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# A BILL FOR AN ACT

RELATING TO SOCIAL SERVICES.

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

1           SECTION 1. The legislature finds that the State provides a  
2 personal needs allowance for individuals residing in adult  
3 residential care homes, domiciliary homes, adult foster homes,  
4 and other long-term care facilities. The personal needs  
5 allowance allows recipients to purchase necessary items, such as  
6 clothing, toiletries, and meals, and covers other day-to-day  
7 living expenses.

8           The legislature further finds that when the federal  
9 government first established the needs allowance in 1974, the  
10 allowance was set at \$25 per month, which was then subsequently  
11 increased to \$30 in 1998. Act 96, Session Laws of Hawaii 2007,  
12 increased the monthly needs allowance to \$50 to better  
13 accommodate the increase in the cost of living. However, the  
14 allowance has not been increased since then. The legislature  
15 believes that the personal needs allowance must be increased to  
16 effectively support individuals residing in long-term care  
17 facilities.



1 Accordingly, the purpose of this Act is to:

2 (1) Increase the personal needs allowance from \$50 to \$75;

3 (2) Clarify that the needs allowance is not intended to  
4 replace or affect funds received from the federal  
5 supplemental security income program;

6 (3) Require certain long-term care facility operators to  
7 pay for generic toiletries, linens, and meals and  
8 snacks; and

9 (4) Clarify the individuals who are eligible to receive  
10 the needs allowance.

11 SECTION 2. Section 346D-4.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§346D-4.5 Needs allowance; waiver program individuals.**

14 (a) There may be established a monthly needs allowance for  
15 individuals living in:

16 (1) Adult residential care home type I and type II  
17 facilities;

18 (2) Licensed developmental disabilities domiciliary homes  
19 as defined in section 321-15.9;

20 (3) Community care foster family homes as defined in  
21 section 321-481;



1 (4) Certified adult foster homes as defined in section  
2 321-11.2;

3 (5) Domiciliary care as defined in section 346-1;

4 (6) A nursing facility; or

5 (7) A community-based residence as part of the residential  
6 alternatives community care program.

7 (b) The needs allowance may be administered by the  
8 department of human services to pay for clothing and other  
9 personal miscellaneous needs, such as bus fare, personal postage  
10 costs, haircuts, and other costs of day-to-day living.

11 (c) The State's supplemental payment for a needs allowance  
12 under subsection (a) shall be increased by an amount necessary  
13 to bring the allowance up to [~~\$50~~] \$75 per month. The payment  
14 under this section shall be afforded to an individual  
15 notwithstanding that the individual is incapacitated; provided  
16 that the moneys may be spent on behalf of the client, with a  
17 written accounting, by the operator of the residence or  
18 facility.

19 (d) The needs allowance is not intended to replace or  
20 affect the funds received from the federal supplemental security  
21 income program and shall be supplemental to any funds provided



1 to a recipient by the federal supplemental security income  
2 program.

3 (e) The operators of facilities identified in subsection  
4 (a) shall pay for generic toiletries, including toilet paper,  
5 hand soap, and paper towels; linens, including bedding, sheets,  
6 blankets, towels, and bath towels; and meals and snacks for  
7 outings; provided that operators shall not use the needs  
8 allowance without the consent of the individual receiving the  
9 needs allowance.

10 (f) The needs allowance shall apply to persons otherwise  
11 eligible to receive monthly income pursuant to state law or  
12 rules and federal laws or regulations and is not intended to  
13 affect the classifications of, or number of, persons eligible to  
14 receive these funds."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on October 1, 2024.



**Report Title:**

DHS; Needs Allowance; Long-Term Care Facilities

**Description:**

Increases the monthly needs allowance for individuals living in certain long-term care facilities from \$50 to \$75. Clarifies that the needs allowance is not intended to replace or affect funds received from the federal Supplemental Security Income Program. Requires certain long-term care facility operators to pay for generic toiletries, linens, and meals and snacks. Clarifies the individuals who are eligible to receive the needs allowance. Takes effect 10/1/2024. (SD1)

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

