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# A BILL FOR AN ACT

RELATING TO GENERAL ASSISTANCE.

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

1           SECTION 1. Section 346-51, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§346-51 Public assistance and child welfare services**  
4 **administered by department.** The department of human services  
5 shall administer public assistance and child welfare services in  
6 the several counties except for payments administered under the  
7 ~~[Federal]~~ federal Supplemental Security Income Program or its  
8 successor agency. No person shall be denied the right to  
9 petition the department for additional assistance as established  
10 under section ~~[346-53(f).]~~ 346-53(e)."

11           SECTION 2. Section 346-53, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§346-53 Determination of amount of assistance.** (a)  
14 ~~[This subsection does not apply to general assistance to~~  
15 ~~households without minor dependents.]~~ The standard of need  
16 shall equal the poverty level established by the federal

1 government in 2006, prorated over a twelve-month period based on  
2 family size.

3 The assistance allowance provided shall be based on a  
4 percentage of the standard of need. For exempt households and  
5 households in which all caretaker relatives are minors, living  
6 independently with minor dependents and attending school, the  
7 assistance allowance shall be set no higher than sixty-two and  
8 one-half per cent and no lower than forty-four per cent of the  
9 standard of need. For all other households, the assistance  
10 allowance shall be set no higher than sixty-two and one-half per  
11 cent of the standard of need and set no lower than thirty-four  
12 per cent of the standard of need. The standard of need shall be  
13 determined by dividing the 2006 federal poverty level by twelve  
14 and rounding down the quotient. The remaining quotient shall be  
15 multiplied by the per cent as set by the director by rules  
16 pursuant to chapter 91, and the final product shall be rounded  
17 down to determine the assistance allowance; provided that:

18 (1) The department may increase or reduce the assistance  
19 allowance as determined in this subsection for non-  
20 exempt households for the purpose of providing work  
21 incentives or services under part XI;

- 1 (2) No reduction shall be allowed that jeopardizes  
2 eligibility for or receipt of federal funds;
- 3 (3) Reductions in the assistance allowance shall be  
4 limited to no more than one per year; and
- 5 (4) No non-exempt household, which includes an adult who  
6 has received sixty cumulative months of temporary  
7 assistance to needy families with minor dependents,  
8 shall be eligible for an assistance allowance, unless  
9 authorized by federal regulations.

10 ~~[(b) The director shall determine the allowance for~~  
11 ~~general assistance to households without minor dependents based~~  
12 ~~upon the total amount appropriated for general assistance to~~  
13 ~~households without minor dependents, among other relevant~~  
14 ~~factors.~~

15 ~~(e)]~~ (b) The director, pursuant to chapter 91, shall  
16 determine the rate of payment for domiciliary care, including  
17 care provided in licensed developmental disabilities domiciliary  
18 homes, community care foster family homes, and certified adult  
19 foster homes, to be provided to recipients who are eligible for  
20 ~~[Federal Supplementary]~~ federal Supplemental Security Income or  
21 public assistance, or both. The director shall provide for  
22 level of care payment as follows:

1 (1) Beginning on July 1, 2008, for adult residential care  
2 homes classified as facility type I, licensed  
3 developmental disabilities domiciliary homes as  
4 defined under section 321-15.9, community care foster  
5 family homes as defined under section 346-331, and  
6 certified adult foster homes as defined under section  
7 321-11.2, the state supplemental payment shall not  
8 exceed \$651.90; and

9 (2) Beginning on July 1, 2008, for adult residential care  
10 homes classified as facility type II, the state  
11 supplemental payment shall not exceed \$759.90.

12 If the operator does not provide the quality of care  
13 consistent with the needs of the individual to the satisfaction  
14 of the department, the department may remove the recipient to  
15 another facility.

16 The department shall handle abusive practices under this  
17 section in accordance with chapter 91.

18 Nothing in this subsection shall allow the director to  
19 remove a recipient from an adult residential care home or other  
20 similar institution if the recipient does not desire to be  
21 removed and the operator is agreeable to the recipient  
22 remaining, except where the recipient requires a higher level of

1 care than provided or where the recipient no longer requires any  
2 domiciliary care.

3 ~~(d)~~ (c) On July 1, 2006, and thereafter, as the  
4 department determines a need, the department shall authorize a  
5 payment, as allowed by federal law, for resident clients  
6 receiving supplemental security income in adult residential care  
7 home type I and type II facilities, licensed developmental  
8 disabilities domiciliary homes as defined under section 321-  
9 15.9, community care foster family homes as defined under  
10 section 346-331, and certified adult foster homes as defined  
11 under section 321-11.2, when state funds appropriated for the  
12 purpose of providing payments under subsection ~~(e)~~ (b) for a  
13 specific fiscal year are not expended fully within a period that  
14 meets the requirements of the department's maintenance of effort  
15 agreement with the Social Security Administration.

16 The payment shall be made with that portion of state funds  
17 identified in this subsection that has not been expended.

18 The department shall determine the rate of payment to  
19 ensure compliance with its maintenance of effort agreement with  
20 the Social Security Administration.

21 ~~(e)~~ (d) The department shall pay rental and utility (to  
22 include gas, electricity, and water only) deposits once only for

1 any person eligible for financial assistance by the department.  
2 However, under extraordinary circumstances as determined by the  
3 department, an additional rental deposit, utility deposit, or  
4 both, may be granted.

5 [~~f~~] (e) Any recipient may petition the department for  
6 additional assistance when the recipient's need is due to  
7 emergencies caused by seismic wave, tsunami, hurricane, volcanic  
8 eruption, typhoon, earthquake, flood, or fire determined by the  
9 director to have caused losses as to require and justify  
10 additional assistance from the State. In addition, any  
11 recipient may petition the department for additional assistance  
12 for the replacement or repair of household appliances. The  
13 additional assistance shall be paid on an emergency basis, as  
14 determined by the department, to meet the cost of replacing or  
15 repairing household appliances. If the cost of repairs of  
16 household appliances is less than one-half the unit cost of the  
17 item, the department shall pay for the cost of repairs. If the  
18 cost of repairs of household appliances is one-half the unit  
19 cost of the item or more, the department shall replace the  
20 household appliance; provided that the replacement cost shall  
21 not exceed \$350. For the purposes of this subsection,  
22 "household appliances" means a refrigerator or a range.

1           The department shall establish an emergency fund, not to  
2 exceed one per cent of total financial assistance from state  
3 funds required by this chapter in the previous fiscal year. The  
4 director shall adopt rules pursuant to chapter 91 for  
5 determining in which cases to grant lump sum payments to  
6 recipients petitioning for additional assistance.

7           ~~(g)~~ (f) The department shall include protective child  
8 care payment as a special needs item in the financial assistance  
9 standard for cases of child neglect or abuse requiring placement  
10 of a child in child care. The referral for protective child  
11 care payment shall be from the department's child welfare  
12 program and the rate of payment shall be set by the department.

13           ~~(h)~~ (g) The director shall adopt rules pursuant to  
14 chapter 91 to implement this section."

15           SECTION 3. Section 346-71, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "**§346-71 General assistance to households without minor**  
18 **dependents.** (a) The department of human services is authorized  
19 to administer and provide state-funded public assistance to  
20 eligible persons who are disabled, who are not otherwise  
21 provided for under this chapter, and who are unable to provide

1 sufficient support for themselves or those dependent upon them;  
2 provided that such persons:

3 (1) Have first been determined ineligible for a comparable  
4 federally funded financial assistance program;

5 (2) Are bona fide residents of this State and

6 (3) Have furnished to the department a social security  
7 account number for each member of the assistance unit  
8 or verification that an application was made with the  
9 Social Security Administration for a social security  
10 account number for each member of the assistance unit.

11 Persons who meet the categorical criteria for eligibility,  
12 but fail to satisfy income and resource criteria adopted by the  
13 department shall not be eligible for general assistance to  
14 household without minor dependents. The failure of any adult  
15 member of the assistance unit to comply with the requirements or  
16 conditions of general assistance to households without minor  
17 dependents shall exclude the entire assistance unit from  
18 receiving financial assistance. However, when the adult member  
19 is disqualified for not meeting the work requirement, the  
20 assistance unit shall not be disqualified if the assistance unit  
21 was formed after the failure to meet the work requirement  
22 occurred. "Assistance unit" as the term is used in this section



1 means persons whose needs, income, and assets are considered in  
2 the financial assistance payment and their dependents.

3 (b) For purposes of determining whether persons seeking  
4 assistance are bona fide residents of this State, the department  
5 of human services shall consider, but is not limited to  
6 considering, the following factors:

- 7 (1) Enrollment and receipt of welfare benefits from  
8 another jurisdiction;
- 9 (2) Physical presence in the State;
- 10 (3) Maintenance of a place of residence in the State;
- 11 (4) The availability of furnishings and household and  
12 personal effects sufficient to lead a reasonable  
13 person to conclude that the place of residence is more  
14 than a public accommodation;
- 15 (5) Qualification as to residence for purposes of voting  
16 in the State;
- 17 (6) Change in vehicle operation license;
- 18 (7) Vehicle registration;
- 19 (8) Enrollment of children in local schools; and
- 20 (9) Bank accounts in this State or any other jurisdiction.

21 [~~(b)~~] (c) A person between eighteen and sixty-five years  
22 of age with a disability shall be eligible for general

1 assistance to households without minor dependents for a period  
2 not to exceed twenty-four months if the person:

3 (1) Is determined to be needy in accordance with standards  
4 established by this chapter and the rules adopted  
5 under subsection [~~(e)~~] (f);

6 (2) Is unable to meet the disability requirements  
7 established by the federal Supplemental Security  
8 Income Program or its successor agency; and

9 (3) Is unable to engage in any substantial gainful  
10 employment because of a determined and certified  
11 physical, mental, or combination of a physical and  
12 mental disability. Upon application, the department  
13 shall ask the person whether the person has a physical  
14 or mental disability, or both. If the person claims  
15 to have both a physical and mental disability, the  
16 department shall ask the person to choose whether the  
17 person's primary disability is physical or mental.  
18 Determination and certification of the disability  
19 shall be as follows:

20 (A) A determination and certification of physical  
21 disability shall be made by a board of licensed  
22 physicians designated and paid by the department.

1 Meetings of this board shall not be subject to  
2 part I of chapter 92;

3 (B) A determination and certification of mental  
4 disability shall be made by a board of licensed  
5 psychologists or licensed physicians whose  
6 specialty is in psychiatry. This board shall be  
7 designated and paid by the department. Meetings  
8 of this board shall not be subject to part I of  
9 chapter 92;

10 (C) If a determination and certification is made that  
11 the applicant does not have a physical, mental,  
12 or combination of a physical and mental  
13 disability, prior to a denial of any claim, the  
14 department shall provide the applicant with an  
15 initial denial notice that gives the applicant at  
16 least ten calendar days to provide additional  
17 medical evidence. The notice shall refer the  
18 applicant to free legal services for assistance  
19 and permit the applicant to request extensions of  
20 time, if necessary;

21 (D) If a determination of physical, mental, or  
22 combination of a physical and mental disability

1 is made, the person shall accept and pursue  
2 appropriate medical treatment from a provider of  
3 the person's choice. The department shall  
4 promptly provide the person with a complete and  
5 legible copy of the recommended appropriate  
6 treatment;

7 (E) Any person, to continue to be certified as  
8 mentally disabled, physically disabled, or both  
9 mentally and physically disabled, shall be  
10 reevaluated annually, as provided by this  
11 section, and more frequently, as required by the  
12 department; provided that after twelve months or  
13 upon the person turning sixty-five years of age,  
14 the department shall refer the person for  
15 eligibility under the aid to the aged, blind, and  
16 disabled program; and

17 (F) Failure to pursue appropriate medical treatment  
18 shall result in a loss of eligibility, unless the  
19 failure is due to good cause. Good cause shall  
20 include but not be limited to:

21 (i) Treatment is unavailable;

22 (ii) Personal emergencies; and

1                   (iii) Circumstances that threaten the safety of  
2                   the patient.

3 The department shall adopt rules in accordance with chapter 91  
4 to define "good cause", as used in subparagraph (F), [~~in order~~]  
5 to determine when treatment is unavailable, what constitutes a  
6 personal emergency, what circumstances may threaten the safety  
7 of a patient, and other factors that may constitute good cause.

8           As used in this subsection:

9           "Substantial gainful employment" means at least thirty  
10 hours of work per week.

11           "With a disability" or "having a disability" means a  
12 disability that extends for a period of over sixty days.

13           Any person determined to be eligible under this subsection  
14 may be referred to any appropriate state agency for vocational  
15 rehabilitation services and shall be required to accept the  
16 services as a further condition of eligibility for the receipt  
17 of general assistance to households without minor dependents  
18 under this section. An assistance unit shall be determined  
19 ineligible for general assistance to households without minor  
20 dependents if any adult member of the assistance unit fails to  
21 cooperate with any appropriate state agency for vocational  
22 rehabilitation services after being referred for services. Any

1 person found eligible under this subsection may also be required  
2 to seek employment and participate in public work projects, as  
3 described in section 346-31, and in public employment projects,  
4 as described in section 346-102.

5 ~~[(e)]~~ (d) Applicants and recipients shall be required to  
6 satisfy all applicable provisions of this section. Recipients  
7 disqualified for failure to comply with any of the requirements  
8 under this section shall be excluded from general assistance to  
9 households without minor dependents for a period not to exceed  
10 twelve months.

11 ~~[(d)]~~ (e) The allowance for general assistance to  
12 households without minor dependents shall not exceed sixty-two  
13 and one-half per cent of the standard of need.

14 ~~[(e)]~~ (f) Within the limitations of this section, the  
15 department shall by rules adopted pursuant to chapter 91,  
16 determine:

17 (1) The allowance for general assistance to households  
18 without minor dependents based upon the total amount  
19 appropriated for general assistance to households  
20 without minor dependents;

21 (2) A method for determining assistance amounts; and

1 (3) Other necessary provisions to implement general  
2 assistance to households without minor dependents.

3 (g) Any month in which a person receives assistance  
4 pending an eligibility determination for the federal  
5 Supplemental Security Income Program or a successor program  
6 shall not be counted toward the twenty-four-month limit."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2050.

**Report Title:**

General Assistance

**Description:**

Places a twenty-four-month limit on general assistance to households without minor dependents with appropriate exceptions. Requires DHS to refer general assistance recipients to the aid to the aged, blind, and disabled program under specified conditions. Converts general assistance into an entitlement program. Takes effect 07/01/2050. (SD2)