

3SSB 5164 - H COMM AMD

By Committee on Human Services & Early Learning

NOT ADOPTED 03/05/2020

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 74.04.005 and 2018 c 40 s 1 are each amended to  
4 read as follows:

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

7 (1) "Aged, blind, or disabled assistance program" means the  
8 program established under RCW 74.62.030.

9 (2) "Applicant" means any person who has made a request, or on  
10 behalf of whom a request has been made, to any county or local office  
11 for assistance.

12 (3) "Authority" means the health care authority.

13 (4) "County or local office" means the administrative office for  
14 one or more counties or designated service areas.

15 (5) "Department" means the department of social and health  
16 services.

17 (6) "Director" means the director of the health care authority.

18 (7) "Essential needs and housing support program" means the  
19 program established in RCW 43.185C.220.

20 (8) "Federal aid assistance" means the specific categories of  
21 assistance for which provision is made in any federal law existing or  
22 hereafter passed by which payments are made from the federal  
23 government to the state in aid or in respect to payment by the state  
24 for public assistance rendered to any category of needy persons for  
25 which provision for federal funds or aid may from time to time be  
26 made, or a federally administered needs-based program.

27 (9) "Income" means:

28 (a) All appreciable gains in real or personal property (cash or  
29 kind) or other assets, which are received by or become available for  
30 use and enjoyment by an applicant or recipient during the month of  
31 application or after applying for or receiving public assistance. The  
32 department may by rule and regulation exempt income received by an

1 applicant for or recipient of public assistance which can be used by  
2 him or her to decrease his or her need for public assistance or to  
3 aid in rehabilitating him or her or his or her dependents, but such  
4 exemption shall not, unless otherwise provided in this title, exceed  
5 the exemptions of resources granted under this chapter to an  
6 applicant for public assistance. In addition, for cash assistance the  
7 department may disregard income pursuant to RCW 74.08A.230 and  
8 74.12.350.

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

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

20 (11) "Public assistance" or "assistance" means public aid to  
21 persons in need thereof for any cause, including services, medical  
22 care, assistance grants, disbursing orders, work relief, benefits  
23 under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

24 (12) "Recipient" means any person receiving assistance and in  
25 addition those dependents whose needs are included in the recipient's  
26 assistance.

27 (13) "Resource" means any asset, tangible or intangible, owned by  
28 or available to the applicant at the time of application, which can  
29 be applied toward meeting the applicant's need, either directly or by  
30 conversion into money or its equivalent. The department may by rule  
31 designate resources that an applicant may retain and not be  
32 ineligible for public assistance because of such resources. Exempt  
33 resources shall include, but are not limited to:

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

36 (b) Household furnishings and personal effects;

37 (c) One motor vehicle, other than a motor home, used and useful  
38 having an equity value not to exceed ten thousand dollars;

1 (d) A motor vehicle necessary to transport a household member  
2 with a physical disability. This exclusion is limited to one vehicle  
3 per person with a physical disability;

4 (e) All other resources, including any excess of values exempted,  
5 not to exceed six thousand dollars or other limit as set by the  
6 department, to be consistent with limitations on resources and  
7 exemptions necessary for federal aid assistance;

8 (f) Applicants for or recipients of benefits under RCW 74.62.030  
9 and 43.185C.220 shall have their eligibility based on resource  
10 limitations consistent with the temporary assistance for needy  
11 families program rules adopted by the department; and

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

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

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

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

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

38 (14) "Secretary" means the secretary of social and health  
39 services.

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

4 (16) For purposes of determining eligibility for public  
5 assistance and participation levels in the cost of medical care, the  
6 department shall exempt restitution payments made to people of  
7 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of  
8 1988 and the Aleutian and Pribilof Island Restitution Act passed by  
9 congress, P.L. 100-383, including all income and resources derived  
10 therefrom.

11 (17) In the construction of words and phrases used in this title,  
12 the singular number shall include the plural, the masculine gender  
13 shall include both the feminine and neuter genders, and the present  
14 tense shall include the past and future tenses, unless the context  
15 thereof shall clearly indicate to the contrary.

16 (18)(a) "Victim of human trafficking" means a noncitizen and any  
17 qualifying family members who have:

18 (i) Filed or are preparing to file an application for T  
19 nonimmigrant status with the appropriate federal agency pursuant to 8  
20 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

21 (ii) Filed or are preparing to file an application with the  
22 appropriate federal agency for status pursuant to 8 U.S.C. Sec.  
23 1101(a)(15)(U), as it existed on January 1, 2020; or

24 (iii) Been harmed by either any violation of chapter 9A.40 or  
25 9.68A RCW, or both, or by substantially similar crimes under federal  
26 law or the laws of any other state, and who:

27 (A) Are otherwise taking steps to meet the conditions for federal  
28 benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on  
29 January 1, 2020; or

30 (B) Have filed or are preparing to file an application with the  
31 appropriate federal agency for status under 8 U.S.C. Sec. 1158.

32 (b)(i) "Qualifying family member" means:

33 (A) A victim's spouse and children; and

34 (B) When the victim is under twenty-one years of age, a victim's  
35 parents and unmarried siblings under the age of eighteen.

36 (ii) "Qualifying family member" does not include a family member  
37 who has been charged with or convicted of attempt, conspiracy,  
38 solicitation, or commission of any crime referenced in this  
39 subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as  
40 either existed on January 1, 2020, when the crime is against a spouse

1 who is a victim of human trafficking or against the child of a victim  
2 of human trafficking.

3 **Sec. 2.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to  
4 read as follows:

5 (1) The department may establish a food assistance program for  
6 legal immigrants and victims of human trafficking as defined in RCW  
7 74.04.005 who are ineligible for the federal food stamp program.

8 (2) The rules for the state food assistance program shall follow  
9 exactly the rules of the federal food stamp program except for the  
10 provisions pertaining to immigrant status.

11 (3) The benefit under the state food assistance program shall be  
12 established by the legislature in the biennial operating budget.

13 (4) The department may enter into a contract with the United  
14 States department of agriculture to use the existing federal food  
15 stamp program coupon system for the purposes of administering the  
16 state food assistance program.

17 (5) In the event the department is unable to enter into a  
18 contract with the United States department of agriculture, the  
19 department may issue vouchers to eligible households for the purchase  
20 of eligible foods at participating retailers.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04  
22 RCW to read as follows:

23 Victims of human trafficking, as defined in RCW 74.04.005, are  
24 eligible for state family assistance programs as provided in rule on  
25 the effective date of this section, who otherwise meet program  
26 eligibility requirements.

27 **Sec. 4.** RCW 74.09.035 and 2013 2nd sp.s. c 10 s 7 are each  
28 amended to read as follows:

29 (1) To the extent of available funds, medical care services may  
30 be provided to:

31 (a) Victims of human trafficking, as defined in RCW 74.04.005,  
32 who are not eligible for medicaid under RCW 74.09.510, section  
33 1902(a)(10)(A)(i)(VIII) of the social security act, or apple health  
34 for kids under RCW 74.09.470, who otherwise qualify for state family  
35 assistance programs under this chapter;

1       **(b)** Persons eligible for the aged, blind, or disabled assistance  
2 program authorized in RCW 74.62.030 and who are not eligible for  
3 medicaid under RCW 74.09.510; and

4       (~~(b)~~) **(c)** Persons eligible for essential needs and housing  
5 support under RCW 74.04.805 and who are not eligible for medicaid  
6 under RCW 74.09.510.

7       (2) Enrollment in medical care services may not result in  
8 expenditures that exceed the amount that has been appropriated in the  
9 operating budget. If it appears that continued enrollment will result  
10 in expenditures exceeding the appropriated level for a particular  
11 fiscal year, the department may freeze new enrollment and establish a  
12 waiting list of persons who may receive benefits only when sufficient  
13 funds are available.

14       (3) Determination of the amount, scope, and duration of medical  
15 care services shall be limited to coverage as defined by the  
16 authority, except that adult dental, and routine foot care shall not  
17 be included unless there is a specific appropriation for these  
18 services.

19       (4) The authority shall enter into performance-based contracts  
20 with one or more managed health care systems for the provision of  
21 medical care services under this section. The contract must provide  
22 for integrated delivery of medical and mental health services.

23       (5) The authority shall establish standards of assistance and  
24 resource and income exemptions, which may include deductibles and  
25 coinsurance provisions. In addition, the authority may include a  
26 prohibition against the voluntary assignment of property or cash for  
27 the purpose of qualifying for assistance.

28       (6) Eligibility for medical care services shall commence with the  
29 date of eligibility for the aged, blind, or disabled assistance  
30 program provided under RCW 74.62.030 or the date of eligibility for  
31 the essential needs and housing support program under RCW 74.04.805.

32       (7) To the extent possible, the authority must coordinate with  
33 the department of social and health services, food assistance  
34 programs for legal immigrants, state family assistance programs, and  
35 refugee cash assistance programs.

36       NEW SECTION. **Sec. 5.** This act takes effect February 1, 2022."

37       Correct the title.

EFFECT: Excludes a family member from qualifying for assistance when that person has been charged with or convicted of a crime referenced by the Act when against a spouse who is a victim of trafficking or against the child of a trafficking victim. Removes the word "formal" from the description of filing applications for U visas and asylum. Makes a technical correction.

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