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HOUSE BILL 2809

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State of Washington

66th Legislature

2020 Regular Session

By Representative Caldier; by request of Department of Social and Health Services

1 AN ACT Relating to essential needs and housing support  
2 eligibility; and amending RCW 74.04.805.

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

4 **Sec. 1.** RCW 74.04.805 and 2018 c 48 s 1 are each amended to read  
5 as follows:

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

9 (a) ~~((Are))~~ Have been determined to be eligible for the pregnant  
10 women assistance program under RCW 74.62.030 or are incapacitated  
11 from gainful employment by reason of bodily or mental infirmity that  
12 will likely continue for a minimum of ninety days. The standard for  
13 incapacity in this subsection, as evidenced by the ninety-day  
14 duration standard, is not intended to be as stringent as federal  
15 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~~  
5 ~~or below three hundred thirty-nine dollars for a single individual~~)  
6 the standard established by the department;

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

9 (f) Are not eligible for(~~+~~

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

11 ~~(ii))~~ federal aid assistance, other than basic food benefits  
12 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 services within funds appropriated for the department of commerce.

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-four  
21 consecutive months from the date the department determines pregnant  
22 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 drug or alcohol treatment if an assessment by a certified chemical  
29 dependency counselor indicates a need for such treatment. Good cause  
30 must be found to exist when a person's physical or mental condition,  
31 as determined by the department, prevents the person from  
32 participating in drug or alcohol dependency treatment, when needed  
33 outpatient drug or alcohol treatment is not available to the person  
34 in the county of his or her residence or when needed inpatient  
35 treatment is not available in a location that is reasonably  
36 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 ~~((4))~~ (5) 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 ~~((5))~~ (6) For purposes of reviewing a person's continuing  
16 eligibility and in order to remain eligible for the program, persons  
17 who have been found to have an incapacity from gainful employment  
18 must demonstrate that there has been no material improvement in their  
19 medical or mental health condition. The department may discontinue  
20 benefits when there was specific error in the prior determination  
21 that found the person eligible by reason of incapacitation.

22 ~~((6))~~ (7) The department must review the cases of all persons  
23 who have received benefits under the essential needs and housing  
24 support program for twelve 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.

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