorce. No parent shall disclose such information to any~~
3 ~~other person except for the purpose of enforcing visitation provisions~~
4 ~~of the said order or decree.))~~

5 The county offices shall maintain monthly at their offices a report
6 showing the names and addresses of all recipients in the county
7 receiving public assistance under this title, together with the amount
8 paid to each during the preceding month.

9 The provisions of this section shall not apply to duly designated
10 representatives of approved private welfare agencies, public officials,
11 members of legislative interim committees and advisory committees when
12 performing duties directly connected with the administration of this
13 title, such as regulation and investigation directly connected
14 therewith: PROVIDED, HOWEVER, That any information so obtained by such
15 persons or groups shall be treated with such degree of confidentiality
16 as is required by the federal social security law.

17 It shall be unlawful, except as provided in this section, for any
18 person, body, association, firm, corporation or other agency to
19 solicit, publish, disclose, receive, make use of, or to authorize,
20 knowingly permit, participate in or acquiesce in the use of any lists
21 or names for commercial or political purposes of any nature. The
22 violation of this section shall be a gross misdemeanor.

23 **Sec. 4.** RCW 74.04.500 and 1979 c 141 s 322 are each amended to
24 read as follows:

25 The department of social and health services is authorized to
26 establish a food stamp program under the federal food stamp act of
27 ((1964)) 1977.

1 **Sec. 5.** RCW 74.04.515 and 1969 ex.s. c 172 s 7 are each amended to
2 read as follows:

3 In (~~(determining eligibility for purchase of)~~) administering the
4 food stamp(~~(s)~~) program, there shall be no discrimination against any
5 (~~(household)~~) applicant or recipient by reason of age, sex, handicap,
6 religious creed, political belief, race, color, or national origin.

7 NEW SECTION. **Sec. 6.** The legislature hereby expresses its
8 intention to comply with the requirements under the federal social
9 security act, as amended, creating a job opportunities and basic skills
10 training program for applicants and recipients of aid to families with
11 dependent children, which program shall be operated by the department
12 of social and health services in conformance with federal law.

13 (1) The purpose of this program is to provide recipients of aid to
14 families with dependent children the opportunity to prepare for and
15 achieve financial self-sufficiency through employment and basic skills
16 training.

17 (2) The department of social and health services is authorized to
18 contract with public and private employment and training agencies and
19 other public service entities to provide services prescribed or allowed
20 under the federal social security act, as amended, to carry out the
21 purposes of this program.

22 (3) The department of social and health services shall adopt rules
23 pursuant to chapter 34.05 RCW as necessary to effectuate the intent and
24 purpose of this chapter.

25 (4) Any section or provision of law dealing with the job
26 opportunities and basic skills training program which may be
27 susceptible to more than one construction shall be interpreted in favor
28 of the construction most likely to comply with federal laws entitling
29 the state to receive federal funds.

1 NEW SECTION. **Sec. 7.** If any part of this chapter shall be found
2 to be in conflict with federal requirements which are a prescribed
3 condition to the allocation of federal funds to the state, such
4 conflicting part of this chapter is hereby declared to be inoperative
5 solely to the extent of such conflict and with respect to the agency
6 directly affected, and such finding or determination shall not affect
7 the operation of the remainder of this chapter and its application to
8 the agency concerned.

9 NEW SECTION. **Sec. 8.** If any provision of this chapter or its
10 application to any person or circumstance is held invalid, the
11 remainder of the chapter or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 9.** Sections 6 through 8 of this act shall
14 constitute a new chapter in Title 74 RCW.

15 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 74.04.390 and 1979 c 141 s 315, 1963 c 228 s 6, & 1961 c
18 269 s 2;

19 (2) RCW 74.04.400 and 1979 c 141 s 316, 1963 c 228 s 7, & 1961 c
20 269 s 3;

21 (3) RCW 74.04.410 and 1979 c 141 s 317, 1963 c 228 s 8, & 1961 c
22 269 s 4;

23 (4) RCW 74.04.420 and 1979 c 141 s 318, 1963 c 228 s 9, & 1961 c
24 269 s 5;

25 (5) RCW 74.04.430 and 1987 c 185 s 39, 1979 c 141 s 319, 1963 c 228
26 s 10, & 1961 c 269 s 6;

27 (6) RCW 74.04.440 and 1963 c 228 s 11 & 1961 c 269 s 7;

- 1 (7) RCW 74.04.450 and 1963 c 228 s 12;
- 2 (8) RCW 74.04.460 and 1963 c 228 s 13;
- 3 (9) RCW 74.04.470 and 1979 c 141 s 320 & 1963 c 228 s 14;
- 4 (10) RCW 74.04.473 and 1983 1st ex.s. c 41 s 41;
- 5 (11) RCW 74.04.505 and 1969 ex.s. c 172 s 5;
- 6 (12) RCW 74.22.010 and 1969 c 14 s 1;
- 7 (13) RCW 74.22.020 and 1979 c 141 s 372 & 1969 c 14 s 2;
- 8 (14) RCW 74.22.030 and 1969 c 14 s 3;
- 9 (15) RCW 74.22.040 and 1969 c 14 s 4;
- 10 (16) RCW 74.22.050 and 1979 c 141 s 373 & 1969 c 14 s 5;
- 11 (17) RCW 74.22.060 and 1969 c 14 s 6;
- 12 (18) RCW 74.22.070 and 1979 c 141 s 374 & 1969 c 14 s 7;
- 13 (19) RCW 74.22.080 and 1969 c 14 s 8;
- 14 (20) RCW 74.22.090 and 1969 c 14 s 9;
- 15 (21) RCW 74.22.100 and 1979 c 141 s 375 & 1969 c 14 s 10;
- 16 (22) RCW 74.22.110 and 1979 c 141 s 376 & 1969 c 14 s 11;
- 17 (23) RCW 74.22.120 and 1969 c 14 s 12;
- 18 (24) RCW 74.23.005 and 1969 c 15 s 1;
- 19 (25) RCW 74.23.010 and 1969 c 15 s 2;
- 20 (26) RCW 74.23.020 and 1979 c 141 s 377 & 1969 c 15 s 3;
- 21 (27) RCW 74.23.030 and 1969 c 15 s 4;
- 22 (28) RCW 74.23.040 and 1979 c 141 s 378 & 1969 c 15 s 5;
- 23 (29) RCW 74.23.050 and 1969 c 15 s 6;
- 24 (30) RCW 74.23.060 and 1969 c 15 s 7;
- 25 (31) RCW 74.23.070 and 1979 c 141 s 379 & 1969 c 15 s 8;
- 26 (32) RCW 74.23.080 and 1969 c 15 s 9;
- 27 (33) RCW 74.23.090 and 1969 c 15 s 10;
- 28 (34) RCW 74.23.100 and 1969 c 15 s 11;
- 29 (35) RCW 74.23.110 and 1979 c 141 s 380 & 1969 c 15 s 12;
- 30 (36) RCW 74.23.120 and 1979 c 141 s 381 & 1969 c 15 s 13; and

1 (37) RCW 74.23.900 and 1969 c 15 s 14.