

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE.

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

1       SECTION 1. Section 346-1, Hawaii Revised Statutes, is  
2 amended as follows:

3       (1) By adding three new definitions to be appropriately  
4 inserted and to read as follows:

5       "Non-work eligible household" means a household in which  
6 all the adult members are receiving assistance under the  
7 temporary assistance for needy families program, or are non-  
8 recipient parents, who are:

9       (1) Parents of a household member who also provide care  
10       for a disabled family member living in the home,  
11       provided that the need for such care is supported by  
12       medical documentation. Only one parent in a household  
13       may claim this status;

14       (2) Single custodial parents personally providing care for  
15       the parents' child under twelve months of age for a  
16       lifetime limit of twelve months;

17       (3) Non-needy caretakers; or

1        (4) Recipients of Supplemental Security Income or Social  
2        Security Disability Insurance as defined in title 42  
3        U.S.C. sections 1381-1383.

4        "Other work eligible household" means a household in which  
5        there is no work eligible individual and at least one adult  
6        member is an adult receiving assistance under the temporary  
7        assistance for needy families program, or a non-recipient  
8        parent, who is:

9        (1) Unable to engage in full-time employment as defined by  
10       the work participation requirements of the Social  
11       Security Act, title 42 U.S.C. section 607, at a job  
12       for which he or she is equipped by education,  
13       training, or experience, for a period of more than  
14       thirty days from the onset of an illness, incapacity,  
15       or disability due to a physical or mental impairment  
16       or substance abuse, as determined by a licensed  
17       physician or psychologist;

18       (2) A domestic violence victim or any other adult in the  
19       assistance unit who meets the criteria established by  
20       the department of human services; or

21       (3) An adult sixty-five years of age or older.

1       "Work eligible household" means a household in which at  
2       least one member is an adult receiving assistance under the  
3       temporary assistance for needy families program, or a non-  
4       recipient parent, who is not a non-work eligible individual or  
5       an other work eligible individual."

6       (2) By repealing the definition of "exempt household".

7       ~~["Exempt household" means a household in which all adult~~  
8       ~~members or the minor parent who is head of a household, are~~  
9       ~~exempt for one or more of the following reasons:~~

10       ~~(1) Ill, incapacitated, or disabled, as determined by the~~  
11       ~~department on the basis of medical or other competent~~  
12       ~~evidence;~~

13       ~~(2) Sixty years of age or older;~~

14       ~~(3) Needed in the household, as determined by the~~  
15       ~~department, to care for another household member who~~  
16       ~~is ill, incapacitated, or disabled;~~

17       ~~(4) In a one adult household, the parent or other relative~~  
18       ~~of a child who is not of school age and is personally~~  
19       ~~providing care for the child, unless child care is~~  
20       ~~provided by the department under this part;~~

21       ~~(5) Non needy; or~~

1       ~~(6) A single parent responsible for the care and custody~~  
2       ~~of a child under the age of six months."~~]

3       SECTION 2. Section 346-53, Hawaii Revised Statutes, is  
4       amended by amending subsection (a) to read as follows:

5       "(a) This subsection does not apply to general assistance  
6       households without minor dependents. The standard of need shall  
7       equal the poverty level established by the federal government in  
8       2006, prorated over a twelve-month period based on family size.

9       The assistance allowance provided shall be based on a  
10      percentage of the standard of need. For ~~[exempt households]~~  
11      other work eligible households and non-work eligible households  
12      and households in which all caretaker relatives are minors,  
13      living independently with minor dependents and attending school,  
14      the assistance allowance shall be set no higher than sixty-two  
15      and one-half per cent and no lower than forty-four per cent of  
16      the standard of need. For all other households, the assistance  
17      allowance shall be set no higher than sixty-two and one-half per  
18      cent of the standard of need and set no lower than thirty-four  
19      per cent of the standard of need. The standard of need shall be  
20      determined by dividing the 2006 federal poverty level by twelve  
21      and rounding down the quotient. The remaining quotient shall be  
22      multiplied by the per cent as set by the director by rules

1 pursuant to chapter 91, and the final product shall be rounded  
2 down to determine the assistance allowance; provided that:

3 (1) The department may increase or reduce the assistance  
4 allowance as determined in this subsection for [~~non-~~  
5 ~~exempt households~~] work eligible households for the  
6 purpose of providing work incentives or services under  
7 part XI;

8 (2) No reduction shall be allowed that jeopardizes  
9 eligibility for or receipt of federal funds;

10 (3) Reductions in the assistance allowance shall be  
11 limited to no more than one per year; and

12 (4) No [~~non exempt household,~~] work eligible household,  
13 which includes an adult who has received sixty  
14 cumulative months of temporary assistance to needy  
15 families with minor dependents, shall be eligible for  
16 an assistance allowance, unless authorized by federal  
17 regulations."

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

S.B. NO. 914

1 SECTION 4. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: \_\_\_\_\_

4

BY REQUEST

**Report Title:**

Public Assistance

**Description:**

Amends section 346-1, Hawaii Revised Statutes, by adding definitions of "work eligible household" and "other work eligible household" and repealing the definition of "exempt household" to be consistent with recent changes in federal regulations. Also amends section 346-53(a), Hawaii Revised Statutes, to be consistent with the new definitions.

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE.

PURPOSE: To conform the temporary assistance for needy families program to federal code by adding three new definitions of "other work eligible household", "non-work eligible household", and "work-eligible household" and repealing the definition of "exempt household" in section 346-1, Hawaii Revised Statutes (HRS) and by adding the conforming language to section 346-53(a), Hawaii Revised Statutes.

MEANS: Amend sections 346-1 and 346-53(a), Hawaii Revised Statutes.

JUSTIFICATION: The proposed bill is a housekeeping measure to conform to the Code of Federal Regulations, 45 C.F.R. section 261.2(n), relating to the Temporary Assistance for Needy Families program, which established a definition of "work eligible individual" to be used in place of the term "non-exempt individual" effective February 5, 2008. The amendments to section 346-1 are meant to accurately reflect the correct terminology used in 45 C.F.R. section 261-2(n).

The amendments to section 346-1 and section 346-53(a), Hawaii Revised Statutes, will ensure that the same terminology is used in all statutes related to the Temporary Assistance for Needy Families program.

Impact on the public: Clarity on the eligibility requirements for the Temporary Assistance for Needy Families program.

Impact on the department and other agencies: State law will be consistent with federal rules.

GENERAL FUND: None.



OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HMS 211

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2009.