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HOUSE BILL 2896

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Darneille, Dickerson, Roberts, Williams, Kagi, Simpson, and Kenney

Read first time 01/17/08. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to increasing public assistance grants to account  
2 for cost-of-living increases; and amending RCW 74.04.005 and  
3 74.08A.340.

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

5 **Sec. 1.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended  
6 to read as follows:

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

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

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

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

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

18 (5) "Federal-aid assistance"--The specific categories of assistance  
19 for which provision is made in any federal law existing or hereafter

1 passed by which payments are made from the federal government to the  
2 state in aid or in respect to payment by the state for public  
3 assistance rendered to any category of needy persons for which  
4 provision for federal funds or aid may from time to time be made, or a  
5 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 than  
8 food stamps or food stamp benefits transferred electronically and  
9 medical assistance; however, an individual who refuses or fails to  
10 cooperate in obtaining federal-aid assistance, without good cause, is  
11 not eligible for general assistance;

12 (ii) Meet one of the following conditions:

13 (A) Pregnant: PROVIDED, That need is based on the current income  
14 and resource requirements of the federal temporary assistance for needy  
15 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 will  
18 likely continue for a minimum of ninety days as determined by the  
19 department.

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

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

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

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

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

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

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

30 (i) First failure: One week;

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

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

33 (d) Persons found eligible for general assistance based on  
34 incapacity from gainful employment may, if otherwise eligible, receive  
35 general assistance pending application for federal supplemental  
36 security income benefits. Any general assistance that is subsequently  
37 duplicated by the person's receipt of supplemental security income for

1 the same period shall be considered a debt due the state and shall by  
2 operation of law be subject to recovery through all available legal  
3 remedies.

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

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

13 (g) Recipients of general assistance based upon a finding of  
14 incapacity from gainful employment who remain otherwise eligible shall  
15 have their benefits discontinued unless the recipient demonstrates no  
16 material improvement in their medical or mental condition. The  
17 department may discontinue benefits when there was specific error in  
18 the prior determination that found the recipient eligible by reason of  
19 incapacitation. Recipients of general assistance based upon pregnancy  
20 who relinquish their child for adoption, remain otherwise eligible, and  
21 are not eligible to receive benefits under the federal temporary  
22 assistance for needy families program shall not have their benefits  
23 terminated until the end of the month in which the period of six weeks  
24 following the birth of the recipient's child falls. Recipients of the  
25 federal temporary assistance for needy families program who lose their  
26 eligibility solely because of the birth and relinquishment of the  
27 qualifying child may receive general assistance through the end of the  
28 month in which the period of six weeks following the birth of the child  
29 falls.

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

32 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
33 confinement for conviction of, a felony, or an attempt to commit a  
34 felony, under the laws of the state of Washington or the place from  
35 which the person flees; or

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

1       (i) The department shall annually increase general assistance grant  
2 levels to recipients of the program at a rate equal to the annual  
3 percentage increase in the consumer price index for all urban consumers  
4 as reported by the bureau of labor statistics of the United States  
5 department of labor.

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

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

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

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

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

24       (b) Household furnishings and personal effects;

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

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

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

37       (f) Applicants for or recipients of general assistance shall have

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

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

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

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

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

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

29 (11) "Income"--(a) All appreciable gains in real or personal  
30 property (cash or kind) or other assets, which are received by or  
31 become available for use and enjoyment by an applicant or recipient  
32 during the month of application or after applying for or receiving  
33 public assistance. The department may by rule and regulation exempt  
34 income received by an applicant for or recipient of public assistance  
35 which can be used by him or her to decrease his or her need for public  
36 assistance or to aid in rehabilitating him or her or his or her  
37 dependents, but such exemption shall not, unless otherwise provided in  
38 this title, exceed the exemptions of resources granted under this

1 chapter to an applicant for public assistance. In addition, for cash  
2 assistance the department may disregard income pursuant to RCW  
3 74.08A.230 and 74.12.350.

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

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

26 **Sec. 2.** RCW 74.08A.340 and 2007 c 522 s 957 are each amended to  
27 read as follows:

28 The department of social and health services shall operate the  
29 Washington WorkFirst program authorized under RCW 74.08A.200 through  
30 74.08A.330, 43.330.145, (~~((74.13.0903))~~) 43.215.545, and 74.25.040, and  
31 chapter 74.12 RCW within the following constraints:

32 (1) The full amount of the temporary assistance for needy families  
33 block grant, plus qualifying state expenditures as appropriated in the  
34 biennial operating budget, shall be appropriated to the department each  
35 year in the biennial appropriations act to carry out the provisions of  
36 the program authorized in RCW 74.08A.200 through 74.08A.330,

1 43.330.145, (~~74.13.0903~~) 43.215.545, and 74.25.040, and chapter 74.12  
2 RCW.

3 (2)(a) The department may expend funds defined in subsection (1) of  
4 this section in any manner that will effectively accomplish the outcome  
5 measures defined in RCW 74.08A.410 with the following exception:  
6 Beginning with the 2007-2009 biennium, funds that constitute the  
7 working connections child care program, child care quality programs,  
8 and child care licensing functions.

9 (b) Beginning in the 2007-2009 fiscal biennium, the legislature  
10 shall appropriate and the departments of early learning and social and  
11 health services shall expend funds defined in subsection (1) of this  
12 section that constitute the working connections child care program,  
13 child care quality programs, and child care licensing functions in a  
14 manner that is consistent with the outcome measures defined in RCW  
15 74.08A.410.

16 (c) No more than fifteen percent of the amount provided in  
17 subsection (1) of this section may be spent for administrative  
18 purposes. For the purpose of this subsection, "administrative  
19 purposes" does not include expenditures for information technology and  
20 computerization needed for tracking and monitoring required by P.L.  
21 104-193. The department shall (~~not~~) annually increase grant levels  
22 to recipients of the program authorized in RCW 74.08A.200 through  
23 74.08A.330 and 43.330.145 and chapter 74.12 RCW at a rate equal to the  
24 annual percentage increase in the consumer price index for all urban  
25 consumers as reported by the bureau of labor statistics of the United  
26 States department of labor.

27 (3) The department shall implement strategies that accomplish the  
28 outcome measures identified in RCW 74.08A.410 that are within the  
29 funding constraints in this section. Specifically, the department  
30 shall implement strategies that will cause the number of cases in the  
31 program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145  
32 and chapter 74.12 RCW to decrease by at least fifteen percent during  
33 the 1997-99 biennium and by at least five percent in the subsequent  
34 biennium. The department may transfer appropriation authority between  
35 funding categories within the economic services program in order to  
36 carry out the requirements of this subsection.

37 (4) The department shall monitor expenditures against the  
38 appropriation levels provided for in subsection (1) of this section.



1 The department shall quarterly make a determination as to whether  
2 expenditure levels will exceed available funding and communicate its  
3 finding to the legislature. If the determination indicates that  
4 expenditures will exceed funding at the end of the fiscal year, the  
5 department shall take all necessary actions to ensure that all services  
6 provided under this chapter shall be made available only to the extent  
7 of the availability and level of appropriation made by the legislature.

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