H.B. NO. 868

A BILL FOR AN ACT

RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECT	ION 1. Section 346-29, Hawaii Revised Statutes, is
2	amended b	y amending subsection (c) to read as follows:
3	"(C)	In determining the needs of an applicant or recipient
4	for publi	c assistance by the department, the department shall:
5	(1)	Disregard the amounts of earned or unearned income as
6		required or allowed by federal acts and other
7		regulations, to receive federal funds and disregard
8		from gross earned income twenty per cent plus \$200 and
9		a percentage of the remaining balance of earned income
10		consistent with federal regulations and other
11		requirements;
12	(2)	Consider as net income in all cases the income as
13		federal acts and other regulations require the
14		department to consider for receipt of federal funds
15		and may consider the additional income and resources
16		as these acts and regulations permit to be considered;
17	(3)	For households with minor dependents, disregard [a

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1		total of \$5,000 in assets—and the value of
2		one motor vehicle] assets in determining the needs of
3		persons for financial assistance; provided that the
4		amount to be disregarded shall not exceed standards
5		under federally funded financial assistance programs.
6		This paragraph shall not apply to persons eligible for
7		federal supplemental security income benefits, aid to
8		the aged, blind or disabled, or general assistance to
à		households without minor dependents. In determining
10		the needs of persons eligible for federal supplemental
11		security income benefits, aid to the aged, blind or
12		disabled, or general assistance to households without
13		minor dependents, the department shall apply all the
14		resource retention and exclusion requirements under
15		the federal supplemental security income program;
16	(4)	Apply the resource retention requirements under the
17		federal supplemental security income program in
18		determining the needs of a single person for medical
19		assistance only;
20	(5)	Apply the resource retention requirements under the
21		federal supplemental security income program in
22		determining the needs of a family of two persons for
23		medical assistance only and an additional \$250 for

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1		each additional person included in an application for
2		medical assistance only;
3	(6)	Disregard amounts of emergency assistance granted
4		under section 346-65;
5	(7)	Not consider as income or resources any payment for
6		services to or on behalf of, or any benefit received
7		by, a participant under the first-to-work program of
8		part XI, other than wages. Wages earned by a
9		participant while participating in the first-to-work
10		program shall be considered income of the participant,
11		unless the wages are excluded or disregarded under any
12		other law;
13	(8)	Not consider as income or resources payment made to
14		eligible individuals, eligible surviving spouses,
15		surviving children or surviving parents as specified
16		under Title I of the Civil Liberties Act of 1988,
17		Public Law 100-383, which made restitution to
18		individuals of Japanese ancestry who were interned
19		during World War II;
20	(9)	Allow the community spouse of an individual residing
21		in a medical institution to maintain countable
22		resources to the maximum allowed by federal statutes
23		or regulations with provisions for increases, as

1		allowed by the Secretary of Health and Human Services
2		by means of indexing, court order, or fair hearing
3		decree, without jeopardizing the eligibility of the
4		institutionalized spouse for medical assistance;
5	(10)	Allow an individual residing in a medical institution
6		to contribute toward the support of the individual's
7		community spouse, thereby enabling the community
8		spouse to maintain the monthly maximum income allowed
9		by federal statutes or regulations, with provisions
10		for increases as allowed by the Secretary of Health
11		and Human Services by means of indexing, court order,
12		or fair hearing decree;
13	(11)	Consider the transfer of assets from the applicant's
14		name to another name within the specified time period
15		as required by federal regulations, known as the
16		"lookback" period, prior to the application for
17		medical assistance for care in a nursing home or other
18		long-term care facility. Pursuant to rules adopted
19		under chapter 91, the director may attribute any
20		assets that have been transferred within the required
21		federal "lookback" period from the applicant if the
22		director determines that transfer of certain assets

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1		was made solely to make	e the applicant eligib	le for
2		assistance under this	chapter; and	
3	(12)	Not consider as income	or resources any fund	ls
4		deposited into a family	y self-sufficiency esc	row
5		account on behalf of a	participant under a f	ederal
6		housing choice voucher	family self-sufficien	cy program
7		as required or allowed	under federal law."	
8	SECT	ON 2. Statutory mater	ial to be repealed is	bracketed
9	and stric	en. New statutory mate	erial is underscored.	
10	SECTI	ON 3. This Act shall	take effect upon its a	pproval.
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12		INTRODUCED B	Mohah	
13			BY REQUES	${f T}$

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Report Title:

Asset Limit; Temporary Assistance for Needy Families Program

Description:

Eliminates the asset limit for the Temporary Assistance for Needy Families program.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT:

Human Services

TITLE:

A BILL FOR AN ACT RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

PROGRAM.

PURPOSE:

To eliminate the asset limit eliqibility requirement for the Temporary Assistance for Needy Families (TANF) program.

MEANS:

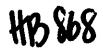
Amend section 346-29(c), Hawaii Revised Statutes.

JUSTIFICATION:

The State Legislature in 2012 adopted H.R. 124, which requested the Department of Human Services to conduct a study to include a review and evaluation of information on practices, policies, and trends regarding asset limits, and the applicability of asset limits to the Supplemental Nutritional Assistance program, Temporary Assistance for Needy Families program, Temporary Assistance to Other Needy Families program, and the Medicaid program including consideration of the cost implications related to changing these asset limits. This resolution also requested the Department to make a recommendation of appropriate limits to asset limits.

The study recommended that the asset limit be eliminated for eligibility for the Temporary Assistance for Needy Families (TANF) program only. This recommendation is based on a review of five states that have eliminated the asset requirement for TANF with no increases in caseload or costs.

In order to ensure against fraud, however, the Department will take steps to increase the number of quality reviews conducted on an annual basis.



This recommended change will better support and encourage families on public assistance to save and explore potential asset building options that would help end their reliance on public assistance. By this action, this bill also supports the Governor's New Day objective of developing asset building programs to address poverty and to grow the middle-class.

Impact on the public: The Department will be able to better support asset building options that TANF recipients may want to explore. Eligibility for TANF will still require income eligibility testing to ensure benefits are only for those that are lowincome households.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HMS 211.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.