
SUBSTITUTE SENATE BILL 6502

State of Washington

65th Legislature

2018 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Dhingra, Darneille, Kuderer, and Saldaña)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to improving housing stability for people with
2 disabilities and seniors by amending eligibility for the essential
3 needs and housing support and the aged, blind, or disabled assistance
4 programs; and amending RCW 74.04.805, 74.62.030, and 43.185C.230.

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

6 **Sec. 1.** RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each
7 amended to read as follows:

8 (1) The department is responsible for determining eligibility for
9 referral for essential needs and housing support under RCW
10 43.185C.220. Persons eligible are persons who:

11 (a) Are incapacitated from gainful employment by reason of bodily
12 or mental infirmity that will likely continue for a minimum of ninety
13 days. The standard for incapacity in this subsection, as evidenced by
14 the ninety-day duration standard, is not intended to be as stringent
15 as federal supplemental security income disability standards;

16 (b) Are citizens or aliens lawfully admitted for permanent
17 residence or otherwise residing in the United States under color of
18 law;

19 (c) Have furnished the department their social security number.
20 If the social security number cannot be furnished because it has not
21 been issued or is not known, an application for a number must be made

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

3 (d) Have countable income as described in RCW 74.04.005 at or
4 below four hundred twenty-eight dollars for a married couple or at or
5 below three hundred thirty-nine dollars for a single individual;

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:

9 ~~((The aged, blind, or disabled assistance program;~~

10 ~~(ii)))~~ The pregnant women assistance program; or

11 ~~((iii)))~~ (ii) Federal aid assistance, other than basic food
12 benefits transferred electronically and medical assistance.

13 (2) Recipients of aged, blind, or disabled assistance program
14 benefits who meet other eligibility requirements in this section are
15 eligible for a referral for essential needs and housing support.

16 (3) The following persons are not eligible for a referral for
17 essential needs and housing support:

18 ~~(a) ((Persons who are unemployable due primarily to alcohol or~~
19 ~~drug addiction, except as provided in subsection (3) of this~~
20 ~~subsection. These persons must be referred to appropriate assessment,~~
21 ~~treatment, shelter, or supplemental security income referral services~~
22 ~~as authorized under chapter 74.50 RCW. Referrals must be made at the~~
23 ~~time of application or at the time of eligibility review. This~~
24 ~~subsection may not be construed to prohibit the department from~~
25 ~~making a referral for essential needs and housing report for persons~~
26 ~~who have a substance abuse addiction who are incapacitated due to~~
27 ~~other physical or mental conditions that meet the eligibility~~
28 ~~criteria for a referral for essential needs and housing support;~~

29 ~~(b))~~ Persons who refuse or fail to cooperate in obtaining
30 federal aid assistance, without good cause;

31 ~~((c))~~ (b) Persons who refuse or fail without good cause to
32 participate in drug or alcohol treatment if an assessment by a
33 certified chemical dependency counselor indicates a need for such
34 treatment. Good cause must be found to exist when a person's physical
35 or mental condition, as determined by the department, prevents the
36 person from participating in drug or alcohol dependency treatment,
37 when needed outpatient drug or alcohol treatment is not available to
38 the person in the county of his or her residence or when needed
39 inpatient treatment is not available in a location that is reasonably
40 accessible for the person; and

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

8 ~~((3))~~ (4) For purposes of determining whether a person is
9 incapacitated from gainful employment under subsection (1) of this
10 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 ~~((4))~~ (5) For purposes of reviewing a person's continuing
21 eligibility and in order to remain eligible for the program, persons
22 who have been found to have an incapacity from gainful employment
23 must 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 ~~((5))~~ (6) The department must review the cases of all persons
28 who have received benefits under the essential needs and housing
29 support program for twelve consecutive months, and at least annually
30 after the first review, to determine whether they are eligible for
31 the aged, blind, or disabled assistance program.

32 **Sec. 2.** RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each
33 amended to read as follows:

34 (1)(a) ~~((Effective November 1, 2011,))~~ The aged, blind, or
35 disabled assistance program shall provide financial grants to persons
36 in need who:

37 (i) Are not eligible to receive federal aid assistance, other
38 than basic food benefits transferred electronically and medical
39 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 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 alcohol or drug addiction. These persons shall be
27 referred to appropriate assessment, treatment, shelter, or
28 supplemental security income referral services as authorized under
29 chapter 74.50 RCW. Referrals shall be made at the time of application
30 or at the time of eligibility review. This subsection may not be
31 construed to prohibit the department from granting aged, blind, or
32 disabled assistance benefits to alcoholics and drug addicts who are
33 incapacitated due to other physical or mental conditions that meet
34 the eligibility criteria for the aged, blind, or disabled assistance
35 program; or

36 (ii) Persons for whom there has been a final determination of
37 ineligibility for federal 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) (~~Effective November 1, 2011,~~) The pregnant women assistance
8 program shall provide financial 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;

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

27 (c) Have furnished the department his or her 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 (d) Not have refused or failed without good cause to participate
33 in drug or alcohol treatment if an assessment by a certified chemical
34 dependency counselor indicates a need for such treatment. Good cause
35 must be found to exist when a person's physical or mental condition,
36 as determined by the department, prevents the person from
37 participating in drug or alcohol dependency treatment, when needed
38 outpatient drug or alcohol treatment is not available to the person
39 in the county of his or her residence or when needed inpatient

1 treatment is not available in a location that is reasonably
2 accessible for the person; and

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

5 (4) (~~Effective November 1, 2011,~~) Referrals for essential needs
6 and housing support under RCW 43.185C.220 shall be provided to
7 persons found eligible under RCW 74.04.805.

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

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

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

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

22 **Sec. 3.** RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each
23 amended to read as follows:

24 The department, in collaboration with the department of social
25 and health services, shall:

26 (1) Develop a mechanism through which the department and local
27 governments or community-based organizations can verify a person has
28 been determined eligible by the department of social and health
29 services and remains eligible for the essential needs and housing
30 support program; and

31 (2) Provide a secure and current list of individuals eligible for
32 the essential needs and housing support program to designated
33 entities within each county. The list must be updated at least
34 monthly and include, as available and applicable, the eligible
35 individual's:

36 (a) Name;

37 (b) Address;

38 (c) Phone number;

39 (d) Shelter location; and

1 (e) Case manager contact information.

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