
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 of public assistance programs.

10 The purpose of this Act is to:

- 11 (1) Raise the asset limit for public assistance from
12 \$5,000 to \$10,000; and
13 (2) Require the department of human services to conduct a
14 study on asset limits.

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

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



- 1 (1) Disregard the amounts of earned or unearned income as
2 required or allowed by federal acts and other
3 regulations, to receive federal funds and disregard
4 from gross earned income twenty per cent plus \$200 and
5 a percentage of the remaining balance of earned income
6 consistent with federal regulations and other
7 requirements;
- 8 (2) Consider as net income in all cases the income as
9 federal acts and other regulations require the
10 department to consider for receipt of federal funds
11 and may consider the additional income and resources
12 as these acts and regulations permit to be considered;
- 13 (3) For households with minor dependents, disregard a
14 total of [~~\$5,000~~] \$10,000 in assets and the value of
15 one motor vehicle in determining the needs of persons
16 for financial assistance; provided that the amount to
17 be disregarded shall not exceed standards under
18 federally funded financial assistance programs. This
19 paragraph shall not apply to persons eligible for
20 federal supplemental security income benefits, aid to
21 the aged, blind or disabled, or general assistance to
22 households without minor dependents. In determining



1 the needs of persons eligible for federal supplemental
2 security income benefits, aid to the aged, blind, or
3 disabled, or general assistance to households without
4 minor dependents, the department shall apply all the
5 resource retention and exclusion requirements under
6 the federal supplemental security income program;

7 (4) Apply the resource retention requirements under the
8 federal supplemental security income program in
9 determining the needs of a single person for medical
10 assistance only;

11 (5) Apply the resource retention requirements under the
12 federal supplemental security income program in
13 determining the needs of a family of two persons for
14 medical assistance only and an additional \$250 for
15 each additional person included in an application for
16 medical assistance only;

17 (6) Disregard amounts of emergency assistance granted
18 under section 346-65;

19 (7) Not consider as income or resources any payment for
20 services to or on behalf of, or any benefit received
21 by, a participant under the first-to-work program of
22 part XI, other than wages. Wages earned by a



1 participant while participating in the first-to-work
2 program shall be considered income of the participant,
3 unless the wages are excluded or disregarded under any
4 other law;

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

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

20 (10) Allow an individual residing in a medical institution
21 to contribute toward the support of the individual's
22 community spouse, thereby enabling the community



1 spouse to maintain the monthly maximum income allowed
2 by federal statutes or regulations, with provisions
3 for increases as allowed by the Secretary of Health
4 and Human Services by means of indexing, court order,
5 or fair hearing decree;

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

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



1 SECTION 3. The department of human services shall conduct
2 a study on asset limits which reviews and evaluates information
3 on promising practices, policies and trends, and the
4 applicability of such limits to the supplemental nutritional
5 assistance program, the temporary assistance to needy families
6 and temporary assistance to other needy families programs, and
7 the medQuest program. The department shall submit its findings
8 and recommendations on asset limits to the legislature no later
9 than twenty days prior to the convening of the regular session
10 of 2013.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Department of Human Services; Public Assistance Programs

Description:

Raises the asset limit for public assistance programs from \$5,000 to \$10,000. Requires the Department of Human Services to conduct a study on asset limits. (HB2685 HD1)

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