

**Legislative/Nominating
Committee Meeting - November
19, 2024 Agenda**
November 19, 2024



MEMBERS
Mayor Mark Dion, Chair
Councilor Pious Ali
Councilor Kate Sykes

REMOTE ACCESS INFORMATION:

This meeting will be conducted remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Input meeting link here

I. Call to Order

II. Approval of Meeting minutes

III. Legislative Update

- a. Review of Legislative Priorities for City Staff (with Department Staff Present to Answer Questions)
- b. Legislative Priorities for City Council (with Councilors Present to Answer Questions)

IV. Other Business

- a. Discussion of Next Meeting Date

V. Adjournment

2024 Legislative Priorities from City Staff

[LD1732](#) - (From Aaron Geyer)

A very condensed version of LD 1732 passed, but staff is again suggesting that the State move the GA reimbursement from 70% to 90%.

[Massachusetts 40T](#) - (From Director Greg Watson)

Staff is suggesting that a similar statute to Massachusetts 40T be passed in the State of Maine. This statute is an affordable housing preservation tool designed to alert the State, City, tenants and owners of affordable housing of when affordability requirements will no longer apply and figure out how to either maintain affordability for a longer term or find other solutions for impacted tenants. The attached link has a lot more information.

[MRS Title 25, section 2804-C](#) - (From Chief Dubois)

Staff is suggesting that in Title 25, section 2804-C be amended to remove the "Residential" language for the basic police officer academy. It would allow for off-site academies to be hosted throughout the State rather than at 1 site located in Vassalboro.

Rule-Making Fact Sheet

AGENCY: Department of Health and Human Services, Office for Family Independence

AGENCY CONTACT PERSON:

Sara Denson, General Assistance Program Manager
Department of Health and Human Services
Office for Family Independence
109 Capitol Street
Augusta, ME 04330-6841
Phone: (207) 624-4193/Fax: (207) 287-3455
TT Users Call Maine Relay – 711
Sara.Denson@maine.gov

CHAPTER NUMBER AND RULE TITLE: 10-144 C.M.R. Chapter 323; Maine General Assistance (GA) Manual, Sections II, III, V, VI, VII, X, XI, XII and XIII

GA Rule #26P – P.L. 2024, Chapters 575 and 643

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(1) and (8); 4302-A; 4304(1); 4305(7) and 4323(1)

PUBLIC HEARING: Monday, November 25, 2024, at 9:00 a.m. in room Maine A/B at 109 Capitol Street, Augusta, ME 04333.

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before Monday, November 18, 2024.

COMMENT DEADLINE: Thursday, December 5, 2024, at 5:00 p.m. Eastern Time.

Written public comments may be submitted via the link at

<https://www.maine.gov/dhhs/about/rulemaking>.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: The proposed rule changes would update the Maine General Assistance (GA) Manual consistent with legislative changes to 22 M.R.S. §§ 4302, 4304 and 4305 made by P.L. 2024, Chapters 575 and 643.

Proposed changes to Section II, DEFINITIONS, would add definitions for Authorized Representative, Culturally and Linguistically Appropriate Services, Local Office, Municipality of Responsibility, and Trauma Informed Services. The definition of Available Resource would remove “or Authorized Representative” and the definition of Case Record would add “paper or electronic”. In addition, Net Income would add “work-related” and Property Tax Fairness Credit would add “be” to “will counted as income.”

Proposed changes to Section III, RESPONSIBILITIES, would add:

- (A)(2) as “Local office. Municipalities must have a designated place where any person may apply for general assistance during the municipality’s regular business hours.”
- (A)(9) would add “Training. Municipal administrators shall complete mandatory training, provided by the Department, no later than the 120th day after appointment or election.”
- (B)(2) would add “providing training and” to the list of Department Responsibilities.
- (B)(4) would add “or their Authorized Representative” and “is found by the Department to have failed” to the Department’s ability to intervene on behalf of General Assistance applicants.
- (B)(6) “represent” would replace “represents”.

Proposed changes to Section V, MAXIMUMS, CATEGORIES AND LEVELS OF ASSISTANCE, would include:

- (D)(5) would be added as “The maximum duration that an applicant may receive housing assistance for hotel, motel, inn or in a similar place of lodging in excess of the municipality’s budgeted maximum levels is 30 days in a 12-month period. This does not preclude an applicant from receiving housing assistance less than or equal to the municipality’s budgeted maximum levels for the remainder of the 12-month period as long as the applicant meets requirements.”
- (D)(8)(a) would be updated to “A municipality may choose to consider the actual costs of an emergency shelter up to the 0-bedroom heated shelter amount allowed by ordinance.”

Proposed changes to Section VI, MUNICIPALITY OF RESPONSIBILITY include:

- (A)(3) clarifies that a municipality is “required to” take an application from a presenting applicant even when the municipality doesn’t believe it is financially responsible for that application.
- (A)(4) would update “30 day” to “30-day” period.
- (A)(6)(b) would update to “The Department will render a written decision to resolve the dispute to the involved municipalities within 30 days of the request for Department mediation.”
- (A)(6)(b)(ii) “or applicant” would replace “or person”.
- (A)(6)(b)(iii) “Pending the Department’s decision” would replace “In the interim”.
- (A)(6)(c) would remove “owing” and add “found responsible by the Department” and “of issuance of the Department’s decision.”
- (A)(6)(c)(i) would remove “by telephone or letter”.
- (B)(2)(a) “physically located” would replace “resides”.
- (B)(3) would add “6 months after relocation.”
- (B)(3)(a) “The sending municipality will maintain responsibility for processing applications and determining eligibility for assistance, unless otherwise agreed upon by the affected municipalities.” would replace “up to 30 days if the relocation is to permanent housing, or”
- (B)(5) would be updated to “If an applicant is experiencing homelessness at the time of application and has been for 12 month or less” from “6 months or less”.

Proposed changes to Section VII, RETENTION OF RECORDS, would include:

- (B) and (B)(I) “Audio recordings” would replace “Audio tapes.”

Proposed changes to Section IX, REVIEW OF MUNICIPAL ADMINISTRATION OF GENERAL ASSISTANCE, would include:

- (B)(5) “the Department representative” would replace “he/she”.
- (B)(5)(c) “the administrator” would replace “he/she”.
- (C)(5)(f) would remove “of case activity in emergency situations that indicates the emergency and the reason for granting more than the maximum allowed”.

The proposed rule changes are consistent with 22 M.R.S. § 4323(1).

Proposed changes to Section X, PENALTIES would include:

- (A)(1)(a) would add “The Department determines that a municipal administrator has not completed mandatory program training;”

Proposed changes to Section XIII, TRAINING, would include:

- (A) would add “Access to training required.”
- (A)(1) would be updated to “The Department will ensure that all overseers and municipal officials have access to training, at no cost to the municipality. Training will cover:”
- In addition, (A)(1) would add i, ii, and iii as “the purpose of the General Assistance Program;” “the laws governing the General Assistance Program’s administration, procedures, and

requirements;” and “the delivery of Trauma Informed and Culturally and Linguistically Appropriate Services.”

- (B) “Cooperation in provision of training” would be added.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? No.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The proposed rule changes are intended to provide clarity to municipalities consistent with legislative changes to 22 M.R.S. §§ 4302, 4304 and 4305 made by P.L. 2024, Chapters. 575 and 643.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE: P.L. 2024, Chapters. 575, *An Act Regarding the General Assistance Program* and P.L. 2024 Ch. 643, *An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025* were considered during the development of the proposed rule.

ESTIMATED FISCAL IMPACT OF THE RULE: The Department anticipates that any additional costs to implement the proposed rule changes are expected to be minor and can be absorbed within existing budgeted resources.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

- i. If the client refuses to utilize the housing sources provided without good cause, the municipality has no further responsibility to the client for housing assistance.
 - ii. Municipalities shall carefully document all details involved with a request to pay a security deposit making it clear why an emergency (as defined in Section II) did or did not exist.
- d. Security deposits, when provided by the General Assistance Program, shall be returned to the municipality. Municipalities shall have agreements with the landlord to return the security deposit, minus amounts needed to cover any damages or cleaning charges incurred, excepting such costs associated with normal wear and tear.

78. Emergency Shelter Costs

- a. A municipality may choose to consider the actual costs of an emergency shelter up to the 0-bedroom heated shelter amount allowed by ordinance. The municipality may provide General Assistance to the emergency shelter provider when the following criteria have been met:
 - i. The applicant, and not the shelter provider, has completed an application for assistance, and
 - ii. the applicant has been found eligible for assistance based on criteria established in the municipal ordinance.

E. Personal Care and Household Supplies

- 1. Municipalities may adopt the maximums for ordinary personal household supplies that are provided by the Maine Municipal Association.
 - a. A supplement to this maximum for households with children under 5 must be adopted to allow for costs such as diapers and baby wipes.

F. Electricity, Fuel Oil, Wood, Natural and Bottled Gas

- 1. Municipalities may adopt the maximums for these goods and services provided by the Maine Municipal Association.
- 2. A municipality may elect to develop its own levels of assistance for each item and provide the Department with documentation justifying these levels of assistance.
 - a. The figures developed shall be reasonably and adequately sufficient to maintain health and decency.

City of Portland | City Council

Mark Dion, *Mayor*



To: Ian Yaffe, Director, Office of Family Independence

From: Mayor Mark Dion, City of Portland

Date: November 18, 2024

Re: Opposition to Proposed Rule #26P

**Testimony in Opposition to Proposed Rule #26P
Changes to Section V, (D)(8)(a)**

Office of Family Independence (OFI) Director Ian Yaffe:

On behalf of the City of Portland, I write in opposition to proposed changes to General Assistance Rule #26P, and specifically to the changes proposed to Section V(D)(8)(a), which would slash reimbursement for emergency shelter operations in Portland by an estimated \$8.5 million annually. The City of Portland is opposed to this change on both substantive and procedural grounds.

Regarding its substance, the proposed change incorrectly equates emergency shelter operations with those of a 0-bedroom, heated apartment. Unlike an apartment, a well-run emergency shelter includes higher annual operating costs due to the lease of a facility, utilities, contractual services, facility maintenance and repair, janitorial supplies, and laundering bedding.

As a result of the proposed change, the City of Portland could lose approximately \$4.4 million in revenue annually, potentially resulting in a decline in services provided to residents from across the State or an estimated 5.5% increase to the City portion of the property tax rate. Procedurally, as a result of the serious burden this change would place on the City of Portland and other local governments, this proposal constitutes a major substantive rule under 5 M.R.S §8071(2)(B). In accordance with 5 M.R.S §8072, because the rule is a major substantive rule, other than an emergency rule, this change requires review and authorization by the Legislature in order to take effect.

Additionally, the Department of Health and Human Services cited the implementation of the supplemental budget and amendments to Chapter 574 as justification for the changes to Rule #26P. However, since neither statute makes mention of the proposed reimbursement rate change, the authority under which DHHS is pursuing this specific rule change remains unclear.

The City of Portland operates three emergency shelters. Collectively, these facilities have capacity to shelter almost 600 people each night, or provide nearly 220,000 bed nights each year. We are acutely aware of the high cost of addressing homelessness, and the financial burden of Maine's GA mandate on both the State and local municipalities. However, the City of Portland has a long history of fulfilling both the spirit and letter of the law, helping thousands of Mainers get back on their feet. To withdraw support for the HSC would not only be in conflict with State statute, but may jeopardize our ability to serve Mainers with nowhere else to turn.

We urge DHHS to either reject this change, or acknowledge that the rule's significant financial impact makes it a major substantive rule change and seek the Legislature's review and approval.