

JAN 22 2016

A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. 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;



- 1 (3) For households with minor dependents, disregard assets
2 in determining the needs of persons for financial
3 assistance; provided that the amount to be disregarded
4 shall not exceed standards under federally funded
5 financial assistance programs. This paragraph shall
6 not apply to persons eligible for federal supplemental
7 security income benefits, aid to the aged, blind or
8 disabled, or general assistance to households without
9 minor dependents. In determining the needs of persons
10 eligible for federal supplemental security income
11 benefits, aid to the aged, blind or disabled, or
12 general assistance to households without minor
13 dependents, the department shall apply all the
14 resource retention and exclusion requirements under
15 the federal supplemental security income program;
- 16 (4) Apply the resource retention requirements under the
17 federal supplemental security income program in
18 determining the needs of a single person for medical
19 assistance only;
- 20 (5) Apply the resource retention requirements under the
21 federal supplemental security income program in



1 determining the needs of a family of two persons for
2 medical assistance only and an additional \$250 for
3 each additional person included in an application for
4 medical assistance only;

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

7 (7) Not consider as income or resources any payment for
8 services to or on behalf of, or any benefit received
9 by, a participant under the first-to-work program of
10 part XI, other than wages. Wages earned by a
11 participant while participating in the first-to-work
12 program shall be considered income of the participant,
13 unless the wages are excluded or disregarded under any
14 other law;

15 (8) Not consider as income or resources payment made to
16 eligible individuals, eligible surviving spouses,
17 surviving children or surviving parents as specified
18 under title I of the Civil Liberties Act of 1988,
19 Public Law 100-383, which made restitution to
20 individuals of Japanese ancestry who were interned
21 during World War II;



1 (9) Allow the community spouse of an individual residing
2 in a medical institution to maintain countable
3 resources to the maximum allowed by federal statutes
4 or regulations with provisions for increases, as
5 allowed by the Secretary of Health and Human Services
6 by means of indexing, court order, or fair hearing
7 decree, without jeopardizing the eligibility of the
8 institutionalized spouse for medical assistance;

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

17 (11) Consider the transfer of assets from the applicant's
18 name to another name within the specified time period
19 as required by federal regulations, known as the
20 "lookback" period, prior to the application for
21 medical assistance for care in a nursing home or other



1 long-term care facility. Pursuant to rules adopted
2 under chapter 91, the director may attribute any
3 assets that have been transferred within the required
4 federal "lookback" period from the applicant if the
5 director determines that transfer of certain assets
6 was made solely to make the applicant eligible for
7 assistance under this chapter; [~~and~~]

8 (12) Not consider as income or resources any funds
9 deposited into a family self-sufficiency escrow
10 account on behalf of a participant under a federal
11 housing choice voucher family self-sufficiency program
12 as required or allowed under federal law[-]; and

13 (13) Not consider as income or resources subsidies received
14 directly by the applicant or recipient or payments
15 made on behalf of or directly to the applicant or
16 recipient from the section 8 housing voucher program
17 of the United States Department of Housing and Urban
18 Development for purposes of qualifying for the
19 supplemental nutrition assistance program."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: 

~~Sen. Scott Brown~~
Anthony D. Bevilacqua
E. P. Rivera
K. D. Sullivan



S.B. NO. 2344

Report Title:

Public Assistance; Income; Resources; Section 8; Supplemental Nutrition Assistance Program

Description:

Requires the department of human services to disregard subsidies received directly by an applicant or recipient or payments made on behalf of or directly to an applicant or recipient of public assistance from the section 8 housing voucher program of the United States Department of Housing and Urban Development for purposes of qualifying for the supplemental nutrition assistance program.

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