

SB 1101

Measure Title: RELATING TO THE ESTABLISHMENT OF THE INTERIM ASSISTANCE REIMBURSEMENT SPECIAL FUND.

Report Title: Human Services; Interim Assistance Reimbursement Special Fund

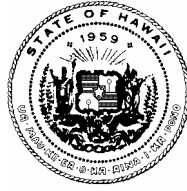
Description: Establishes a special fund, the Interim Assistance Reimbursement Special Fund, into which interim assistance reimbursements received from the Social Security Administration are deposited for repayment of state-funded financial assistance provided under the general assistance, aged, blind and disabled or temporary assistance for needy families for recipients who are retroactively approved for supplemental security income and authorizes the Department of Human Services to expend the funds for state-funded financial assistance programs. Appropriation.

Companion: HB870

Package: Gov

Current Referral: HMS, WAM

Introducer(s): KIM (Introduced by request of another party)



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

February 5, 2013

MEMORANDUM

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

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 1101 - RELATING TO THE ESTABLISHMENT OF THE
INTERIM ASSISTANCE REIMBURSEMENT SPECIAL FUND**

Hearing: Tuesday, February 5, 2013; 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 1101 is to allow the Department of Human Services (DHS) to establish a special fund, the Interim Assistance Reimbursement Special Fund, into which shall be deposited funds received from the federal government pursuant to section 346-57, Hawaii Revised Statutes, which authorizes state loans to applicants of federal Supplemental Security Income (SSI). The special fund allows the DHS to expend Interim Assistance Reimbursements (IAR) for state-funded financial assistance programs; and to make an appropriation out of the fund.

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

In accordance with section 346-57, Hawaii Revised Statutes, state-funded financial assistance is paid to qualified general assistance (GA), assistance to the aged, blind and disabled (AABD) and temporary assistance for needy families (TANF) program recipients while their applications for SSI is pending a determination with the federal

Social Security Administration (SSA). If the SSI is approved, the SSA will retroactively reimburse Hawaii for the state-funded assistance provided.

The determination for SSI may take several months or years if an SSI appeal is filed. Consequently, the IAR may not be received for the fiscal year in which the state-funded benefits were paid. The Department of Human Services is not allowed to retain interim assistance reimbursements received for a prior fiscal year and instead is required to deposit the IAR into the state treasury.

In state fiscal year 2011, the State received interim assistance reimbursements totaling \$1,971,041 of which \$837,407 was retained by the Department for state-funded benefits paid, with \$1,064,080 lapsing to the general fund. In state fiscal year 2012, the State received interim assistance reimbursements totaling \$1,613,740 of which \$632,074 was retained by the Department for state-funded benefits paid, with \$897,335 lapsing to the general fund.

The General Assistance program is the largest of the three programs and receives the largest IAR. Pursuant to section 346-53(b), Hawaii Revised Statutes, General Assistance is a block grant program. The DHS must adjust GA payments to remain within the GA appropriation with caseload increases or decreases.

In recent years the Department has requested several emergency appropriations for the GA program with the latest request for fiscal year 2012. For fiscal year 2012, the payment level began at \$353, but due to caseload increases the benefit payment amount was reduced to \$319 in October 2011. The benefit payment would have been reduced further to \$275 in April 2012 without the approval of an emergency appropriation of \$736,478 in general funds by the 2012 Legislature. Without an emergency appropriation for fiscal year 2013, the continual rise in the caseload requires a reduction in February 2013 to \$298.

The necessity for the reductions and fluctuations in benefit payments provide no stability to households who already live below poverty levels. Reducing the amount of the benefit payment for these individuals poses a real threat to the individuals' health and safety. It is also almost certain to trigger increased homelessness.

To stabilize payments to beneficiaries at a minimum benefit amount and to reduce the future need for emergency appropriations for the GA program, this bill proposes to allow the Department of Human Services to retain the IAR from prior fiscal years in a new special account, designated as the interim assistance reimbursement special account, to be used by the Department of Human Services for state-funded financial assistance programs. Had the Department been able to retain the \$897,335 in prior year reimbursements that was received during fiscal year 2012, rather than having it lapse to the general treasury, the emergency appropriation of \$736,478 to maintain and stabilize payment levels for fiscal year 2012 would not have been necessary.

Thank you for the opportunity to provide testimony on this bill.



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M. Nalani Fujimori Kaina, Esq.
Executive Director

**TESTIMONY IN SUPPORT OF
SB1101 - RELATING TO THE ESTABLISHMENT OF THE INTERIM ASSISTANCE
REIMBURSEMENT SPECIAL FUND**

Committee on Human Services - Room 016

Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice-Chair

February 5, 2013 at 1:15 p.m.

The Legal Aid Society of Hawaii submits testimony in support of SB1101 – Relating to the Establishment of the Interim Assistance Reimbursement Special Fund. This bill would create a special fund where funds received by the federal government to reimburse the state for the provision of general assistance upon the successful award of social security benefits to a disabled Hawai'i resident.

For over fifteen years, under contract with the Department of Human Services, Legal Aid has provided legal advocacy to disabled Hawai'i residents who receive state funded general assistance and state funded assistance to the aged blind and disabled to receive federal social security benefits. To receive state funded disability assistance, recipients are required to sign a loan agreement with the state which indicates that the state shall be reimbursed from any retroactive payment for benefits to be paid to the recipient by the federal government. Currently, a large portion of these funds are deposited into the general fund and the Department of Human Services over the last several years has had to seek Emergency Appropriations to maintain a small, but valuable benefit to our disabled residents.

The amount of benefits to brought to the state cannot be understated. Legal Aid's efforts in just the last ten years has netted over \$8.3 million in back payments to reimburse the state and current monthly payments of over \$2 million in previously unrecognized federal funds now flow to the state for use in our economy.

We strongly support this effort to create a special fund so that the Department of Human Services is able to continue to provide adequate benefits to disabled Hawai'i residents without having to seek continued Emergency Appropriation.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2011 provided legal assistance to over 10,000 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.