

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2667

65th Legislature
2018 Regular Session

Passed by the House March 5, 2018
Yeas 90 Nays 7

Speaker of the House of Representatives

Passed by the Senate March 2, 2018
Yeas 32 Nays 17

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2667** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2667

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By House Appropriations (originally sponsored by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba, Jinkins, Gregerson, Appleton, Ortiz-Self, Wylie, Doglio, Pollet, Slatter, Fey, Goodman, and Santos)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to improving housing stability for people with
2 disabilities and seniors by amending eligibility for the essential
3 needs and housing support and the aged, blind, or disabled assistance
4 programs; amending RCW 74.04.805, 74.62.030, and 43.185C.230; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each
8 amended to read as follows:

9 (1) The department is responsible for determining eligibility for
10 referral for essential needs and housing support under RCW
11 43.185C.220. Persons eligible are persons who:

12 (a) Are incapacitated from gainful employment by reason of bodily
13 or mental infirmity that will likely continue for a minimum of ninety
14 days. The standard for incapacity in this subsection, as evidenced by
15 the ninety-day duration standard, is not intended to be as stringent
16 as federal supplemental security income disability standards;

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

20 (c) Have furnished the department their social security number.
21 If the social security number cannot be furnished because it has not

1 been issued or is not known, an application for a number must be made
2 prior to authorization of benefits, and the social security number
3 must be provided to the department upon receipt;

4 (d) Have countable income as described in RCW 74.04.005 at or
5 below four hundred twenty-eight dollars for a married couple or at or
6 below three hundred thirty-nine dollars for a single individual;

7 (e) Do not have countable resources in excess of those described
8 in RCW 74.04.005; and

9 (f) Are not eligible for:

10 (i) ~~((The aged, blind, or disabled assistance program;~~

11 ~~(ii)))~~ The pregnant women assistance program; or

12 ~~((iii)))~~ (ii) Federal aid assistance, other than basic food
13 benefits transferred electronically and medical assistance.

14 (2) Recipients of aged, blind, or disabled assistance program
15 benefits who meet other eligibility requirements in this section are
16 eligible for a referral for essential needs and housing support
17 services within funds appropriated for the department of commerce.

18 (3) The following persons are not eligible for a referral for
19 essential needs and housing support:

20 (a) ~~((Persons who are unemployable due primarily to alcohol or~~
21 ~~drug addiction, except as provided in subsection (3) of this~~
22 ~~subsection. These persons must be referred to appropriate assessment,~~
23 ~~treatment, shelter, or supplemental security income referral services~~
24 ~~as authorized under chapter 74.50 RCW. Referrals must be made at the~~
25 ~~time of application or at the time of eligibility review. This~~
26 ~~subsection may not be construed to prohibit the department from~~
27 ~~making a referral for essential needs and housing report for persons~~
28 ~~who have a substance abuse addiction who are incapacitated due to~~
29 ~~other physical or mental conditions that meet the eligibility~~
30 ~~criteria for a referral for essential needs and housing support;~~

31 ~~(b)))~~ Persons who refuse or fail to cooperate in obtaining
32 federal aid assistance, without good cause;

33 ~~((e)))~~ (b) Persons who refuse or fail without good cause to
34 participate in drug or alcohol treatment if an assessment by a
35 certified chemical dependency counselor indicates a need for such
36 treatment. Good cause must be found to exist when a person's physical
37 or mental condition, as determined by the department, prevents the
38 person from participating in drug or alcohol dependency treatment,
39 when needed outpatient drug or alcohol treatment is not available to
40 the person in the county of his or her residence or when needed

1 inpatient treatment is not available in a location that is reasonably
2 accessible for the person; and

3 ~~((d))~~ (c) Persons who are fleeing to avoid prosecution of, or
4 to avoid custody or confinement for conviction of, a felony, or an
5 attempt to commit a felony, under the laws of the state of Washington
6 or the place from which the person flees; or who are violating a
7 condition of probation, community supervision, or parole imposed
8 under federal or state law for a felony or gross misdemeanor
9 conviction.

10 ~~((3))~~ (4) For purposes of determining whether a person is
11 incapacitated from gainful employment under subsection (1) of this
12 section:

13 (a) The department shall adopt by rule medical criteria for
14 incapacity determinations to ensure that eligibility decisions are
15 consistent with statutory requirements and are based on clear,
16 objective medical information; and

17 (b) The process implementing the medical criteria must involve
18 consideration of opinions of the treating or consulting physicians or
19 health care professionals regarding incapacity, and any eligibility
20 decision which rejects uncontroverted medical opinion must set forth
21 clear and convincing reasons for doing so.

22 ~~((4))~~ (5) For purposes of reviewing a person's continuing
23 eligibility and in order to remain eligible for the program, persons
24 who have been found to have an incapacity from gainful employment
25 must demonstrate that there has been no material improvement in their
26 medical or mental health condition. The department may discontinue
27 benefits when there was specific error in the prior determination
28 that found the person eligible by reason of incapacitation.

29 ~~((5))~~ (6) The department must review the cases of all persons
30 who have received benefits under the essential needs and housing
31 support program for twelve consecutive months, and at least annually
32 after the first review, to determine whether they are eligible for
33 the aged, blind, or disabled assistance program.

34 **Sec. 2.** RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each
35 amended to read as follows:

36 (1)(a) ~~((Effective November 1, 2011,))~~ The aged, blind, or
37 disabled assistance program shall provide financial grants to persons
38 in need who:

1 (i) Are not eligible to receive federal aid assistance, other
2 than basic food benefits transferred electronically and medical
3 assistance;

4 (ii) Meet the eligibility requirements of subsection (3) of this
5 section; and

6 (iii) Are aged, blind, or disabled. For purposes of determining
7 eligibility for assistance for the aged, blind, or disabled
8 assistance program, the following definitions apply:

9 (A) "Aged" means age sixty-five or older.

10 (B) "Blind" means statutorily blind as defined for the purpose of
11 determining eligibility for the federal supplemental security income
12 program.

13 (C) "Disabled" means likely to meet the federal supplemental
14 security income disability standard. In making this determination,
15 the department should give full consideration to the cumulative
16 impact of an applicant's multiple impairments, an applicant's age,
17 and vocational and educational history.

18 In determining whether a person is disabled, the department may
19 rely on, but is not limited to, the following:

20 (I) A previous disability determination by the social security
21 administration or the disability determination service entity within
22 the department; or

23 (II) A determination that an individual is eligible to receive
24 optional categorically needy medicaid as a disabled person under the
25 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

26 (b) The following persons are not eligible for the aged, blind,
27 or disabled assistance program:

28 (i) Persons who are not able to engage in gainful employment due
29 primarily to alcohol or drug addiction. These persons shall be
30 referred to appropriate assessment, treatment, shelter, or
31 supplemental security income referral services as authorized under
32 chapter 74.50 RCW. Referrals shall be made at the time of application
33 or at the time of eligibility review. This subsection may not be
34 construed to prohibit the department from granting aged, blind, or
35 disabled assistance benefits to alcoholics and drug addicts who are
36 incapacitated due to other physical or mental conditions that meet
37 the eligibility criteria for the aged, blind, or disabled assistance
38 program; or

39 (ii) Persons for whom there has been a final determination of
40 ineligibility for federal supplemental security income benefits.

1 (c) Persons may receive aged, blind, or disabled assistance
2 benefits and essential needs and housing program support under RCW
3 43.185C.220 concurrently while pending application for federal
4 supplemental security income benefits. The monetary value of any
5 aged, blind, or disabled assistance benefit that is subsequently
6 duplicated by the person's receipt of supplemental security income
7 for the same period shall be considered a debt due the state and
8 shall by operation of law be subject to recovery through all
9 available legal remedies.

10 (2) (~~Effective November 1, 2011,~~) The pregnant women assistance
11 program shall provide financial grants to persons who:

12 (a) Are not eligible to receive federal aid assistance other than
13 basic food benefits or medical assistance; and

14 (b) Are pregnant and in need, based upon the current income and
15 resource standards of the federal temporary assistance for needy
16 families program, but are ineligible for federal temporary assistance
17 for needy families benefits for a reason other than failure to
18 cooperate in program requirements; and

19 (c) Meet the eligibility requirements of subsection (3) of this
20 section.

21 (3) To be eligible for the aged, blind, or disabled assistance
22 program under subsection (1) of this section or the pregnant women
23 assistance program under subsection (2) of this section, a person
24 must:

25 (a) Be a citizen or alien lawfully admitted for permanent
26 residence or otherwise residing in the United States under color of
27 law;

28 (b) Meet the income and resource standards described in RCW
29 74.04.805(1) (d) and (e);

30 (c) Have furnished the department his or her social security
31 number. If the social security number cannot be furnished because it
32 has not been issued or is not known, an application for a number
33 shall be made prior to authorization of benefits, and the social
34 security number shall be provided to the department upon receipt;

35 (d) Not have refused or failed without good cause to participate
36 in drug or alcohol treatment if an assessment by a certified chemical
37 dependency counselor indicates a need for such treatment. Good cause
38 must be found to exist when a person's physical or mental condition,
39 as determined by the department, prevents the person from
40 participating in drug or alcohol dependency treatment, when needed

1 outpatient drug or alcohol treatment is not available to the person
2 in the county of his or her residence or when needed inpatient
3 treatment is not available in a location that is reasonably
4 accessible for the person; and

5 (e) Not have refused or failed to cooperate in obtaining federal
6 aid assistance, without good cause.

7 (4) (~~Effective November 1, 2011,~~) Referrals for essential needs
8 and housing support under RCW 43.185C.220 shall be provided to
9 persons found eligible under RCW 74.04.805.

10 (5) No person may be considered an eligible individual for
11 benefits under this section with respect to any month if during that
12 month the person:

13 (a) Is fleeing to avoid prosecution of, or to avoid custody or
14 confinement for conviction of, a felony, or an attempt to commit a
15 felony, under the laws of the state of Washington or the place from
16 which the person flees; or

17 (b) Is violating a condition of probation, community supervision,
18 or parole imposed under federal or state law for a felony or gross
19 misdemeanor conviction.

20 (6) The department must share client data for individuals
21 eligible for essential needs and housing support with the department
22 of commerce and designated essential needs and housing support
23 entities as required under RCW 43.185C.230.

24 **Sec. 3.** RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each
25 amended to read as follows:

26 The department, in collaboration with the department of social
27 and health services, shall:

28 (1) Develop a mechanism through which the department and local
29 governments or community-based organizations can verify a person has
30 been determined eligible by the department of social and health
31 services and remains eligible for the essential needs and housing
32 support program; and

33 (2) Provide a secure and current list of individuals eligible for
34 the essential needs and housing support program to designated
35 entities within each county. The list must be updated at least
36 monthly and include, as available and applicable, the eligible
37 individual's:

38 (a) Name;

39 (b) Address;

- 1 (c) Phone number;
2 (d) Shelter location; and
3 (e) Case manager contact information.

4 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are necessary
5 for the immediate preservation of the public peace, health, or
6 safety, or support of the state government and its existing public
7 institutions, and take effect immediately.

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