
SUBSTITUTE SENATE BILL 5480

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Kauffman, C. Wilson, Kuderer, Lovelett, Nguyen, and Saldaña; by request of Department of Social and Health Services)

1 AN ACT Relating to accelerating stability for people with a work-
2 limiting disability or incapacity; and amending RCW 74.04.655,
3 74.04.805, 74.62.030, and 43.185C.220.

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

5 **Sec. 1.** RCW 74.04.655 and 2011 1st sp.s. c 36 s 24 are each
6 amended to read as follows:

7 (1) The economic services administration shall work jointly with
8 the division of vocational rehabilitation to ~~((develop))~~ maintain an
9 ongoing assessment ~~((tool that must be used))~~ process to determine
10 whether the programs offered by the division of vocational
11 rehabilitation could assist persons receiving benefits under RCW
12 74.62.030 and 43.185C.220 in returning to the workforce. ~~((The
13 assessment tool shall be completed no later than December 1, 2010.
14 The economic services administration shall begin using the tool no
15 later than January 1, 2011. No later than December 30, 2011, the
16 department shall report on the use of the tool and to what extent the
17 programs offered by the division of vocational rehabilitation have
18 been successful in returning persons receiving aged, blind, or
19 disabled benefits to the workforce.))~~

20 (2) ~~((After January 1, 2011, all persons))~~ Persons receiving
21 benefits under RCW 74.62.030 and ~~((43.185C.230))~~ 43.185C.220 shall be

1 assessed to determine whether they would likely benefit from a
2 program offered by the division of vocational rehabilitation. If the
3 assessment indicates that the person might benefit, and the person
4 agrees to a referral, the economic services administration shall make
5 a referral to the division of vocational rehabilitation. (~~If the~~
6 ~~person is found eligible for a program with the division of~~
7 ~~vocational rehabilitation, he or she must participate in that program~~
8 ~~to remain eligible for the monthly stipend and housing voucher or a~~
9 ~~cash grant. If the person refuses to participate or does not complete~~
10 ~~the program, the department shall terminate the cash stipend and~~
11 ~~housing voucher or cash grant but may not terminate medical coverage~~
12 ~~and food benefits.))~~

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

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

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

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

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

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

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

1 ~~or at or below three hundred thirty-nine dollars for a single~~
2 ~~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)) that meets the standard established by the department;~~

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) ~~((Recipients of aged, blind, or disabled assistance program~~
11 ~~benefits who meet other eligibility requirements in this section are~~
12 ~~eligible for a referral for essential needs and housing support~~
13 ~~services within funds appropriated for the department of commerce.))~~
14 Eligibility authorizations for essential needs and housing support
15 are effective for 12 months from the date the department of commerce
16 remits its first rent subsidy on behalf of the recipient.

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

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

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

27 (b) Persons who refuse or fail without good cause to participate
28 in substance use treatment if an assessment by a certified substance
29 use disorder professional indicates a need for such treatment. Good
30 cause must be found to exist but is not limited to, when a person's
31 physical or mental condition, as determined by the department,
32 prevents the person from participating in substance use treatment,
33 when needed outpatient treatment is not available to the person in
34 the county of their residence or when needed inpatient treatment is
35 not available in a location that is reasonably accessible for the
36 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) For purposes of determining whether a person is incapacitated
4 from gainful employment under subsection (1) of this section:

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

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

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

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

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

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

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

35 (i) Are not eligible to receive (~~federal aid assistance, other~~
36 ~~than basic food benefits transferred electronically and medical~~
37 ~~assistance)) supplemental security income, refugee cash assistance,
38 temporary assistance for needy families, or state family assistance
39 benefits;~~

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
10 than 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 or state family assistance benefits for a reason
15 other than failure to cooperate in program requirements; and

16 ~~((e))~~ (b) Meet the eligibility requirements of subsection (3)
17 of this 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, but is not limited to, when a person's
39 physical or mental condition, as determined by the department,
40 prevents the person from participating in substance use treatment,

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

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

7 (4) Referrals for essential needs and housing support under RCW
8 43.185C.220 shall be provided to persons found eligible under RCW
9 74.04.805.

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

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

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

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

24 **Sec. 4.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to
25 read as follows:

26 (1) The department shall distribute funds for the essential needs
27 and housing support program established under this section in a
28 manner consistent with the requirements of this section and the
29 biennial operating budget. The first distribution of funds must be
30 completed by September 1, 2011. Essential needs or housing support is
31 only for persons found eligible for such services under RCW 74.04.805
32 and is not considered an entitlement. A person deemed eligible for
33 essential needs or housing support under RCW 74.04.805 shall be
34 provided with 12 months of consecutive support from the date the
35 department remits its first rent subsidy on behalf of the recipient.

36 (2) The department shall distribute funds appropriated for the
37 essential needs and housing support program in the form of grants to
38 designated essential needs support and housing support entities
39 within each county. The department shall not distribute any funds

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~((d))~~ (f) Essential needs and housing support entities must
40 partner with other public and private organizations to maximize the

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

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

12 ~~((+7))~~ (6) The department shall:

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

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

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

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

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

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

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

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

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

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

3 (e) Ensure that any forms used by individuals applying for or
4 receiving essential needs and housing support, regardless of
5 eligibility, are designed in a manner that the form may be shared
6 with the department of social and health services for the purposes of
7 RCW 43.185C.230.

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

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