

JAN 20 2012

A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. Public assistance programs limit eligibility to
2 those who have few or no assets. Unfortunately, such asset
3 limits provide an incentive for individuals to divest themselves
4 of assets and a disincentive to accumulate assets. This is
5 problematic, as families need assets to avoid and escape poverty
6 and become self-sufficient.

7 The Corporation for Enterprise Development is a national
8 nonprofit based in Washington, D.C., dedicated to expanding
9 economic opportunity for low-income families and communities.
10 The Corporation for Enterprise Development recommends that
11 states, among other things, completely eliminate asset limits
12 for their Temporary Assistance for Needy Families programs or
13 raise the asset limit for those programs to \$15,000. Today, one
14 state has raised its asset limit to \$15,000, and five states
15 have completely eliminated their asset limits.

16 The purpose of this Act is to increase the asset limit
17 requirements for Hawaii's Temporary Assistance for Needy
18 Families program from \$5,000 to \$15,000.



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

3 "(c) In determining the needs of an applicant or recipient
4 for public 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
18 total of [~~\$5,000~~] \$15,000 in assets and the value of
19 one motor vehicle in determining the needs of persons
20 for financial assistance; provided that the amount to
21 be disregarded shall not exceed standards under
22 federally funded financial assistance programs. This



1 paragraph shall not apply to persons eligible for
2 federal supplemental security income benefits, aid to
3 the aged, blind or disabled, or general assistance to
4 households without minor dependents. In determining
5 the needs of persons eligible for federal supplemental
6 security income benefits, aid to the aged, blind, or
7 disabled, or general assistance to households without
8 minor dependents, the department shall apply all the
9 resource retention and exclusion requirements under
10 the federal supplemental security income program;

11 (4) Apply the resource retention requirements under the
12 federal supplemental security income program in
13 determining the needs of a single person for medical
14 assistance only;

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

21 (6) Disregard amounts of emergency assistance granted
22 under section 346-65;



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



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



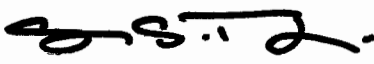
S.B. NO. 2178

1 (12) Not consider as income or resources any funds
2 deposited into a family self-sufficiency escrow
3 account on behalf of a participant under a federal
4 housing choice voucher family self-sufficiency program
5 as required or allowed under federal law."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY: 
BY REQUEST



S.B. NO. 2178

Report Title:

Human Services; TANF Program; Office of Hawaiian Affairs Package

Description:

Increases the asset limit for TANF program eligibility from \$5,000 to \$15,000.

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

