

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 678

FINANCIAL ASSISTANCE STANDARDS FOR INDIVIDUALS IN
INDEPENDENT LIVING ARRANGEMENTS, RESIDENTIAL
TREATMENT FACILITIES, OR DOMICILIARY CARE HOMES

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Historical Note: Chapter 17-678 is based substantially upon chapters 17-622 and 17-624. [Eff 7/19/82; am 11/12/83; am 5/10/84; am 12/24/84; am 6/7/85; am 7/14/86; am 1/28/88; am and comp 7/28/88; am 3/28/89; am 10/19/89; am 10/28/89; am 6/12/90; am 9/01/90; R 3/19/93]

§17-678-1 Purpose. The purpose of this chapter is to establish the standards used to determine eligibility and the amount of financial assistance for applicants and recipients living in independent living arrangements, residential treatment facilities, or domiciliary care homes. [Eff 3/19/93] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-678-2 Definitions. As used in this chapter: "Average monthly payment" means the average monthly expenditure amount in the State fiscal year. This is calculated for the current month by totaling all expenditures up to the current month and dividing it by the number of months in which payments were made in the fiscal year beginning with July.

"Bedholding" means the holding or reserving of a space in a domiciliary care home for no more than thirty days to enable an individual, who will be temporarily away from the facility, to return to the same facility.

"Domiciliary care home" means any facility which provides twenty-four hour living accommodations, personal care services, and appropriate health care, as needed, to adults unable to care for themselves by persons unrelated to the recipient or applicant. The facility shall be licensed or regulated by the department of health. Any home that is issued a certificate of approval by a case management agency contracted by any of the department's home and community-based medicaid waiver programs shall not be considered a domiciliary care home. A domiciliary care home does not provide rehabilitative treatment services provided by special treatment facilities. There are two types of domiciliary care homes:

- (1) Type I home for five or less residents; and
- (2) Type II home for six or more residents.

"Household appliance" means a refrigerator or range owned by the recipient.

"Long-term care facility" means a medical institution such as a skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, or any combination thereof, that furnishes health care services to inpatients for

the mentally retarded, or any combination thereof, that furnishes health care services to inpatients.

"Medical institution" means an institution which:

- (1) Is organized to provide medical care, including nursing and convalescent care;
- (2) Has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of the patients on a continuing basis in accordance with accepted standards;
- (3) Is authorized under State law to provide medical care; and
- (4) Is staffed by professional personnel who have clear and definite responsibility to the institution in the provision of professional medical and nursing services including adequate and continual medical care and supervision by a physician; sufficient registered nurse or licensed practical nurse supervision and services and nurse aid services to meet nursing care needs; and appropriate guidance by a physician on the professional aspects of operating the facility.

"Natural disaster" means fire, flood, earthquake, typhoon, hurricane, volcanic eruption, seismic wave, or tsunami.

"Residential treatment facility" means a facility which provides twenty-four hour living accommodations, treatment, and rehabilitation to two or more persons who are alcohol or drug abusers, mentally ill, or socially or emotionally distressed persons. A residential treatment facility shall not be considered a domiciliary care home.

"Special circumstance allowance" means rental deposits, utility deposits, repair or replacement of household appliance, standardized allowance for general assistance recipients assigned to a temporary labor force assignment, or natural disaster allowance.

"State fiscal year" means the calendar months of July 1 through the following June 30. [Eff 03/19/93; am 2/28/99; am 01/22/02; am 12/29/05] (Auth: HRS §346-53) (Imp: HRS §346-53)

§17-678-3 Monthly assistance allowance for GA and AABD individuals in independent living arrangements or residential treatment facilities. (a) The monthly assistance allowance shall be the basic needs expressed in a dollar amount per individual or family. The monthly assistance allowance includes cost for food, household supplies, personal essentials, educational and community activities, laundry, transportation, telephone, household equipment, household repairs, pregnancy diet, and shelter.

(b) For a household receiving financial assistance under the aid to the aged, blind or disabled programs, the monthly assistance allowance shall be forty-eight percent of the standard of need unless it is necessary to reduce the percentage. The percentage shall be adjusted by the department as needed, to allow the monthly assistance to remain within the appropriation for the fiscal year.

(c) For a household receiving financial assistance under the general assistance program, the monthly assistance shall be established by the department.

- (1) The department's goal is to set a monthly assistance allowance, to the extent practicable at the greatest amount of money, excluding the cost of administering the general assistance program, for the greatest number of people within the limits of the appropriation.
- (2) The monthly assistance allowance shall be a percentage of the standard of need and shall not exceed fifty percent of the standard of need.
- (3) The monthly assistance allowance shall be computed as follows:
 - (A) Subtract the cost of administering the general assistance program from the appropriation for the following fiscal year; and
 - (B) Determine the initial allowance for the following fiscal year by dividing the average monthly recipient caseload for the most current four months that reflect the actual recipient caseload

for which data is available of the current fiscal year into the remaining appropriation for the following fiscal year.

- (4) The monthly assistance allowance shall be reviewed, and re-computed in accordance with paragraph (3), no less frequently than every four months.
- (5) Effective April 1, 2005, at the time of the initial computation in paragraph 3 and the review described in paragraph 4:
 - (A) The monthly assistance allowance shall be adjusted if there is a variance of more than ten percent from the average monthly payment for the current month.
 - (B) The monthly assistance allowance may be adjusted, at the department's discretion, if there is a variance of ten percent or less from the average monthly payment for the current month.
- (6) Any projected balance remaining at the end of the fiscal year shall be distributed, in an equal monthly amount, to all recipients who received benefits in the fiscal year, for each month they received benefits.

(d) The monthly assistance allowance amount shall be rounded off to the next lower whole dollar.
 [Eff 03/19/93, am 3/14/94; am 1/25/97; am 9/26/97; am 2/28/99; am 12/29/05; am 1/17/08; am 8/07/09; am 7/01/10; am 10/09/10] (Auth: HRS §§346-53; 346-71)
 (Imp: 45 C.F.R. §233.20)

§17-678-3.01 Monthly assistance allowance for TANF individuals in independent living arrangements or residential treatment facilities. (a) The monthly assistance allowance shall be the basic needs expressed in a dollar amount per individual or household. The monthly assistance allowance includes cost for food, household supplies, personal essentials, educational and community activities, laundry, transportation, telephone, household equipment, household repairs, pregnancy diet, and shelter.

(b) The monthly assistance allowance for TANF individuals in independent living arrangements or residential treatment facilities shall be forty-eight per cent of the standard of need.

(1) After the first two full months of assistance, the monthly assistance allowance for work eligible households shall be reduced by twenty percent; provided that the reduction shall not apply to a work eligible household in which each adult in the assistance unit is an independent minor parent and is a full-time student, as defined in section 17-656.1-2.

(2) The two full months of assistance shall be counted from the month following the month a work eligible household is informed of the work requirements of the TANF program and shall be allowed once in a work eligible household's history of receiving TANF assistance.

(3) A full month shall be a month in which the household is eligible for an assistance payment and the payment is not prorated. [Eff 1/25/97; am 9/26/97; am 01/22/02; am 1/17/08; am 8/07/09] (Auth: HRS §346-14) (Imp: HRS §346-53)

§17-678-4 Standard of need. (a) For individuals in independent living arrangements or residential treatment facilities, the monthly standard of need shall be one hundred per cent of the federal poverty level established by the federal government in 2006:

(1) The federal poverty level for Hawaii shall be divided by twelve to determine the monthly amount; and

(2) The monthly amount determined in subparagraph (1) shall be rounded off to the next lower whole dollar.

(b) For individuals in domiciliary care homes:

(1) The monthly standard of need shall be the dollar value of the level of care; and

(2) Changes in the standard of need shall be effective January 1 of each year. [Eff 3/19/93; am 3/14/94; am 1/17/08] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-678-5 Standard of assistance. (a) For individuals in independent living arrangements, the standard of assistance shall be the total dollar value of the monthly assistance allowance and special circumstance allowance.

(b) For individuals in residential treatment facilities, the standard of assistance shall be the dollar value of the monthly assistance allowance.

(c) For individuals in domiciliary care homes, the standard of assistance shall be the dollar value as authorized by the legislature.

(d) The amounts used to determine the applicant or recipient's standard of assistance shall not be rounded off.

(e) The applicant or recipient's total standard of assistance shall be rounded off to the next lower whole dollar before any other computations are made. [Eff 03/19/93; am 9/26/97] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-36, 45 C.F.R. §233.20)

§17-678-6 Determining assistance for individuals in domiciliary care homes. (a) The payment shall be a sum total of requirements that includes room and board, personal needs, and cost of personal care as established by the legislature.

(b) For those domiciliary care homes or homes for which state law requires the rate of payment to be determined on the same basis as domiciliary care homes that are classified as facility type I or type II, the dollar value shall be as authorized by the legislature.

(c) The certification of an individual into a residential care home shall be made by a licensed physician, an adult residential care home placement organization, licensed social service provider, or by staff of the developmental disabilities branch of the department of health. [Eff 03/19/93; am 10/13/95; am 9/26/97; am 01/22/02] (Auth: HRS §346-53) (Imp: HRS §346-53)

§17-678-7 Rental deposit. (a) Rental deposits for securing housing shall be provided as incurred, not to exceed the following amounts:

Household Size	Amount
1	\$196
2	245
3	284
4	325
5	360
6	403
7 or more	452

(b) Rental deposit shall be paid only once, per family, after July 1, 1975.

(c) When the initial deposit is less than the rental deposit maximum, an additional allowance, as paid, equal to the difference between the first deposit and the rental deposit maximum shall be provided.

(d) Another rental deposit, up to rental deposit maximum, shall be allowed when the recipient must move to another dwelling because of the following reasons:

- (1) Housing is lost due to natural disaster; or
- (2) The housing unit is condemned by a governmental agency. [Eff 03/19/93; am 03/14/94] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-678-8 Utilities deposit. (a) After July 1, 1975, a family shall be allowed a one-time deposit, as incurred, to connect gas, electricity, and water.

(b) A family shall be allowed a second utility deposit, as incurred, if housing is lost due to natural disaster, or when the housing unit is condemned by a governmental agency. [Eff 03/19/93; am 01/22/02] (Auth: HRS §346- 53) (Imp: 45 C.F.R. §233.20)

§17-678-9 Repair or replacement of household appliance. (a) When a recipient who owns a household appliance, requests repair or replacement of a household appliance, the recipient shall provide verification to the department of the cost to repair the appliance as well as the cost of replacing the household items.

(b) The cost of obtaining estimates of repair costs shall be authorized by the department.

(c) When the repair cost is less than one-half of the replacement cost and does not exceed \$350, repair cost shall be authorized by the department.

(d) When the repair cost is more than one-half of the replacement cost or exceeds \$350, replacement cost, as paid, not to exceed \$350, shall be authorized by the department.

(e) The cost to repair a refrigerator and range shall be limited to \$350 in a twelve month period.

(f) Replacement of a refrigerator and range, owned by a recipient, shall be limited to once in a twelve-month period except in the instance of a natural disaster. Replacement or repair of a refrigerator and a range shall be authorized by the department as an exception when the household appliance is lost or damaged in a natural disaster according to subsections (a), (b), (c), and (d). [Eff 03/19/93] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-678-10 Allowance for general assistance recipients assigned to temporary labor force (TLF).

(a) A general assistance recipient, assigned to the temporary labor force (TLF) shall be allowed \$33 a month to cover costs of transportation, restaurant meals, equipment, material, and other personal essentials attributable to this assignment.

(b) Safety shoes as a special item shall be purchased for the recipient, by a purchase order if:

- (1) Safety shoes are required on the TLF project;
- (2) The recipient does not possess a pair of safety shoes; and
- (3) Verification is received by the department that the recipient has actually reported to the TLF work site. [Eff 03/19/93] (Auth: HRS §346-71) (Imp: HRS §346-71)

§17-678-11 Natural disaster assistance. (a) An additional payment shall be provided to eligible recipients who are in need because of a natural disaster.

(b) Recipients who have not received the monthly payment provided by the department at the beginning of the month and recipients who receive the total monthly requirements for food and shelter from the American Red Cross or other sources, shall not be eligible for emergency assistance.

(c) Recipients who are in need shall receive the following assistance:

- (1) The total monthly assistance allowance if the loss occurs prior to the sixteenth of the month; or
- (2) Seventy-five per cent of the monthly assistance allowance if the natural disaster occurs on or after the sixteenth of the month. [Eff 3/19/93] (Auth: HRS §346-53) (Imp: 45 C.F.R. §233.20)

§17-678-12 Payment for special circumstance allowances. Assistance payment shall be authorized when the need for the following items are verified and reported to the department within ten days of the special circumstance occurring:

- (1) Rental deposits;
- (2) Utility deposits;
- (3) Repair or replacement of household appliances;
- (4) Allowance for general assistance recipients assigned to a temporary labor force (TLF); and
- (5) Natural disaster assistance. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-53; 45 C.F.R. §233.20)

§17-678-12.1 Eligibility for child care costs.

(a) The department may provide child care services to AFDC households as specified in chapter 17-798.

(b) The income maintenance unit shall issue the child care payment when an adult, who is included in the assistance unit is employed and is not active with a First-to-Work or Child Care Connection unit, and the household meets all the eligibility requirements for child care as specified in chapter 17-798.

(c) A parent who is required to be included in the household as specified in section 17-647-12, who does not meet citizenship requirements as specified in section 17-655-41 or has been excluded as specified in section 17-656.1-17, may be eligible for a child care payment through the income maintenance unit, provided the parent is employed and not receiving child care from another source and the household meets all the eligibility requirements for child care as specified in chapter 17-798.

(d) A household who meets the conditions of subsection (b) or (c), whose financial assistance payment has been suspended in accordance with section 17-680-11(c), may be eligible for a child care payment through the income maintenance unit for the suspended month. [Eff 1/25/97; am 9/26/97; am 7/16/99] (Auth: HRS §346-14) (Imp: 45 C.F.R. §255.3, HRS §346-268)

§17-678-13 Payment for domiciliary care home changes. (a) When an individual resides in a domiciliary care home for a part of the month, the monthly level of care cost shall be based upon a proration of a standard thirty day month to determine the cost of the partial monthly care.

(b) The standard of assistance shall include the partial monthly level of care cost and the needs for the previous or new living arrangement. [Eff 3/19/93; am 9/26/97] (Auth: HRS §§346-53, 346-71) (Imp: HRS §346-53; 45 C.F.R. §233.20)

§17-678-14 Bedholding in domiciliary care homes. (a) Bedholding shall be allowed when the individual is temporarily admitted to a medical institution or goes home on a trial basis or on an emergency.

(b) Bedholding shall not exceed a maximum of thirty days at any one time.

(c) Payment for bedholding shall be determined as follows:

- (1) For the first seven days, payment shall be based upon a proration of the level of care applicable to the individual's level of care;

- (2) For the eighth through the thirtieth day, payment shall be based upon a proration of the sum of the one person monthly assistance allowance as specified in section 17-678-3; and
- (3) The proration in paragraphs (1) and (2) shall be based on a thirty day month.
- (d) If the recipient receives more payment than the recipient is entitled to, the amount of the excess payment shall be an overpayment:
 - (1) The department shall obtain a refund of the overpaid amount;
 - (2) The overpayment shall be based on the monthly assistance allowance for one person, even if the absence from the domiciliary care home was for less than eight days; and
 - (3) The proration shall be based on a thirty day month. [Eff 3/19/93] (Auth: HRS §346-53) (Imp: HRS §346-53)

SUBCHAPTER 2

BENEFIT REDUCTION PROCEDURES FOR THE GENERAL ASSISTANCE PROGRAM

§17-678-17 REPEALED. [R 2/28/99]

§17-678-17.1 General Statement. This subchapter sets forth the rules to be followed if the monthly benefit amount determined in accordance with section 17-678-3 is changed, suspended, or terminated to comply with section 346-53, Hawaii Revised Statutes, as amended. [Eff 2/28/99; am 10/09/10] (Auth: HRS §346-53) (Imp: HRS §§346-53; 346-71)

§17-678-18 REPEALED. [R 2/28/99]

§17-678-18.1 Nature of benefit change action.
(a) To avoid an over or under expenditure of funds

appropriated by the legislature of the State of Hawaii for the General Assistance program, action to comply with section 346-53, Hawaii Revised Statutes may include:

- (1) Suspension or cancellation of benefits for one or more months;
- (2) Increase or reduction in benefits for one or more months; or
- (3) A combination of reduction, suspension, and termination for one or more months until the first month of the state fiscal year.

(b) If an increase or reduction in benefits is deemed necessary, benefits shall be changed by changing the monthly assistance allowance by the same percentage for all households.

(c) The following General Assistance households shall not be affected by a change action:

- (1) Households receiving Refugee Assistance; or
- (2) Residents of domiciliary care homes.

(d) For household receiving financial assistance under the General Assistance program, the monthly assistance allowance shall not exceed sixty-two and one-half per cent of the standard of need. [Eff 2/28/99; am 10/09/10] (Auth: HRS §§346-53; 346-71) (Imp: HRS §§346-53; 346-71)

§17-678-19 REPEALED. [R 2/28/99]

§17-678-19.1 Implementation of benefit changes, suspensions, and terminations. (a) When the director notifies the department of a decision to change the monthly benefits in compliance with section 17-678-3, the date the change is to take effect, and the percentage of change to the benefit for each household size, the department shall take action to effect the change for the affected month by:

- (1) Making necessary computer adjustments;
- (2) Reproducing the benefit amounts as determined by the director and distributing these tables to the issuance staff; and
- (3) Ensuring that all households whose benefits would be less than \$10 shall receive a

minimum benefit of \$10 except as provided in section 17-678-18.1(c).

(b) If the director notifies the department of a decision to suspend or terminate the issuance of benefits in a given month and of the date the suspension or termination is to take effect:

- (1) The provision for a \$10 minimum benefit level shall be suspended or terminated; and
- (2) The department shall take immediate action to effect the suspension or termination for the affected month by:
 - (A) Making necessary computer adjustments;
or
 - (B) Notifying appropriate staff of the suspension or termination.

(c) Benefits or portions of benefits representing restored or retroactive benefits for a prior unaffected month shall not be changed, suspended or terminated, even though the benefits are issued during an affected month but issuance of benefits is subject to provisions of chapter 17-683.

(d) The department shall act to resume issuing benefits to eligible households and shall resume benefit issuance as soon as practicable when notified by the director that a suspension of benefits is over.
[Eff 2/28/99; am 10/09/10] (Auth: HRS §346-53) (Imp: HRS §346-53)