

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1831

Chapter 40, Laws of 2018

65th Legislature
2018 Regular Session

PUBLIC ASSISTANCE--RESOURCE LIMITS

EFFECTIVE DATE: February 1, 2019

Passed by the House February 7, 2018
Yeas 84 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2018
Yeas 36 Nays 12

CYRUS HABIB

President of the Senate

Approved March 13, 2018 10:43 AM

JAY INSLEE

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 SECOND SUBSTITUTE HOUSE BILL 1831** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 13, 2018

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1831

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By House Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby, and Pollet)

READ FIRST TIME 01/23/18.

1 AN ACT Relating to revising resource limitations for public
2 assistance; reenacting and amending RCW 74.04.005; creating a new
3 section; and providing an effective date.

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

5 **Sec. 1.** RCW 74.04.005 and 2011 1st sp.s. c 36 s 8 and 2011 1st
6 sp.s. c 15 s 61 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

1 (8) "Federal aid assistance" means the specific categories of
2 assistance for which provision is made in any federal law existing or
3 hereafter passed by which payments are made from the federal
4 government to the state in aid or in respect to payment by the state
5 for public assistance rendered to any category of needy persons for
6 which provision for federal funds or aid may from time to time be
7 made, or a federally administered needs-based program.

8 (9) "Income" means:

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

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

27 (10) "Need" means the difference between the applicant's or
28 recipient's standards of assistance for himself or herself and the
29 dependent members of his or her family, as measured by the standards
30 of the department, and value of all nonexempt resources and nonexempt
31 income received by or available to the applicant or recipient and the
32 dependent members of his or her family.

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

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

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

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

10 (b) Household furnishings and personal effects;

11 (c) ((A)) One motor vehicle, other than a motor home, used and
12 useful having an equity value not to exceed ((five)) ten thousand
13 dollars;

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

17 (e) All other resources, including any excess of values exempted,
18 not to exceed ((one)) six thousand dollars or other limit as set by
19 the department, to be consistent with limitations on resources and
20 exemptions necessary for federal aid assistance((~~The department~~
21 ~~shall also allow recipients of temporary assistance for needy~~
22 ~~families to exempt savings accounts with combined balances of up to~~
23 ~~an additional three thousand dollars)));~~

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

28 (g) If an applicant for or recipient of public assistance
29 possesses property and belongings in excess of the ceiling value,
30 such value shall be used in determining the need of the applicant or
31 recipient, except that: (i) The department may exempt resources or
32 income when the income and resources are determined necessary to the
33 applicant's or recipient's restoration to independence, to decrease
34 the need for public assistance, or to aid in rehabilitating the
35 applicant or recipient or a dependent of the applicant or recipient;
36 and (ii) the department may provide grant assistance for a period not
37 to exceed nine months from the date the agreement is signed pursuant
38 to this section to persons who are otherwise ineligible because of
39 excess real property owned by such persons when they are making a
40 good faith effort to dispose of that property if:

1 (A) The applicant or recipient signs an agreement to repay the
2 lesser of the amount of aid received or the net proceeds of such
3 sale;

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

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

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

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

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

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

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

31 NEW SECTION. **Sec. 2.** If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not
33 provided by June 30, 2018, in the omnibus appropriations act, this
34 act is null and void.

35 NEW SECTION. **Sec. 3.** This act takes effect February 1, 2019.

Passed by the House February 7, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

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