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Governor



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Jeanne M. Lambrew, Ph.D.
Commissioner

SUBJECT: Implementing GA Rule 23: Changes Pursuant to L.D. 459
TO: Maine General Assistance Administrators
DATE: July 1, 2020

Dear General Assistance Administrator:

This memorandum is intended to provide guidance regarding the Department of Health and Human Services' policy for General Assistance eligibility regarding first time applicants, homelessness, emergencies, presumptive eligibility, and lump sums.

Nothing in this memo supersedes Executive Order 29 and Executive Order 29A that are in effect at the date of issuance of this memo.

First Time Applicants

Any person eligible pursuant to 22 M.R.S. § 4301(3) who makes an application for assistance, who has not applied for assistance in any municipality or unorganized territory within the state in the last twelve months, shall have their eligibility determined solely on the basis of need (10-144 C.M.R. Chapter 323, Section IV).

Homelessness

Any applicant who applies for assistance and reports that they are homeless shall be deemed an application for emergency assistance (10-144 C.M.R. Chapter 323, Section II.). "Homelessness" includes but is not limited to a situation in which a person or household is living in a place not fit for human habitation, living in an emergency shelter, temporary housing such as a hotel or motel, exiting a hospital or institution, losing the person's primary nighttime residence, or fleeing or attempting to flee violence.

Emergency Applications

Applicants who apply for General Assistance and report that they are experiencing an emergency must be able to make an application for assistance 24 hours per day. Municipalities must have a posting visible to the public at all hours which includes the name and number of a person available to take applications after-hours (M.R.S. 22, §4304). Municipalities with public websites should also include this information online. "Emergency" situations include homelessness, or any life-threatening situation; or a situation beyond the control of the applicant, which if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person; a situation which is imminent, and which may result in homelessness, undue hardship, or unnecessary cost if not resolved immediately. In the event of a phone application, the Administrator shall make note of the applicant's request and determine eligibility based on the information presented at the time of the phone application. When adequate documentation is not available at the time of the initial application, the Administrator may contact at least one other person for the purpose of obtaining information to confirm the applicant's statements about his or her need for immediate assistance (22 M.R.S., §4310). In the event the Administrator

determines an imminent emergency exists, assistance to alleviate the emergency must be issued immediately. A written decision is required to be issued by the Administrator within 24 hours of application.

Presumed Eligibility

When an applicant applies for assistance in the same municipality in which the applicant is being provided shelter in an emergency shelter for the homeless, the municipality shall presume eligibility for the applicant. The duration of presumed eligibility shall not exceed 30 days within a 12-month period. Full eligibility must be verified prior to assistance issued subsequent to the presumed period of eligibility. Municipalities may arrange with emergency shelters for the homeless to presume eligibility on behalf of the municipality when the municipality and the shelter have a written agreement in place and available for review. When presumptive eligibility is determined as a result of the applicant being provided emergency shelter in the municipality of application, no other municipality may be determined to be the municipality of responsibility during the 30-day period of presumption (10-144 C.M.R. Chapter 323, Section IV).

Lump Sums

Lump sum payments are considered income for the purposes of determining eligibility for General Assistance and will be prorated over future months. When a lump sum is received, the Administrator must calculate the number of months it shall be prorated over to determine the period of ineligibility. The number of months an applicant household is ineligible for assistance as a result of one lump sum proration shall not exceed twelve months from the date of application. (10-144 C.M.R. Chapter 323, Section IV).

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance solely on the basis of the proration of a lump sum payment. In such cases, subsequent applications are subject to proration and all other standards established under General Assistance law, regulations and municipal ordinance (M.R.S. 22, §4301 (7)).

Narratives

Narrative statements are written by the General Assistance Administrator and serve to summarize an applicant's request for assistance and the Administrator's decision-making process. All new and subsequent applications for General Assistance are required to have a narrative statement. Narratives may be typed or hand written, and should contain the applicant's request, the Administrator's statement of whether or not an applicant's eligibility has been verified, has met any previous conditions for eligibility, how the Administrator came to a decision for any emergency application, and any other information the Administrator deems pertinent to the application and decision-making process (10-144 C.M.R. Chapter 323, Section II).

If you have questions concerning the eligibility of an applicant, please do not hesitate to contact the General Assistance Hotline at 1-800-442-6003.

Thank you,

Sara Russell, General Assistance Program Manager
Maine Department of Health and Human Services