

JAN 25 2012

A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE PROGRAMS.

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

1 SECTION 1. The legislature finds that public assistance
2 programs limit eligibility to those who have few or no assets.
3 Unfortunately, such asset limits provide an incentive for
4 individuals to divest themselves of assets and a disincentive to
5 accumulate assets. This is problematic since families need
6 assets to avoid and escape poverty 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. One state
14 has already 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 eliminate the asset limit and
17 exempt the value of all motor vehicles in a household when



1 determining eligibility for Hawaii's temporary assistance for
2 needy families program.

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

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

7 (1) Disregard the amounts of earned or unearned income as
8 required or allowed by federal acts and other
9 regulations, to receive federal funds and disregard
10 from gross earned income twenty per cent plus \$200 and
11 a percentage of the remaining balance of earned income
12 consistent with federal regulations and other
13 requirements;

14 (2) Consider as net income in all cases the income as
15 federal acts and other regulations require the
16 department to consider for receipt of federal funds
17 and may consider the additional income and resources
18 as these acts and regulations permit to be considered;

19 (3) For households with minor dependents, disregard [~~a~~
20 ~~total of \$5,000 in~~] assets [~~and~~], including the fair
21 market value of [one] all motor [vehicle] vehicles in
22 determining the needs of persons for financial



1 assistance; provided that the amount to be disregarded
2 shall not exceed standards under federally funded
3 financial assistance programs. This paragraph shall
4 not apply to persons eligible for federal supplemental
5 security income benefits, aid to the aged, blind or
6 disabled, or general assistance to households without
7 minor dependents. In determining the needs of persons
8 eligible for federal supplemental security income
9 benefits, aid to the aged, blind, or disabled, or
10 general assistance to households without minor
11 dependents, the department shall apply all the
12 resource retention and exclusion requirements under
13 the federal supplemental security income program;

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

18 (5) Apply the resource retention requirements under the
19 federal supplemental security income program in
20 determining the needs of a family of two persons for
21 medical assistance only and an additional \$250 for



- 1 each additional person included in an application for
2 medical assistance only;
- 3 (6) Disregard amounts of emergency assistance granted
4 under section 346-65;
- 5 (7) Not consider as income or resources any payment for
6 services to or on behalf of, or any benefit received
7 by, a participant under the first-to-work program of
8 part XI, other than wages. Wages earned by a
9 participant while participating in the first-to-work
10 program shall be considered income of the participant,
11 unless the wages are excluded or disregarded under any
12 other law;
- 13 (8) Not consider as income or resources payment made to
14 eligible individuals, eligible surviving spouses,
15 surviving children or surviving parents as specified
16 under Title I of the Civil Liberties Act of 1988,
17 Public Law 100-383, which made restitution to
18 individuals of Japanese ancestry who were interned
19 during World War II;
- 20 (9) Allow the community spouse of an individual residing
21 in a medical institution to maintain countable
22 resources to the maximum allowed by federal statutes



1 or regulations with provisions for increases, as
2 allowed by the Secretary of Health and Human Services
3 by means of indexing, court order, or fair hearing
4 decree, without jeopardizing the eligibility of the
5 institutionalized spouse for medical assistance;

6 (10) Allow an individual residing in a medical institution
7 to contribute toward the support of the individual's
8 community spouse, thereby enabling the community
9 spouse to maintain the monthly maximum income allowed
10 by federal statutes or regulations, with provisions
11 for increases as allowed by the Secretary of Health
12 and Human Services by means of indexing, court order,
13 or fair hearing decree;

14 (11) Consider the transfer of assets from the applicant's
15 name to another name within the specified time period
16 as required by federal regulations, known as the
17 "lookback" period, prior to the application for
18 medical assistance for care in a nursing home or other
19 long-term care facility. Pursuant to rules adopted
20 under chapter 91, the director may attribute any
21 assets that have been transferred within the required
22 federal "lookback" period from the applicant if the




1 director determines that transfer of certain assets
2 was made solely to make the applicant eligible for
3 assistance under this chapter; and
4 (12) Not consider as income or resources any funds
5 deposited into a family self-sufficiency escrow
6 account on behalf of a participant under a federal
7 housing choice voucher family self-sufficiency program
8 as required or allowed under federal law."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: Shiranne Chun Caliland
By Request




S.B. NO. 2936

Report Title:

Human Services; TANF Program; Public Assistance Programs

Description:

Eliminates the asset limit for Hawaii's temporary assistance for needy families program eligibility. Exempts the fair market value of all motor vehicles in a household when determining eligibility for Hawaii's temporary assistance for needy families program.

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

