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## A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1           SECTION 1. The legislature finds that public assistance  
2 programs currently limit eligibility to those with few or no  
3 assets. The function of asset limits is to ensure public  
4 resources reach individuals and families most in need. However,  
5 there is growing recognition that asset limits can discourage  
6 savings and prevent families from making investments that can  
7 help them escape poverty. Assets, such as personal savings, are  
8 precisely the kind of resources that allow families to move off,  
9 and stay off, public assistance programs.

10           The purpose of this Act is to raise the asset limit for  
11 public assistance from \$5,000 to \$10,000.

12           SECTION 2. Section 346-29, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14           "(c) In determining the needs of an applicant or recipient  
15 for public assistance by the department, the department shall:

16           (1) Disregard the amounts of earned or unearned income as  
17                 required or allowed by federal acts and other  
18                 regulations, to receive federal funds and disregard



1 from gross earned income twenty per cent plus \$200 and  
2 a percentage of the remaining balance of earned income  
3 consistent with federal regulations and other  
4 requirements;

5 (2) Consider as net income in all cases the income as  
6 federal acts and other regulations require the  
7 department to consider for receipt of federal funds  
8 and may consider the additional income and resources  
9 as these acts and regulations permit to be considered;

10 (3) For households with minor dependents, disregard a  
11 total of [~~\$5,000~~] \$10,000 in assets and the value of  
12 one motor vehicle in determining the needs of persons  
13 for financial assistance; provided that the amount to  
14 be disregarded shall not exceed standards under  
15 federally funded financial assistance programs. This  
16 paragraph shall not apply to persons eligible for  
17 federal supplemental security income benefits, aid to  
18 the aged, blind or disabled, or general assistance to  
19 households without minor dependents. In determining  
20 the needs of persons eligible for federal supplemental  
21 security income benefits, aid to the aged, blind, or  
22 disabled, or general assistance to households without



1           minor dependents, the department shall apply all the  
2           resource retention and exclusion requirements under  
3           the federal supplemental security income program;  
4       (4)   Apply the resource retention requirements under the  
5           federal supplemental security income program in  
6           determining the needs of a single person for medical  
7           assistance only;  
8       (5)   Apply the resource retention requirements under the  
9           federal supplemental security income program in  
10          determining the needs of a family of two persons for  
11          medical assistance only and an additional \$250 for  
12          each additional person included in an application for  
13          medical assistance only;  
14       (6)   Disregard amounts of emergency assistance granted  
15          under section 346-65;  
16       (7)   Not consider as income or resources any payment for  
17          services to or on behalf of, or any benefit received  
18          by, a participant under the first-to-work program of  
19          part XI, other than wages.  Wages earned by a  
20          participant while participating in the first-to-work  
21          program shall be considered income of the participant,



1 unless the wages are excluded or disregarded under any  
2 other law;

3 (8) Not consider as income or resources payment made to  
4 eligible individuals, eligible surviving spouses,  
5 surviving children or surviving parents as specified  
6 under ~~[Title]~~ title I of the Civil Liberties Act of  
7 1988, ~~[Public Law]~~ P.L. 100-383, which made  
8 restitution to individuals of Japanese ancestry who  
9 were interned during World War II;

10 (9) Allow the community spouse of an individual residing  
11 in a medical institution to maintain countable  
12 resources to the maximum allowed by federal statutes  
13 or regulations with provisions for increases, as  
14 allowed by the Secretary of Health and Human Services  
15 by means of indexing, court order, or fair hearing  
16 decree, without jeopardizing the eligibility of the  
17 institutionalized spouse for medical assistance;

18 (10) Allow an individual residing in a medical institution  
19 to contribute toward the support of the individual's  
20 community spouse, thereby enabling the community  
21 spouse to maintain the monthly maximum income allowed  
22 by federal statutes or regulations, with provisions



1 for increases as allowed by the Secretary of Health  
2 and Human Services by means of indexing, court order,  
3 or fair hearing decree;

4 (11) Consider the transfer of assets from the applicant's  
5 name to another name within the specified time period  
6 as required by federal regulations, known as the  
7 ["-]lookback["-] period, prior to the application for  
8 medical assistance for care in a nursing home or other  
9 long-term care facility. Pursuant to rules adopted  
10 under chapter 91, the director may attribute any  
11 assets that have been transferred within the required  
12 federal "lookback" period from the applicant if the  
13 director determines that transfer of certain assets  
14 was made solely to make the applicant eligible for  
15 assistance under this chapter; and

16 (12) Not consider as income or resources any funds  
17 deposited into a family self-sufficiency escrow  
18 account on behalf of a participant under a federal  
19 housing choice voucher family self-sufficiency program  
20 as required or allowed under federal law."

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:  \_\_\_\_\_

JAN 24 2012



# H.B. NO. 2685

**Report Title:**

Department of Human Services; Public Assistance Programs

**Description:**

Raises the asset limit for public assistance programs from \$5,000 to \$10,000.

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

