

**SB 2717**

LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER, ESQ.  
DIRECTOR  
HENRY OLIVA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 4, 2010

**MEMORANDUM**

TO: The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **S. B. 2717 - RELATING TO GENERAL ASSISTANCE**

Hearing: Thursday, February 4, 2010; 4:00 p.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of this bill is to increase General Assistance program efficiency by eliminating the requirement to send a ten-day pending notice requesting additional medical evidence when a determination and certification is made that an applicant does not have a physical, mental, or combination of a physical and mental disability.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) strongly supports this Administration-sponsored bill.

Due to the current economic situation, the volume of applications requiring processing has increased in excess of ten percent for the general assistance program. This proposed amendment will reduce the number of monthly pending applications and ensure a disposition for applicants in a timely manner. Timely processing will be increased for approximately 550 applications per month by

reducing the number of monthly pending applications from 1,100 to 1,300 per month to approximately 600 to 800 per month.

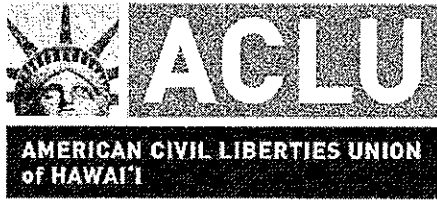
Currently, in order to be eligible for General Assistance (GA), the applicant must be certified disabled by a DHS evaluator. The applicant is given the opportunity to provide medical records to support their claim of disability. Medical histories that are submitted to the DHS evaluator, who also conducts an examination, establishes whether the applicant meets the GA criteria for disability. Upon a determination by the DHS evaluator that an applicant is not considered disabled, a disposition to deny benefits cannot be immediately made as a second request to submit medical records by the applicant is currently required, thereby delaying case disposition for up to ten days.

On average the Department of Human Services (DHS), Benefit, Employment and Support Services Division (BESSD) receives 1,500 to 1,700 GA applications per month and approximately 1,100 to 1,300 applications per month are pending a disposition. The requirement to request medical records a second time contributes to the large number of pending dispositions. Removing this additional requirement will reduce the large number of applications pending a disposition.

The Department's Eligibility Workers who determine eligibility for the GA program also determine eligibility for all of the DHS Benefit, Employment and Support Services Division's financial assistance programs as well as the Supplemental Nutrition Assistance Program (SNAP). This proposed amendment will not only make the application process for general assistance benefits more efficient but also for any application for the financial assistance programs by allowing staff to work timelier on all new applications. All financial assistance program applicants, including GA

program applicants, who are eligible for benefits will have their applications processed timelier and will able to receive benefits in a timely manner.

Thank you for the opportunity to provide comments on the bill.



Committee: Committee on Human Services  
Hearing Date/Time: Thursday, February 4, 2010, 4:00 p.m.  
Place: Room 016  
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 2717, Relating to General Assistance

Dear Chair Chun Oakland and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to S.B. 2717, which seeks to eliminate the requirement to send a ten-day pending notice requesting additional medical evidence when a determination and certification is made that an applicant does not have a physical, mental or combination of a physical and mental disability.

Taking into account the difficult application process combined with the challenges associated with disabilities, eliminating denial notice requirements will likely result in the violation of individuals' constitutional due process rights and further, the inappropriate denial of general assistance to individuals with legitimate disabilities. The current process appropriately balances individuals' constitutional due process rights with the needs of the state and should be maintained.

Further, we should not be considering ways to make it easier to deny general assistance benefits to individuals with disabilities, some of our most vulnerable citizens, in this time of high and rising unemployment. Evicting these already low-income individuals will stretch our homeless resources to the breaking point. Hawaii would be better served by providing assistance and due process to individuals with disabilities.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,  
Laurie A. Temple  
Staff Attorney

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)