APPROVED

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM

TO: Holders of the General Assistance Manual

FROM: Dale Denno, Director, Office for Family Independence

DATE: September 14, 2012

SUBJECT: OFI MAINE GENERAL ASSISTANCE RULES, Policy #10A
Section IV pages 6a & 8; Section XIII pages 36-39

Attached to this memorandum please find policy statement release(s) as described below:

SUBJECT: OFI General Assistance Program Rules, Rule #10A

Section IV pages 6a & 8; Section XIII pages 36-39

CONTENT: See attached

EFFECTIVE DATE: September 29, 2012

APPROVED

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM

TO: Program Administrators, Supervisors and Other Interested Parties

FROM: Dave Maclean, Program Manager, General Assistance Program

DATE: September 14, 2012

SUBJECT: OFI General Assistance Program Rules, Rule #10A
Section IV pages 6a & 8; Section XIII pages 36-39

This policy has been **ADOPTED** effective as of **September 29, 2012**.

This rule implements provisions from the Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year 2012 and 2013 Biennial Budget, P.L. 2011, Ch. 655, Part R, §§ R-1, R-3, R-7 and R-8, which:

A.Reduces the maximum level of assistance to 90% of the maximum level of assitance in effect on April 1, 2012 for the period of July 1, 2012 to June 30, 2013.

B.Implements a 9-month time limit to housing assistance provided in this Chapter for the period of July 1, 2012 to June 30, 2013.

C.Reduces the reimbursement rate for qualifying municipalities from 90% to 85% for the period of July 1, 2012 to June 30, 2013.

APPROVED

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM

TO: Interested Parties

FROM: Dave Maclean, Program Manager, General Assistance Program

DATE: September 14, 2012

SUBJECT: OFI General Assistance Program Rules, Rule #10A
Section IV pages 6a & 8; Section XIII pages 36-39

Summary of Comments and Responses to Comments
& Explanations of Changes to the Final Rule

Public Hearing Date: N/A
Comment Deadline: This rule was published in Maine newspapers on August 8, 2012. The public comment period, in which comments could be made, ended on September 7, 2012 at Midnight. No comments were received.

Comments and Responses

Comment received from :
N/A

Department response:
N/A

Explanation of Changes to the Final Rule

N/A

SECTION I. INTRODUCTION

Pursuant to 22 MRSA §4323 the Department of Health and Human Services (DHHS) in conjunction with municipalities is responsible for the proper administration of General Assistance (GA).

The Department of Health and Human Services General Assistance Policy (the Policy) is intended to assist in the administration of General Assistance by clarifying State statutes and municipal ordinances. If issues should arise whereby this policy is perceived to be in conflict with local municipal ordinance, or state or federal law the Department shall seek advice from the State's Attorney General's office.

Legal citations refer to 22 MRSA. In the instance where the citation is from a different source the source will be identified.

SECTION II. RESPONSIBILITIES

MUNICIPAL: State law mandates that every municipality shall administer a General Assistance program (§4305(1)). The municipal officers of each municipality must adopt an ordinance (after notice and hearing) which establishes written standards including the amount of the assistance to be provided. These standards are to be employed in making eligibility determinations (§4305(3)). Within 30 Days of enactment the ordinance must be filed with the Department of Health and Human Services. If a municipality amends any part of its General Assistance Ordinance (including the adoption of new yearly maximums), only the amendment or notice thereof needs to be filed with the Department within 30 Days of enactment (§ \4305(4).

DEPARTMENT OF HEALTH AND HUMAN SERVICES: DHHS assists municipalities in complying with statutory requirements by reviewing (i.e., auditing) the administration of GA (§4323(1)). In addition to its authority to review municipal GA programs, it may intervene on behalf of GA applicants and other municipalities (§4323(3)). DHHS may hold reimbursement owed to municipalities whose programs are not in compliance with program rules (§4323(2)). DHHS provides technical assistance to municipalities upon request.

The Department must provide appropriate reimbursement to municipalities for their General Assistance program as defined in statute (§4311).

The DHHS, General Assistance Program staff represents the Department in administrative fair hearings relative to the program.

SECTION III. DEFINITIONS

ALLOWABLE EXPENSES	The applicant’s cost for basic necessities up to the maximum levels of assistance as provided in municipal ordinance (§4305(3-A)). In addition to items listed at 22 MRSA §4301(1) and (7)(B) allowable expenses include verified expenditures for mandated child support (e.g., DHHS court ordered).

APPLICATION FORM	A form provided by the administrator upon which a GA applicant provides the information required to make a determination of eligibility (§4308).
AVAILABLE RESOURCES	Any asset or resource that can be readily accessed to alleviate the need for General Assistance (§4317).
BACK BILLS	Charges for goods and services received prior to the current GA application. A bill that is due in the same month in which a GA application is made is not a back bill.
BASIC NECESSITIES	Food, clothing, shelter, fuel, electricity, non-elective medical services as recommended by a physician, non-prescription drugs, telephone where it is necessary for medical reasons, and any other commodity or service determined essential by the municipality. "Basic Necessities" do not include security deposits for rental property, except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for immediate payment of the security deposit or payment in full (§4301).
BUDGET	A mathematical calculation comparing income and expenses for the applicable time period.
CASE RECORD	Official file containing forms, correspondence, narrative records and all other relevant information pertaining to an applicant or recipient. The case record must include all signed GA applications, determinations of initial or subsequent eligibility, reasons for decisions, actions by the general assistance administrators, and types of assistance provided each recipient (§4306).
DEFICIT	The difference resulting from subtracting a household's net income from the municipal overall maximum for the appropriate household size.
DHHS.	Department of Health and Human Services.
DWELLING UNIT	Building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (§4301(2)).

ELIGIBLE PERSON	A person qualified to receive general assistance from the municipality or DHHS according to the standards of eligibility set forth in statute, DHHS policy, and municipal ordinance (§4301(3)).

EMERGENCY	Any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person; or at the municipality's option, a situation which is imminent and which may result in undue hardship or unnecessary cost to the municipality if not resolved immediately
FAMILY DEVELOPMENT ACCOUNTS	Savings Accounts that are established, Pursuant to Maine Public Law 518, for the following specific purposes: education, job training, purchase or repair of a home, purchase or repair of a vehicle needed to access work or education, capitalization of a small business for a family member over 18, health care costs over $500 not covered by private or public insurance, and expenses for an emergency that may cause the loss of shelter, employment, or other basic necessities. The first $10,000 of funds and any accrued interest in an FDA cannot be used when determining eligibility for General Assistance.
FEDERAL POVERTY LEVEL	The measure defined by the federal Department of Health and Human Services that is updated annually by the federal government and published in the Federal Register. An individual may locate the Federal Poverty Level (FPL) for any year, including the current year, by Internet access at: http://aspe.hhs.gov/poverty/05poverty/shtml. An individual can also receive a copy of the current FPL by contacting his/her local DHHS office, or by writing to the General Assistance Program Manager and requesting a copy. Any municipality administering a GA program will also have copies of the FPLs for all applicable years.
GENERAL ASSISTANCE PROGRAM	A mandatory program administered by a municipality and DHHS for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. The general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of the municipality or DHHS to provide general assistance to a person each time that the person has need and is

found to be otherwise eligible to receive general assistance (§4301(5)).

HOUSEHOLD — An individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established herein. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is pooling of income. The municipality shall presume pooling of income unless the applicant proves otherwise (§4301(6)).

~~HOUSING ASSISTANCE — Payments made toward an individuals rent or mortgage.~~

HOUSING ASSISTANCE — Payments made by, or on behalf of an individual for rent or mortgage.

INCOME — Any form of income in cash or in kind (as defined below) received by the household including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement, or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security, and any other payments from governmental sources, unless specifically prohibited by any law or regulation, support payments, income from pension or trust funds and household income from any other source, including relatives or unrelated household members. For repeat applicants, it also includes unverified expenditures or misspent money
from the 30 day period prior to application (§4301(7)). **Exception:** Support Services Payments that are available to ASPIRE program participants are not to be counted as income in the time of intended use.

IN KIND INCOME — Payments made to or on behalf of an applicant either monetary or in the form of a commodity.

JUST CAUSE — A valid, verifiable reason that hinders an individual in complying with one or more conditions of eligibility.

LUMP SUM PAYMENT	A one-time payment issued to an applicant or recipient prior to or subsequent to applying for General Assistance. Lump sum payment includes, but is not limited to: retroactive or settlement portions of social security benefits, worker's compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after

LUMP SUM PAYMENT Cont.

payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. Funds contributed to Family Development Accounts (see above) are also not to be considered lump sums (§4301(8-A)).

MAINECARE — MaineCare is the name of Maine's Medicaid Program.

MAXIMUM LEVEL OF ASSISTANCE — The amount of assistance as established by ordinance or the actual cost of a basic necessity, whichever is less (§4305(3a)).

MUNICIPALITY OF RESPONSIBILITY — The municipality which is liable for the support of any eligible person at the time of application (§4301(9)).

NARRATIVE STATEMENTA brief, written explanation.

NEED	The condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance established by the municipal ordinance (§4301(10)).
NET GENERAL ASSISTANCE COST	The total amount of General Assistance paid by a municipality (§4301(11)).
NET INCOME	For initial applicants includes 30 day projected income excluding work related expenses from earned income. For repeat applicants, includes 30 day projected income excluding work related expenses from earned income and income either misspent or not accounted for during the prior 30 day period (§4315-A).
PERIOD OF ELIGIBILITY	The time for which a person has been granted assistance. Such period shall commence on the date of application for assistance and shall continue for the period stated on the decision. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall such a period extend beyond one month (§4309(1)).
POOLING OF INCOME	The financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. It is a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumption of pooling income by providing verification that they are not doing so (§4301(12-A)).
POTENTIAL RESOURCES	Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released (§4317).
REAL ESTATE	Any land, buildings, homes, mobile homes, and any other things affixed to that land (§4301(13)).
RECIPIENT	A person who has applied for and is currently receiving general assistance.

RESIDENT	A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence (§4307(2A)). A person who

	applies for assistance who is not a resident of that municipality nor any other municipality is the responsibility of the municipality where that person first applies (§4307(2B)). That municipality must take an application and grant assistance to the applicant if he/she is eligible until he/she establishes a new residence in another municipality.
TANF	Temporary Assistance for Needy Families
THRESHOLD	Threshold amounts are used solely to determine DHHS reimbursement for municipalities and in no way apply to the amount a municipality must expend on GA.
UNMET NEED	The difference resulting from subtracting a household's projected 30 day net income from the household's 30 day need, which is the sum of the client's actual 30 day expenses for basic necessities, up to the specific ordinance maximums.
UNNECESSARY COST	An additional cost that a client may incur to cover a basic need such as a late fee or a court fee being added on to an eviction

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SECTION IV. LEVELS OF ASSISTANCE

OVERALL MAXIMUMS

22 MRSA §4305(3-B) mandates that municipalities establish an aggregate maximum level of assistance that is 110% of the applicable housing fair market rents as established by the United States Department of Housing and Urban Development pursuant to 24 Code of Federal Regulations, Section 888.115, applying the zero-bedroom level for one person, the one-bedroom level for 2 persons, the 2-bedroom level for 3 persons, the 3-bedroom level for 4 persons and the 4-bedroom level for 5 persons. For each additional person, the aggregate maximum level increases by $75. For the purposes of this subsection, municipalities with populations greater than 10,000 are deemed Standard Metropolitan Statistical Areas in those counties for which there are 2 fair market rent values and the aggregate maximum level of assistance for all Standard Metropolitan Statistical Areas is 110% of the average of the fair market rental values for the Standard Metropolitan Statistical Areas and areas that are not Standard Metropolitan Statistical Areas for each county in which there are 2 fair market rental values.

Beginning October 2005 and annually thereafter, the aggregate maximum level of assistance must be established at the greater of 110% of the fair market rents as determined in this subsection and the amount achieved by annually increasing the most recent aggregate maximum level of assistance by the percentage increase in the federal poverty level of the current year over the federal poverty level of the prior year.

For the period from July 1, 2012 to June 30, 2013, the overall maximum level of assistance as defined above in this section must be 90% of the overall maximum level of assistance in effect on April 1, 2012

MAXIMUM LEVELS OF ASSISTANCE

In addition to the overall maximums, a municipality may elect to incorporate maximum levels of assistance for each individual basic necessity as part of its ordinance but there is no requirement that they do so. If a municipality does not incorporate maximums, it shall use actual costs of the basic necessities in determining need.

If a municipality establishes maximum levels of assistance for specific basic needs, those levels must be reasonable and adequate to maintain health and decency in that municipality. This means that the levels must be adequate to allow general assistance

recipients who utilize all available resources, as defined herein, in the community to acquire goods and services necessary to maintain health and to provide a safe and habitable dwelling.

The maximum levels of assistance established by municipalities are subject to review by the department, upon complaint, to ensure compliance with the statutes. The maximums are also subject to regular departmental reviews. Municipalities should be prepared to demonstrate (1) the method by which they measure standards of health and decency and (2) substantiation of how they arrived at maximum level figures (§4305(3A)).

If an applicant for assistance is applying because of an emergency, municipalities may find it necessary to disregard their maximum levels of assistance to provide help during the emergency situation (§4308(2)).

FOOD

As a minimum, municipalities may adopt the current Thrifty Food Plan amounts as issued by the Food and Nutrition Service of the United States Department of Agriculture. These figures are published after study to cost of food for various size families and are updated annually. The Department shall consider those amounts current for up to one year following their date of issuance. Municipalities may adopt food allowances that restrict purchases of particular items. If so, the municipalities shall explain their rationale for the restrictions. The allowances shall be exclusively for food purchases. If municipalities authorize purchases of other items, such as household supplies, assistance for those items must be in addition to the food allowances.

Thrifty Food Plan allowances, if adopted, are to be used. Due to the fact that federally issued Food Stamps cannot be considered as income or a resource, the appropriate Thrifty Food Plan levels are to be budgeted for all applicants to determine an unmet need. (Food Stamp Code of Federal Regular (§ CFR 272.1)).

A market basket survey is an acceptable method of determining food costs in your municipality. All the basic food groups should be included in the market basket to ensure a balanced and nutritionally sound diet. Sources of information on nutrition may be the University of Maine Extension Services, Department of Education Nutrition Program, the DHHS nutritionist, nutritionist at the local hospital, etc. The food standard should be flexible enough to allow additional foodstuffs for people with special dietary needs such as: diabetics, elderly, no cooking facilities, etc.

SHELTER COSTS

Shelter costs, for the purpose of this section, are defined as rent, mortgage, taxes, and, if necessary, security deposits as described below. The level of shelter costs, as it relates to home owners/buyers, is not to exceed the maximum level of rentals. This definition, although it includes mortgage levels, in no way nullifies the court

decision, *Beaulieu vs. City of Lewiston, 440 A. 2d 334 (1982)* that permits municipalities to treat mortgage payments differently than rental payments. Suggested maximums are provided to the municipalities on an annual or biannual basis by the Department or Maine Municipal Association. These maximums are derived by using HUD fair market rent figures minus utilities as calculated by the Department or Maine Municipal Association.
Housing assistance provided pursuant to this section is limited to a maximum of 9 months during the period from July 1, 2012, to June 30, 2013 with the exception of the following:

- An applicant is eligible for housing assistance under this section for a period exceeding 9 months if the applicant has a severe and persistent mental or physical condition warranting such an extension or has an application for assistance pending with the federal Social Security Administration.
- A applicant is eligible for housing assistance under this section for a period exceeding 9 months if he/she is determined to be in an emergency situation as decribed in Section III (Definitions).

When calculating allowable rent maximums for applicants, you first need to determine what is included in the rental cost. The three most common rental cost scenarios are:

- The rental cost is the basic rent only with no utilities or services (e.g. heat, electric, gas, propane, water) included.
- The rental cost is heated rent with no utilities or services included.
- The rental cost is a heated rent with all other utilities such as electric hot water and lights, etc. paid by the landlord.

Examples:

1. ***Rent includes no heat or utilities or services (e.g. electric, gas, propane, water)***

   A woman and her child live in Oxford County and rent an ***unheated apartment***. She has to pay for her ***heat and electric***. She states that her rent is $325.00 and her electric bill is $64.00 and she pays $1.49 a gallon for oil to heat the apartment and it averages $200.00. When calculating her rental amount, compare her actual rent to the allowed maximum amount for an unheated one- bedroom rent. She is allowed the lesser of the two. You then compare the actual electric cost to the allowed maximum for electric for two. Make sure to ask if the electric includes electric hot water. You allow her the lesser of the two figures. To calculate the amount allowable for fuel you need to use the number of gallons allowed for the month in which you are assisting.

Actual Amount		**Maximums from Appendix**	**Allowed Amounts**
Rent	$325.00	$304.00 (unheated 1-bedroom)	$304.00
Electric	$64.00	$80.00 (has electric hot water)	$64.00
Fuel	$200.00	$186.00 (month of March)	$186.25

2. ***Rent includes heat but no other utilities or services.***

The same woman lives in a ***heated apartment*** in Oxford County. She is still ***responsible for her electric bill.***

Actual Amount		**Maximums from Appendix**	**Allowed Amounts**
Rent	$325.00	$349.00 (heated 1 – bedroom)	$325.00
Electric	$64.00	$80.00 (has electric hot water)	$64.00

3. Rent includes heat and all utilities and services.

The same woman lives in a ***heated apartment*** with ***all other utilities and services included*** in Oxford County. Her rent is $375.00. To calculate the allowed rent amount add the maximum amount allowed for a heated one-bedroom rent to the amount allowed for electric for a household of two.

Actual Amount	**Maximums from Appendix**		**Allowed Amounts**
Rent $375.00	**$349.00**	**(heated 1 –bedroom)**	**$375.00**
	+ 80.00	***(Electric is included, use maximum for electric.)***	

	$429.00	***(maximum amount allowed for rent)***	

If the municipality chooses to compile rent figures other than HUD, it may choose to conduct a survey of landlords. The survey may not be limited to those landlords who provide housing to General Assistance clients. Such a survey may produce distorted rent figures. Municipalities may also make use of classified advertisements when compiling rental costs.

NOTE: HUD fair market rent figures include all utilities. Deductions presented by the Department and/or Maine Municipal Association are already made for any utility costs the tenant is required to pay himself. HUD provides utility cost charts showing the amounts to be deducted for each separate utility. Maine Municipal Association guidelines for unheated apartments have already provided the necessary adjustments to HUD figures to remove the utility costs.

As with some categories of assistance, if municipalities choose to use housing assistance figures which are lower than HUD fair market rent figures, substantiation will be required that the figures used are reasonably and adequately sufficient to maintain health and decency (§4305(3-A)).

Subsidized housing should be considered as a resource. Applicants should be required to seek subsidized housing. Applicants who voluntarily leave subsidized housing for housing with increased shelter costs without just cause may be limited to the amount of shelter expenses experienced with the subsidized housing. Municipalities may impose limits, not to exceed 120 days, whereby the shelter expenses to be used are not to exceed those experienced with the subsidized housing (§4317).

Shelter expenses for applicants who are mandated to leave subsidized housing because of fraud, misrepresentation or a knowing or intentional violation of regulations of the housing authority or a refusal to comply with regulations of the housing authority shall be limited to the amount of shelter expenses experienced with the subsidized housing for a period of 120 days beginning with the month after the eviction (§4317).

PAYMENTS TO RELATIVES

The statute specifically addresses payment of rent to relatives in 22 MRSA §4319(2). A municipality may choose not to make rental payments to a parent, grandparent, child, grandchild, sibling, parent's sibling or any of the children unless:

a) The rental agreement has existed for at least 3 months prior to application; and

b) The rental payment to one of the above named relatives is necessary to provide that relative with basic necessities.

SECURITY DEPOSITS

Security Deposits are addressed in the Statute under the definition of Basic Necessities. Pursuant to 22 MRSA §4301(1), "Basic Necessities" does not ordinarily include security deposits for rental property. The exception is when the need changes to emergency status because no other permanent lodging (housing) is available unless a security deposit is made. Even in this circumstance, a security deposit should not be authorized until (1) all possible alternate sources for security deposit payments have been contacted (such as THAP, TANF EAP (etc.) and (2) the municipality has contacted the landlord and attempted to obtain a waiver or to make arrangements for delayed or partial payments of the security deposit over a prolonged period of time. These contacts must be made expediently and without undue delay as is appropriate to the particular situation of the eligible applicant.

Prior to a denial of assistance for lack of need for payment of a security deposit, the municipality should have knowledge that adequate permanent housing sources are available in the community without the necessity of a security deposit payment and must provide the client with that specific information. If the client refuses to utilize the housing sources provided without just cause, the municipality has no further responsibility to the client for housing assistance.

Municipalities should carefully document all details involved with a request to pay a security deposit making it clear why an emergency did or did not exist, what contacts were made, the results, etc.

Security deposits, when provided by the General Assistance program, should be returned to the municipality. Municipalities should have agreements with the landlord to return the security deposits minus amounts needed to cover any damages or cleaning charges incurred excepting such costs associated with normal wear and tear.

PROPERTY TAXES

36 MRSA §841 *et seq*. establishes a poverty tax abatement process. This process is an available/potential resource. The client has a legal entitlement to this process.

Municipalities should not use the General Assistance program to assist with delinquent property taxes unless foreclosure and subsequent eviction is imminent and it is the most cost-effective avenue.

CAPITAL IMPROVEMENTS

Capital improvements may only be made to property owned by and lived in by the client unless the client is temporarily absent due to the condition needing repair.

If such expenditures are for services determined essential by the municipal welfare official in accordance with the municipality's ordinance and Chapter 1161, they will be allowable for reimbursement under the same conditions as other expenditures. Capital improvements would include but are not limited to replacing inside fuel tanks which are improperly vented to the outside.

In addition a municipality may claim a lien against the owner of the real estate for the amount spent to make capital improvements to the real estate (§4320).

EMERGENCY SHELTER COSTS

A municipality may choose to consider the actual cost of an emergency shelter provided by a shelter provider as a shelter cost up to the amount allowed by ordinance.

In such cases the municipality may provide general assistance to the emergency shelter provider when the following criteria has been met:

1) The applicant (not the shelter provider) has completed an application for assistance.

2) The applicant has been found eligible for assistance based on criteria established in the municipal ordinance.

Municipalities may arrange with emergency shelters for the homeless to presume eligibility for persons to whom the emergency shelter provides shelter services. Individual agreements should be on file and available for review (§4304(3)).

When residents of an emergency shelter apply for assistance, they must be aware that any income or resources they have are to be utilized for current needs. The same verification of income and expenditures for the previous 30-day period and 30 day prospective income procedures are to be utilized as with other applications.

ELECTRICITY, FUEL OIL, WOOD, NATURAL AND BOTTLED GAS

A municipality may elect to incorporate a list of average costs of these goods and services. It may elect to develop its own levels of assistance for each item and provide the Department with documentation justifying these levels of assistance.

Municipalities may consult with the utility in their area to determine household usage in kilowatts, cost per kilowatt-hour, etc.

For example, two people live in an apartment that is heated and the hot water is provided. Your utility company advises that a two person household living in a multi-family dwelling uses approximately 700 kWh per month. The cost per kWh is $.079; therefore, the utility bill should be $55.30 per month.

Cost per kilowatt hour varies among utilities. Kilowatt usage may be more or less than the standard based on the condition of the apartment, the pattern of usage, weather conditions, etc.

A survey of fuel oil companies may be conducted in the local area for yearly consumption figures. These figures will vary based on levels of insulation, construction and age of the building, etc.

The key to setting maximum levels of assistance is the reasonableness and adequacy of the standard. The standard should allow a person in the municipality to provide for themselves within the level established by the municipality. If a municipality elects not to use maximum levels of assistance in its ordinance, then eligibility determination shall be based on the actual cost of basic necessities.

MEDICAL AND DENTAL COSTS

Assistance for medical or dental services is restricted to non-elective medical or dental services as recommended essential to maintain the applicant's health by a physician or dentist (§4301(1)). Municipalities should grant assistance for medical or dental services only when the assistance cannot be obtained from any other source and the applicant would not be able to receive necessary care without the municipality's assistance.

All medical and dental assistance expenditures should be for expenses and services which have been approved by the municipality prior to the service being made or delivered.

Authorization for medical or dental services should be granted based on and limited to MaineCare rates applicable for those services. The Department will instruct municipalities in the procedure for establishing the applicable MaineCare rates. Forms to be used by the municipalities for that purpose are available with medical providers.

For MaineCare clients, a co-payment is usually required to fill a prescription. The co-payment must be waived by the pharmacy without denial of service. General Assistance should not be used for a MaineCare co-payment however, GA may be used for private insurance co-payments including co-pays for prescriptions provided by Medicare.

SECTION V. ELIGIBILITY FACTORS

22 MRSA §4309(1) limits the period of eligibility. The period of eligibility shall not exceed one month. The one month period is the maximum period of eligibility a municipality may use in determining eligibility.

compliance after the plan of correction has been submitted as provided in Section III (1), the Department may, after written notification to the municipality, withhold all reimbursement due the municipality.

The time period for withholding shall begin when written notice has been sent to the municipality and will end when an acceptable ordinance has been received by the Department. Monies withheld due to an ordinance review violation may be returned to the municipality if it can show that compliance existed prior to the receipt of the plan.

SECTION XIII. REIMBURSEMENT TO MUNICIPALITIES, REPORTING

GENERALLY

Once a municipality has incurred net General Assistance costs in any fiscal year in excess of .0003 of its most recent state valuation relative to the state fiscal year, and the Department has determined that the municipality has complied with state law regarding General Assistance, it is entitled to reimbursement of ~~90~~90~~85~~% ***of its~~their~~ net General Assistance costs from the Department of Health and Human Services (§4311(1))***~~.~~ ~~for the period from July 1, 2012to June30, 2013~~.Except that, for the period from July 1, 2012 to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs.

AMOUNT OF REIMBURSEMENT

1. Direct Costs

Reimbursement shall be ~~90~~~~85~~90% of direct General Assistance costs incurred in excess of the .0003 figure. Except that, for the period from July 1, 2012 to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs. In order to receive the reimbursement to which it is entitled, a municipality must:

a. be in compliance with all requirements of Chapter 1161 and the regulations promulgated pursuant thereto: and

b. submit monthly, in a timely manner, report forms provided to it by the Department of Health and Human Services.

Compliance with the requirements of Chapter 1161 and these regulations shall be determined, subject to appeal, by an on-site review of a municipality's General Assistance program by the Department as required by 22 MRSA §4323.

2. Administrative Costs

22 MRSA §4311(1-B) requires the Department of Health and Human Services to reimburse each municipality for the administrative costs of its General Assistance program.

Although the term "administrative costs" has been used to describe the reimbursement amounts that municipalities may be eligible to receive in

addition to the ~~90~~90~~85~~% above the threshold, administrative costs are not reimbursable. Except that, for the period from July 1, 2012 to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs. A municipality may elect to use this additional reimbursement to defray their administrative costs.

In order for a municipality to receive this reimbursement, it must:

a. be found in compliance with all requirements of Chapter 1161 and the regulations promulgated pursuant thereto during the state's fiscal year for which it seeks to be reimbursed; and

b. elect to be reimbursed for:

i. 50% of all General Assistance granted up to .0003 of the most recent state valuation relative to the state fiscal year;

OR

ii. 10% of all net General Assistance costs relative to the state fiscal year;

AND

iii. submit reports to the Department of Health and Human Services monthly, quarterly, or semi-annually.

Municipalities which did not receive reimbursement at ~~90~~90~~85~~% during the state's previous fiscal year and do not expect to receive reimbursement at ~~90~~90~~85~~% for the current year may submit reports on a monthly, quarterly or semi-annual basis (§4311(2B)). Except that, for the period from July 1, 2012 to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs.

The Department of Health and Human Services will provide the following information to each municipality in writing no later than April 1, of the current fiscal year:

a. current yearly threshold;
b. next yearly threshold;

Each municipality shall be required to notify the Department of Health and Human Services what method of reimbursement it shall elect no later than May 31st of the current fiscal year. If notification is not provided, the Department's reimbursement shall continue as previously established.

The Department of Health and Human Services will provide to each municipality all necessary forms in order that they be reimbursed within the requirements of 22 MRSA §4311.

Claims for payment for those municipalities receiving ~~90~~90~~85~~% reimbursement shall be processed on a monthly basis (§4311(2A)). Except that, for the period from July 1, 2012, to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs.

Claims for reimbursement for those municipalities receiving reimbursement under 22 MRSA §4311(1-B) shall be processed for payment monthly, quarterly or semi-annually . This shall correspond with the reporting schedule the municipality elects to incorporate into its policy.

Claims for payment shall be processed in the order of their receipt by the Department. If there are insufficient funds to fully process a claim, all available funds are to be used towards the payment. The unpaid portion of any such claim is to be processed as soon as additional funds are available. Any unpaid balance will be given priority for payment.

Claims for municipal reimbursement are to reflect payments actually paid during the time period as written on the form. Claims are not to reflect authorizations made during the applicable time period which are paid or will be paid at a later date. Municipalities which use the accrual method of bookkeeping may need to keep separate records so that, for General Assistance reimbursement, claims for the last month of the State's fiscal year reflect only those payments made through the last day of the month of the State's fiscal year.

When a municipality receives reimbursement from a client or municipality which is not part of the interim assistance (SSI) program, and the payment has already been claimed to the Department for reimbursement, the municipality must inform the Department. The Department is to receive its share of the reimbursement. The municipality is to report the reimbursement on the 099 (statistical report). After the calculations are made for municipal reimbursement, the Department's share of the client reimbursement shall be subtracted from the municipal reimbursement.

FOR EXAMPLE:

The town of Joplin is submitting a claim for municipal reimbursement for the month of March. They report expenditures of $7000.00 and are at the ~~90~~9085% reimbursement level. They also report that Mr. Jones has repaid the town the amount of $400.00. After checking its records, the town of Joplin realized it had paid for Mr. Jones assistance in September. The claim to the Department in September had been reimbursed at the 50% level. The Department was due its share of the client reimbursement at the 50% level, or $200.00. The town of Joplin reported the client reimbursement on the 099 (statistical report). After calculating the municipal claim for March of $7000 at the ~~90~~9085% level, which equaled $6300.00, the Department realized its $200.00 reimbursement from the $6300.00. The reimbursement issued to the town of Joplin for its March claim was $6100.00. Except that, for the period from July 1, 2012, to June 30, 2013, the reimbursement rate shall be 85% of their net General Assistance costs.

90 DAY DEADLINE

When a municipality elects to submit monthly, quarterly or semi-annual requests for reimbursement, they must also be aware of the 90-day requirement found at 22 MRSA §4311(3). The Department shall refuse to accept and pay claims for reimbursement that are not submitted to the Department within 90 days of the end of the period covered by the report. The only exception to this shall be when it is determined that good cause for not submitting the claims within 90 days exists.

The Department shall require all requests for good cause for submitting late claims be received no later than the last day of October for the previous fiscal year.

The Department shall notify a municipality that it has not submitted necessary reimbursement forms within time frames established by statute. Once notified, the municipality shall be allowed ten days from receipt to submit a good cause claim to the Department in order that it may release funds being withheld (§4311(3)).

It shall be the responsibility of the Program Manager, General Assistance, Department of Health and Human Services, to approve/disapprove exception requests.

Any municipality aggrieved by the Department's decision may appeal that decision as provided at 22 MRSA §4323(4).

Valid reasons for not submitting claims in a timely manner must be provided. Examples of good cause include but are not limited to:

1. theft, destruction or other unavoidable loss of essential municipal records which cannot be reconstructed in time to meet the 90-day deadline; or

2. illness or other unavoidable absence of the municipal employee or official who is unable to submit the claim in time to meet the 90-day deadline.

SECTION XIV. TRAINING

The Department of Health and Human Services is charged with the responsibility of assisting municipalities in the administration of their General Assistance programs. The Department is willing to assist any municipality with on-site training to new administrators, provide opinions on issues brought to its attention, and provide General Assistance training subsequent to statutory or policy changes.

The Department will work in cooperation with the Maine Welfare Director's Association and any municipality in the development and delivery of training programs.

Responsibilities shared by the Department and the municipalities shall include, but not be limited to:

a. determine training needs;

b. determine qualification of trainers and elements of training;

c. conduct training seminar/workshops;