

ACT 101

S.B. NO. 914

A Bill for an Act Relating to Public Assistance.

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

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

1. By adding three new definitions to be appropriately inserted and to read:

““Non-work eligible household” means a household in which each adult member is receiving assistance under the temporary assistance for needy families program, or is a non-recipient parent, who is;

- (1) A parent of a household member who provides care for a disabled family member living in the home; provided that the need for such care is supported by medical documentation. Only one parent in a household may claim this status;

- (2) A single custodial parent personally providing care for the parent's child under twelve months of age for a lifetime limit of twelve months;
- (3) A non-needy caretaker; or
- (4) A recipient of Supplemental Security Income or Social Security Disability Insurance under Title 42 United States Code Sections 1381-1383.

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

- (1) Unable to engage in full-time employment as defined by the work participation requirements of the Social Security Act, Title 42 United States Code Section 607, at a job for which the non-recipient parent is equipped by education, training, or experience, for a period of more than thirty days from the onset of an illness, incapacity, or disability due to a physical or mental impairment or substance abuse, as determined by a licensed physician or psychologist;
- (2) A domestic violence victim or any other adult in the assistance unit who meets the criteria established by the department; or
- (3) An adult sixty-five years of age or older.

"Work eligible household" means a household in which at least one member is:

- (1) An adult receiving assistance under the temporary assistance for needy families program; or
- (2) A non-recipient parent,

who is not a non-work eligible individual or an other work eligible individual."

2. By repealing the definition of "exempt household."

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

- (1) ~~Ill, incapacitated, or disabled, as determined by the department on the basis of medical or other competent evidence;~~
- (2) ~~Sixty years of age or older;~~
- (3) ~~Needed in the household, as determined by the department, to care for another household member who is ill, incapacitated, or disabled;~~
- (4) ~~In a one adult household, the parent or other relative of a child who is not of school age and is personally providing care for the child, unless child care is provided by the department under this part;~~
- (5) ~~Non-needy; or~~
- (6) ~~A single parent responsible for the care and custody of a child under the age of six months."]~~

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

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

The assistance allowance provided shall be based on a percentage of the standard of need. For ~~[exempt households]~~ other work eligible households and non-work eligible households and households in which all caretaker relatives

are minors, living independently with minor dependents and attending school, the assistance allowance shall be set no higher than sixty-two and one-half per cent and no lower than forty-four per cent of the standard of need. For all other households, the assistance allowance shall be set no higher than sixty-two and one-half per cent of the standard of need and set no lower than thirty-four per cent of the standard of need. The standard of need shall be determined by dividing the 2006 federal poverty level by twelve and rounding down the quotient. The remaining quotient shall be multiplied by the per cent as set by the director by rules pursuant to chapter 91, and the final product shall be rounded down to determine the assistance allowance; provided that:

- (1) The department may increase or reduce the assistance allowance as determined in this subsection for ~~[non-exempt households]~~ work eligible households for the purpose of providing work incentives or services under part XI;
- (2) No reduction shall be allowed that jeopardizes eligibility for or receipt of federal funds;
- (3) Reductions in the assistance allowance shall be limited to no more than one per year; and
- (4) No ~~[non-exempt household,]~~ work eligible household, which includes an adult who has received sixty cumulative months of temporary assistance to needy families with minor dependents, shall be eligible for an assistance allowance, unless authorized by federal regulations.”

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

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

(Approved June 9, 2009.)