
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.

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

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

32 ~~((d))~~ (c) Essential needs and housing support entities must
33 partner with other public and private organizations to maximize the
34 beneficial impact of funds distributed under this section, and should
35 attempt to leverage other sources of public and private funds to
36 serve essential needs and housing support recipients. Funds
37 appropriated in the operating budget for essential needs and housing
38 support must be used only to serve persons eligible to receive
39 services under that program.

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

8 (7) The department shall:

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

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

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

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

21 (ii) The amount of funds used by the department to administer the
22 program;

23 (iii) Information on the housing status of essential needs and
24 housing support recipients served by housing support entities, and
25 individuals who have requested housing support but did not receive
26 housing support;

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

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

31 (d) Review the data submitted by the designated entities, and
32 make recommendations for program improvements and administrative
33 efficiencies. The department has the authority to designate
34 alternative entities as necessary due to performance or other
35 significant issues. Such change must only be made after consultation
36 with the department of social and health services and the impacted
37 entity.

38 (8) The department, counties, and essential needs and housing
39 support entities are not civilly or criminally liable and may not
40 have any penalty or cause of action of any nature arise against them

1 related to decisions regarding: (a) The provision or lack of
2 provision of housing or essential needs support; or (b) the type of
3 housing arrangement supported with funds allocated under this
4 section, when the decision was made in good faith and in the
5 performance of the powers and duties under this section. However,
6 this section does not prohibit legal actions against the department,
7 county, or essential needs or housing support entity to enforce
8 contractual duties or obligations.

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

11 The department, in collaboration with the department of social
12 and health services, shall:

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

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

- 24 (a) Name;
- 25 (b) Address;
- 26 (c) Phone number;
- 27 (d) Shelter location; and
- 28 (e) Case manager contact information.

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

31 (1) A surcharge of \$183 per instrument shall be charged by the
32 county auditor for each document recorded, which will be in addition
33 to any other charge authorized by law. The following are exempt from
34 this surcharge:

- 35 (a) Assignments or substitutions of previously recorded deeds of
36 trust;
- 37 (b) Documents recording a birth, marriage, divorce, or death;

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

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

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

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

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

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

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

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

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

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

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

33 (b) At least 75 percent will be retained and used by the county
34 to accomplish the purposes of its local homeless housing plan
35 pursuant to chapter 484, Laws of 2005. For each city in the county
36 that elects as authorized in RCW 43.185C.080 to operate its own local
37 homeless housing program, a percentage of the surcharge assessed
38 under this subsection equal to the percentage of the city's local
39 portion of the real estate excise tax collected by the county shall
40 be transmitted at least quarterly to the city treasurer, without any

1 deduction for county administrative costs, for use by the city for
2 program costs which directly contribute to the goals of the city's
3 local homeless housing plan; of the funds received by the city, it
4 may use up to 10 percent for administrative costs for its homeless
5 housing program;

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

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

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

28 (iii) Rental assistance vouchers for housing units that are
29 affordable to very low-income households with incomes at or below 50
30 percent of the area median income, including rental housing vouchers
31 for victims of human trafficking and their families, to be
32 administered by a local public housing authority or other local
33 organization that has an existing rental assistance voucher program,
34 consistent with or similar to the United States department of housing
35 and urban development's section 8 rental assistance voucher program
36 standards; and

37 (iv) Operating costs for emergency shelters and licensed
38 overnight youth shelters.

39 (4) The department of commerce shall use the funds from the
40 document recording fee or other fund sources deposited in the home

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

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

19 (b) At least 90 percent for homelessness assistance grant
20 programs administered by the department, including but not limited
21 to: Temporary rental assistance; eviction prevention rental
22 assistance per RCW 43.185C.185; emergency shelter and transitional
23 housing operations and maintenance; outreach; diversion; HOPE and
24 crisis residential centers; young adult housing; homeless services
25 and case management for adult, family, youth, and young adult
26 homeless populations and those at risk of homelessness; project-based
27 vouchers for nonprofit housing providers or public housing
28 authorities; tenant-based rent assistance; housing services; direct
29 cash assistance; rapid rehousing; emergency housing; acquisition;
30 operations; maintenance; and service costs for permanent supportive
31 housing as defined in RCW 36.70A.030 for individuals with
32 disabilities. Grantees may also use these funds in partnership with
33 permanent supportive housing programs administered by the office of
34 apple health and homes created in RCW 43.330.181. Priority for use
35 must be given to purposes intended to house persons who are
36 chronically homeless or to maintain housing for individuals with
37 disabilities and prior experiences of homelessness, including
38 families with children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (8) "Federal aid assistance" means the specific categories of
10 assistance for which provision is made in any federal law existing or
11 hereafter passed by which payments are made from the federal
12 government to the state in aid or in respect to payment by the state
13 for public assistance rendered to any category of needy persons for
14 which provision for federal funds or aid may from time to time be
15 made, or a federally administered needs-based program.

16 (9) "Income" means:

17 (a) All appreciable gains in real or personal property (cash or
18 kind) or other assets, which are received by or become available for
19 use and enjoyment by an applicant or recipient during the month of
20 application or after applying for or receiving public assistance. The
21 department may by rule and regulation exempt income received by an
22 applicant for or recipient of public assistance which can be used by
23 him or her to decrease his or her need for public assistance or to
24 aid in rehabilitating him or her or his or her dependents, but such
25 exemption shall not, unless otherwise provided in this title, exceed
26 the exemptions of resources granted under this chapter to an
27 applicant for public assistance. In addition, for cash assistance the
28 department may disregard income pursuant to RCW 74.08A.230 and
29 74.12.350.

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

35 (10) "Need" means the difference between the applicant's or
36 recipient's standards of assistance for himself or herself and the
37 dependent members of his or her family, as measured by the standards
38 of the department, and value of all nonexempt resources and nonexempt
39 income received by or available to the applicant or recipient and the
40 dependent members of his or her family.

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

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

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

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

17 (b) Household furnishings and personal effects;

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

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

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

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

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

33 (h) If an applicant for or recipient of public assistance
34 possesses property and belongings in excess of the ceiling value,
35 such value shall be used in determining the need of the applicant or
36 recipient, except that: (i) The department may exempt resources or
37 income when the income and resources are determined necessary to the
38 applicant's or recipient's restoration to independence, to decrease
39 the need for public assistance, or to aid in rehabilitating the
40 applicant or recipient or a dependent of the applicant or recipient;

1 and (ii) the department may provide grant assistance for a period not
2 to exceed nine months from the date the agreement is signed pursuant
3 to this section to persons who are otherwise ineligible because of
4 excess real property owned by such persons when they are making a
5 good faith effort to dispose of that property if:

6 (A) The applicant or recipient signs an agreement to repay the
7 lesser of the amount of aid received or the net proceeds of such
8 sale;

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

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

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

19 (14) "Secretary" means the secretary of social and health
20 services.

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

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

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

29 (ii) Filed or are preparing to file an application with the
30 appropriate federal agency for status pursuant to 8 U.S.C. Sec.
31 1101(a)(15)(U), as it existed on January 1, 2020; or

32 (iii) Been harmed by either any violation of chapter 9A.40 or
33 9.68A RCW, or both, or by substantially similar crimes under federal
34 law or the laws of any other state, and who:

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

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

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

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

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

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

11 (17) For purposes of determining eligibility for public
12 assistance and participation levels in the cost of medical care, the
13 department shall exempt restitution payments made to people of
14 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of
15 1988 and the Aleutian and Pribilof Island Restitution Act passed by
16 congress, P.L. 100-383, including all income and resources derived
17 therefrom.

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

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

25 (1) The department is responsible for determining eligibility for
26 referral for essential needs and housing support under RCW
27 43.185C.220 (~~(Persons eligible for a referral are)~~) for persons who:

28 (a) Have been determined to be eligible for the aged, blind, or
29 disabled assistance program under RCW 74.62.030 or the pregnant women
30 assistance program under RCW 74.62.030, or are incapacitated from
31 gainful employment by reason of bodily or mental infirmity that will
32 likely continue for a minimum of 90 days. The standard for incapacity
33 in this subsection, as evidenced by the 90-day duration standard, is
34 not intended to be as stringent as federal supplemental security
35 income disability standards;

36 (b) Are citizens or aliens lawfully admitted for permanent
37 residence or otherwise residing in the United States under color of
38 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 that
10 meets the standard established by the department, which shall not
11 exceed 100 percent of the federal poverty level; or

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

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

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

19 (2) 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 24 consecutive
23 months from the date the department determines pregnant women
24 assistance program eligibility.

25 (3) 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 substance use treatment if an assessment by a certified substance
31 use disorder professional indicates a need for such treatment. Good
32 cause must be found to exist when a person's physical or mental
33 condition, as determined by the department, prevents the person from
34 participating in substance use treatment, when needed outpatient
35 treatment is not available to the person in the county of their
36 residence, when needed inpatient treatment is not available in a
37 location that is reasonably accessible for the person, or when the
38 person is a parent or other relative personally providing care for a
39 minor child or an incapacitated individual living in the same home as
40 the person, and child care or day care would be necessary for the

1 person to participate in substance use disorder treatment, and such
2 care is not available; and

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

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

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

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

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

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

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

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

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

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

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

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

10 (iii) Are aged, blind, or disabled. For purposes of determining
11 eligibility for assistance for the aged, blind, or disabled
12 assistance program, the following definitions apply:

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

14 (B) "Blind" means statutorily blind as defined for the purpose of
15 determining eligibility for the federal supplemental security income
16 program.

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

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

24 (I) A previous disability determination by the social security
25 administration or the disability determination service entity within
26 the department; or

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

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

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

1 the eligibility criteria for the aged, blind, or disabled assistance
2 program; or

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

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

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

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

26 (b) Meet the eligibility requirements of subsection (3) of this
27 section.

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

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

35 (b) Meet the income and resource standards described in RCW
36 74.04.805(1) (d) and (e);

37 (c) (i) Have furnished the department with their social security
38 number. If the social security number cannot be furnished because it
39 has not been issued or is not known, an application for a number

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

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

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

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

22 (4) Referrals for essential needs and housing support under RCW
23 43.185C.220(1)(a) shall be provided to persons found eligible under
24 RCW 74.04.805.

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

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

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

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

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