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**SENATE BILL 5413**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator C. Wilson

1 AN ACT Relating to housing for essential needs and aged, blind,  
2 and disabled assistance programs; and amending RCW 43.185C.220,  
3 74.04.805, and 74.62.030.

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

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

7 (1) The department shall distribute funds for the essential needs  
8 and housing support program established under this section in a  
9 manner consistent with the requirements of this section and the  
10 biennial operating budget. The first distribution of funds must be  
11 completed by September 1, 2011. Essential needs or housing support is  
12 only for persons found eligible for such services under RCW 74.04.805  
13 and is not considered an entitlement. A person deemed eligible for  
14 essential needs or housing support under RCW 74.04.805 shall be  
15 provided with 12 months of consecutive support from the date the  
16 department remits its first rent subsidy on behalf of the recipient.

17 (2) The department shall distribute funds appropriated for the  
18 essential needs and housing support program in the form of grants to  
19 designated essential needs support and housing support entities  
20 within each county. The department shall not distribute any funds  
21 until it approves the expenditure plan submitted by the designated

1 essential needs support and housing support entities. The amount of  
2 funds to be distributed pursuant to this section shall be designated  
3 in the biennial operating budget. For the sole purpose of meeting the  
4 initial distribution of funds date, the department may distribute  
5 partial funds upon the department's approval of a preliminary  
6 expenditure plan. The department shall not distribute the remaining  
7 funds until it has approved a final expenditure plan.

8 ~~(3) ((a) During the 2011-2013 biennium, in awarding housing~~  
9 ~~support that is not funded through the contingency fund in this~~  
10 ~~subsection, the designated housing support entity shall provide~~  
11 ~~housing support to clients who are homeless persons as defined in RCW~~  
12 ~~43.185C.010. As provided in the biennial operating budget for the~~  
13 ~~2011-2013 biennium, a contingency fund shall be used solely for those~~  
14 ~~clients who are at substantial risk of losing stable housing or at~~  
15 ~~substantial risk of losing one of the other services defined in RCW~~  
16 ~~74.62.010(6). For purposes of this chapter, "substantial risk" means~~  
17 ~~the client has provided documentation that he or she will lose his or~~  
18 ~~her housing within the next thirty days or that the services will be~~  
19 ~~discontinued within the next thirty days.~~

20 ~~(b) After July 1, 2013, the designated housing support entity~~  
21 ~~shall give first priority to clients who are homeless persons as~~  
22 ~~defined in RCW 43.185C.010 and second priority to clients who would~~  
23 ~~be at substantial risk of losing stable housing without housing~~  
24 ~~support.~~

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

32 (a) Each designated entity must be a local government or  
33 community-based organization, and may administer the funding for  
34 essential needs support, housing support, or both. Designated  
35 entities have the authority to subcontract with qualified entities.  
36 Upon request, and the approval of the department, two or more  
37 counties may combine resources to more effectively deliver services.

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

1 (c) Within a county, if the department directly awards separate  
2 grants to the designated housing support entity and the designated  
3 essential needs support entity, the department shall determine the  
4 amount allocated for essential needs support as directed in the  
5 biennial operating budget.

6 ~~((5))~~ (4)(a) Essential needs and housing support entities must  
7 use funds distributed under this section as flexibly as is  
8 practicable to provide essential needs items and housing support to  
9 recipients of the essential needs and housing support program(~~(7~~  
10 ~~subject to the requirements of this section)~~)).

11 (b) Benefits provided under the essential needs and housing  
12 support program shall not be provided to recipients in the form of  
13 cash assistance.

14 (c) Essential needs and housing support entities may continue to  
15 serve clients who move outside of county service areas to other  
16 county service areas within Washington for the remainder of a  
17 client's authorization period provided that the entity serving the  
18 client notifies the entity that serves the geographic area where the  
19 client moves to.

20 (d) Essential needs and housing support entities may agree to  
21 transfer clients who move outside of county service areas to other  
22 county service areas within Washington. The department shall provide  
23 technical support to both entities to ensure a seamless transition  
24 for the client. This support may include financial assistance to the  
25 entity serving the geographic area where the client moves to.

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

36 ~~((d))~~ (f) Essential needs and housing support entities must  
37 partner with other public and private organizations to maximize the  
38 beneficial impact of funds distributed under this section, and should  
39 attempt to leverage other sources of public and private funds to  
40 serve essential needs and housing support recipients. Funds

1 appropriated in the operating budget for essential needs and housing  
2 support must be used only to serve persons eligible to receive  
3 services under that program.

4 ~~((+6))~~ (5) The department shall use no more than five percent of  
5 the funds for administration of the essential needs and housing  
6 support program. Each essential needs and housing support entity  
7 shall use no more than ~~((seven))~~ 11 percent of the funds for  
8 administrative expenses.

9 ~~((+7))~~ (6) The department shall:

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

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

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

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

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

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

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

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

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

39 (e) Ensure that any forms used by individuals applying for or  
40 receiving essential needs and housing support, regardless of

1 eligibility, are designed in a manner that the form may be shared  
2 with the department of social and health services for the purposes of  
3 RCW 43.185C.230.

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

15 **Sec. 2.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to  
16 read as follows:

17 (1) The department is responsible for determining eligibility for  
18 referral for essential needs and housing support under RCW  
19 43.185C.220. Persons eligible are persons who:

20 (a) Have been determined to be eligible for the pregnant women  
21 assistance program under RCW 74.62.030 or are incapacitated from  
22 gainful employment by reason of bodily or mental infirmity that will  
23 likely continue for a minimum of ((~~ninety~~)) 90 days. The standard for  
24 incapacity in this subsection, as evidenced by the ((~~ninety-day~~)) 90-  
25 day duration standard, is not intended to be as stringent as federal  
26 supplemental security income disability standards;

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

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

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

38 (d)(i) Have countable income as described in RCW 74.04.005 at or  
39 below ((~~four hundred twenty-eight dollars~~)) \$428 for a married couple

1 or at or below (~~three hundred thirty-nine dollars~~) \$390 for a  
2 single individual; or

3 (ii) Have income that meets the standard established by the  
4 department, who are eligible for the pregnant women assistance  
5 program;

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

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

10 (2) Eligibility authorizations for essential needs and housing  
11 support are effective for 12 months from the date the department of  
12 social and health services remits its first rent subsidy on behalf of  
13 the recipient.

14 (3) Recipients of aged, blind, or disabled assistance program  
15 benefits who meet other eligibility requirements in this section are  
16 eligible for a referral for essential needs and housing support  
17 services within funds appropriated for the department of commerce.

18 (~~(3)~~) (4) Recipients of pregnant women assistance program  
19 benefits who meet other eligibility requirements in this section are  
20 eligible for referral for essential needs and housing support  
21 services, within funds appropriated for the department of commerce,  
22 for (~~twenty-four~~) 24 consecutive months from the date the  
23 department determines pregnant women assistance program eligibility.

24 (~~(4)~~) (5) The following persons are not eligible for a referral  
25 for essential needs and housing support:

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

28 (b) Persons who refuse or fail without good cause to participate  
29 in substance use treatment if an assessment by a certified substance  
30 use disorder professional indicates a need for such treatment. Good  
31 cause must be found to exist when a person's physical or mental  
32 condition, as determined by the department, prevents the person from  
33 participating in substance use treatment, when needed outpatient  
34 treatment is not available to the person in the county of their  
35 residence or when needed inpatient treatment is not available in a  
36 location that is reasonably accessible for the person; and

37 (c) Persons who are fleeing to avoid prosecution of, or to avoid  
38 custody or confinement for conviction of, a felony, or an attempt to  
39 commit a felony, under the laws of the state of Washington or the  
40 place from which the person flees; or who are violating a condition

1 of probation, community supervision, or parole imposed under federal  
2 or state law for a felony or gross misdemeanor conviction.

3 ~~((5))~~ (6) For purposes of determining whether a person is  
4 incapacitated from gainful employment under subsection (1) of this  
5 section:

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

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

15 ~~((6))~~ (7) For purposes of reviewing a person's continuing  
16 eligibility and in order to remain eligible for ~~((the program))~~ a new  
17 12-month authorization period, persons who have been found to have an  
18 incapacity from gainful employment must demonstrate that there has  
19 been no material improvement in their medical or mental health  
20 condition. The department may discontinue benefits when there was  
21 specific error in the prior determination that found the person  
22 eligible by reason of incapacitation.

23 ~~((7))~~ (8) The department must review the cases of all persons  
24 who have received benefits under the essential needs and housing  
25 support program for ~~((twelve))~~ 12 consecutive months, and at least  
26 annually after the first review, to determine whether they are  
27 eligible for the aged, blind, or disabled assistance program.

28 (9) The department shall share client data for individuals  
29 eligible for essential needs and housing support with the department  
30 of commerce and designated essential needs and housing support  
31 entities as required under RCW 43.185C.230.

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

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

36 (i) Are not eligible to receive federal aid assistance, other  
37 than basic food benefits transferred electronically and medical  
38 assistance;

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

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

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

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

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

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

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

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

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

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

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

38 (c) Persons may receive aged, blind, or disabled assistance  
39 benefits and essential needs and housing program support under RCW  
40 43.185C.220 concurrently while pending application for federal



1 supplemental security income benefits. (~~The monetary value of any~~  
2 ~~aged, blind, or disabled assistance benefit that is subsequently~~  
3 ~~duplicated by the person's receipt of supplemental security income~~  
4 ~~for the same period shall be considered a debt due the state and~~  
5 ~~shall by operation of law be subject to recovery through all~~  
6 ~~available legal remedies.))~~

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

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

11 (b) Are pregnant and in need, based upon the current income and  
12 resource standards of the federal temporary assistance for needy  
13 families program, but are ineligible for federal temporary assistance  
14 for needy families benefits for a reason other than failure to  
15 cooperate in program requirements; and

16 (c) Meet the eligibility requirements of subsection (3) of this  
17 section.

18 (3) To be eligible for the aged, blind, or disabled assistance  
19 program under subsection (1) of this section or the pregnant women  
20 assistance program under subsection (2) of this section, a person  
21 must:

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

25 (b) Meet the income and resource standards described in RCW  
26 74.04.805(1) (d) and (e);

27 (c)(i) Have furnished the department with their social security  
28 number. If the social security number cannot be furnished because it  
29 has not been issued or is not known, an application for a number  
30 shall be made prior to authorization of benefits, and the social  
31 security number shall be provided to the department upon receipt;

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

35 (d) Not have refused or failed without good cause to participate  
36 in substance use treatment if an assessment by a certified substance  
37 use disorder professional indicates a need for such treatment. Good  
38 cause must be found to exist when a person's physical or mental  
39 condition, as determined by the department, prevents the person from  
40 participating in substance use treatment, when needed outpatient

1 treatment is not available to the person in the county of their  
2 residence or when needed inpatient treatment is not available in a  
3 location that is reasonably accessible for the person; and

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

6 (4) Referrals for essential needs and housing support under RCW  
7 43.185C.220 shall be provided to persons found eligible under RCW  
8 74.04.805.

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

12 (a) Is fleeing to avoid prosecution of, or to avoid custody or  
13 confinement for conviction of, a felony, or an attempt to commit a  
14 felony, under the laws of the state of Washington or the place from  
15 which the person flees; or

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

19 (6) The department must share client data for individuals  
20 eligible for essential needs and housing support with the department  
21 of commerce and designated essential needs and housing support  
22 entities as required under RCW 43.185C.230.

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