

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

ESHB 2082:

Will the termination of Disability Lifeline (DL) affect medical benefits?

The termination of Disability Lifeline will not affect medical coverage:

- DL-U recipients will continue to receive Medical Care Services (MCS).
- DL-X, DL-D, DL-A, and DL-B recipients will continue to receive Categorically Needy (CN) Medicaid.
- Pregnant DL recipients will continue to receive family related Medicaid.

Will Disability Lifeline recipients be required to apply for the new programs?

Current Disability Lifeline recipients will be determined eligible for one of the new programs based on the medical benefits they receive. An application will not be required for this process. MCS recipients who choose to pursue a cash grant after October 31, 2011 will need to apply for the ABD program.

Recipients with disability related CN Medicaid will be eligible for the ABD cash program. Recipients of MCS will be eligible for the HEN program. Pregnant recipients will be eligible for the PW program.

When will recipients be notified regarding these changes?

A general informational notice will be sent in late August or early September notifying current recipients that the Disability Lifeline program is ending on October 31, 2011 and that three new programs will be created effective November 1, 2011.

Clients will receive notice of Disability Lifeline termination and an award letter for their new program in October 2011.

How will the Incapacity and Disability determination process change under the new programs?

The rules and process for determining Disability and Incapacity under the new ABD and HEN programs are currently under development.

Will you involve advocates in the notice development process?

Yes. Additional details will be provided.

What would a cap on MCS mean for clients?

HB 2082 requires the Department to place an enrollment cap on the MCS medical program, if it appears expenditures will exceed the amount appropriated by the Legislature. The process for creating an enrollment cap and managing an associated wait list are currently under development.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

Will DSHS review current DL recipients for ABD eligibility prior to November 1, 2011?

Recipients will be reviewed for disability as part of their regular incapacity review process.

Will there be an opportunity to comment on the draft rules for the three new programs?

The proposed rules will be available for public comment by August, 3, 2011.

What will the grant standards be for the ABD and PW programs?

The maximum grant for both the ABD and PW programs is anticipated to be \$197 per month.

What are the eligibility criteria for the PW program?

An individual must be both ineligible for TANF for a reason other than failure to cooperate with program requirements and pregnant and in need based upon the TANF income and resource standards, in order to be eligible for the PW program. This population will include individuals who have exceeded the 60-month TANF time limit, as well as clients who are permanently disqualified from TANF.

How long can pregnant women receive PW assistance?

PW eligibility will be certified from the date the Department receives verification of pregnancy through the month the pregnancy ends.

Are PW recipients eligible for HEN benefits?

PW recipients will not be eligible for HEN benefits.

Will PW have an enrollment cap?

The PW program will not have an enrollment cap.

Will Pregnant Women in WorkFirst (WF) sanction be eligible for PW benefits?

Pregnant women in WorkFirst sanction will not be eligible for the PW program.

Housing and Essential Needs (HEN):

Will the process for disbursing Housing and Essential Needs funds to local governments be similar to the Consolidated Homeless Grant?

Yes. The Housing and Essential Needs grant application will be sent to our current network of homeless and housing service providers (both local governments and community based organizations), the same entities that are currently responding to the Consolidated Homeless Grant application.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

Will Commerce establish criteria in advance for the Housing and Essential Needs Grant, or will local grantees determine the amount of the housing assistance?

Grantees will determine the amount of housing assistance. Due to limited funds and because assistance is not an entitlement, not all people who request assistance will receive assistance.

Will Housing and Essential Needs housing assistance match the current \$197 DL grant dollar for dollar?

There is not enough funding to provide \$197 per month per eligible client. Grantees will determine the amount of housing assistance benefit, and may vary the amount based on individual need and local priorities. The housing assistance is not an entitlement, and not everyone who requests assistance will receive assistance.

How will Commerce decide how to allocate Housing and Essential Needs funds between the counties?

Allocations are based on each county's historic share of DL-U caseload as follows:

- Funding for homeless clients (\$30 million) is distributed based on historic county shares of homeless DL-U clients;
- Funding for clients at substantial risk of losing housing (\$30 million) is distributed based on historic county shares of non-homeless DL-U clients;
- Funding for essential needs (\$4 million) is distributed based on historic county shares of all DL-U clients.

What personal essential needs items will be provided through the Housing and Essential Needs Grant?

The legislation describes essential needs items as personal health and hygiene items, cleaning supplies and transportation.

Commerce's Grant Guidelines describe allowable Essential Needs Assistance as the following:

- Personal health and hygiene items (such as toothpaste, shampoo, toilet paper).
- Household cleaning supplies (such as laundry and dish soap).
- Bus passes, other transportation costs (limited).

Restrictions:

Lead/Sub Grantees cannot provide retailer or merchant gift cards, vouchers or certificates for a client to purchase personal health, hygiene and household cleaning supplies.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

What does it mean when you say Housing and Essential Needs recipients are ‘not entitled’ to housing and essential needs assistance?

The legislation specifically states the essential needs and housing support is not an entitlement.

There is limited funding and not everyone who is eligible and requests help with their rent and/or utility bills will receive assistance.

Will the Housing and Essential Needs Grant rely on housing vouchers?

No. After the grantee has determined a housing assistance benefit, the rent and/or rent and utility assistance will be paid to a landlord or utility company on the client’s behalf.

Will Housing and Essential Needs grantees be required to use the Homeless Management Information System (HMIS)?

Yes. Currently, most, if not all, of the existing Commerce homeless and housing service grantees are currently using HMIS.

How will an individual provide proof they are at ‘substantial risk’ of homelessness if they do not have a traditional landlord-tenant relationship?

The client can provide a certification of potential eviction (essentially a statement signed by both the client and person they are staying with) that the client can no longer stay at that residence.

Will current DL recipients have to become homeless to access Housing and Essential Needs?

Clients do not need to become homeless to receive housing assistance or essential needs assistance.

Has Commerce developed an application process for potential Housing and Essential Needs grantees?

Yes, the Application to our current network of homeless and housing service providers (local governments and community based organizations) was released Friday July 22.

How is the \$64 million allocation divided between housing and essential needs support?

\$30 million is for Homeless, \$30 million is for Substantial Risk, \$4 million is for Essential Needs

Allocations are based on each county’s historic share of DL-U clients as follows:

- The proviso for homeless clients is distributed based on historic county shares of homeless DL-U clients;
- The proviso for clients at substantial risk of losing stable housing is distributed based on historic county shares of non-homeless DL-U clients;
- The proviso for essential needs is distributed based on historic county shares of all DL-U clients.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

Will Housing and Essential Needs benefits be available to assist with utilities?

Yes, although due to limited funds not all people who request assistance will receive assistance

What will the process be for appealing a denial of housing or essential needs benefits?

Housing and Essential Needs grantees must have the following policies and or procedures:

- Termination of Participation and Grievance
- Applicant Denial and Grievance

As the legislation clearly states, essential needs and housing support is not an entitlement. The funding is very limited and projections indicate there will not be enough funds to serve all of the eligible clients.

Have you determine how much of the Housing and Essential Needs funds will be available for administration?

Grantees can budget up to 7 percent of their award for administration.

The legislation states that Commerce can retain up to 5 percent for administration. Commerce plans to only use approximately 1.5 percent for administration and Housing and Essential Needs pass through the balance as incentive funding to grantees to leverage local dollars to further support clients.

How will Commerce select Housing and Essential Needs grantees? Is there an RFP process?

Commerce released a Housing and Essential Needs Grant application to the current network of homeless and housing service grantees on July 22.

How will Housing and Essential Needs grantees know if an individual is eligible for Housing and Essential Needs?

Housing and Essential Needs grantees will have access to the Department of Social and Health Service's Benefits Verification System. This System is web based and grantees will be trained on how to access and review a potential client's eligibility status for assistance.

How will MCS recipients be notified regarding Housing and Essential Needs benefits and their local housing and essential needs providers?

The Department of Social and Health Services will provide clients with contact information for their local housing and essential needs service providers.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

ESSB 5921/WorkFirst Redesign:

What is the WorkFirst (WF) participation suspension?

Senate Bill 5921 suspended WorkFirst participation requirements from July 1, 2011 through June 30, 2012 for adults with a child under the age of two or at least two children under the age of six.

Which families are eligible for WF participation suspension?

Families with a child under the age of two or at least two children under the age of six are eligible for the suspension, even if the children that qualify the household for the suspension are not on the TANF grant. In two-parent families, only one parent may take the suspension in any given month.

Have clients been notified about the participation suspension option that began on July 1st?

A mailer was sent to all WorkFirst clients on July 8, 2011 notifying them of the suspension.

Will you involve advocates in the notice development process?

The notices have already been mailed.

Does the participation suspension end when the child turns two years of age?

The participation suspension will last through June 30, 2012. From July 1, 2012 through June 30, 2013, suspended parents will be phased back in to WorkFirst participation. The suspension can end prior to June 30, 2012 if the child turns two or one or more children turn six (ages out) so the family no longer meets the suspension criteria.

Can two parent households alternate who takes the participation suspension?

Senate Bill 5921 allows parents to alternate who takes the suspension, as long as only one parent takes the suspension in any given month.

Can an individual choose to participate in part time and maintain their WCCC eligibility if they choose to take the participation suspension?

Yes, individuals can choose to voluntarily participate in WorkFirst activities and maintain their eligibility for subsidized childcare.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

Can individuals choose to enroll in non-core activities (e.g. basic education) while taking the participation suspension?

Yes, individuals eligible for the suspension can choose to voluntarily enroll in non-core WorkFirst activities.

How would the participation suspension affect Community Jobs and other Commerce programs?

Individuals eligible for the participation suspension can choose to voluntarily participate in Community Jobs and other Commerce programs.

Can a parent opt to take a participation suspension for a shorter time period?

The time period for the suspension is set out by Senate Bill 5921, but an individual can start voluntarily participating at any time during the suspension period.

If an individual opts for participation suspension, they do not have to participate in chemical dependency of mental health treatment?

Individuals who opt to take the suspension cannot be required to participate in mental health treatment but may choose to voluntarily participate in those health activities. However, TANF recipients eligible for the suspension are not exempted from the requirement to participate in chemical dependency treatment per RCW 74.08.025 (3) which mandates drug and alcohol treatment as a condition of TANF eligibility if clients have chemical dependency issues affecting employability. We are currently in the process of determining if the department has authority to enforce these requirements under a separate law or rules.

Is the participation suspension limited to a one year time period?

The participation suspension will last through June 30, 2012. From July 1, 2012 through June 30, 2013, suspended parents will be phased back in to WorkFirst participation.

If someone is in sanction, can they take the suspension and have the sanction lifted? Would the sanction return at the end of the suspension period?

If a client is in sanction and meets the suspension criteria then their sanction is lifted. The sanction would not return at the end of the suspension period. In a two-parent household, if the parent not taking the suspension is in sanction, then that sanction would remain in place.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

How will the Department ensure that participants are notified that the participation suspension is voluntary and will count toward the 60 month time limit?

A mailer was sent to all WorkFirst clients who potentially meet the suspension criteria on July 8, 2011, notifying them of the suspension and that the months in suspension count towards the 60-month time limit.

Are you planning to hold community meetings to inform recipients about these changes?***

There are currently no plans to hold community meetings to inform TANF recipients of the participation suspension. Clients have already been informed of the change by mailer sent July 8, 2011 and will also be informed of their options when they have any contact with their case manager. That being said the department is exploring the option of holding some client forums to discuss the changes that are still coming in future months.

Has the Department developed a way to track prior sanction terminations that were overturned at Administrative Hearing, to ensure they do not count toward permanent disqualification?

Because this is a permanent disqualification, staff will do a thorough manual review of each case prior to disqualification.

How long is the time limit hardship extension for child only TANF cases with a parent in the home?

Parents receiving a child only grant for their children get the same time limit extensions as recipient parents. We review the child dependency, employment and family violence extensions at least every six months. We review the disability extension at least every 12 months.

Is DV considered 'good cause' for failing to cooperate with child support collection?

Yes.

Parents/caretaker's receiving TANF or family medical assistance for themselves and their child(ren) are required to cooperate with the Division of Child Support (DCS) to help establish paternity, set a support order and collect cash support. In addition, parents/caretakers receiving a child care subsidy are required to seek child support enforcement services. This requirement is waived if it may result in serious physical or emotional harm to the child or parent/caretaker. This requirement may also be waived in instances of rape, incest or when an adoption discussion is taking place.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

Will child care subsidies be terminated if the non-custodial parent fails to pay child support, when the custodial parent cooperates fully with DCS?

No. If the Custodial Parent fully cooperates with DCS as required, child care subsidies will not be terminated.

Will there be 'good cause' exceptions for families who do not participate in child support collection?

'Good cause' not to cooperate with DCS is defined differently for TANF and family medical recipients than for child care subsidy recipients. A recipient of a child care subsidy may be granted good cause for reasons other than serious physical or emotional harm to the child or parent/caretaker. The 'good cause' reasons for a person not to seek child support services when receiving a child care subsidy also includes the following:

- The person already has a current court order showing the child support amount ordered on behalf of the child who will receive the child care subsidy benefits and they are receiving the full amount;
- The person already complies with child support enforcement services, either voluntarily or to meet other public assistance benefits requirements;
- They are married parents, or unmarried two-parent families with a child in common needing child care living in the same household;
- The person is a single-parent family when the other parent is deceased;
- The person is a single-parent family when the other parent is incarcerated for one year or longer;
- They are both minor parents; or
- DCS does not have jurisdiction over the child support case, such as for tribal child support cases or cases outside of the United States.

Do the 'expanded definition of work' activities have to be approved by the Employment Security Department (ESD)?

No, the activities will be approved through Department of Commerce or through DSHS.

Is the expanded definition of work activities limited to family related activities?

No. The definition of work activities has been expanded to include voluntary service at their child's licensed childcare or preschool, or an elementary school their child is enrolled; *and* parenting education services that support the development of parenting skills, life skills and employment related competencies.

Does the means test for child-only/kinship cases affect eligibility for child care subsidies?

No. The means testing changes apply to the TANF grant and do not affect child care subsidy eligibility.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

EBT/Fraud and Accountability:

What are the penalties for misusing EBT funds?

The penalties for misusing EBT funds are specific to the program (cash or food assistance):

- For cash programs, the department may:
 - Assign a protective payee to manage cash grant
 - Require proof benefits are used for the benefit of the children in the household.
 - Terminate cash assistance
 - Pursue legal action, including criminal prosecution
- For Food Assistance, the department may:
 - Disqualified and loss benefits for at least one year and up to a lifetime.
 - Subject to fines
 - Subject to legal action, including persecution. DSHS will cooperate with state, local, and federal prosecuting authorities to prosecute trafficking food assistance.

Will the use of EBT cards at ATMs at prohibited locations (e.g. casinos) be prohibited?

Yes. Section 14 prohibits the use of EBT cards or cash obtained with an EBT card at:

- Taverns
- Liquor or alcohol specialty stores
- Nightclubs
- Contracts liquor stores
- Bail bond agencies
- Gambling establishments
- Adult entertainment
- Any establishments where persons under the age of eighteen aren't permitted

Businesses listed above must disabled ATMs and point-of-sale machines on or before January 1, 2012. Any of those businesses that continue to allow the use of EBT cards in violation of the changes may have their license suspended.

Will recipients be unable to buy cigarettes with their EBT cards? Can clients take the cash off their card and then purchase the prohibited items/services?

The use of EBT cards or cash obtained with an EBT card is prohibited for purchases cigarettes or tobacco products.

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

WorkFirst Redesign:

The new Commerce programs have a limited number of slots: How will you determine which clients are able to participate?

DSSH works in conjunction with the parent to develop a plan that helps to assist the parent to achieving self-sufficiency. If a Department of Commerce work program is the best option for that parent, then they are referred to that program.

The eligibility and referral criteria for the Commerce programs are as follows:

Community Jobs

Referrals to Community Jobs may be appropriate for parents who:

- Have little or no current work history
- Are working on barrier management activities and are ready to combine issue resolution with subsidized work activities
- Are able to participate full-time but are not ready for unsubsidized employment
- Are ready and able to be employed within six months

Career Development

Career Development is intended to provide employment experience in conjunction with education. Parents are required to maintain their education enrollment to remain in the program.

Career Development hours can be used to bring a parent up to full-time participation when the education hours aren't enough.

Examples of a Career Development referral are:

- Participants who are participating in a core training activity but have insufficient hours to meet the minimum 20-hour core work requirement.
- Participants who are participating in an educational activity but do not have enough activities for full time participation.

Job Connection

Job Connection may be an option for participants who:

- Have completed vocational educational training or obtained their HSD/GED
- Have an identified occupation or industry for which they would like employment
- Are ready and able to be employed full-time (32-40 hours per week) within three months of the enrollment
- Need recent work history to increase employability
- Have childcare and transportation plans
- Do not currently hold an unsubsidized job

ESHB 2082/ESSB 5921 Community Stakeholder Meeting Questions and Answers Document

When will the (ESD) Career Scope pilots be expanded to other areas?

Six Career Scope pilot sites were approved by the Sub2 Cabinet, those sites include Bellingham, Mt. Vernon, North Seattle, Spokane, Port Angeles and Bremerton. Five of the six pilots officially began July 11th with North Seattle scheduled to begin operation August 1st. Over the next several months we will be carefully monitoring the pilots to determine whether this new model of employment services actually works. The goal of Career Scope is to better engage WorkFirst participants in individualized job readiness activities that meet them where they are and connect them to sustainable employment.

When will the Commerce programs be expanded to include more participants?

The amount of slots available to WorkFirst participants for Department of Commerce programs has always been based upon the amount of funding for the WorkFirst budget the Department of Commerce receives. This continues to be the case.

Will colleges be creating new internship opportunities?

Yes, the colleges will be expanding on their current foundation of internships and externships in partnership with local Commerce providers to offer the new Career Development activity for appropriate participants engaged in WorkFirst educational tracks.

How will the new TANF rules affect the LEP population? Will the LEP population be able to access the new Commerce programs?

The new rules do not differentiate between the LEP population and the rest of the WorkFirst population. Commerce offers LEP programs through their LEP contractors.