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SENATE BILL 5576

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State of Washington

57th Legislature

2001 Regular Session

By Senator Hargrove; by request of Governor Locke

Read first time 01/26/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the simplification of public assistance  
2 asset tests; and amending RCW 74.04.005 and 74.13.0903.

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

4 **Sec. 1.** RCW 74.04.005 and 2000 c 218 s 1 are each amended to read  
5 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  
9 in need thereof for any cause, including services, medical care,  
10 assistance grants, disbursing orders, work relief, general  
11 assistance 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  
14 or 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  
18 assistance for which provision is made in any federal law existing

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

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

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

12 (ii) Meet one of the following conditions:

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

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

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

37 (iii) Are citizens or aliens lawfully admitted for permanent  
38 residence or otherwise residing in the United States under color

1 of law; and

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

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

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

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

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

33 (i) First failure: One week;

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

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

37 (d) Persons found eligible for general assistance based on  
38 incapacity from gainful employment may, if otherwise eligible,

1 receive general assistance pending application for federal  
2 supplemental security income benefits. Any general assistance that  
3 is subsequently duplicated by the person's receipt of supplemental  
4 security income for the same period shall be considered a debt due  
5 the state and shall by operation of law be subject to recovery  
6 through all available legal remedies.

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

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

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

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

36 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
37 confinement for conviction of, a felony, or an attempt to commit a  
38 felony, under the laws of the state of Washington or the place

1 from which the person flees; or

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

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

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

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

14 (10) "Resource"--Any cash or other asset(~~(, tangible or~~  
15 ~~intangible,)~~ readily convertible to cash owned by or available to  
16 the applicant (~~(at the time of application)~~), which can be applied  
17 toward meeting the applicant's need(~~(, either directly or by~~  
18 ~~conversion into money or its equivalent)~~). The department (~~(may)~~)  
19 shall by rule designate maximum resources that an applicant may  
20 retain and (~~(not)~~) be (~~(ineligible)~~) eligible for public  
21 assistance (~~(because of such resources. Exempt resources shall~~  
22 ~~include, but are not limited to:~~

23 ~~(a) A home that an applicant, recipient, or their dependents is~~  
24 ~~living in, including the surrounding property;~~

25 ~~(b) Household furnishings and personal effects;~~

26 ~~(c) A motor vehicle, other than a motor home, used and useful~~  
27 ~~having an equity value not to exceed five thousand dollars;~~

28 ~~(d) A motor vehicle necessary to transport a physically~~  
29 ~~disabled household member. This exclusion is limited to one vehicle~~  
30 ~~per physically disabled person;~~

31 ~~(e) All other resources, including any excess of values~~  
32 ~~exempted, not to exceed one thousand dollars or other limit as set~~  
33 ~~by the department, to be consistent with limitations on resources~~  
34 ~~and exemptions necessary for federal aid assistance. The department~~  
35 ~~shall also allow recipients of temporary assistance for needy~~  
36 ~~families to exempt savings accounts with combined balances of up~~  
37 ~~to an additional three thousand dollars;~~

38 ~~(f) Applicants for or recipients of general assistance shall~~

1 have their eligibility based on resource limitations consistent  
2 with the temporary assistance for needy families program rules  
3 adopted by the department; and

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

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

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

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

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

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

1 rehabilitating him or her or his or her dependents(~~(, but such~~  
2 ~~exemption shall not, unless otherwise provided in this title,~~  
3 ~~exceed the exemptions of resources granted under this chapter to~~  
4 ~~an applicant for public assistance))). In addition, for cash  
5 assistance the department may disregard income pursuant to RCW  
6 74.08A.230 and 74.12.350.~~

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

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

18 (13) For purposes of determining eligibility for public  
19 assistance and participation levels in the cost of medical care,  
20 the department shall exempt restitution payments made to people of  
21 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of  
22 1988 and the Aleutian and Pribilof Island Restitution Act passed  
23 by congress, P.L. 100-383, including all income and resources  
24 derived therefrom.

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

30 **Sec. 2.** RCW 74.13.0903 and 1997 c 58 s 404 are each amended to  
31 read as follows:

32 The office of child care policy is established to operate under  
33 the authority of the department of social and health services. The  
34 duties and responsibilities of the office include, but are not  
35 limited to, the following, within appropriated funds:

36 (1) Staff and assist the child care coordinating committee in  
37 the implementation of its duties under RCW 74.13.090;

1 (2) Work in conjunction with the statewide child care resource  
2 and referral network as well as local governments, nonprofit  
3 organizations, businesses, and community child care advocates to  
4 create local child care resource and referral organizations. These  
5 organizations may carry out needs assessments, resource  
6 development, provider training, technical assistance, and parent  
7 information and training;

8 (3) Actively seek public and private money for distribution as  
9 grants to the statewide child care resource and referral network  
10 and to existing or potential local child care resource and  
11 referral organizations;

12 (4) Adopt rules regarding the application for and distribution  
13 of grants to local child care resource and referral  
14 organizations. The rules shall, at a minimum, require an applicant  
15 to submit a plan for achieving the following objectives:

16 (a) Provide parents with information about child care  
17 resources, including location of services and subsidies;

18 (b) Carry out child care provider recruitment and training  
19 programs, including training under RCW 74.25.040;

20 (c) Offer support services, such as parent and provider  
21 seminars, toy-lending libraries, and substitute banks;

22 (d) Provide information for businesses regarding child care  
23 supply and demand;

24 (e) Advocate for increased public and private sector resources  
25 devoted to child care;

26 (f) Provide technical assistance to employers regarding  
27 employee child care services; and

28 (g) Serve recipients of temporary assistance for needy families  
29 and low-income working parents (~~with incomes at or below~~  
30 ~~household incomes of one hundred seventy five percent of the~~  
31 ~~federal poverty line~~));

32 (5) Provide staff support and technical assistance to the  
33 statewide child care resource and referral network and local child  
34 care resource and referral organizations;

35 (6) Maintain a statewide child care licensing data bank and  
36 work with department of social and health services licensors to  
37 provide information to local child care resource and referral  
38 organizations about licensed child care providers in the state;



1           (7) Through the statewide child care resource and referral  
2 network and local resource and referral organizations, compile  
3 data about local child care needs and availability for future  
4 planning and development;

5           (8) Coordinate with the statewide child care resource and  
6 referral network and local child care resource and referral  
7 organizations for the provision of training and technical  
8 assistance to child care providers; and

9           (9) Collect and assemble information regarding the availability  
10 of insurance and of federal and other child care funding to assist  
11 state and local agencies, businesses, and other child care  
12 providers in offering child care services.

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