

OF HAWAII
DEPARTMENT OF HUMAN SERVICES
BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION

NOTICE OF PUBLIC HEARING

Pursuant to Sections 91-3 and 92-41, Hawaii Revised Statutes, notice is hereby given that the Department of Human Services will hold a public hearing to consider the proposed amendments to existing rules of the Benefit, Employment and Support Services Division for the purpose of conforming to federal and state statutes. A brief description of the proposed changes is listed below:

CHAPTER 676, INCOME

1. §17-676-45, Availability of income in the financial assistance programs when relatives live in the same household. Subsection (d)(3)(C) is amended by replacing the terms exempt and non-exempt with the new term work eligible. Subsection (e)(1) is amended to add reference to new section 17-676.54.1 and references to AFDC throughout this section have been replaced with TANF.
2. §17-676-54, Determining monthly net income for the GA and AABD financial assistance programs. This section previously applied to all financial assistance programs and is amended to apply to the GA and AABD programs because a new section is added that explicitly applies to the TANF program. The section is reworded to be consistent with the language in the new section 17-676-54.1.
3. §17-676-54.1, Determining monthly net income for the TANF financial assistance program. This is a new section for TANF households who pass initial eligibility after applying a thirty-six percent earned income disregard. An increased earned income disregard of fifty-five percent, rather than thirty-six percent, applies in month one to month twenty-four in determining the adult recipient's TANF benefits. This change only applies to the earnings of recipient adults and does not apply to the countable earnings of dependent children.
4. §17-676-55, Earned income disregard reimbursement to reward work in the TANF program. Subsection (a) is amended by adding reference to section 17-794.1 which describes First-To-Work participation requirements. Subsection (a)(1) is amended by replacing thirty-six with fifty-five percent as this is the new deduction specified in 17-676-54.1 and reference to section 17-676-54(a)(3) is replaced with the new TANF section 17-676-54.1(d)(3)(A). Subsection (a)(2) is amended by replacing the reference to 17-676-54(a)(3) with the new TANF section 17-676-54.1(d)(3)(B).

CHAPTER 794.1, FIRST-TO-WORK PROGRAM

Chapter 794.1 of Title 17, First-to-Work Program, is amended by repealing section 794.1-52, Work incentive payments.

The proposed rule eliminates the work incentive payment to TANF recipients. In its place, TANF recipients will receive a larger assistance payment or continue benefits rather than be terminated by raising the earned income disregard from thirty-six to fifty-five percent as specified in the new section 17-676-54.1.

CHAPTER 17-798.2 CHILD CARE SERVICES

§17-798.2-12, Child Care rates. This section is amended to provide different rates for different child care types. The rates are decreased for License-Exempt Relative and Non-Relative Infant/Toddler Care and for License-Exempt Relative, Non-Relative, and Group Care. A revised rate chart dated October 1, 2009 is attached as Exhibit I.

§17-798.2-14, Method of computing child care payment. The sub-section (b) is amended to address how the payment amount is calculated. There are new co-payment rates dated October 1, 2009, attached as Exhibit III.

A public hearing will be held at the following date, time and place:

November 23, 2009, 2:30 p.m.; Haseko Center, Suite 606, Conference Room 2, 820 Mililani Street, Honolulu, Hawaii.

All interested persons are invited to attend the hearing to state their views relative to the proposed rules either orally or in writing. Should written testimony be presented, five (5) copies shall be made available to the presiding officer at the public hearing or within seven (7) days before the hearing to:

Department of Human Services
Benefit, Employment & Support Services Division
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

Residents of Hawaii, Kauai, Maui, and Molokai wishing to present oral testimonies may also contact the Benefit, Employment and Support Services Section Administration office on the respective islands within seven (7) days before the Honolulu hearing date to have their testimony recorded:

East Hawaii Section Administrator
1900 Kinoole Street, Suite 111
Hilo, HI (981-7288)

West Hawaii Section Administrator
75-5722 Hanama Place, Room 1105
Kailua-Kona, HI (327-4765);

Kauai Section Administrator
Dynasty Court
4473 Pahee Street, Suite G
Lihue, HI (241-3663);

Maui Section Administrator
1955 Main Street, Suite #325
Wailuku, HI (243-5875);

Molokai Income Maintenance Unit
Kaunakakai Civic Center, Phase 2
55 Makaena Place, Room 1
Kaunakakai, HI (553-1715)

A copy of the proposed rules will be mailed at NO COST to any interested person requesting a copy by writing to:

Department of Human Services
Benefit, Employment & Support Services Division
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

or by calling 586-5725. Neighbor island residents may request a copy of the proposed rules at NO COST by contacting the Benefit, Employment and Support Services Division office during regular business days and hours.

Proposed rules are available on the internet at
www.hawaii.gov/ltgov/office/adminrules

Special accommodations (i.e., Sign language interpreter, large print, taped materials, or accessible parking) can be made, if requested at least five (5) working days before the scheduled public hearing on Oahu by calling 586-5725. Neighbor island residents needing special accommodations should contact the Benefit, Employment and Support Services Section Administration office on the respective islands with their requests.

DEPARTMENT OF HUMAN SERVICES
LILLIAN B. KOLLER, DIRECTOR