
SUBSTITUTE SENATE BILL 6495

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senator Walsh; by request of Department of Social and Health Services)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to essential needs and housing support
2 eligibility; and amending RCW 74.04.805.

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

4 **Sec. 1.** RCW 74.04.805 and 2018 c 48 s 1 are each amended to read
5 as follows:

6 (1) The department is responsible for determining eligibility for
7 referral for essential needs and housing support under RCW
8 43.185C.220. Persons eligible are persons who:

9 (a) ~~((Are))~~ Have been determined to be eligible for the pregnant
10 women assistance program under RCW 74.62.030 or are incapacitated
11 from gainful employment by reason of bodily or mental infirmity that
12 will likely continue for a minimum of ninety days. The standard for
13 incapacity in this subsection, as evidenced by the ninety-day
14 duration standard, is not intended to be as stringent as federal
15 supplemental security income disability standards;

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

19 (c) Have furnished the department their social security number.
20 If the social security number cannot be furnished because it has not
21 been issued or is not known, an application for a number must be made

1 prior to authorization of benefits, and the social security number
2 must be provided to the department upon receipt;

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

6 (ii) Have income that meets the standard established by the
7 department, who are eligible for the pregnant women assistance
8 program;

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

11 (f) Are not eligible for ((÷

12 ~~(i) The pregnant women assistance program; or~~

13 ~~(ii))~~ federal aid assistance, other than basic food benefits
14 transferred electronically and medical assistance.

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

19 (3) Recipients of pregnant women assistance program benefits who
20 meet other eligibility requirements in this section are eligible for
21 referral for essential needs and housing support services, within
22 funds appropriated for the department of commerce, for twenty-four
23 consecutive months from the date the department determines pregnant
24 women assistance program eligibility.

25 (4) The following persons are not eligible for a referral for
26 essential needs and housing support:

27 (a) Persons who refuse or fail to cooperate in obtaining federal
28 aid assistance, without good cause;

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

39 (c) Persons who are fleeing to avoid prosecution of, or to avoid
40 custody or confinement for conviction of, a felony, or an attempt to

1 commit a felony, under the laws of the state of Washington or the
2 place from which the person flees; or who are violating a condition
3 of probation, community supervision, or parole imposed under federal
4 or state law for a felony or gross misdemeanor conviction.

5 ~~((4))~~ (5) For purposes of determining whether a person is
6 incapacitated from gainful employment under subsection (1) of this
7 section:

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

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

17 ~~((5))~~ (6) For purposes of reviewing a person's continuing
18 eligibility and in order to remain eligible for the program, persons
19 who have been found to have an incapacity from gainful employment
20 must demonstrate that there has been no material improvement in their
21 medical or mental health condition. The department may discontinue
22 benefits when there was specific error in the prior determination
23 that found the person eligible by reason of incapacitation.

24 ~~((6))~~ (7) The department must review the cases of all persons
25 who have received benefits under the essential needs and housing
26 support program for twelve consecutive months, and at least annually
27 after the first review, to determine whether they are eligible for
28 the aged, blind, or disabled assistance program.

--- END ---