

ACT 18

H.B. NO. 1974

A Bill for an Act Relating to Social Services.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

Accordingly, the purpose of this Act is to:

- (1) Increase the personal needs allowance from \$50 to \$75;
- (2) Clarify that the needs allowance is not intended to replace or affect funds received from the federal supplemental security income program;
- (3) Require certain long-term care facility operators to pay for generic toiletries, linens, and meals and snacks; and
- (4) Clarify the individuals who are eligible to receive the needs allowance.

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

“§346D-4.5 Needs allowance; waiver program individuals. (a) There may be established a monthly needs allowance for individuals living in:

- (1) Adult residential care home type I and type II facilities;
- (2) Licensed developmental disabilities domiciliary homes as defined in section 321-15.9;
- (3) Community care foster family homes as defined in section 321-481;
- (4) Certified adult foster homes as defined in section 321-11.2;
- (5) Domiciliary care as defined in section 346-1;
- (6) A nursing facility; or
- (7) A community-based residence as part of the residential alternatives community care program.

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

(c) The State’s supplemental payment for a needs allowance under subsection (a) shall be increased by an amount necessary to bring the allowance up to ~~[\$50]~~ \$75 per month. The payment under this section shall be afforded to an individual notwithstanding that the individual is incapacitated; provided that

the moneys may be spent on behalf of the client, with a written accounting, by the operator of the residence or facility.

(d) The needs allowance is not intended to replace or affect the funds received from the federal supplemental security income program and shall be supplemental to any funds provided to a recipient by the federal supplemental security income program.

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

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

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

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

(Approved May 13, 2024.)