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**SUBSTITUTE SENATE BILL 5924**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators West and Oke)

Read first time 04/04/97.

1 AN ACT Relating to general assistance; reenacting and amending RCW  
2 74.04.005; and adding a new section to chapter 74.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.04 RCW  
5 to read as follows:

6 (1) Recipients of general assistance-unemployable who are also  
7 chemically dependent are subject to the following rules as a condition  
8 of eligibility:

9 (a) Recipients shall be enrolled in a certified chemical dependency  
10 treatment program;

11 (b) Recipients shall be entitled to receive benefits under this  
12 chapter while they are waiting for an available treatment slot;

13 (c) Recipients shall be assigned a protective payee to prevent the  
14 diversion of cash assistance toward purchasing alcohol or other drugs  
15 until such time as they enter a treatment program;

16 (d) Recipients shall cooperate in attending the assigned treatment  
17 program in order to retain eligibility;

1 (e) Recipients shall be subject to periodic drug tests that shall  
2 be used by the department to determine if recipients are cooperating  
3 with assigned treatment options; and

4 (f) If recipients cooperate in attending treatment but continue to  
5 be chemically dependent after treatment ends, the department shall make  
6 a determination as to what treatment option is appropriate for the  
7 recipient. Recipients who are cooperating with the department in  
8 identifying and attending treatment options shall not have eligibility  
9 terminated.

10 (2) The department shall identify recipients subject to this  
11 section who are no longer chemically dependent through treatment  
12 ordered by the department or through other means and shall provide  
13 facilitation services to enable these recipients to regain eligibility  
14 to the federal supplemental security income program.

15 **Sec. 2.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
16 each reenacted and amended to read as follows:

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

19 (1) "Public assistance" or "assistance"«Public aid to persons in  
20 need thereof for any cause, including services, medical care,  
21 assistance grants, disbursing orders, work relief, general assistance  
22 and federal-aid assistance.

23 (2) "Department"«The department of social and health services.

24 (3) "County or local office"«The administrative office for one or  
25 more counties or designated service areas.

26 (4) "Director" or "secretary" means the secretary of social and  
27 health services.

28 (5) "Federal-aid assistance"«The specific categories of assistance  
29 for which provision is made in any federal law existing or hereafter  
30 passed by which payments are made from the federal government to the  
31 state in aid or in respect to payment by the state for public  
32 assistance rendered to any category of needy persons for which  
33 provision for federal funds or aid may from time to time be made, or a  
34 federally administered needs-based program.

35 (6)(a) "General assistance"«Aid to persons in need who:

36 (i) Are not eligible to receive federal-aid assistance, other than  
37 food stamps and medical assistance; however, an individual who refuses

1 or fails to cooperate in obtaining federal-aid assistance, without good  
2 cause, is not eligible for general assistance;

3 (ii) Meet one of the following conditions:

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

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

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

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

33 (iv) Have furnished the department their social security account  
34 number. If the social security account number cannot be furnished  
35 because it has not been issued or is not known, an application for a  
36 number shall be made prior to authorization of assistance, and the  
37 social security number shall be provided to the department upon  
38 receipt.

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

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

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

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

24 (i) First failure: One week;

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

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

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

35 (e) The department shall adopt by rule medical criteria for general  
36 assistance eligibility to ensure that eligibility decisions are  
37 consistent with statutory requirements and are based on clear,  
38 objective medical information.

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

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

22 (h) Applicants who have otherwise been deemed eligible for general  
23 assistance-unemployable and who are drug or alcohol addicted as  
24 determined by the department through procedures set forth in rule are  
25 eligible to receive general assistance benefits subject to section 1 of  
26 this act.

27 (7) "Applicant"«Any person who has made a request, or on behalf of  
28 whom a request has been made, to any county or local office for  
29 assistance.

30 (8) "Recipient"«Any person receiving assistance and in addition  
31 those dependents whose needs are included in the recipient's  
32 assistance.

33 (9) "Standards of assistance"«The level of income required by an  
34 applicant or recipient to maintain a level of living specified by the  
35 department.

36 (10) "Resource"«Any asset, tangible or intangible, owned by or  
37 available to the applicant at the time of application, which can be  
38 applied toward meeting the applicant's need, either directly or by  
39 conversion into money or its equivalent: PROVIDED, That an applicant

1 may retain the following described resources and not be ineligible for  
2 public assistance because of such resources.

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

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

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

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

28 (e) Applicants for or recipients of general assistance shall have  
29 their eligibility based on resource limitations consistent with the aid  
30 to families with dependent children program rules adopted by the  
31 department.

32 (f) If an applicant for or recipient of public assistance possesses  
33 property and belongings in excess of the ceiling value, such value  
34 shall be used in determining the need of the applicant or recipient,  
35 except that: (i) The department may exempt resources or income when  
36 the income and resources are determined necessary to the applicant's or  
37 recipient's restoration to independence, to decrease the need for  
38 public assistance, or to aid in rehabilitating the applicant or  
39 recipient or a dependent of the applicant or recipient; and (ii) the

1 department may provide grant assistance for a period not to exceed nine  
2 months from the date the agreement is signed pursuant to this section  
3 to persons who are otherwise ineligible because of excess real property  
4 owned by such persons when they are making a good faith effort to  
5 dispose of that property: PROVIDED, That:

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

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

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

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

18 (11) "Income"«(a) All appreciable gains in real or personal  
19 property (cash or kind) or other assets, which are received by or  
20 become available for use and enjoyment by an applicant or recipient  
21 during the month of application or after applying for or receiving  
22 public assistance. The department may by rule and regulation exempt  
23 income received by an applicant for or recipient of public assistance  
24 which can be used by him to decrease his need for public assistance or  
25 to aid in rehabilitating him or his dependents, but such exemption  
26 shall not, unless otherwise provided in this title, exceed the  
27 exemptions of resources granted under this chapter to an applicant for  
28 public assistance. In determining the amount of assistance to which an  
29 applicant or recipient of aid to families with dependent children is  
30 entitled, the department is hereby authorized to disregard as a  
31 resource or income the earned income exemptions consistent with federal  
32 requirements. The department may permit the above exemption of  
33 earnings of a child to be retained by such child to cover the cost of  
34 special future identifiable needs even though the total exceeds the  
35 exemptions or resources granted to applicants and recipients of public  
36 assistance, but consistent with federal requirements. In formulating  
37 rules and regulations pursuant to this chapter, the department shall  
38 define income and resources and the availability thereof, consistent  
39 with federal requirements. All resources and income not specifically

1 exempted, and any income or other economic benefit derived from the use  
2 of, or appreciation in value of, exempt resources, shall be considered  
3 in determining the need of an applicant or recipient of public  
4 assistance.

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

10 (12) "Need"«The difference between the applicant's or recipient's  
11 standards of assistance for himself and the dependent members of his  
12 family, as measured by the standards of the department, and value of  
13 all nonexempt resources and nonexempt income received by or available  
14 to the applicant or recipient and the dependent members of his family.

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

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

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