



Testimony in support of SSB 5729

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The National Homelessness Law Center (the Law Center) is the legal hub of the movement to end and prevent homelessness in the United States. Uninterrupted access to cash assistance, food assistance, childcare and medical care are essential tools for ensuring housing stability for vulnerable families. DSHS's Research and Data Analysis Division (RDA) found that receipt of TANF cash assistance in a prior month to be even more protective against homelessness than public housing assistance in the prior 24 months.¹ However, RDA also found that those whose benefits were reduced or terminated in the prior month were 20 percent more likely to become homeless in the following month. This is a stark example of the stakes for those who receive public assistance and why the Law Center signs on in strong support of SSB 5729 and the effort to expand access to public benefit hearings in Washington state.

There is no federal bar to allowing a good cause exception for late public benefit hearing requests. The TANF program was enacted through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA"). PRWORA grants broad authority to states to govern and operate their own programs.² Federal TANF laws are silent in regard to hearing requirements; thus states are free to create their own hearing rules, provided they meet due process requirements.³

DSHS's claim that they would be unable to provide a constitutionally adequate notice if a good cause exception to the hearing deadline is allowed is simply not true. For recipients of public assistance, due process requires notice of an adverse decision and an opportunity for the recipient to present evidence to an impartial decision-maker before the adverse decision takes effect. The proposed bill does not add to these constitutional notice requirements, nor would it take anything away. It merely allows an administrative law judge to find that there is jurisdiction to hear a case that was requested after 90 days if there is a substantive reason or legal justification for the delay.

The effect of the proposed bill would ensure equal access to Washington's public benefit system for everyone, including those who are dealing with homelessness, family violence, and physical and mental health challenges. The bill would not encourage public benefit recipients to delay their request for a hearing as DSHS suggests. Those who receive an adverse notice in a timely manner, understand it, and are able to respond are strongly

¹ Receipt of TANF in the prior month reduced the odds of beginning a new incidence of homelessness by 56 percent versus 47 percent for public housing assistance (See [Predicting Homelessness among Low-Income Parents on TANF \(wa.gov\)](https://www.wa.gov))

² See 42 U.S.C. §617 ("No officer or employee of the Federal Government may regulate the conduct of States under this part or enforce any provision of this part, except to the extent expressly provided in this part.").

³ For example, North Carolina and Tennessee have good cause exceptions specifically for late public benefit hearing requests. See 10A N.C. ADMIN. CODE § 67A.0206(a) and TENN. COMP. R. & REGS. 1240-05-03-.03.

incentivized to request a hearing as soon as possible - any delay prolongs the termination or denial of needed benefits. Even more critically, a delay prevents the recipient from the opportunity to receive continued public assistance while they wait for the outcome of a hearing. DSHS rules already limit the time period for requesting continued assistance to 10 days from the date of the notice or by the end of the month that the assistance is set to terminate. Allowing a good cause exception for late hearing requests would not alter this provision.

Good cause protections do not incentivize delay when there are so many benefits to proceeding in a timely manner. They merely allow judges to provide equitable relief to the most vulnerable members of our community who miss the current 90 day deadline because they are dealing with challenges that don't neatly adhere to a timeline. We applaud Washington state legislators for specifically including housing instability as a substantive reason for good cause, encourage DSHS to listen to the voices of those most affected by rethinking their opposition to this bill, and call for the legislature to quickly pass SSB 5729.