

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1260

68th Legislature
2023 Regular Session

Passed by the House April 18, 2023
Yeas 93 Nays 4

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 44 Nays 5

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 **ENGROSSED SUBSTITUTE HOUSE BILL 1260** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1260

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Appropriations (originally sponsored by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio, and Pollet; by request of Department of Social and Health Services)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to accelerating stability for people with a work-
2 limiting disability or incapacity; and amending RCW 74.04.805,
3 74.62.005, and 74.62.030.

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

5 **Sec. 1.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to
6 read as follows:

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

10 (a) Have been determined to be eligible for the aged, blind, or
11 disabled assistance program under RCW 74.62.030 or the pregnant women
12 assistance program under RCW 74.62.030, or are incapacitated from
13 gainful employment by reason of bodily or mental infirmity that will
14 likely continue for a minimum of ((~~ninety~~)) 90 days. The standard for
15 incapacity in this subsection, as evidenced by the ((~~ninety-day~~)) 90-
16 day duration standard, is not intended to be as stringent as federal
17 supplemental security income disability standards;

18 (b) Are citizens or aliens lawfully admitted for permanent
19 residence or otherwise residing in the United States under color of
20 law, or are victims of human trafficking as defined in RCW 74.04.005;

1 (c)(i) Have furnished the department with their social security
2 number. If the social security number cannot be furnished because it
3 has not been issued or is not known, an application for a number must
4 be made prior to authorization of benefits, and the social security
5 number must be provided to the department upon receipt;

6 (ii) This requirement does not apply to victims of human
7 trafficking as defined in RCW 74.04.005 if they have not been issued
8 a social security number;

9 (d)(i) Have countable income as described in RCW 74.04.005 (~~at~~
10 ~~or below four hundred twenty-eight dollars for a married couple or at~~
11 ~~or below three hundred thirty-nine dollars for a single individual~~)
12 that meets the standard established by the department, which shall
13 not exceed 100 percent of the federal poverty level; or

14 (ii) Have income that meets the standard established by the
15 department, who are eligible for the pregnant women assistance
16 program;

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

19 (f) Are not eligible for federal aid assistance, other than basic
20 food benefits transferred electronically and medical assistance.

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

25 ~~(3))~~ Recipients of pregnant women assistance program benefits
26 who meet other eligibility requirements in this section are eligible
27 for referral for essential needs and housing support services, within
28 funds appropriated for the department of commerce, for ~~((twenty-~~
29 ~~four))~~ 24 consecutive months from the date the department determines
30 pregnant women assistance program eligibility.

31 ~~((4))~~ (3) The following persons are not eligible for a referral
32 for essential needs and housing support:

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

35 (b) Persons who refuse or fail without good cause to participate
36 in substance use treatment if an assessment by a certified substance
37 use disorder professional indicates a need for such treatment. Good
38 cause must be found to exist when a person's physical or mental
39 condition, as determined by the department, prevents the person from
40 participating in substance use treatment, when needed outpatient

1 treatment is not available to the person in the county of their
2 residence (~~(e)~~), when needed inpatient treatment is not available in
3 a location that is reasonably accessible for the person, or when the
4 person is a parent or other relative personally providing care for a
5 minor child or an incapacitated individual living in the same home as
6 the person, and child care or day care would be necessary for the
7 person to participate in substance use disorder treatment, and such
8 care is not available; and

9 (c) Persons who are fleeing to avoid prosecution of, or to avoid
10 custody or confinement for conviction of, a felony, or an attempt to
11 commit a felony, under the laws of the state of Washington or the
12 place from which the person flees; or who are violating a condition
13 of probation, community supervision, or parole imposed under federal
14 or state law for a felony or gross misdemeanor conviction.

15 (~~(4)~~) (4) For purposes of determining whether a person is
16 incapacitated from gainful employment under subsection (1) of this
17 section:

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

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

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

34 (~~(6)~~) (6) The department must review the cases of all persons
35 who have received benefits under the essential needs and housing
36 support program for twelve consecutive months, and at least annually
37 after the first review, to determine whether they are eligible for
38 the aged, blind, or disabled assistance program.

39 (7) The department shall share client data for individuals
40 eligible for essential needs and housing support with the department

1 of commerce and designated essential needs and housing support
2 entities as required under RCW 43.185C.230.

3 **Sec. 2.** RCW 74.62.005 and 2011 1st sp.s. c 36 s 1 are each
4 amended to read as follows:

5 (1) The legislature finds that:

6 (a) Persons who have a long-term disability and apply for federal
7 supplemental security income benefits should receive assistance while
8 their application for federal benefits is pending(~~(, with repayment~~
9 ~~from the federal government of state-funded income assistance paid~~
10 ~~through the aged, blind, or disabled assistance program));~~

11 (b) Persons who are incapacitated from gainful employment for an
12 extended period, but who may not meet the level of severity of a
13 long-term disability, are at increased risk of homelessness; and

14 (c) Persons who are homeless and suffering from significant
15 medical impairments, mental illness, or ~~((chemical dependency))~~
16 substance use disorder face substantial barriers to successful
17 participation in, and completion of, needed medical or behavioral
18 health treatment services. Stable housing increases the likelihood of
19 compliance with and completion of treatment.

20 (2) Through chapter 36, Laws of 2011 1st sp. sess., the
21 legislature intends to:

22 (a) Terminate all components of the disability lifeline program
23 created in 2010 and codified in RCW 74.04.005 and create new
24 programs: (i) To provide financial grants through the aged, blind,
25 ~~((and [or]))~~ or disabled assistance program and the pregnant women
26 assistance program; and (ii) to provide services through the
27 essential needs and housing support program; and

28 (b) Increase opportunities to utilize limited public funding,
29 combined with private charitable and volunteer efforts to serve
30 persons who are recipients of the benefits provided by the new
31 programs created under chapter 36, Laws of 2011 1st sp. sess.

32 **Sec. 3.** RCW 74.62.030 and 2022 c 208 s 2 are each amended to
33 read as follows:

34 (1)(a) The aged, blind, or disabled assistance program shall
35 provide financial grants to persons in need who:

36 (i) Are not eligible to receive ~~((federal aid assistance, other~~
37 ~~than basic food benefits transferred electronically and medical~~
38 ~~assistance))~~ supplemental security income, refugee cash assistance,

1 temporary assistance for needy families, or state family assistance
2 benefits;

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

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

8 (A) "Aged" means age (~~sixty-five~~) 65 or older.

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

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

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

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

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

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

27 (i) Persons who are not able to engage in gainful employment due
28 primarily to a substance use disorder. These persons shall be
29 referred to appropriate assessment, treatment, or shelter services.
30 Referrals shall be made at the time of application or at the time of
31 eligibility review. This subsection may not be construed to prohibit
32 the department from granting aged, blind, or disabled assistance
33 benefits to persons with a substance use disorder who are
34 incapacitated due to other physical or mental conditions that meet
35 the eligibility criteria for the aged, blind, or disabled assistance
36 program; or

37 (ii) Persons for whom there has been a final determination of
38 ineligibility based on age, blindness, or disability for federal
39 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.)) Effective October 1, 2025, a person's
10 receipt of supplemental security income received for the same period
11 as aged, blind, or disabled program assistance as described in this
12 section shall not be considered a debt due to the state and is not
13 subject to recovery. However, the monetary value of aged, blind, or
14 disabled cash assistance paid prior to October 1, 2025, that is
15 duplicated by the person's receipt of supplemental security income
16 for the same period shall be considered a debt due to the state and
17 shall by operation of law be subject to recovery through all
18 available legal remedies.~~

19 (2) The pregnant women assistance program shall provide financial
20 grants to persons who:

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

23 ~~(b))~~ (b) Are pregnant and in need, based upon the current income and
24 resource standards of the federal temporary assistance for needy
25 families program, but are ineligible for federal temporary assistance
26 for needy families or state family assistance benefits for a reason
27 other than failure to cooperate in program requirements; and

28 (~~(e))~~ (b) Meet the eligibility requirements of subsection (3)
29 of this section.

30 (3) To be eligible for the aged, blind, or disabled assistance
31 program under subsection (1) of this section or the pregnant women
32 assistance program under subsection (2) of this section, a person
33 must:

34 (a) Be a citizen or alien lawfully admitted for permanent
35 residence or otherwise residing in the United States under color of
36 law, or be a victim of human trafficking as defined in RCW 74.04.005;

37 (b) Meet the income and resource standards described in RCW
38 74.04.805(1) (d) and (e);

39 (c) (i) Have furnished the department with their social security
40 number. If the social security number cannot be furnished because it

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

4 (ii) This requirement does not apply to victims of human
5 trafficking as defined in RCW 74.04.005 if they have not been issued
6 a social security number;

7 (d) Not have refused or failed without good cause to participate
8 in substance use treatment if an assessment by a certified substance
9 use disorder professional indicates a need for such treatment. Good
10 cause must be found to exist when a person's physical or mental
11 condition, as determined by the department, prevents the person from
12 participating in substance use treatment, when needed outpatient
13 treatment is not available to the person in the county of their
14 residence (~~(or)~~), when needed inpatient treatment is not available in
15 a location that is reasonably accessible for the person, or when the
16 person is a parent or other relative personally providing care for a
17 minor child or an incapacitated individual living in the same home as
18 the person, and child care or day care would be necessary for the
19 person to participate in substance use disorder treatment, and such
20 care is not available; and

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

23 (4) Referrals for essential needs and housing support under RCW
24 43.185C.220 shall be provided to persons found eligible under RCW
25 74.04.805.

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

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

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

36 (6) The department must share client data for individuals
37 eligible for essential needs and housing support with the department

1 of commerce and designated essential needs and housing support
2 entities as required under RCW 43.185C.230.

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