
ENGROSSED SUBSTITUTE SENATE BILL 5232

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Frame, Harris, Hasegawa, Nobles, and Saldaña; by request of Department of Commerce)

READ FIRST TIME 01/30/25.

1 AN ACT Relating to supporting economic security by updating
2 provisions related to the home security fund and the essential needs
3 and housing support program; and amending RCW 43.185C.220,
4 43.185C.230, 36.22.250, 74.04.005, 74.04.805, and 74.62.030.

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

6 **Sec. 1.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to
7 read as follows:

8 (1) The department shall distribute funds for the essential needs
9 and housing support program established under this section in a
10 manner consistent with the requirements of this section and the
11 biennial operating budget. The first distribution of funds must be
12 completed by September 1, 2011. Essential needs or housing support is
13 not an entitlement, and is only for ((persons));

14 (a) Persons found eligible for such services under RCW 74.04.805;
15 and ~~((is not considered an entitlement))~~

16 (b) At the discretion of the department, low or extremely low-
17 income elderly or disabled adults who are transitioning off benefits
18 under RCW 74.04.805, receiving federal social security benefits, and
19 still have an immediate housing need. A referral from the department
20 of social and health services is not required for these individuals.

1 (2) The department shall distribute funds appropriated for the
2 essential needs and housing support program in the form of grants to
3 designated essential needs support and housing support entities
4 within each county. The department shall not distribute any funds
5 until it approves the expenditure plan submitted by the designated
6 essential needs support and housing support entities. The amount of
7 funds to be distributed pursuant to this section shall be designated
8 in the biennial operating budget. For the sole purpose of meeting the
9 initial distribution of funds date, the department may distribute
10 partial funds upon the department's approval of a preliminary
11 expenditure plan. The department shall not distribute the remaining
12 funds until it has approved a final expenditure plan.

13 (3) (a) During the 2011-2013 biennium, in awarding housing support
14 that is not funded through the contingency fund in this subsection,
15 the designated housing support entity shall provide housing support
16 to clients who are homeless persons as defined in RCW 43.185C.010. As
17 provided in the biennial operating budget for the 2011-2013 biennium,
18 a contingency fund shall be used solely for those clients who are at
19 substantial risk of losing stable housing or at substantial risk of
20 losing one of the other services defined in RCW 74.62.010(6). For
21 purposes of this chapter, "substantial risk" means the client has
22 provided documentation that he or she will lose his or her housing
23 within the next thirty days or that the services will be discontinued
24 within the next thirty days.

25 (b) After July 1, 2013, the designated housing support entity
26 shall give first priority to clients who are homeless persons as
27 defined in RCW 43.185C.010 and second priority to clients who would
28 be at substantial risk of losing stable housing without housing
29 support.

30 (4) For each county, the department shall designate an essential
31 needs support entity and a housing support entity that will begin
32 providing these supports to medical care services program recipients
33 on November 1, 2011. Essential needs and housing support entities are
34 not required to provide assistance to every person referred to the
35 local entity or who meets the priority standards in subsection (3) of
36 this section.

37 (a) Each designated entity must be a local government or
38 community-based organization, and may administer the funding for
39 essential needs support, housing support, or both. Designated
40 entities have the authority to subcontract with qualified entities.

1 Upon request, and the approval of the department, two or more
2 counties may combine resources to more effectively deliver services.

3 (b) The department's designation process must include a review of
4 proficiency in managing housing or human services programs when
5 designating housing support entities.

6 (c) Within a county, if the department directly awards separate
7 grants to the designated housing support entity and the designated
8 essential needs support entity, the department shall determine the
9 amount allocated for essential needs support as directed in the
10 biennial operating budget.

11 (5)(a) Essential needs and housing support entities must use
12 funds distributed under this section as flexibly as is practicable to
13 provide essential needs items and housing support to recipients of
14 the essential needs and housing support program, subject to the
15 requirements of this section. An essential needs and housing support
16 referral from the department of social and health services for rental
17 assistance must be verified by the housing support service provider
18 every 12 months. Direct cash assistance is allowable. Direct cash
19 assistance shall be an allowable expense only when it addresses a
20 need identified in a client's housing stability plan. Direct cash
21 assistance in this section may be provided through debit cards or
22 other forms of flexible funding, including vouchers for
23 transportation, gift cards, direct payments to vendors, and other
24 similar methods of assistance.

25 ~~(b) ((Benefits provided under the essential needs and housing~~
26 ~~support program shall not be provided to recipients in the form of~~
27 ~~cash assistance.~~

28 ~~(e))~~ The department may move funds between entities or between
29 counties to reflect actual caseload changes. In doing so, the
30 department must: (i) Develop a process for reviewing the caseload of
31 designated essential needs and housing support entities, and for
32 redistributing grant funds from those entities experiencing reduced
33 actual caseloads to those with increased actual caseloads; and (ii)
34 inform all designated entities of the redistribution process. Savings
35 resulting from program caseload attrition from the essential needs
36 and housing support program shall not result in increased per-client
37 expenditures.

38 ~~((d))~~ (c) Essential needs and housing support entities must
39 partner with other public and private organizations to maximize the
40 beneficial impact of funds distributed under this section, and should

1 attempt to leverage other sources of public and private funds to
2 serve essential needs and housing support recipients. Funds
3 appropriated in the operating budget for essential needs and housing
4 support must be used only to serve persons eligible to receive
5 services under that program.

6 (6) The department shall use no more than five percent of the
7 funds for administration of the essential needs and housing support
8 program. (~~Each essential needs and housing support entity shall use~~
9 ~~no more than seven percent of the funds~~) The department shall align
10 the administration rate for essential needs and housing support
11 entities with other home security funded programs for administrative
12 expenses.

13 (7) The department shall:

14 (a) Require housing support entities to enter data into the
15 homeless client management information system;

16 (b) Require essential needs support entities to report on
17 services provided under this section;

18 (c) In collaboration with the department of social and health
19 services, submit a report annually to the relevant policy and fiscal
20 committees of the legislature. A preliminary report shall be
21 submitted by December 31, 2011, and must include (c)(i), (iii), and
22 (v) of this subsection. Annual reports must be submitted beginning
23 December 1, 2012, and must include:

24 (i) A description of the actions the department has taken to
25 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

26 (ii) The amount of funds used by the department to administer the
27 program;

28 (iii) Information on the housing status of essential needs and
29 housing support recipients served by housing support entities, and
30 individuals who have requested housing support but did not receive
31 housing support;

32 (iv) Grantee expenditure data related to administration and
33 services provided under this section; and

34 (v) Efforts made to partner with other entities and leverage
35 sources or public and private funds;

36 (d) Review the data submitted by the designated entities, and
37 make recommendations for program improvements and administrative
38 efficiencies. The department has the authority to designate
39 alternative entities as necessary due to performance or other
40 significant issues. Such change must only be made after consultation

1 with the department of social and health services and the impacted
2 entity.

3 (8) The department, counties, and essential needs and housing
4 support entities are not civilly or criminally liable and may not
5 have any penalty or cause of action of any nature arise against them
6 related to decisions regarding: (a) The provision or lack of
7 provision of housing or essential needs support; or (b) the type of
8 housing arrangement supported with funds allocated under this
9 section, when the decision was made in good faith and in the
10 performance of the powers and duties under this section. However,
11 this section does not prohibit legal actions against the department,
12 county, or essential needs or housing support entity to enforce
13 contractual duties or obligations.

14 **Sec. 2.** RCW 43.185C.230 and 2018 c 48 s 3 are each amended to
15 read as follows:

16 The department, in collaboration with the department of social
17 and health services, shall:

18 (1) Develop a mechanism through which the department and local
19 governments or community-based organizations can verify a person has
20 been determined eligible for a referral for essential needs and
21 housing support by the department of social and health services and
22 remains eligible for ~~((the essential needs and housing support~~
23 ~~program))~~ a referral; and

24 (2) Provide a secure and current list of individuals eligible for
25 a referral to the essential needs and housing support program to
26 designated entities within each county. The list must be updated at
27 least monthly and include, as available and applicable, the eligible
28 individual's:

- 29 (a) Name;
30 (b) Address;
31 (c) Phone number;
32 (d) Shelter location; and
33 (e) Case manager contact information.

34 **Sec. 3.** RCW 36.22.250 and 2023 c 277 s 1 are each amended to
35 read as follows:

36 (1) A surcharge of \$183 per instrument shall be charged by the
37 county auditor for each document recorded, which will be in addition

1 to any other charge authorized by law. The following are exempt from
2 this surcharge:

3 (a) Assignments or substitutions of previously recorded deeds of
4 trust;

5 (b) Documents recording a birth, marriage, divorce, or death;

6 (c) Any recorded documents otherwise exempted from a recording
7 fee or additional surcharges under state law;

8 (d) Marriage licenses issued by the county auditor; and

9 (e) Documents recording a federal, state, county, city, or water-
10 sewer district, or wage lien or satisfaction of lien.

11 (2) Funds collected pursuant to this section must be distributed
12 and used as follows:

13 (a) One percent of the total funds collected shall be retained by
14 the county auditor for its fee collection activities;

15 (b) 30 percent of the total funds collected shall be retained by
16 the county and used by the county as provided in subsection (3) of
17 this section;

18 (c) 54.1 percent of the total funds collected shall be
19 transmitted to the state treasurer to be deposited in the home
20 security fund account created in RCW 43.185C.060 and shall be used by
21 the department of commerce as provided in subsection (4) of this
22 section;

23 (d) 13.1 percent of the total funds collected shall be
24 transmitted to the state treasurer to be deposited in the affordable
25 housing for all account created in RCW 43.185C.190 and shall be used
26 by the department of commerce as provided in subsection (5) of this
27 section;

28 (e) 1.8 percent of the total funds collected shall be transmitted
29 to the state treasurer to be deposited in the landlord mitigation
30 program account created in RCW 43.31.615 and shall be used by the
31 department of commerce as provided in subsection (6) of this section.

32 (3) The county shall use their portion of the collected funds as
33 follows:

34 (a) Up to 10 percent for the county's administration and local
35 distribution of the funds collected from the surcharge in this
36 section, and administrative costs related to the county's homeless
37 housing plan;

38 (b) At least 75 percent will be retained and used by the county
39 to accomplish the purposes of its local homeless housing plan
40 pursuant to chapter 484, Laws of 2005. For each city in the county

1 that elects as authorized in RCW 43.185C.080 to operate its own local
2 homeless housing program, a percentage of the surcharge assessed
3 under this subsection equal to the percentage of the city's local
4 portion of the real estate excise tax collected by the county shall
5 be transmitted at least quarterly to the city treasurer, without any
6 deduction for county administrative costs, for use by the city for
7 program costs which directly contribute to the goals of the city's
8 local homeless housing plan; of the funds received by the city, it
9 may use up to 10 percent for administrative costs for its homeless
10 housing program;

11 (c) At least 15 percent will be retained and used by the county
12 for eligible housing activities, as described in this subsection,
13 that serve extremely low and very low-income households in the county
14 and the cities within a county according to an interlocal agreement
15 between the county and the cities within the county consistent with
16 countywide and local housing needs and policies. A priority must be
17 given to eligible housing activities that serve extremely low-income
18 households with incomes at or below 30 percent of the area median
19 income. Eligible housing activities to be funded are limited to:

20 (i) Acquisition, construction, or rehabilitation of housing
21 projects or units within housing projects that are affordable to very
22 low-income households with incomes at or below 50 percent of the area
23 median income, including units for homeownership, rental units,
24 seasonal and permanent farmworker housing units, units reserved for
25 victims of human trafficking and their families, and single room
26 occupancy units;

27 (ii) Supporting building operation and maintenance costs of
28 housing projects or units within housing projects eligible to receive
29 housing trust funds, that are affordable to very low-income
30 households with incomes at or below 50 percent of the area median
31 income, and that require a supplement to rent income to cover ongoing
32 operating expenses;

33 (iii) Rental assistance vouchers for housing units that are
34 affordable to very low-income households with incomes at or below 50
35 percent of the area median income, including rental housing vouchers
36 for victims of human trafficking and their families, to be
37 administered by a local public housing authority or other local
38 organization that has an existing rental assistance voucher program,
39 consistent with or similar to the United States department of housing

1 and urban development's section 8 rental assistance voucher program
2 standards; and

3 (iv) Operating costs for emergency shelters and licensed
4 overnight youth shelters.

5 (4) The department of commerce shall use the funds from the
6 document recording fee or other fund sources deposited in the home
7 security fund account as follows, except that the department of
8 commerce shall provide counties with the right of first refusal to
9 receive grant funds distributed under (b) of this subsection (4). If
10 a county refuses the funds or does not respond within a time frame
11 established by the department, the department shall make good faith
12 efforts to identify one or more suitable alternative grantees
13 operating within that county. The alternative grantee shall
14 distribute the funds in a manner that is in compliance with this
15 chapter. Funding provided through the office of homeless youth
16 prevention and protection programs created in RCW 43.330.705 is
17 exempt from the county first refusal requirement.

18 (a) Up to 10 percent for administration of the programs
19 established in chapter 43.185C RCW and in conformance with this
20 subsection (4), including the costs of creating and implementing
21 strategic plans, collecting and evaluating data, measuring and
22 reporting performance, providing technical assistance to local
23 governments, providing training to entities delivering services, and
24 developing and maintaining stakeholder relationships;

25 (b) At least 90 percent for homelessness assistance grant
26 programs administered by the department, including but not limited
27 to: Temporary rental assistance; eviction prevention rental
28 assistance per RCW 43.185C.185; emergency shelter and transitional
29 housing operations and maintenance; outreach; diversion; HOPE and
30 crisis residential centers; young adult housing; homeless services
31 and case management for adult, family, youth, and young adult
32 homeless populations and those at risk of homelessness; project-based
33 vouchers for nonprofit housing providers or public housing
34 authorities; tenant-based rent assistance; housing services; direct
35 cash assistance as provided for in RCW 43.185C.220(5)(a); rapid
36 rehousing; emergency housing; acquisition; operations; maintenance;
37 and service costs for permanent supportive housing as defined in RCW
38 36.70A.030 for individuals with disabilities. Grantees may also use
39 these funds in partnership with permanent supportive housing programs
40 administered by the office of apple health and homes created in RCW

1 43.330.181. Priority for use must be given to purposes intended to
2 house persons who are chronically homeless or to maintain housing for
3 individuals with disabilities and prior experiences of homelessness,
4 including families with children.

5 (5) The department of commerce shall use the funds from the
6 document recording fee or other fund sources deposited in the
7 affordable housing for all account as follows:

8 (a) Up to 10 percent for program administration and technical
9 assistance necessary for the delivery programs and activities under
10 this subsection (5);

11 (b) At least 90 percent for the following:

12 (i) Grants for building operation and maintenance costs of
13 housing projects, or units within housing projects, that are in the
14 state's housing trust fund portfolio, are affordable to extremely
15 low-income households with incomes at or below 30 percent of the area
16 median income, and require a supplement to rent income to cover
17 ongoing operating expenses;

18 (ii) Grants to support the building operations, maintenance, and
19 supportive service costs for permanent supportive housing projects,
20 or units within housing projects, that have received or will receive
21 funding from the housing trust fund or other public capital funding
22 programs. The supported projects or units must be dedicated as
23 permanent supportive housing as defined in RCW 36.70A.030, be
24 occupied by extremely low-income households with incomes at or below
25 30 percent of the area median income, and require a supplement to
26 rent income to cover ongoing property operations, maintenance, and
27 supportive services expenses.

28 (6) The department of commerce shall use the funds from the
29 document recording fee or other fund sources deposited in the
30 landlord mitigation program account to administer the landlord
31 mitigation program as established in RCW 43.31.605. The department of
32 commerce may use up to 10 percent of these funds for program
33 administration and the development and maintenance of a database
34 necessary to administer the program.

35 **Sec. 4.** RCW 74.04.005 and 2023 c 418 s 1 are each amended to
36 read as follows:

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

- 1 (1) "Aged, blind, or disabled assistance program" means the
2 program established under RCW 74.62.030.
- 3 (2) "Applicant" means any person who has made a request, or on
4 behalf of whom a request has been made, to any county or local office
5 for assistance.
- 6 (3) "Authority" means the health care authority.
- 7 (4) "County or local office" means the administrative office for
8 one or more counties or designated service areas.
- 9 (5) "Department" means the department of social and health
10 services.
- 11 (6) "Director" means the director of the health care authority.
- 12 (7) "Essential needs and housing support program" means the
13 program established in RCW 43.185C.220.
- 14 (8) "Federal aid assistance" means the specific categories of
15 assistance for which provision is made in any federal law existing or
16 hereafter passed by which payments are made from the federal
17 government to the state in aid or in respect to payment by the state
18 for public assistance rendered to any category of needy persons for
19 which provision for federal funds or aid may from time to time be
20 made, or a federally administered needs-based program.
- 21 (9) "Income" means:
- 22 (a) All appreciable gains in real or personal property (cash or
23 kind) or other assets, which are received by or become available for
24 use and enjoyment by an applicant or recipient during the month of
25 application or after applying for or receiving public assistance. The
26 department may by rule and regulation exempt income received by an
27 applicant for or recipient of public assistance which can be used by
28 him or her to decrease his or her need for public assistance or to
29 aid in rehabilitating him or her or his or her dependents, but such
30 exemption shall not, unless otherwise provided in this title, exceed
31 the exemptions of resources granted under this chapter to an
32 applicant for public assistance. In addition, for cash assistance the
33 department may disregard income pursuant to RCW 74.08A.230 and
34 74.12.350.
- 35 (b) If, under applicable federal requirements, the state has the
36 option of considering property in the form of lump sum compensatory
37 awards or related settlements received by an applicant or recipient
38 as income or as a resource, the department shall consider such
39 property to be a resource.

1 (10) "Need" means the difference between the applicant's or
2 recipient's standards of assistance for himself or herself and the
3 dependent members of his or her family, as measured by the standards
4 of the department, and value of all nonexempt resources and nonexempt
5 income received by or available to the applicant or recipient and the
6 dependent members of his or her family.

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

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

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

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

23 (b) Household furnishings and personal effects;

24 (c) One motor vehicle, other than a motor home, that is used and
25 useful;

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

29 (e) Retirement funds, pension plans, and retirement accounts;

30 (f) All other resources, including any excess of values exempted,
31 not to exceed \$12,000 or other limit as set by the department, to be
32 consistent with limitations on resources and exemptions necessary for
33 federal aid assistance;

34 (g) Applicants for or recipients of benefits under RCW 74.62.030
35 and (~~43.185C.220~~) referrals under RCW 74.04.805 shall have their
36 eligibility based on resource limitations consistent with the
37 temporary assistance for needy families program rules adopted by the
38 department; and

39 (h) If an applicant for or recipient of public assistance
40 possesses property and belongings in excess of the ceiling value,

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

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

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

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

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

25 (14) "Secretary" means the secretary of social and health
26 services.

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

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

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

35 (ii) Filed or are preparing to file an application with the
36 appropriate federal agency for status pursuant to 8 U.S.C. Sec.
37 1101(a)(15)(U), as it existed on January 1, 2020; or

38 (iii) Been harmed by either any violation of chapter 9A.40 or
39 9.68A RCW, or both, or by substantially similar crimes under federal
40 law or the laws of any other state, and who:

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

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

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

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

8 (B) When the victim is under 21 years of age, a victim's parents
9 and unmarried siblings under the age of 18.

10 (ii) "Qualifying family member" does not include a family member
11 who has been charged with or convicted of attempt, conspiracy,
12 solicitation, or commission of any crime referenced in this
13 subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as
14 either existed on January 1, 2020, when the crime is against a spouse
15 who is a victim of human trafficking or against the child of a victim
16 of human trafficking.

17 (17) For purposes of determining eligibility for public
18 assistance and participation levels in the cost of medical care, the
19 department shall exempt restitution payments made to people of
20 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of
21 1988 and the Aleutian and Pribilof Island Restitution Act passed by
22 congress, P.L. 100-383, including all income and resources derived
23 therefrom.

24 (18) In the construction of words and phrases used in this title,
25 the singular number shall include the plural, the masculine gender
26 shall include both the feminine and neuter genders, and the present
27 tense shall include the past and future tenses, unless the context
28 thereof shall clearly indicate to the contrary.

29 **Sec. 5.** RCW 74.04.805 and 2023 c 289 s 1 are each amended to
30 read as follows:

31 (1) The department is responsible for determining eligibility for
32 referral for essential needs and housing support under RCW
33 43.185C.220 (~~(Persons eligible for a referral are)~~) for persons who:

34 (a) Have been determined to be eligible for the aged, blind, or
35 disabled assistance program under RCW 74.62.030 or the pregnant women
36 assistance program under RCW 74.62.030, or are incapacitated from
37 gainful employment by reason of bodily or mental infirmity that will
38 likely continue for a minimum of 90 days. The standard for incapacity
39 in this subsection, as evidenced by the 90-day duration standard, is

1 not intended to be as stringent as federal supplemental security
2 income disability standards;

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

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

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

14 (d) (i) Have countable income as described in RCW 74.04.005 that
15 meets the standard established by the department, which shall not
16 exceed 100 percent of the federal poverty level; or

17 (ii) Have income that meets the standard established by the
18 department, who are eligible for the pregnant women assistance
19 program;

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

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

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

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

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

34 (b) Persons who refuse or fail without good cause to participate
35 in substance use treatment if an assessment by a certified substance
36 use disorder professional indicates a need for such treatment. Good
37 cause must be found to exist when a person's physical or mental
38 condition, as determined by the department, prevents the person from
39 participating in substance use treatment, when needed outpatient
40 treatment is not available to the person in the county of their

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

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

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

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

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

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

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

37 (7) The department shall share client data for individuals
38 eligible for a referral to essential needs and housing support with
39 the department of commerce and designated essential needs and housing
40 support entities as required under RCW 43.185C.230.

1 (8) Individuals described in RCW 43.185C.220(1)(b) do not require
2 a referral from the department in order to be considered for
3 essential needs and housing support.

4 **Sec. 6.** RCW 74.62.030 and 2023 c 289 s 3 are each amended to
5 read as follows:

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

8 (i) Are not eligible to receive supplemental security income,
9 refugee cash assistance, temporary assistance for needy families, or
10 state family assistance benefits;

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

13 (iii) Are aged, blind, or disabled. For purposes of determining
14 eligibility for assistance for the aged, blind, or disabled
15 assistance program, the following definitions apply:

16 (A) "Aged" means age 65 or older.

17 (B) "Blind" means statutorily blind as defined for the purpose of
18 determining eligibility for the federal supplemental security income
19 program.

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

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

27 (I) A previous disability determination by the social security
28 administration or the disability determination service entity within
29 the department; or

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

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

35 (i) Persons who are not able to engage in gainful employment due
36 primarily to a substance use disorder. These persons shall be
37 referred to appropriate assessment, treatment, or shelter services.
38 Referrals shall be made at the time of application or at the time of
39 eligibility review. This subsection may not be construed to prohibit

1 the department from granting aged, blind, or disabled assistance
2 benefits to persons with a substance use disorder who are
3 incapacitated due to other physical or mental conditions that meet
4 the eligibility criteria for the aged, blind, or disabled assistance
5 program; or

6 (ii) Persons for whom there has been a final determination of
7 ineligibility based on age, blindness, or disability for federal
8 supplemental security income benefits.

9 (c) Persons may receive aged, blind, or disabled assistance
10 benefits and a referral for essential needs and housing program
11 support under RCW 43.185C.220 concurrently while pending application
12 for federal supplemental security income benefits. Effective October
13 1, 2025, a person's receipt of supplemental security income received
14 for the same period as aged, blind, or disabled program assistance as
15 described in this section shall not be considered a debt due to the
16 state and is not subject to recovery. However, the monetary value of
17 aged, blind, or disabled cash assistance paid prior to October 1,
18 2025, that is duplicated by the person's receipt of supplemental
19 security income for the same period shall be considered a debt due to
20 the state and shall by operation of law be subject to recovery
21 through all available legal remedies.

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

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

29 (b) Meet the eligibility requirements of subsection (3) of this
30 section.

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

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

38 (b) Meet the income and resource standards described in RCW
39 74.04.805(1) (d) and (e);

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

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

25 (4) Referrals for essential needs and housing support under RCW
26 43.185C.220(1)(a) shall be provided to persons found eligible under
27 RCW 74.04.805.

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

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

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

38 (6) The department must share client data for individuals
39 eligible for a referral to essential needs and housing support with

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

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