

Vulnerable families and individuals experiencing circumstances beyond their control should still be able to request public assistance hearings, even if late.

Under current law, however, people have 90 days to request a hearing from DSHS or HCA to contest a decision—no exceptions.

Some people simply cannot file within 90 days for good reasons: for example, overseas military deployments, being hospitalized, or fleeing domestic violence.

Some people never receive notices by mail, either because they were sent to the wrong address, or because they were using a family member or friend's address and the mail was never forwarded. **Housing instability should never prevent a person from requesting a public assistance hearing.**

SB 5729 would give vulnerable families and individuals who experience circumstances beyond their control the ability to stop the premature dismissal of their meritorious appeals of agency benefits denials, terminations, and overpayments.

SB 5729 would protect the due process rights of individuals and families with low incomes. The US constitution requires fair hearings before a person can be deprived of public assistance. The harms of denying people necessary and lifesaving public assistance outweigh the government's interest in setting a 90-day deadline no exceptions. **When lifesaving public benefits are at stake, everyone has a right to a fair hearing on the merits.**

Federal laws do not bar states from establishing a good cause exception to untimely hearing requests. Several states, including Oregon and California, have similar good cause exceptions in place.

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CASE EXAMPLE: A young mom in WA did not request a hearing on a very large TANF overpayment in time because she was in a lethal DV situation and then became homeless when she left the abuser. It ended up that the TANF overpayment was an administrative error that she was unable to challenge because there was no good cause exception in place to missing the 90-day filing deadline.