
THIRD SUBSTITUTE SENATE BILL 5164

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C., and Darneille)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to providing public assistance to victims of
2 certain crimes including human trafficking; amending RCW 74.04.005,
3 74.08A.120, and 74.09.035; adding a new section to chapter 74.04 RCW;
4 and providing an effective date.

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

6 **Sec. 1.** RCW 74.04.005 and 2018 c 40 s 1 are each amended to read
7 as follows:

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

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

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

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

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

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

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

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

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

10 (9) "Income" means:

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

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

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

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

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

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

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

13 (b) Household furnishings and personal effects;

14 (c) One motor vehicle, other than a motor home, used and useful
15 having an equity value not to exceed ten thousand dollars;

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

19 (e) All other resources, including any excess of values exempted,
20 not to exceed six thousand dollars or other limit as set by the
21 department, to be consistent with limitations on resources and
22 exemptions necessary for federal aid assistance;

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

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

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

36 (ii) Filed or are preparing to file a formal application with the
37 appropriate federal agency for status pursuant to 8 U.S.C. Sec.
38 1101(a)(15)(U), as it existed on January 1, 2020; or

1 (iii) Been harmed by either any violation of chapter 9A.40 or
2 9.68A RCW, or both, or by substantially similar crimes under federal
3 law or the laws of any other state, and who:

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

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

9 (b) "Qualifying family member" includes:

10 (i) A victim's spouse, children, parents, and unmarried siblings
11 under the age of eighteen, when the victim is under twenty-one years
12 of age; and

13 (ii) A victim's spouse and children when the victim is twenty-one
14 years of age or older.

15 **Sec. 2.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to
16 read as follows:

17 (1) The department may establish a food assistance program for
18 legal immigrants and victims of human trafficking as defined in RCW
19 74.04.005 who are ineligible for the federal food stamp program.

20 (2) The rules for the state food assistance program shall follow
21 exactly the rules of the federal food stamp program except for the
22 provisions pertaining to immigrant status.

23 (3) The benefit under the state food assistance program shall be
24 established by the legislature in the biennial operating budget.

25 (4) The department may enter into a contract with the United
26 States department of agriculture to use the existing federal food
27 stamp program coupon system for the purposes of administering the
28 state food assistance program.

29 (5) In the event the department is unable to enter into a
30 contract with the United States department of agriculture, the
31 department may issue vouchers to eligible households for the purchase
32 of eligible foods at participating retailers.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04
34 RCW to read as follows:

35 Victims of human trafficking, as defined in RCW 74.04.005, are
36 eligible for state family assistance programs as provided in rule on
37 the effective date of this section, who otherwise meet program
38 eligibility requirements.

1 **Sec. 4.** RCW 74.09.035 and 2013 2nd sp.s. c 10 s 7 are each
2 amended to read as follows:

3 (1) To the extent of available funds, medical care services may
4 be provided to:

5 (a) Victims of human trafficking, as defined in RCW 74.04.005,
6 who are not eligible for medicaid under RCW 74.09.510, section
7 1902(a)(10)(A)(i)(VIII) of the social security act, or apple health
8 for kids under RCW 74.09.470, who otherwise qualify for state family
9 assistance programs under this chapter;

10 (b) Persons eligible for the aged, blind, or disabled assistance
11 program authorized in RCW 74.62.030 and who are not eligible for
12 medicaid under RCW 74.09.510; and

13 (~~(b)~~) (c) Persons eligible for essential needs and housing
14 support under RCW 74.04.805 and who are not eligible for medicaid
15 under RCW 74.09.510.

16 (2) Enrollment in medical care services may not result in
17 expenditures that exceed the amount that has been appropriated in the
18 operating budget. If it appears that continued enrollment will result
19 in expenditures exceeding the appropriated level for a particular
20 fiscal year, the department may freeze new enrollment and establish a
21 waiting list of persons who may receive benefits only when sufficient
22 funds are available.

23 (3) Determination of the amount, scope, and duration of medical
24 care services shall be limited to coverage as defined by the
25 authority, except that adult dental, and routine foot care shall not
26 be included unless there is a specific appropriation for these
27 services.

28 (4) The authority shall enter into performance-based contracts
29 with one or more managed health care systems for the provision of
30 medical care services under this section. The contract must provide
31 for integrated delivery of medical and mental health services.

32 (5) The authority shall establish standards of assistance and
33 resource and income exemptions, which may include deductibles and
34 coinsurance provisions. In addition, the authority may include a
35 prohibition against the voluntary assignment of property or cash for
36 the purpose of qualifying for assistance.

37 (6) Eligibility for medical care services shall commence with the
38 date of eligibility for the aged, blind, or disabled assistance
39 program provided under RCW 74.62.030 or the date of eligibility for
40 the essential needs and housing support program under RCW 74.04.805.

1 (7) To the extent possible, the authority must coordinate with
2 the department of social and health services, food assistance
3 programs for legal immigrants, state family assistance programs, and
4 refugee cash assistance programs.

5 NEW SECTION. **Sec. 5.** This act takes effect February 1, 2022.

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