

JAN 19 2024

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

16           Accordingly, the purpose of this Act is to increase the  
17 personal needs allowance from \$50 to \$75.



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

3 **"§346D-4.5 Needs allowance; waiver program individuals.**

4 (a) There may be established a monthly needs allowance for  
5 individuals living in:

6 (1) Adult residential care home type I and type II  
7 facilities;

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

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

12 (4) Certified adult foster homes as defined in section  
13 321-11.2;

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

15 (6) A nursing facility; or

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

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



1 (c) The State's supplemental payment for a needs allowance  
2 under subsection (a) shall be increased by an amount necessary  
3 to bring the allowance up to [~~\$50~~] \$75 per month. The payment  
4 under this section shall be afforded to an individual  
5 notwithstanding that the individual is incapacitated; provided  
6 that the moneys may be spent on behalf of the client, with a  
7 written accounting, by the operator of the residence or  
8 facility.

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

14 (e) The operators of facilities listed under subsection  
15 (a) shall pay for generic toiletries, including toilet paper,  
16 hand soap, and paper towels; linens, including bedding, sheets,  
17 blankets, towels, and bath towels; and meals and snacks for  
18 outings.

19 (f) The needs allowance shall apply to persons otherwise  
20 eligible to receive monthly income pursuant to state law or  
21 rules and federal laws or regulations and is not intended to



1 affect the classifications of, or number of, persons eligible to  
2 receive such funds.

3 (g) The department of human services shall perform an  
4 annual review of the monthly needs allowance to ensure the  
5 allowance provides adequate coverage. The department of human  
6 services shall submit a report of corrections or improvements to  
7 the monthly needs allowance, including any proposed legislation,  
8 to the legislature no later than twenty days prior to the  
9 convening of the regular session of 2025, and every session  
10 thereafter."

11 SECTION 3. In accordance with section 9 of article VII of  
12 the Hawaii State Constitution and sections 37-91 and 37-93,  
13 Hawaii Revised Statutes, the legislature has determined that the  
14 appropriations contained in Act 164, Regular Session of 2023,  
15 and this Act will cause the state general fund expenditure  
16 ceiling for fiscal year 2024-2025 to be exceeded by  
17 \$            or            per cent. This current declaration takes  
18 into account general fund appropriations authorized for fiscal  
19 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
20 only. The reasons for exceeding the general fund expenditure  
21 ceiling are that:



1 (1) The appropriation made in this Act is necessary to  
2 serve the public interest; and

3 (2) The appropriation made in this Act meets the needs  
4 addressed by this Act.

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2024-2025 to  
8 provide a monthly needs allowance to individuals eligible  
9 pursuant to section 346D-4.5, Hawaii Revised Statutes.

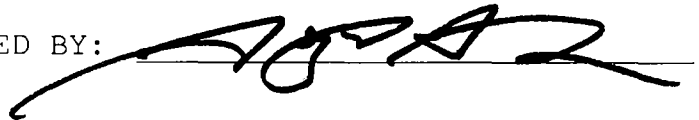
10 The sum appropriated shall be expended by the department of  
11 human services for the purposes of this Act.

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2024.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a horizontal line.

# S.B. NO. 2785

**Report Title:**

DHS; Needs Allowance; Long-term Care Facilities; Report to the Legislature; Expenditure Ceiling; Appropriation

**Description:**

Increases the monthly needs allowance 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 the Department of Human Services to perform an annual review of the needs allowance. Appropriates funds.

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

