

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2634

55th Legislature
1998 Regular Session

Passed by the House February 10, 1998
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1998
Yeas 43 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2634** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2634

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives H. Sommers, Cooke, Dickerson, McDonald, Gombosky, Bush, Tokuda, Wolfe, O'Brien, Kessler, Keiser, Anderson, Ogden, B. Thomas and Thompson)

Read first time 02/03/98. Referred to Committee on .

1 AN ACT Relating to disqualifying fugitives from receiving general
2 assistance; and reenacting and amending RCW 74.04.005.

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

4 **Sec. 1.** RCW 74.04.005 and 1997 c 59 s 10 and 1997 c 58 s 309 are
5 each reenacted and amended to read as follows:

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

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

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

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

15 (4) "Director" or "secretary" means the secretary of social and
16 health services.

17 (5) "Federal-aid assistance"--The specific categories of assistance
18 for which provision is made in any federal law existing or hereafter
19 passed by which payments are made from the federal government to the

1 state in aid or in respect to payment by the state for public
2 assistance rendered to any category of needy persons for which
3 provision for federal funds or aid may from time to time be made, or a
4 federally administered needs-based program.

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

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

10 (ii) Meet one of the following conditions:

11 (A) Pregnant: PROVIDED, That need is based on the current income
12 and resource requirements of the federal temporary assistance for needy
13 families program; or

14 (B) Subject to chapter 165, Laws of 1992, incapacitated from
15 gainful employment by reason of bodily or mental infirmity that will
16 likely continue for a minimum of ninety days as determined by the
17 department.

18 (C) Persons who are unemployable due to alcohol or drug addiction
19 are not eligible for general assistance. Persons receiving general
20 assistance on July 26, 1987, or becoming eligible for such assistance
21 thereafter, due to an alcohol or drug-related incapacity, shall be
22 referred to appropriate assessment, treatment, shelter, or supplemental
23 security income referral services as authorized under chapter 74.50
24 RCW. Referrals shall be made at the time of application or at the time
25 of eligibility review. Alcoholic and drug addicted clients who are
26 receiving general assistance on July 26, 1987, may remain on general
27 assistance if they otherwise retain their eligibility until they are
28 assessed for services under chapter 74.50 RCW. Subsection
29 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
30 department from granting general assistance benefits to alcoholics and
31 drug addicts who are incapacitated due to other physical or mental
32 conditions that meet the eligibility criteria for the general
33 assistance program;

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

37 (iv) Have furnished the department their social security account
38 number. If the social security account number cannot be furnished
39 because it has not been issued or is not known, an application for a

1 number shall be made prior to authorization of assistance, and the
2 social security number shall be provided to the department upon
3 receipt.

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

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

10 (ii) To the extent authorized by the legislature in the biennial
11 appropriations act, to recipients of temporary assistance for needy
12 families whose needs are not being met because of a temporary reduction
13 in monthly income below the entitled benefit payment level caused by
14 loss or reduction of wages or unemployment compensation benefits or
15 some other unforeseen circumstances. The amount of general assistance
16 authorized shall not exceed the difference between the entitled benefit
17 payment level and the amount of income actually received.

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

27 (i) First failure: One week;

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

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

30 (d) Persons found eligible for general assistance based on
31 incapacity from gainful employment may, if otherwise eligible, receive
32 general assistance pending application for federal supplemental
33 security income benefits. Any general assistance that is subsequently
34 duplicated by the person's receipt of supplemental security income for
35 the same period shall be considered a debt due the state and shall by
36 operation of law be subject to recovery through all available legal
37 remedies.

38 (e) The department shall adopt by rule medical criteria for general
39 assistance eligibility to ensure that eligibility decisions are

1 consistent with statutory requirements and are based on clear,
2 objective medical information.

3 (f) The process implementing the medical criteria shall involve
4 consideration of opinions of the treating or consulting physicians or
5 health care professionals regarding incapacity, and any eligibility
6 decision which rejects uncontroverted medical opinion must set forth
7 clear and convincing reasons for doing so.

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

24 (h) No person may be considered an eligible individual for general
25 assistance with respect to any month if during that month the person:

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

30 (ii) Is violating a condition of probation, community supervision,
31 or parole imposed under federal or state law for a felony or gross
32 misdemeanor conviction.

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

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

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

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

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

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

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

32 (d) A motor vehicle necessary to transport a physically disabled
33 household member. This exclusion is limited to one vehicle per
34 physically disabled person.

35 (e) All other resources, including any excess of values exempted,
36 not to exceed one thousand dollars or other limit as set by the
37 department, to be consistent with limitations on resources and
38 exemptions necessary for federal aid assistance. The department shall
39 also allow recipients of temporary assistance for needy families to

1 exempt savings accounts with combined balances of up to an additional
2 three thousand dollars.

3 (f) Applicants for or recipients of general assistance shall have
4 their eligibility based on resource limitations consistent with the
5 temporary assistance for needy families program rules adopted by the
6 department.

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

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

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

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

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

32 (11) "Income"--(a) All appreciable gains in real or personal
33 property (cash or kind) or other assets, which are received by or
34 become available for use and enjoyment by an applicant or recipient
35 during the month of application or after applying for or receiving
36 public assistance. The department may by rule and regulation exempt
37 income received by an applicant for or recipient of public assistance
38 which can be used by him or her to decrease his or her need for public
39 assistance or to aid in rehabilitating him or her or his or her

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

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

24 (12) "Need"--The difference between the applicant's or recipient's
25 standards of assistance for himself or herself and the dependent
26 members of his or her family, as measured by the standards of the
27 department, and value of all nonexempt resources and nonexempt income
28 received by or available to the applicant or recipient and the
29 dependent members of his or her family.

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

36 (14) In the construction of words and phrases used in this title,
37 the singular number shall include the plural, the masculine gender
38 shall include both the feminine and neuter genders and the present

1 tense shall include the past and future tenses, unless the context
2 thereof shall clearly indicate to the contrary.

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