



Health & Human Services and Public Safety Committee

**Tuesday, October 22, 2019, 5:30 PM
Room 209, City Hall**

Councilor Belinda Ray, District 1, Chair
Councilor Brian Batson, District 3
Councilor Pious Ali, At-Large

1. Announcements
2. Review and Approval of Minutes from October 8
 - a. October 8, 2019 Draft Meeting Minutes.
3. Shelter Policy
 - a. Staff Presentation
 - b. Potential Executive Session, pursuant to 1 M.R.S. section 405(6)(E), to consult with the City's attorney regarding the City's legal rights and duties relating to homeless shelter policies.
 - c. Committee Questions and Discussion
 - d. Potential Vote
4. Next Meeting: November 12, 2019

NOTE: While there is a possible action item on the agenda, there will be no opportunity for public comment at this meeting, as the public hearing on Shelter Policy occurred at the last meeting: October 8, 2019. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

Keep up to date with the new shelter design and planning process at the City's website

www.portlandmaine.gov/shelterplanning



Health & Human Services and Public Safety Committee Minutes

Tuesday, October 8, 2019, 5:30pm, Room 209, City Hall

Committee Attendance:

Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)

Councilors in Attendance:

Kim Cook (District 5)

City Staff:

Kristen Dow, Director of Health and Human Services; Aaron Geyer, Director of Social Services; Sara Fleurant, Director of Oxford Street Shelter; Bridget Rauscher, Chronic Disease Prevention Program Manager; Adam Harr, Executive Assistant

Meeting called to order at 5:30 PM.

AGENDA ITEM 1 – Announcements

- At the September 10th meeting it was decided to not have a public comment on September 24th and instead to have public comment after the committee received staff recommendation to have public comment; staff recommendations and a public hearing will occur at this meeting.
- Corporation Council cannot be here tonight but is planning on meeting to understand what committee questions

AGENDA ITEM 2 – Approval of Minutes

- Chair Ray moved to approve the minutes; Councilor Batson seconded and the minutes were approved unanimously.

AGENDA ITEM 3 – Shelter Policy

Document links:

- HHS&PS October 8th, 2019 Shelter Policy Staff Memo
<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=3414>
- Attachments for October 8, 2019 HHS&PS Shelter Policy Memo
<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=3424>
- November 13, 2018 Health & Human Services and Public Safety Committee Minutes
<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=3436>
- November 27, 2018 Health & Human Services and Public Safety Committee Minutes
<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=3437>

Kristen Dow, Director of Health and Human Services explained the research and outreach staff took to answer committee questions. She thanked Aaron Geyer and Sara Fleurant specifically who met with fifteen providers since the last meeting. Some questions from the last meeting are not answered in the staff memo and will be addressed in a future meeting.

Sara Fleurant, Oxford Street Shelter Director overviewed the staff answers to committee questions. She thanked the following providers who provided insight on shelter policy:

Amistad, Portland Police Department, Preble Street & Homeless Voices for Justice, Milestone, Maine Housing, PCHC Hope House, Greater Portland Health, Pine Street Inn, Crossroads House, Father Bills, Through These Doors, The Opportunity Alliance, Greater Portland Metro, Wayside, United States Interagency Council on Homelessness.

Residency Requirement

- MaineHousing Confirmed no shelter in the state have a residency requirement
- Research out of state demonstrated it is difficult to implement
- Having such a requirement would result in losing low barrier status

Cap

- Shelters in the state view OSS as community overflow
- Staff recommend a 150 bed capacity shelter
- Shelter providers implement emergency overflow in inclement weather
 - Staff recommend 25 emergency overflow bed.

Intake

- Recommend a formalized diversion program
 - Modeled after Pine Street Inn's Front Door Triage Program which has diverted 20% of people who present and rehouse 12% of people who present at their shelter.

Low Barrier Shelter

- National Best Practice
- Staff recommend the low barrier shelter model using a housing first approach.
 - All providers recommended low barrier model.

Access

- Many providers recommended only people staying at the shelter have access to on-site services except for the clinic and community policing.
 - Clinic and police would have separate access points
 - Clinic as a federally qualified health center cannot turn people away
 - Providers recommended access restricted to shelter guests

Committee questions and discussion

- Councilor Batson asked in reference to the hard cap of 150, what was the high bed count of the last year?
 - Staff will answer
 - In the past two months, Oxford Street Shelter has not opened the overflow at the Preble Street Resource Center.
- Looking at the Diversion Program model, how would the shelter handle a night where 200 people seek shelter?

- Chair Ray asked if Councilors have more questions on the cap.
 - There were several months that the shelter was above 229 and is concerned that the shelter will be built too small as it is possible to scale down but not to scale up.
- Councilor Ali asked about the ability to add 25 overflow beds.
 - During site design, staff recommend a flexible space that would allow the additional beds.
 - Staff was informed by the Councilors preferences and the diversion statistics from the Pine Street Inn.
- Councilor Cook asked where the HHS&PS committee recommended 150 beds.
 - Director Geyer looked at the past meetings linked to above where 150 beds were repeatedly referenced.
 - Councilor Cook is concerned of the certainty and that the motion that the bed count was to be determined.
 - Chair Ray and Councilor Batson do not want to rehash the question of beds Councilors support as it is the general consensus.
 - Councilor Cook clarified she is concerned with the characterization of the certainty of 150 beds.
- Councilor Batson requested detailed action plans on what the City would do in the event of a large group over capacity presented for shelter.
- Chair Ray requested shelter counts going back for one year.
- Councilor Ali asked when the last time OSS did not open overflow and if it is a trend.
 - Staff will need to return with the stats and an analysis of why it may be trending down.
- Councilor Batson asked about how the funding formula works with having low barrier status.
 - Low barrier status multiplies funding by 125%.
 - Councilor Cook asked for clarified:
 - We would get 25% less funding with a residency requirement
 - About 28% of OSS intakes are from Portland residents.
- Councilor Cook asked about what currently practice refers to in low barrier:
 - The memo referred to the providers spoken to in the memo which were all low barrier.

Residency Questions

- Chair Ray asked about why providers oppose a residency requirement.
 - Generally opposed by local providers.
 - Difficult to enforce due to self-reporting and lack of identification,
- Crossroads cannot turn in state people away
 - Do they turn away out of state people?
 - Unknown but they do have a wait list
- If you can't have a residency requirement, can you prioritize by residency.
- Councilor Batson asked if we have turn away statistics from Crossroads.
 - We do not have turn away policies from out of state and Maine Housing Does not have track the number of people turned away for the Maine shelters who anonymously submitted their turn away polices for the last meeting.
 - Crossroads received referrals from Coordinated entry.

- Does having a Catchment Area or a Cap influence the referrals to that shelter?
 - Coordinated Entry: why does crossroads not have many in-person intakes versus the many in person intakes that OSS has?
 - Crossroads has a cap which likely influxes the referrals.
- What if there was a policy for a limited stay for individuals outside a catchment area?
 - Can Corporation Council confirm we can do this?
 - Would that jeopardize low barrier status.
 - Could residents of a catchment area be prioritized first.

Diversion

- The Committee would like more information on the Front Door diversion program.
 - Which elements of diversion listed in the attachments are part of that program?
- Councilor Cook asked about intake hour policies
 - Housing First Standards Assessment Tool:
 - Projects not having specific hours for intakes that identify need is a best practice.
 - Crossroads is an exception as it operates a wait list of people who largely do not present in person.

Access

- Councilor Ali asked if denying services or food to people for not staying at the shelter crosses any legal restrictions?
 - Corporation Council will confirm.
- Chair Ray asked for the list of food/community meal resources
- Councilor Cook asked about the existing FQHC in Riverton Park and GPH. GPH said there is a need for patients in that area.
 - Councilors Batson noted that there are clinics near the Oxford Street Shelter that are busy.

Transportation

- Councilor Cook asked about the recommendation for the purchase of and operation of a shuttle.
 - What is the cost?
 - Requested staff provide cost estimates of the policy recommendations.
- Will there be a regular route or people be driven to appointments?
 - A route of services centers would be planned.
 - Currently OSS used two vehicles and taxi vouchers.
- Certain reliably timed access points are important.
- Should subsidized transit/metro passes be planned?
- What are the taxi voucher costs now and how do staff anticipate that changing?
- Have staff completed the housing first assessment tool?
 - We have not but shall do so for the next meeting.

Chair Ray overviewed the rules for public comment and opened the public hearing at 6:40 PM

- Jim Divine of Congress Street, Homeless Voices for Justice and Co-Chair of the Emergency Shelter Assessment Committee – HVJ is unhappy with the location of the Riverside location, feeling it will marginalize people and be difficult to access. A number of people in the shelter are disabled and makes access difficult and the location feels like

an effort to hide the homeless. Don't Hide Us, Include Us members were distressed the HHS&PS committee members did not attend their forum.

- William Higgins Homeless Advocacy for All – Looking at the 150 limit, you can go inline to the ESAC statistics to see five years of daily shelter static
- Michael Stockmeyer and member of HVJ – He sent an email about building a structure on Angelo's Acres, a 5 over 2 podium of seven floors with a two-floor parking garage. That proposal received one Councilor's response. There should be no Cap restricting shelter. If people need help, they should be able to receive it. Riverside is too far away, six miles away. A shuttle won't work, a bus or new metro line would be needed to get to where people need to go. The surrounding community will be harassed and businesses will be stolen from.
- Stephanie Newts advocates for a small riverside group of people to sit with the HHS committee to suggest how everyone can be good neighbors. She would like a cost analysis comparing the Riverton location and the current shelter location. The Riverside location is off the map. If the economy goes bad or services are lost for some other reason it would be a nightmare. She wants collaboration with riverside residents
- Adam Rice Maine veterans – There should not be a residency requirement. The number of people living outside need to be included. If the Bayside building is sold, there will be many more homeless people that the current plan would not be able to accommodate. More should be done to address the root causes of homelessness instead of how to shuttle people to services. More people affected by homeless should be consulted.
- Dr. Courtney Ladson and National Healthcare Homeless Council – Unsheltered increase in the area and does not want a cap. She is concerned about a sharp increase in the number of restrictions at the shelter. She runs an addiction treatment program 67% of which are restriction from the shelter. There is no inclement weather plan; chemical burns from hand warmers and frost bite injuries happen now and would get worse under a cap. Nationally, the Point in Time holds up Maine as having low unsheltered counts and those gains could be undone. There is an increase of tent cities and homeless plans. GPH is two blocks from the shelter now and currently some people who cannot ambulate need rides; co-locating with the clinic is important.
- Jesse Falero who resides at Florence house first became homeless at 18. She came to Maine and was assaulted and then sent to the teen shelter. She has been human trafficked which is a common story in the community. She sees a lack of information from the people with lived experience. She wants people who have experienced and currently affected by homelessness to be included in the policy making process and to slow it down. There will be in an increase in tent cities.
- Rebecca Hobbs of Through These Doors thanked the Committee for being included and focusing on this important work. Domestic Violence is not often talked about and did note that the report specifically mention domestic violence and safety concerns. Gender based violence is integrated with homelessness issues.
- Cheryl Harkins of HVJ and board member of the statewide homeless council – the 150 bed cap with 25 overflow beds is ludicrous. During the Winter there are 230 to 240 people who needed shelter; the cap will see 60 people outside. She has experienced sleeping in cars. HVJ has not been consulted. People need to understand the obstacles. It is a dehumanizing choice to place the elderly and disabled 5 miles from the city center. If

someone is hit by a snowplow, there is a chance no one would see them to call for help. She asked the committee to consider involving them more.

- James Malanson of Riverside Street. The people in his community are concerned. Some met with City Councilors and expressed them: the distance from downtown, leeches in the area, the contaminants on the property. They feel they should be integrated in the process to help make the shelter a success. They prefer smaller shelters and are concerned with the distance from downtown, that it is an attempt to hide the homeless. He feels there is genuine interest in integrating the people staying in shelter as members of their community. They have not felt heard. Most people are concerned about the people in shelter being warehoused and abandoned. He experienced homelessness in his 20s. He is concerned about the declining resources.
- Ryan Schmidt Portland resident and Law Fellow – State of Maine stats of 2017: stats. OSS 2018 report, % substance use and mental illness self-reporting stats have continually increased. A cap will likely result in death, for that reason he opposes a cap.
- Hall Bayside Homeowner – Policy needs a Community Relations Policy. This became a two sided conversation in a November meeting. Neighbors outreach, crime, substance use, refuse, catch all services area. He sees an improvement and sees the new model will mitigate about half of those problems. He doesn't see the shelter moving to fix the problems in Bayside; the staff who patrol and mitigate issues leaving may make things worse. He would like to see staff consider unintended consequences. Is there a more systematic approach to community relations people can take.
- Donna Yellen of Preble Street – On a recent morning two Preble street staff walked the two blocks sleeping around the resource center and OSS. They counted 45 people. The resource center overflow is closed. In February there 254 people who were sheltered at OSS, March at 258, and X. The shift is due to housing and long term stayer efforts but they alone don't explain this train. Police data show there were 125 CTOs at OSS in 2019. Staff spoke to 31 of the people sleeping out. 25 were CTOd or there partners were. Only 4 of those were also CTOd from Preble Street. 85% self-report having mental health disorders. Please consider a community process before changing the policy.
- Osgood of Portland Outright – 40% of Portland Youth population identify as LGBTQ and will be distortionally affected by whatever outcome there is. A cap sounds dangerous to them and where someone is from and where someone feels safe to be should not be a barrier. We should not rush this process and a cap will have real danger. It has been hard to know when there will be public comment or vote. There is frustration at a lack of data and engagement.
- Frank D'Allesandro of Maine Equal Justice – Most effective way to deal with homelessness is to prevent it in the first place. The Tenant Based Rental Assistance Program has been successful and should be funded. Section 17 services has been successful in keeping people housed. The shelter needs to embrace a housing first model: services be coordinated, accessible readily available, and low barrier. Even if a person cannot come into shelter due to a cap, they will be eligible for General Assistance. Anyone denied shelter will most likely be eligible for general assistance which does not have an eligibility requirement or a cap; the assistance that would be granted through GA would likely cost more than in a shelter.
- Riverton – This is not addressing the issue of reducing homelessness. Personally, this shelter will be in his backyard and does not want to see 500 people there with an open-

door policy. He wants people to be helped but held accountable. A lot of people need help. He does not support a low barrier shelter, no cap or the location of the shelter. The river will be a danger to people in and around the shelter.

- Cullen Ryan of CHOM – He thanked for the inclusivity of the input on the shelter. It is important that the shelter is not capped. It is important to me the current needs of the people in the City. If there is a cap, it becomes very difficult to connect with them and get them housed. Low barrier is important as it is very hard to engage people outside. Please continue including people in the process. The City is on the right track with housing, both creating housing and engaging people to secure housing.
- Linda Knight lives on the streets of Portland – She is on the streets due to shelter policies and due to landlords. The needs for homeless services starts with landlords. There is not sufficient planning. Portland can learn from other cities that build neighborhoods for people to move into. She has been homeless for a year; she is a senior citizen with complex health problems and needs housing. She has been the victim of theft, phones and lifesaving medications.
- Sarah Michnewitz Bayside resident – thanks the committee and shelter staff. She supports the homeless services center model as it won't be a drop-in center. It will be for people engaging services. Would Access to the Federally Qualified Clinic be drop in or by appointment? She supports 150 beds but wants adequate capacity as it can always be scaled down. She wants the City to look at policies for clients and their engagement with services at the center and the current shelter. The neighborhood management plan needs to be fleshed out. There is confusion of who to call; there should be a single point of contact to triage. There should be a presence at community meetings. She is optimistic.
- Katie Finch of Portland – She has been a caseworker in Portland and now supervises caseworkers who help 400 people experiencing homelessness, about a quarter of which are unsheltered. Diversion works best when you can reliably contact them. It takes days to a month to find individuals. There will be mileage costs for caseworkers. Addressing the shuttle: her clients on foot from the current shelter are able to see their children and go to a variety of service providers and their jobs and other aspects of the community. In the new model it will have to be done by the shuttle or by a caseworker.
- Norman Maze of Shalom House – He thanked City staff for including them in the process. Regardless of the site plan, there will be people who won't go off the peninsula to Riverside and there should be a plan for those people.
- Ashish is a street outreach worker speaking for himself – OSS staff work very well within their system but there are many people outside of that system. There are 172 people CTOD from the shelter and that number does not capture everyone sleeping outside. Some are no longer CTOD but are sleeping outside so that won't get CTOD before winter. There is different consequence for women, men and trans people for CTOs including sexual assault. The City shelter has a 1-year CTO and some shelters have 6-month CTOs that could be adopted. He asked that the committee consider not have a cap.
- George Rhault of West Bayside – Summer had ups and downs with more police presence. He lives a number of streets over from the shelter that do not have the same community resources and support as those adjacent to the shelter. If you get that support, your voice gets more inclusion in the process. All summer there were meetings without public comment in contrast with other meetings. There is nothing to comment on and thinks the process is a joke.

Public comment closed at 7:48 PM

- The Committee would like information on CTOs and restrictions.
 - Staff will provide them.
 - Reasons for restrictions, new restrictions, and any trends.
- Would a FQHC that is currently in the neighborhood continue to operate?
- Will the shelter FQHC be operated as a drop-in or by appointment and would there be a separate entrance?
- There is in ordinance that a community relations plan be established
 - It is already in ordinance and may not be something that needs to be worked out in this recommendation.
 - Regular community meetings be part of the plan and a single point of contact.
- Policy specifically for the homeless services center
 - How might we address people sleeping outside and who will stay on the peninsula?
- How will the City address issue in Bayside that will remain after the shelter moves?
- Two ways the committee can influence policy:
 - Recommendations moved d via resolution
 - Ordinance changes.

AGENDA ITEM 4 – Next Meeting

- October 22, 2019 may result in a vote.

The meeting adjourned at approximately 7:56 PM.



City of Portland, Maine
Health & Human Services Department
Kristen Dow, Director

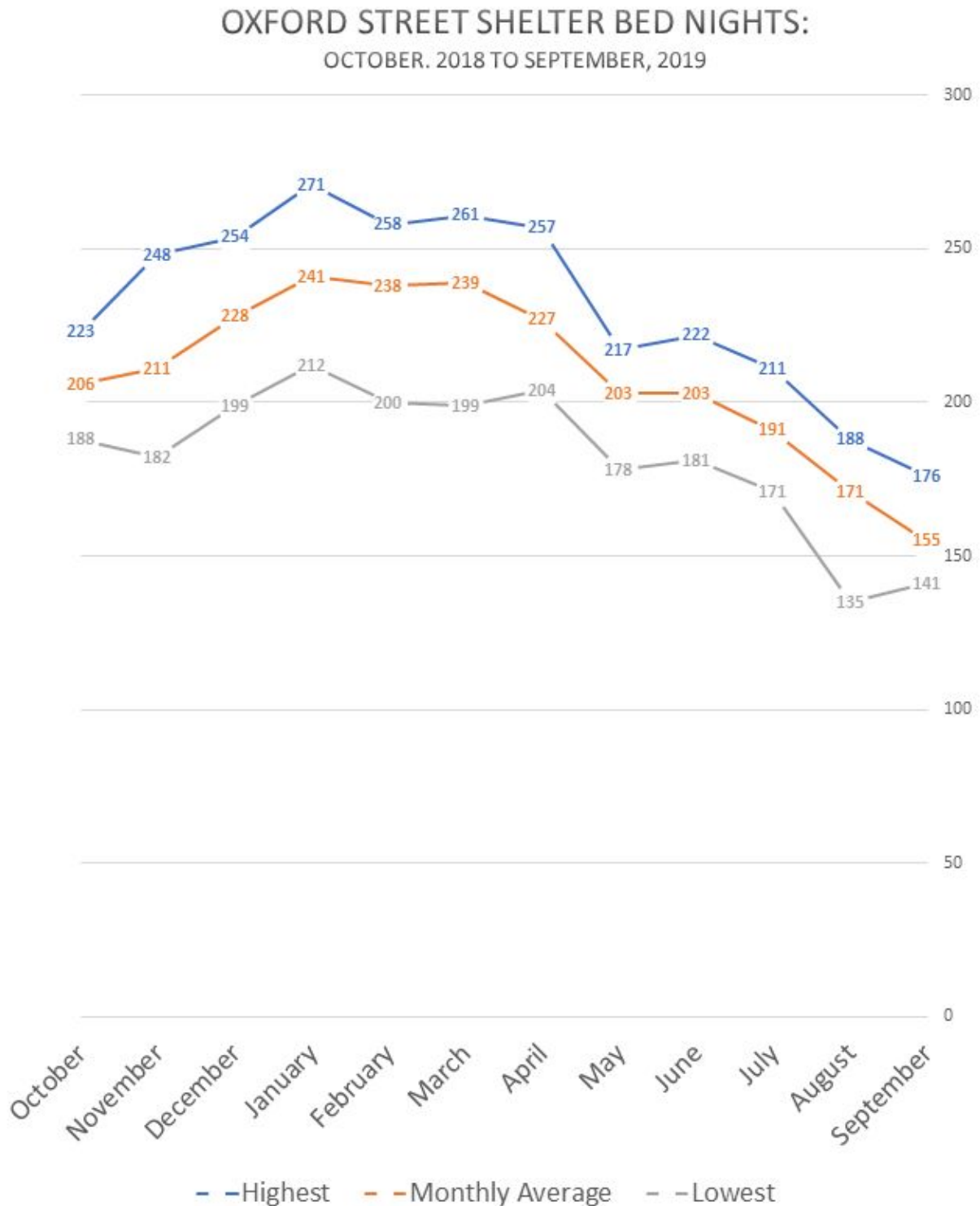
Social Services Division
Aaron Geyer, Administrator

Oxford Street Shelter
Sara Fleurant, Director

TO: Health & Human Services/Public Safety Committee Members
FROM: Sara Fleurant, Oxford Street Shelter Director
DATE: October 22, 2019
RE: Staff Response HHS Questions

- Councilor Batson asked in reference to the hard cap of 150 what was the highest bed count of last year?
 - **On January 28th, 2019 the Oxford Street Shelter served 271 unduplicated individuals.**
- Councilor Batson asked, looking at the Diversion program model, how would the shelter handle a night where 200 people seek shelter at Oxford Street Shelter?
 - **If a situation where more individuals presented than council had approved capacity for staff would work with our community partners to seek appropriate shelter and maximize the number of individuals we can accomodate through efficient bed management.**
- Councilor Batson requested detailed action plans on what the City would do in the event of a large group over capacity presenting for shelter?
 - **Staff would take similar steps as we did over the summer with regards to opening of the Expo for an emergency shelter. Staff would seek guidance from the HHS committee and ultimately the full council.**

- Councilor Ray requested shelter counts going back one year. **Please see below:**



See Attachment A for a nightly breakdown of the past year's bed nights at the Oxford Street Shelter: Total beds, OSS beds and PSRC Overflow beds.

- Councilor Ali asked when the last time Oxford Street Shelter did not open overflow was and if it is a trend.
 - **In looking back at numbers the last time Oxford Street Shelter was not in overflow on a consistent month over month basis was prior to opening an overflow at the Preble Street Resource Center in 2011. (See attachment B: Excerpt from our 2011 Annual Report). In regards to analysis of the current trend down in numbers staff feel it is multifactorial. Staff feel there is sustained energy around the Long Term Stayer initiative and additional housing energy around individuals who have not yet made the by name list. In FY 19 staff have found that 28% of our clients our chronically homeless vs 32% in FY18.**

- The Committee requested more information on Pine Street Inn's Front Door Triage Program.
 - **Staff has scheduled a tour with Josh O'Brien of Pine Street Inn and Angela Giordano the Front Door Triage Program and other Senior Leadership. Staff are scheduled to tour these programs Friday November 15th.**

- Councilor Cook asked about the existing FQHC in Riverton Park and GPH. Additionally she asked if the shelter FQHC would be operated as a drop-in or by appointment.
 - **Staff reached out to Greater Portland Health regarding additional questions. Renee Fay LeBlanc, Chief Medical Officer replied with the following:**

"To answer your first question, we don't have any plan to change our practice at Riverton Park. That site will remain open.

In terms of your second question, the visits at the new homeless site will likely be a mixture of walk-in and scheduled appointments. Currently, at 63 Preble, we have walk-in appointments in the morning and some scheduled appointments in the afternoon as that seems to work best for the patients. I assume the new site will be something similar, but we try to build the scheduling based on the needs of the patients, and would be open to trying something different if that works better for the patients."

- Councilor Cook asked about the recommendation for the purchase and operation of a shuttle. What is the cost? Councilor Batson asked what the taxi voucher costs now and how staff anticipate that changing?
 - **(See attachment C.)**

- Should subsidized transit/metro passes be planned?
 - **In our current budget we have single ride metro tickets that are allocated for guests. We also have capacity to Logisticare and RTP for guests with MaineCare.**
- Councilors asked for information on CTOs and restrictions. Reasons for restrictions, new restrictions and any trends.
 - **(Please see attachment D, slide show on Criminal Trespass.)**
- Councilor Ray commented that there is an ordinance that a community relations plan be established. Further, that it is already in the ordinance and may not be something that needs to be worked out in this recommendation.
 - **Staff currently attend monthly BNA meetings and meet with members of the neighborhood as requested. Staff and shelter security conduct perimeter checks and outreach of the area surrounding the shelter, encouraging shelter guests to be good neighbors and signage in the area around the shelter reminds guests to be respectful of our neighbors. Staff also operates a neighborhood hotline for convenience of our neighbors. These practices would continue at our new homeless services center.**
- Council asked how we might address people sleeping outside and who will stay on the peninsula?
 - **Staff would continue to actively do outreach and continue to engage with those individuals in need of shelter and encouraging they access shelter whether that be City shelter services or one of our partner run scattered site models.**
- Councilor Batson requested information on Community Meals.
 - **(See attachment E.)**

Attachment A October 2018 to September 2019 OSS Nightly Counts Totals with Shelter and Overflow

Month	October			November			December			January		
Facility	Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC
1	191	142	49	196	134	62	205	137	68	221	147	74
2	210	138	72	185	130	55	214	144	70	221	146	75
3	188	135	53	182	126	54	232	153	79	223	154	69
4	188	139	49	194	138	56	224	149	75	220	146	74
5	188	138	50	211	137	74	234	144	75	212	144	68
6	197	129	68	203	133	70	224	149	75	236	150	76
7	194	139	55	207	132	75	228	144	75	248	158	90
8	207	140	67	212	137	75	230	142	75	244	154	75
9	208	140	68	205	132	73	234	143	76	236	151	73
10	211	141	70	209	131	78	249	158	75	245	153	75
11	207	139	68	207	133	75	237	144	75	238	149	75
12	211	141	70	212	137	75	246	155	75	236	148	77
13	200	144	66	213	136	77	238	147	75	240	154	75
14	201	134	67	221	141	80	227	152	75	241	153	76
15	217	142	75	204	136	68	226	151	75	226	151	75
16	211	142	69	196	135	61	224	147	77	241	151	75
17	223	148	75	212	137	75	240	154	80	241	153	75
18	217	142	75	204	130	74	254	153	75	240	165	75
19	208	142	66	207	133	74	250	159	75	225	157	65
20	204	145	59	214	140	74	248	150	75	232	157	75
21	217	142	75	201	135	66	223	150	73	257	159	80
22	223	147	76	197	125	72	211	136	75	266	160	75
23	215	140	75	215	140	75	216	141	75	261	161	75
24	217	142	75	222	147	75	208	143	65	252	150	76
25	216	142	74	232	148	78	199	134	65	250	154	75
26	204	137	67	248	151	79	223	148	75	252	159	76
27	201	137	64	241	150	75	231	156	75	254	154	77
28	204	138	66	237	149	75	231	145	75	271	155	80
29	209	140	69	229	145	75	231	148	83	249	157	78
30	204	136	68	215	144	71	231	156	75	256	152	77
31	206	131	75				199	139	60	251	143	82
Totsl Beds	6397	4332	2075	6331	4122	2146	7067	4571	2296	7485	4745	2343
Highest	223	148	76	248	151	80	254	159	83	271	165	90
Average	206.354839	139.74194	66.93548	211.033333	137.4	71.533333	227.96774	147.45161	74.06452	241.452	153.065	75.581
Lowest	188	129	49	182	125	54	199	134	60	212	143	65

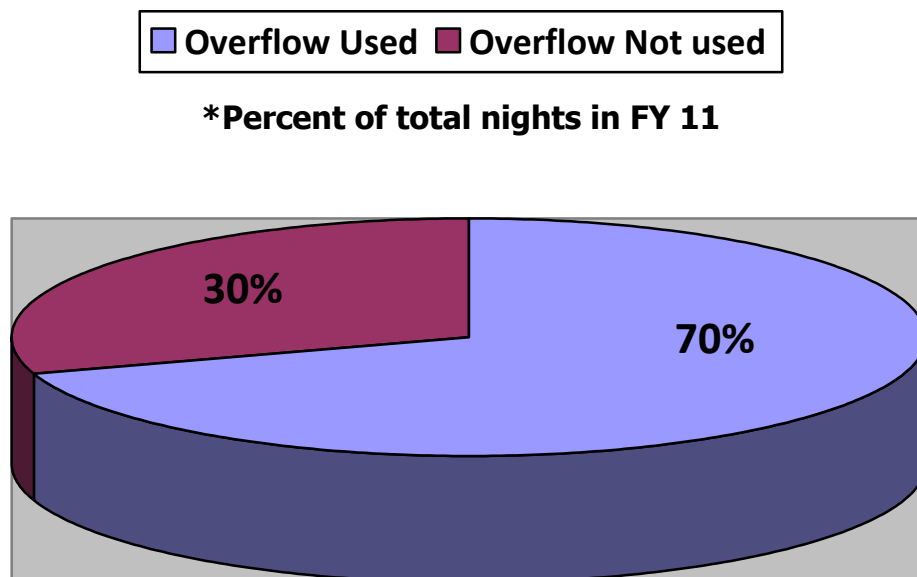
February			March			April			May			June		
Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC
223	149	74	228	153	75	236	149	75	213	149	64	181	142	39
200	139	61	199	132	67	236	148	77	216	152	64	201	143	58
210	147	63	220	143	77	216	143	73	178	137	41	209	147	62
232	153	79	235	146	76	227	152	75	187	142	45	198	142	56
234	159	75	252	150	80	214	141	73	185	137	48	202	132	70
225	147	78	251	150	77	207	144	63	208	150	58	200	145	55
238	160	78	247	148	78	232	157	75	202	145	57	188	139	49
233	155	78	230	154	76	249	157	77	207	148	59	188	136	52
228	151	77	234	154	79	231	153	78	195	146	49	198	144	54
233	155	78	234	159	75	244	150	79	189	142	47	218	148	70
251	155	76	239	148	75	226	145	81	190	144	46	221	148	73
229	150	79	258	153	78	229	155	74	212	151	61	208	143	65
241	149	79	239	152	76	220	154	66	208	150	58	222	144	78
257	152	74	249	158	75	247	160	75	205	143	62	199	146	53
228	153	75	232	158	74	257	153	75	217	145	72	193	144	49
231	156	75	238	144	81	235	149	78	213	156	57	205	148	57
237	149	77	246	155	75	231	153	78	204	150	54	210	149	61
251	153	74	258	165	76	228	150	78	208	151	57	217	150	67
244	149	78	248	154	79	215	152	63	204	145	59	217	147	70
242	149	78	245	147	82	208	148	60	202	151	51	219	147	72
242	154	78	245	151	75	204	151	53	216	150	66	205	146	59
251	160	74	223	149	74	231	156	75	216	151	65	201	144	57
235	154	76	230	149	81	238	150	78	215	153	62	203	146	57
253	156	74	239	159	80	233	158	75	193	145	48	210	142	68
258	155	76	261	166	78	233	155	78	182	140	42	202	142	60
251	159	75	237	144	77	209	145	64	190	148	42	207	138	69
245	155	75	257	156	75	211	147	64	206	151	55	201	147	54
258	153	79	240	139	83	213	144	69	211	148	63	192	136	56
			230	156	74	211	147	64	214	150	64	184	138	46
			221	147	74	225	155	70	215	143	72	199	150	49
			243	155	75				186	144	42			
6660	4276	2113	7408	4694	2377	6796	4521	2163	6287	4557	1730	6098	4313	1785
258	160	79	261	166	83	257	160	81	217	156	72	222	150	78
237.857	152.714	75.464	238.968	151.4194	76.67742	226.53333	150.7	72.1	202.80645	147	55.806452	203.26667	143.76667	59.5
200	139	61	199	132	67	204	141	53	178	137	41	181	132	39

July			August			September		
Total	OSS	PSRC	Total	OSS	PSRC	Total	OSS	PSRC
184	130	54	188	147	41	149	140	9
190	142	48	160	131	29	151	145	6
182	137	45	161	137	24	157	137	20
173	143	30	177	140	37	148	140	8
181	141	40	176	156	20	149	149	0
185	150	35	172	157	15	156	156	0
196	154	42	179	145	34	145	145	0
207	155	52	178	143	35	176	148	28
192	146	46	177	142	35	173	160	13
208	151	57	180	150	30	150	150	0
207	155	52	172	145	27	153	152	1
187	143	44	188	148	40	161	151	10
171	141	30	183	148	35	153	153	0
188	148	40	179	139	40	159	159	0
194	155	39	182	146	36	159	159	0
199	142	42	182	147	35	164	164	0
187	141	46	172	145	27	157	157	0
188	145	43	175	150	25	157	157	0
185	140	45	184	152	32	162	162	0
188	149	39	176	150	26	151	151	0
196	146	50	174	144	30	157	157	0
211	153	58	171	141	30	152	152	0
199	146	53	161	140	21	154	154	0
209	150	59	154	138	16	163	163	0
198	155	43	158	138	20	153	153	0
182	143	39	175	143	32	149	149	0
181	143	38	165	144	21	149	149	0
194	148	46	177	148	29	141	141	0
193	149	44	164	138	26	153	153	0
188	141	47	141	138	3	149	149	0
190	149	41	135	125	0			
5933	4531	1387	5316	4455	851	4650	4555	95
211	155	59	188	157	41	176	164	28
191.387	146.161	44.7419	171.4839	143.70968	27.45161	155	151.833	3.16667
171	130	30	135	125	0	141	137	0

Attachment B

Shelter Overflow Excerpt from the Oxford Street Shelter FY2011 Annual Report

In April of 2010 Preble Street opened a new Women's Shelter at Florence House. This new facility included both permanent, transitional and shelter beds for women. The Women's Shelter was relocated out of the Preble Street Resource Center and into the Florence House. The number of women requesting shelter increase drastically during the summer of 2010 and the Preble Street Women's Shelter was filled to capacity. The City of Portland's Health & Human Service Department and Preble Street quickly responded and created an emergency overflow for shelter for women. The Social Services Division Refugee Services Conference Room was used as the women's overflow from June 23, 2010 through January 19, 2011. This emergency overflow space was only open from 9:00 PM – 6:00 AM. Staff moved the conference furniture and placed mats on the floor. Two staff was stationed at the overflow when used: one Preble Street and one Oxford Street Shelter Attendant. The number of men residing at the Oxford Street Shelter for Men decreased in the winter of 2011 due to the high number of men placed into permanent housing through the very successful Homelessness Prevention & Rapid Re-Housing program (HPRP). On January 20th, 2011 the Oxford Street Shelter began to serve women as a means of overflow which reduced the need to open additional overflow space. In May 2011, the Oxford Street Shelter reached full capacity of 154 beds with both men and women. The Preble Street Resource Center is currently used as the emergency overflow for men when Oxford Street reaches full capacity. Staff from Oxford Street opens the overflow at 9:00 PM and up to 30 men sleep on mats until 6:00 AM. This represents a sharp rise in homelessness during the past year. In the month of June all of the adult shelters in Portland were filled to capacity and/or overflowing. (Please see Attachment #6)



Overflow was used 256 nights, or 70% of all nights in FY 11. An adult overflow shelter was open for all 12 months in FY 11 Including the following locations: City of Portland Social Services Division, 190 Lancaster Street (Refugee Services Conference Area), Women's overflow July 2011 – January 19, 2011

190 Lancaster Street was used 200 nights, for a total of 5,411 bed nights, averaging 27 women per night in FY 11.

Preble Street Resource Center (PSRC)

Men's overflow beginning January 20, 2011

PSRC was used 56 nights, for a total of 1,036 bed nights, averaging 19 men per night in FY 11

Total overflow bed nights in FY 11: **6,447**

Total overflow nights used in FY 11: **256**

Attachment C

HSC Transportation Costs

	OXFORD STREET FY19 BUDGET (9000 sq ft)	FY19 Actuals (Spending Breakdown)	FY19 Actuals (Spending Ratios)	ONE FACILITY 150 BED SHELTER (17,000 sq ft) (Projected)	EXPLANATIONS
EXPENDITURES	Budget	Actuals	Ratio	Budget	
Client Transportation					
a) Bus		6,431	64%	9,589	Based on FY19 spending breakdown, location and projected rate increase
b) Metro		525	5%	783	Based on FY19 spending breakdown, location and projected rate increase
c) Taxi		3,104	31%	4,628	Based on FY19 spending breakdown, location and projected rate increase
TOTAL	10,000	10,060	100%	15,000	
Personnel				73,476	2 Shelter Attendants salary
Benefits (36.61%)				26,900	2 Shelter Attendants fringe benefits
Total				100,376	
Operating cost				115,376	
Start up cost				35,000	Shuttle Vehicle (12 person Van)
Grand Total				150,376	



Criminal Trespass Statistics from Area Service Providers

...

HHS & Public Safety Committee

October 22nd, 2019

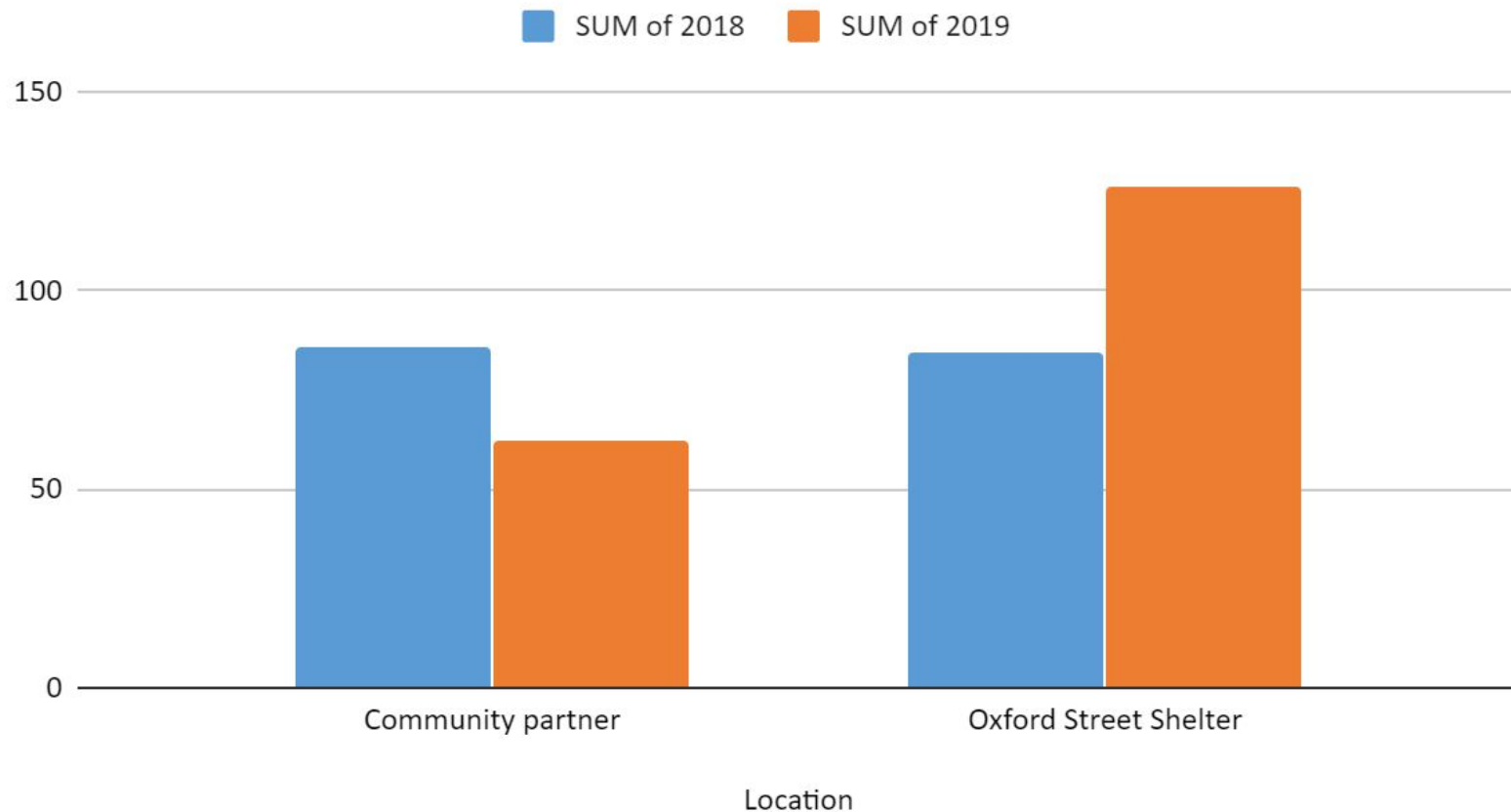
Community Wide Criminal Trespass Notices Issued (2018 vs. 2019 YTD)

There were 170 criminal trespass notices issued in 2018, with 188 issued in 2019 from the beginning of the year to October 10, 2019. This accounts for criminal trespass notices from Community Partners as well as Oxford Street Shelter.

Criminal Trespass Notices Issues (2018 vs. 10/10/2019)

<i>Location</i>	SUM of 2018	SUM of 2019	% Change
Community partner	86	62	-27.91%
Oxford Street Shelter	84	126	50.00%
Grand Total	170	188	10.59%

Criminal Trespass Notices by Location (2018 vs. 10/10/2019)

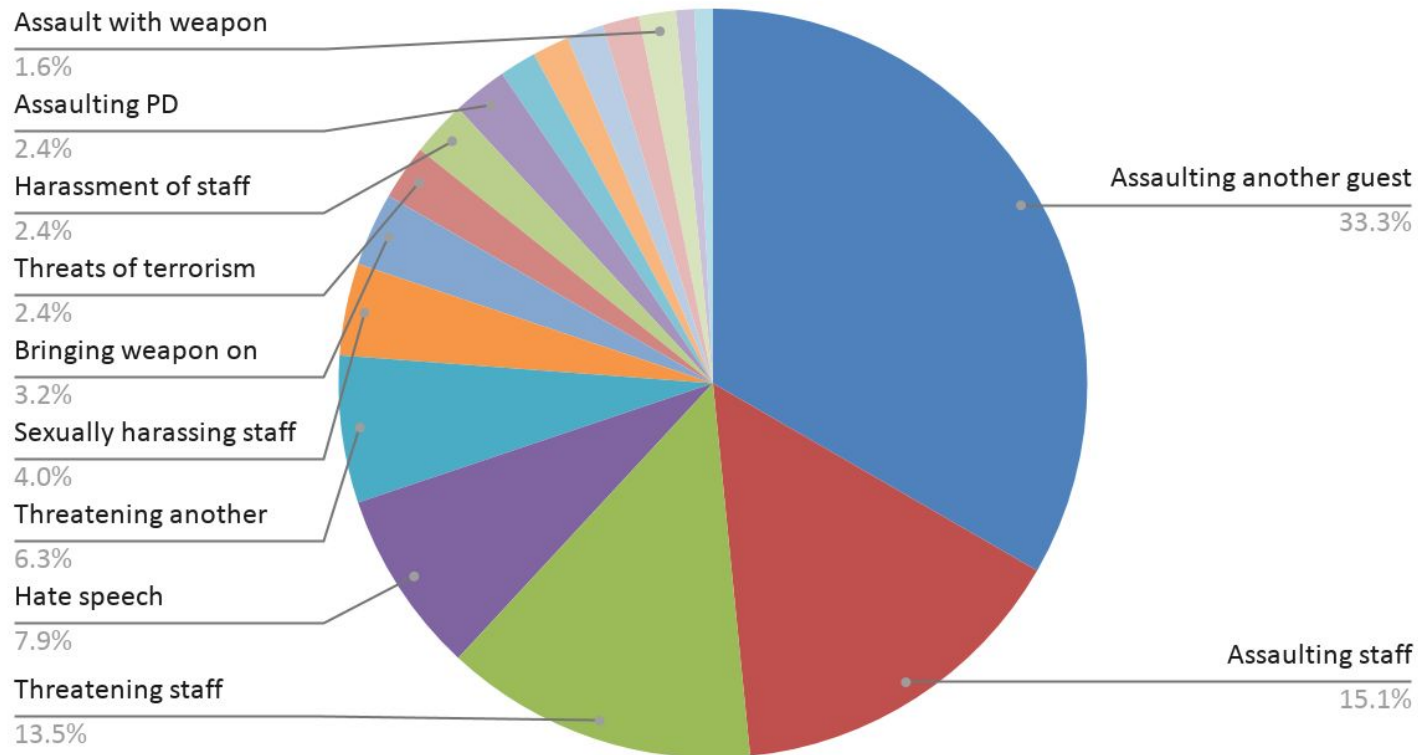


Criminal Trespass Notice Details

Primary Reason Issued	# Issued	% of Total
Assaulting another guest	43	34.12%
Assaulting staff	19	15.08%
Threatening staff	16	12.70%
Hate speech	10	7.94%
Threatening another guest	8	6.35%
Sexually harassing staff	5	3.97%
Bringing weapon on property	4	3.17%
Threats of terrorism	3	2.38%
Harassment of staff	3	2.38%
Assaulting PD	3	2.38%
Theft from staff	2	1.59%

Interfering with emergency services	2	1.59%
Fighting with another guest	2	1.59%
Disruptive/Unsafe behavior	2	1.59%
Assault with weapon	2	1.59%
Selling drugs	1	0.79%
Public Indecency	1	0.79%
Grand Total	126	100.00%

Criminal Trespass Notices Issued by Type through 10/10/19

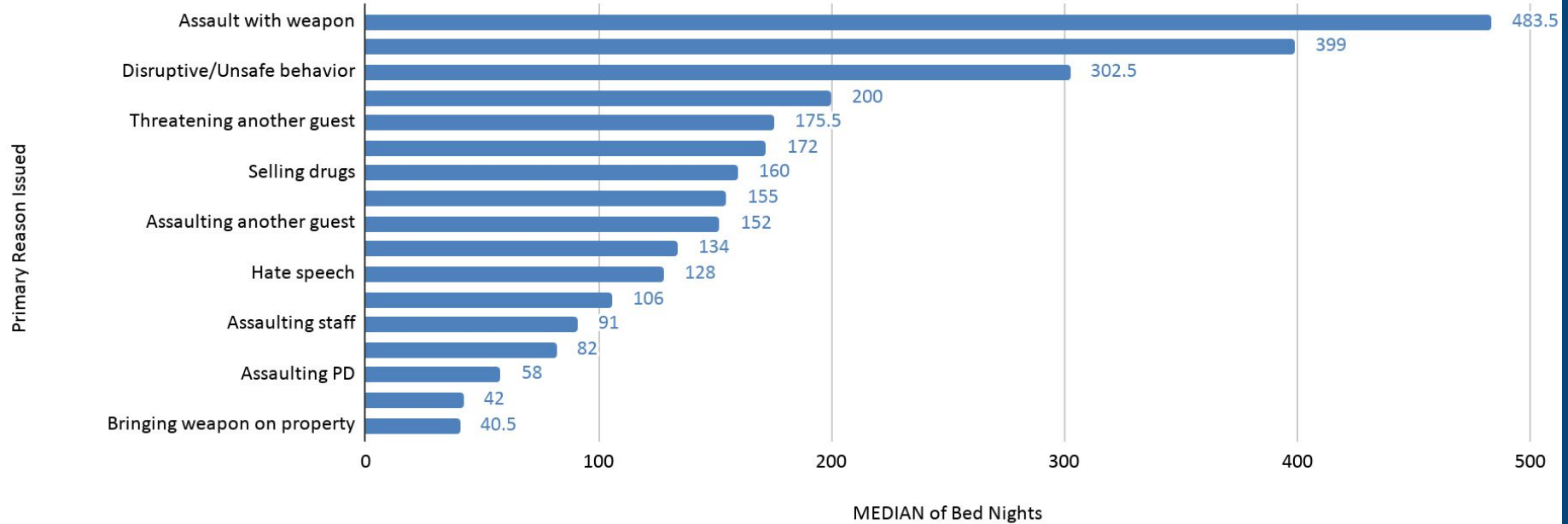


Criminal Trespass Notices by Bed Nights

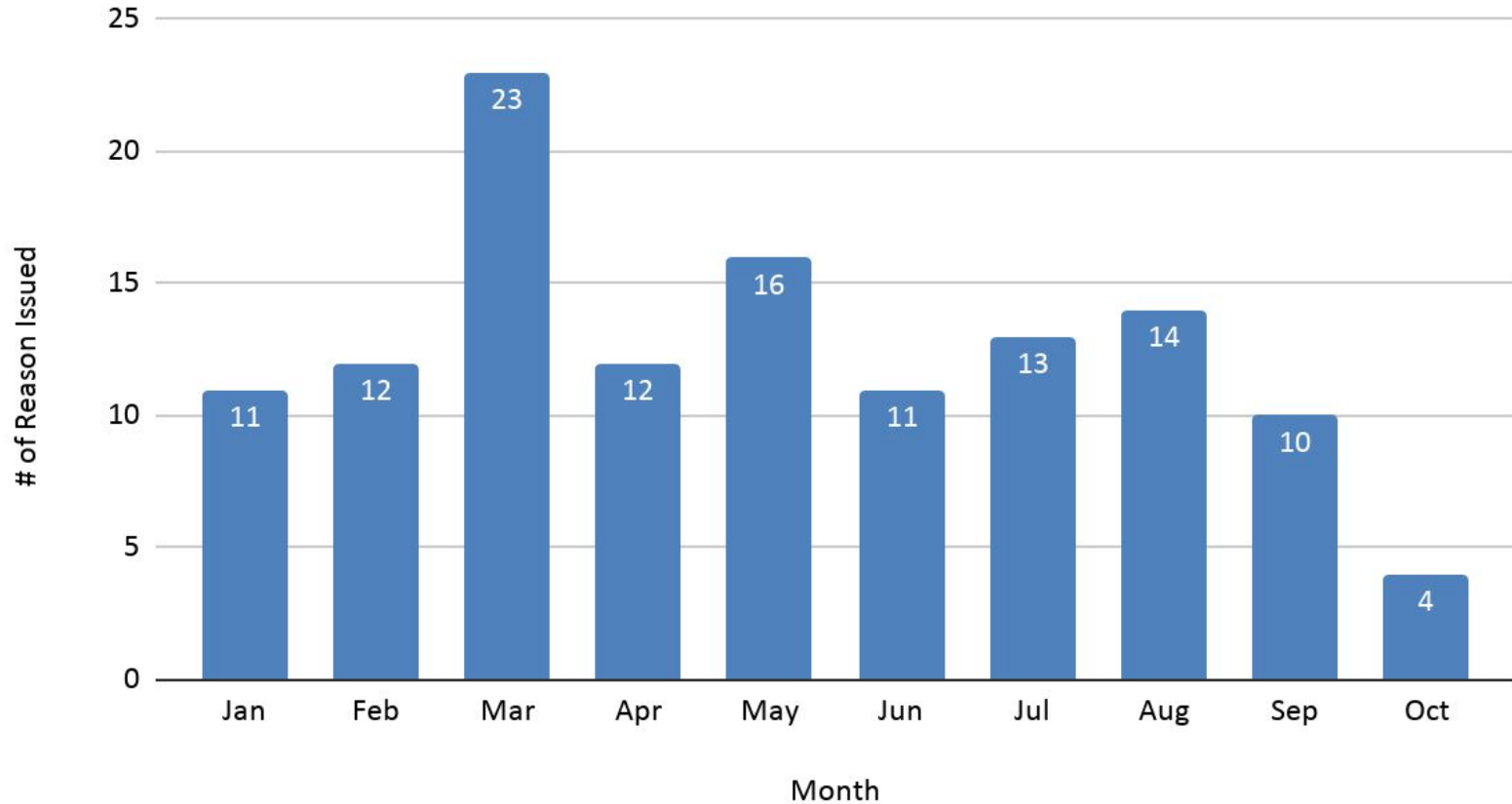
<i>Primary Reason Issued</i>	Median Bed Nights	# of Unduplicated Guests
Assault with weapon	483.5	2
Threats of terrorism	399	3
Disruptive/Unsafe behavior	302.5	2
Fighting with another guest	200	2
Threatening another guest	175.5	8
Sexually harassing staff	172	5
Selling drugs	160	1
Theft from staff	155	2
Assaulting another guest	152	42
Harassment of staff	134	3

Hate speech	128	10
Threatening staff	106	16
Assaulting staff	91	19
Interfering with emergency services	82	2
Assaulting PD	58	3
Public Indecency	42	1
Bringing weapon on property	40.5	4
Grand Total	126	125

Median # Bed Nights by Criminal Trespass Type



Criminal Trespass Notices Issued by OSS Monthly through 10/10/19



Attachment E

Food Pantries

Pantry Name	Hours	When to come	Who can come
Sacred Heart/St. Dominic Food Pantry	Tuesday Open at 8:30am	Once a week	Parkside Residents
Sagamore Food Pantry	Tuesday 10-11 a.m.	Once a week	Open to anyone
Salvation Army Food Pantry	Mon., Wed., and Fri. 1-2:30 p.m.	Once a month	Portland residents
St. Luke's Food Pantry	Thursday 9:30-11 a.m.	Once a month	Open to anyone
Stroudwater Christian Church Food Pantry	Sundays 1-3 p.m.	Once every two weeks	Open to anyone
Wayside Mobile Food Pantry at Harbor Terrace	3rd Friday 1-2 p.m.	Once a month	Harbor Terrace & West End
Wayside Mobile Food Pantry at Riverton	3rd Wednesday 3-4 p.m.	Once a month	Riverton Residents
Wayside Mobile Food Pantry at Front Street	2nd Thursday 10:30 - 11:30 a.m.	Once a month	Neighborhood residents
Wayside Mobile food Pantry at Sagamore	4th Tuesday 10-11 a.m.	Once a month	Sagamore residents
Williston-Immanuel United Church Food Pantry	Thursday - arrive before 10 a.m.	Weekly	Open to anyone
White Memorial Food Pantry	Thursday 8-9:30 a.m.	Once a week	Open to anyone
First Baptist Food Pantry	Wednesday 11:30 a.m. - 12:30 p.m.	Once a week	Open to anyone
Jewish Family Services Food Pantry	Tuesday & Thursday, 9a.m. - 3p.m. Appt. only	Once a month	Portland residents
Preble Street	Thursday 1:30 - 3 p.m.	Once a week	Open to anyone
Project FEED	Monday-Friday 1-3 p.m.	Once every 3 months	Portland & Greater Portland
Root Cellar	Monday-Friday 9 a.m. - 5 p.m.	Emergency Only	Open to Portland Residents only
St. Elizabeth's Non-food Pantry	Tuesdays 9-11:15 a.m.	Weekly	Open to anyone

Community Meals - Wayside

(Meals are open to all who wish to attend unless otherwise noted.)

Mondays:

- LUNCH, 12-1, Woodfords Congregational Church, 202 Woodford Street, Portland
- DINNER, 5-6, Reiche Community School, 166 Brackett Street, Portland (open to Reiche students & their families only)
- DINNER, 5-6, East End Community School, 195 North Street, Portland (open to EECS students & their families only)
- DINNER, 5-6, Sagamore Village Boys & Girls Club, 21 Popham Street, Portland (open to B&G Club students only)
- DINNER, 5-6, Riverton Boys & Girls Club, 55 Riverton Drive, Portland (open to B&G Club students only)

Tuesdays:

- LUNCH, 12-1, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 6-7, Parkside Neighborhood Center, 85 Grant Street, Portland (open to seniors 55+ and families with children only)
- DINNER, 5-6, Salvation Army, 297 Cumberland Ave, Portland (open to seniors 5+ and families with children only)

Wednesdays:

- DINNER, 5-6, My Place Teen Center, 755 Main Street, Westbrook

Thursdays:

- LUNCH, 12-1, Salvation Army Center for Aging, 297 Cumberland Ave, Portland (open to seniors only)
- DINNER, 5:30-6:30, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 5:30-6:30, Deering Center Community Church, 4 Brentwood Street, Portland
- DINNER, 5:30-6:30, St. Peter's Episcopal Church, 678 Washington Ave, Portland

First Sunday of the Month:

- DINNER, 5-6, First Parish Unitarian Universalist Church, 425 Congress St., Portland

Additional Community Meals

Preble Street Soup Kitchen

252 Oxford St., Portland

www.preblestreet.org

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 5-6 p.m.

Teen Center

343 Cumberland Ave., Portland

Sunday-Saturday (Open to all
under 21)

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 6-7 p.m.

**can also get bagged meals

St. Vincent De Paul South Kitchen

307 Congress St., Portland – East
Bayside

Monday-Friday 12-1 p.m.

Open to all

Sacred Heart/St. Dominic

80 Sherman St., Portland (corner
of Sherman & Mellen St., door on
Sherman St.)

Tuesdays 10-11:30 a.m.

CHAPTER 2 – Eligibility Criteria

Residency

One issue that has been a source of confusion over the years is residency. While a GA applicant's residency is something to take into consideration when taking an application, *it is not a condition of eligibility*. In fact, the *only purpose of discussing residency is to determine which municipality is ultimately responsible for providing GA to applicants*.

Residency is no longer the applicant's problem, as it was under the pauper settlement laws when indigent people could be shuttled between communities and sent back to the municipality where the applicants had their "settlement"—often their birthplace. The apparent reasoning behind settlement was that poor towns should only be required to provide support to their "own people." Under settlement, if people left one town and moved to another town they weren't considered settled until they had lived in the new town for five consecutive years without receiving assistance. If people needed assistance during the time they were trying to gain settlement in the new town, they had to receive it from the town where they were settled and they could be "removed" by their new town to their place of settlement for support. If people needed "immediate relief," the municipality where they were present had to provide it but could seek repayment from the town of settlement.

Maine courts were full of municipalities suing each other and squabbling over such arcane matters as whether people had been temporarily absent, people's personal habits, and whether "pauper supplies" had been given in good faith. Although Maine repealed settlement in 1973, it continued to have a durational residency requirement until 1976, when durational residency was also repealed.

Residency requirements in welfare laws rose to constitutional proportion in 1969 when the United States Supreme Court ruled that certain durational residency requirements were an *unconstitutional infringement on a person's right to travel* as guaranteed by the equal protection clause of the Fourteenth Amendment, and the due process clause of the Fifth Amendment. *Shapiro v. Thompson* (1969), 394 U.S. 618, 89 S.Ct. 1322. The *Shapiro* case concerned a challenge to the requirement adopted by most states that people be residents of a state for one year before being eligible to receive AFDC. The Supreme Court ruled that the one-year residency requirement was unconstitutional because it did not promote a "compelling governmental interest" and that there was no rational basis for making a distinction between longtime and new residents.

Durational residency requirements, which unreasonably restrict people from moving to or from a state by limiting their access to public benefits, are unconstitutional. Although the constitutionality of durational residency requirements which would act to restrict *intrastate* travel was never fully reached in the most pertinent Maine case. *Wyman v. Skowhegan*, 464 A.2d 181 (Me. 1983), it is probable that durational residency requirements would be found equally suspect, from a legal perspective, if people could be denied public assistance by various municipalities within Maine solely on the grounds of the applicants' length of residency. The issue of "right to travel" is no longer particularly relevant, however, because there is an express prohibition on durational residency requirements in the law (§ 4307(3)), and along with that prohibition there is the concept of "municipality of responsibility."

Municipality of Responsibility

Generally, Maine law states that municipalities have the responsibility to provide GA to all eligible persons who are:

- residents—people who are **physically present** in a municipality with the **intention of remaining there** and establishing a household; or
- non-residents—people (including transients) who apply for assistance who are not residents of that municipality or any other.

In short, there is ***no durational residency requirement***. If a person is applying for assistance in a municipality and he or she does not live there but isn't a resident anywhere else, that person is considered a resident of the municipality where the application is made and that municipality must grant GA if the person is eligible. Municipalities cannot refuse to grant aid to people merely because they are not residents. **Residency is not an eligibility condition!** 22 M.R.S.A. § 4307.

Example: Laura Green has lived in Litchfield all her life, where many members of the Green family live. One day Laura packed up and left Litchfield and moved to Shapleigh, where she applied for GA. Shapleigh felt certain that Laura was Litchfield's responsibility and told her she would have to apply in Litchfield. Shapleigh's decision was wrong because Laura was 1) physically present in Shapleigh, 2) intended to remain there to maintain or establish a home and 3) had no other residence...therefore, for the purpose of GA, Laura was a resident of Shapleigh.

Example: Alvin Eliot has been a transient most of his life. One summer he drifted through Maine, moving from town to town and working odd jobs. One week he received some assistance from Augusta, and a month later he was in Castine, where he applied for more

food assistance. Castine called MMA to find out if Alvin was the responsibility of Augusta or of Castine. MMA said that Alvin was the responsibility of Castine because he was applying in Castine and he was a resident of *no* municipality, and his case contained none of the *relocation* or *institutional* complications that make exceptions to the general residency rule (*see below*).

Example: Dawna Jones applied for GA in Presque Isle, even though she lived in New Sweden, because she was told that New Sweden didn't appropriate any funds for GA and because the administrator did not believe she was a resident. The Presque Isle administrator contacted the New Sweden administrator and told him each town had to have a GA program to help eligible people and diplomatically attempted to convince him to accept an application from Dawna Jones. Luckily, the New Sweden administrator agreed to take the application. If he had disagreed, Presque Isle could have suggested that New Sweden call the Department of Health and Human Services or MMA for advice. However, if New Sweden refused to take the application, Presque Isle would have been required to take the application and issue the assistance for which Ms. Jones was eligible because there was a *dispute between the municipalities*.

Disputes & Inter-municipal Cooperation

The only way the complexities of residency determinations can be dealt with efficiently is if the various municipalities within a residency issue communicate and cooperate with each other. The whole point of eliminating a durational residency requirement was to prevent applicants from being treated as volleyballs and being caught in the middle of a dispute between municipalities. State law is clear: "*nothing (in the law) may...permit a municipality to deny assistance to an otherwise eligible applicant when there is a dispute regarding residency.*" 22 M.R.S.A. § 4307(5).

In other words, if two municipalities disagree about which town is financially responsible to issue GA to a person, one of the municipalities is required to assist the applicant if he or she is eligible. The eligible applicant must receive assistance; the municipalities can argue about who is responsible for paying the bill later. Ultimately, it is DHHS who resolves these disputes. 22 M.R.S.A. § 4307(5).

When there is a dispute regarding which municipality is required to provide the assistance sought, the municipalities involved should first seek guidance from MMA or DHHS.* If a resolution cannot be reached, the municipality in which the application is filed must provide the assistance and then seek a final determination from DHHS. DHHS must reach a decision regarding such a dispute within 30 working days; if the municipality that did not pay is

deemed to be responsible; then it has 30 working days from the decision to reimburse the municipality that did pay. If reimbursement is not made within those 30 days, DHHS will seek reimbursement from state funds (such as revenue sharing) that are due to the responsible municipality.

* ***NOTE:** Due to potential conflicts of interest, MMA Legal Services can involve itself or facilitate communications on such issues only if all municipalities involved agree to MMA's involvement.*

It should also be pointed out that § 4307(1) provides that “any municipality which... illegally denies assistance to a person which results in his relocation...shall reimburse twice the amount of assistance to the municipality which provided the assistance to that person.” Obviously, it is hoped that this type of financial penalty would not be necessary, but to the extent municipalities can self-police each other's actions and otherwise work cooperatively so that all eligible applicants get their assistance in an efficient manner, the less likely it will be that the Legislature will step in and place even stiffer penalties in the law.

Complications to Residency

Moving/Relocating

From time to time applicants may request assistance to help them move to another town. *Municipalities may help people relocate upon the **applicant's request** under certain circumstances.* It is illegal under Maine law, however, to send a person out of town solely to avoid granting assistance. For instance, it would be illegal for an administrator to tell applicants that there are not any jobs in town, that the town has no intention of supporting them for the rest of their lives, and that they should leave town, and then force them on a bus to another town or state!

It is legal, however, to help an applicant relocate to another town if he or she requests that type of assistance and if such assistance makes sense (i.e., relocating the applicant is the only way to provide him or her with shelter). Examples of when relocation would be reasonable include when the applicant is hired for a new job in another town and needs help to move, or when a family is evicted and there are no other suitable places to live in town. It is important to note the difference between the **authority** of a town to help an applicant relocate and an **obligation** of a town to relocate an applicant on demand. Under Maine GA law a municipality is not obligated to relocate an applicant, provided the basic necessities are available within the municipality.

It is also important that municipalities communicate with one another when GA is used for the purpose of relocation. A sample form which can be used by a "sending municipality" to notify a "receiving municipality" that a GA recipient has been relocated is found in Appendix 3.

If a municipality helps applicants move to another municipality, the municipality which provides the relocation assistance continues to be responsible for those applicants for the first **30 days** after relocation. The law extends this obligation **from 30 days to 6 months** if the relocation is to a hotel, motel or other place of temporary lodging in the other municipality (see "Complications to Residency—Institutional Residents" below). It is for this reason that municipalities should always avoid placing GA recipients (even temporarily) in temporary lodgings. In the event no permanent housing arrangement can be found, always call DHHS to see if other alternatives exist before placing a GA recipient in a temporary dwelling.

In other words, if Milbridge paid a family's first month's rent to help them move to Cherryfield, Milbridge would be responsible for assisting the family with other basic necessities for which the family was eligible (food, electricity, fuel, etc.) during the first month. Once recipients relocate to the new town they can apply for assistance in the new town, or if the town of former residence is not far and they have adequate transportation they can apply directly to the municipality of responsibility during the first 30 days. If it is impractical to apply in the town where they previously lived, the administrator in the new town must take the application, notify the municipality of responsibility and upon its approval grant assistance according to that town's ordinance or have that town provide the assistance directly.

The most important factors to keep in mind regarding people who have received relocation assistance are:

- If applicants are applying for the *first time* in your town, ask them if the municipality where they lived previously helped them move, so you can determine if the other municipality is still responsible. Ask all applicants where they lived previously and whether they received GA.
- If applicants received GA to help them move, notify the other municipality ***prior*** to granting assistance; if you fail to provide such prior notice the responsible municipality does not have to reimburse you. 22 M.R.S.A. § 4313.

- If the municipality which is legally liable for the applicants' support refuses to reimburse your municipality without a good reason, you *must* assist the applicants and attempt to recover the expense from the other municipality another way, including court. *(In situations like this you can encourage the uncooperative town to call DHHS or MMA for clarification of the issue, or if negotiations are futile you can report the situation to DHHS.)*

It is important to emphasize that the **30-day** responsibility falling on the “sending town” **only** applies when the sending municipality has provided relocation assistance; there is no continuing responsibility if the applicant relocated without municipal assistance, except when the relocation was to an institutional setting (*see below*).

Institutional Residents

In 1983 the Legislature attempted to address the problem faced by municipalities that have one or more institutions in their communities to which people from surrounding areas come and later often need assistance. People who are in an *institution six months or less* are considered to be the responsibility of the municipality where they were residents immediately prior to entering the facility (*Example 1 below*); if they are there *more than six months* they are the responsibility of the municipality where the institution is located (*Example 2 below*). The only exception to this is if an applicant has been in an institution more than six months but has a residence in another town that the applicant has maintained and to which he or she intends to return. In that very rare circumstance, the applicant continues to be the responsibility of the municipality where that residence is located (*Example 3 below*), 22 M.R.S.A. § 4307(4(B)).

Example 1: Dan Gordon from Limerick entered a halfway house for substance abusers in Eliot. He had been there four months when he was told he could stay as long as he wanted but he would have to pay for his food. Mr. Gordon applied to Limerick for food assistance because that was where he lived prior to entering the rehabilitation program and he had been in the institution less than six months.

Example 2: Beverly Fogg and her two children had been in a shelter for abused families in Oakland for eight months. She felt strong enough to go out on her own, and started looking for apartments in Oakland and also Waterville, where she lived prior to entering the shelter. She found a place in Waterville and applied for GA there. Waterville told her that Oakland was responsible because she had been at the shelter longer than six months. The GA administrator called Oakland and discussed the situation. Oakland agreed that Ms. Fogg was the responsibility of Oakland.

Example 3: Joan Kaplan's mother had been in a nursing home in Skowhegan for eight months. She was in the nursing home recovering from an operation because Joan could not give her the care she needed at the family's home in Bingham. However, as soon as she recuperated, Joan's mother was going to return to Joan's home in Bingham where she had lived prior to going into the hospital. Unexpectedly, Joan's mother developed pneumonia and died at the nursing home.

Joan did not have any money for the funeral so she applied for GA in Bingham. The Bingham GA administrator noted that Joan's mother had been out of town in an institution for more than six months and therefore felt that Skowhegan should be responsible. Skowhegan felt that Bingham should be responsible because according to the doctor, Joan's mother intended to return home and she would have returned if the pneumonia had not developed unexpectedly. As a result, Bingham should have assisted Joan because that was where her mother lived prior to her death and her home, to which she intended to return, was located there. This should be distinguished from a case where people enter a nursing home but have no home to return to despite their desire to "go home."

Shelters for the Homeless

Shelters of various kinds are generally recognized as institutions (§ 4307(4)(B)). Individuals in those shelters who are applying for GA could be the responsibility—for up to six months—of the municipality where they resided immediately prior to entering the shelter if the conditions found at § 4307 are met (e.g., the municipality moves an applicant into another municipality to relieve itself of the responsibility for the GA recipient at issue). In addition, § 4313's notification of the municipality of responsibility requirement must also be met.

The municipality of responsibility is a fairly straightforward determination for *domestic violence* and *substance abuse shelters* because the people in those shelters often had a clearly established residency immediately prior to entering the shelter.

Shelters for the homeless, however, present a unique challenge to municipal administrators with regard to the determination of municipality of responsibility. A resident of a homeless shelter often has a complicated residential history, and it is difficult to determine if the last town in which the shelter client was physically present was, in fact, that client's "residence" as residency is defined in GA law.

As discussed above, there are two factors that determine whether a person is (or was) a GA "resident" of a town. First, the person must be (or must have been) **physically present** in the

municipality. Second, the person must have demonstrated some sort of **intention** to remain in that municipality.

For the purposes of determining residency in institutional circumstances, it is not enough merely to determine that the shelter client was physically present in Town X before entering the shelter. The shelter client's intention to remain in Town X must also be established. "Intention to remain" might be determined by evaluating how long the person resided in Town X; whether the person made any attempt to secure housing in Town X; whether there were reasons beyond the person's control, such as eviction or domestic violence, which caused him or her to leave Town X and ultimately end up in the homeless shelter, etc.

*It is important to note that transients are the responsibility of the municipality where they are **physically** present. Therefore, it is fair to say that **most** applicants applying for GA from a homeless shelter are the responsibility of the municipality where the shelter is located.*

Shelters for the homeless, like any institution, do not want to be perceived as a burden to their host municipality. One way to protect the host municipality is to make sure the GA requests coming out of the shelter are targeted to the responsible municipality so that the host municipality does not have to deal with GA applicants for whom there is no local responsibility.

Therefore, it is not unusual for shelter operators to assist shelter clients in filling out GA applications and sending those applications to the town the shelter operator feels is the municipality of responsibility. Administrators should carefully evaluate the issue of residency when receiving such applications, because it is possible that the shelter's interpretation of residency law conflicts with the interpretation given here. As is the case with any residency issue, DHHS is the ultimate arbiter.

Hotels, Motels & Places of Transient Lodging

In addition to what would commonly be understood as an "institution" (such as a hospital, nursing home, emergency shelter, etc.), § 4307(4)(B) defines a "hotel, motel or similar place of temporary lodging" as an "institution" when the municipality has provided assistance or otherwise arranged for a person to stay in such temporary lodging facilities. Therefore, if the municipality has provided assistance for an applicant to stay in a place of temporary lodging in another municipality, the "sending" municipality would become the "municipality of responsibility" for the first six months of the applicant's stay in those temporary facilities.

As a matter of DHHS General Assistance regulation, temporary housing is further defined as any facility that is licensed as an “eating and lodging place or lodging place as defined at 22 M.R.S.A. § 2491.” Therefore, if a municipality provides assistance for a recipient to move to a licensed rooming house in another municipality, the “sending” municipality would be responsible for that recipient’s GA needs for up to six months from the date of relocation, unless the recipient subsequently relocated to permanent housing, in which case the responsibility would drop to 30 days from the date of that second relocation. In any circumstance, a municipality that is providing out-of-town relocation assistance to any recipient would be well advised to make sure that the relocation is to permanent housing.

Example: Lilian Gould and her family applied for shelter assistance in Kenduskeag. There were no rental units immediately available in Kenduskeag, and so while Lilian was looking for an apartment, Kenduskeag met her short-term shelter needs by putting the family up in a motel in Bangor. A Kenduskeag selectperson received a call six weeks later from the Bangor General Assistance office informing him that the Gould family was seeking assistance to relocate from the motel into an apartment in Bangor. Kenduskeag carefully read § 4307, and correctly reasoned that Kenduskeag was the municipality of responsibility for the relocation because it had provided assistance for the family to live in an out-of-town motel. Kenduskeag also would remain responsible for 30 days after the relocation to the new apartment at which time Bangor would become responsible.

Initial vs. Repeat Applications

Before going into detail about the eligibility determination process, it will be helpful to review the differences between “initial” and “repeat” applicants insofar as the determination of a person’s eligibility is concerned.

Initial Application/Repeat Application

The underlying purpose of drawing a distinction between an initial applicant and a repeat applicant is to provide a person applying for GA the opportunity to learn about the rules of the program before those rules are applied. For example, most adult GA recipients who are unemployed and are physically and mentally capable of being employed are required to diligently look for work as long as they are receiving GA. If a repeat GA applicant is unwilling to make a good faith search for employment, that applicant can be disqualified from the program for 120 days. A person who never applied for GA before, however, would presumably not be aware of this rule and it would be unfair to apply a 120-day ineligibility status to an initial applicant for the reason that he or she had not been diligently seeking employment prior to seeking help from the town.

As another example, § 4315-A places a responsibility on all GA recipients to use their income on basic necessities, and establishes a procedure whereby income received into the recipient's household over the 30-day period prior to an application for assistance *and not spent on basic necessities* is still counted as income available to the household. This procedure, however, only applies to repeat applicants. The law presumes that the initial applicant was not aware of such a requirement.

Having some foreknowledge of the rules of the program is the premise underlying the concept of "initial applicant." While retaining that underlying premise, the law was changed with regard to the definition of "*initial applicant*." Since July 1, 1993, an "initial applicant" is very simply a person who has *never before* applied for GA in any municipality in Maine. *Any person who has applied for GA before*, even though it might have been two, three, four or more years ago, *is a "repeat applicant."*

Prior to this change in the law, an initial applicant was any person who had not applied for GA within the last 12 months. Because of this change, a significantly greater number of applicants will be "repeat" rather than "initial" applicants because they have a history of applying for GA. The result of this change in definition will be a larger pool of "repeat applicants" applying for assistance, and GA administrators can expect these repeat applicants to possess a general understanding of GA program requirements.

The primary effect of this law is that it requires all repeat applicants to report their use of income over the last 30 days, and in response to the information provided by the applicant, administrators are authorized to consider any "misspent" income as "available" income. For a more in-depth discussion of this procedure, please refer to the section of this chapter entitled "*The Availability of Misspent Income*." Furthermore, municipalities are authorized under this definition of "initial applicant" to withhold the issuance of emergency General Assistance to "repeat" applicants when those applicants could have averted the emergency with the appropriate use of their own income and resources. For a more in-depth discussion of limiting emergency assistance, please refer to the section of this manual dealing with emergency GA, particularly the section entitled *Misuse of Income* in this chapter.

In summary, *under current GA law, **initial** applicants are all people who have **never** before applied for General Assistance in any municipality in Maine. **Repeat** applicants are people who have, **at some time** in the past, applied for General Assistance to any town or city in Maine.*

Having laid out the current status of the law, it should be noted that there are a couple of irrational results stemming from an overly literal application of this change that should be avoided.

As has been mentioned, the primary effect of this change is to *hold all repeat applicants accountable for their spending decisions over the last 30 days*. Another common expectation of all repeat applicants is that they have adequately performed any work search obligations that were placed on them at the time of their last application. Typically, *any unemployed but otherwise employable recipient is required to make a **good faith effort** to look for a job a certain number of times per week between applications for GA*.

Because a “repeat” applicant is now defined as a person who has applied for GA at some time in the past, it is now the case that a person applying for assistance after being off the program for a number of years is a repeat applicant. As a repeat applicant, that person could be held responsible in a technical sense for documenting a work search effort spanning the several years since his or her last application. While it would clearly be appropriate to inquire about such an applicant’s actual work history during an extended period of time, and while it would also be entirely appropriate to inquire about such an applicant’s work search efforts over the last month, it would be neither reasonable nor appropriate to disqualify such an individual for failing to produce a documented work search effort spanning an extended period of time during which the individual was neither applying for nor receiving GA. This is an area of GA administrative practice that requires the application of good common sense and reasonableness.

Another irrational result that could occur from too zealously applying the concept of “initial applicant” concerns the definition of “applicant.” In MMA’s model General Assistance Ordinance, the definition of “applicant” clarifies that *a person is an applicant for General Assistance when the individual applies for GA or when an application is submitted to the administrator on an individual’s behalf*. A typical example of such a circumstance would be the husband or boyfriend who never comes into the office when his wife or girlfriend applies for assistance. Because the definition of an “initial” or “repeat” applicant has been amended by law, it is important to formally recognize that *people are still “applicants” even though they get other people to apply for GA on their behalf*.

Given that definition of an “applicant,” the MMA model ordinance goes on to clarify that a person will not be considered to be a repeat applicant if the last time that person applied for General Assistance was as a dependent minor in a household. This model ordinance language is designed to flush out the statutory standards in accordance with some semblance

of reasonableness. Adults who make an effort to avoid the face-to-face application process but still obtain and enjoy the GA benefits should be subject to the rules that govern all GA recipients. On the other hand, dependent children in a household could very well be unaware of the fact that the household is receiving GA, not to mention the various rules and responsibilities to which the adults in the household are subject. MMA's model GA ordinance, therefore, considers an *individual an initial applicant if he or she has never applied for GA before or if the only time he or she applied for GA was as a dependent child within an adult-supervised household.*

Eligibility–Need

If knowing who may apply for assistance is the easiest part of administering GA, knowing who is *eligible* is the most difficult. In order to determine an applicant's eligibility the administrator must have a thorough knowledge of the state law, DHHS policy and local ordinance. There are many variables that must be considered when determining a person's eligibility. *The first eligibility test is need.*

Need

The purpose of GA is to help people who are in need. "Need" is defined in the law as "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 municipality.*"

An applicant's "need," therefore, is a function of the maximum levels of assistance established in the municipal ordinance, and there are *two types* of maximum levels of assistance by which this analysis of need is calculated:

- an overall maximum level of assistance which is determined by law, and
- maximum levels of assistance for the specific basic necessities, which are determined by local ordinance.

Therefore, there are two tests of eligibility that must be calculated before a household's exact eligibility is known with certainty.

As a general matter of GA practice and for the purposes of this manual, these two tests of eligibility are respectively known as the "**deficit**" test and the "**unmet need**" test. *The deficit test is the difference between the applicant's household income and the appropriate overall maximum level of assistance. The unmet need test is the difference between the applicant's household income and the household's 30-day need, as guided by the ordinance maximum*

levels for the specific basic needs. Both of these tests rely on a determination of the applicant's household income.

A comprehensive discussion concerning the determination of income, types of income and other income issues can be found below in this chapter. For now, and for the purposes of determining an applicant's eligibility, it will be assumed that the precise household income has been calculated.

The Deficit Test

In an effort to control the overall cost of the GA program to the state and municipalities, the Legislature in 1991 enacted a provision of GA law § 4305(3-B) that created an "aggregate" or overall maximum level of assistance for every applicant/household; that is, the maximum amount of GA available to a household for a 30-day period if the household has zero income.

The law sets that overall maximum at the greater of: (a) 110% of Fair Market Rent (FMR) levels established by the federal Department of Housing and Urban Development (HUD); or (b) the prior year's calculated overall maximum as increased by the percentage change in the federal poverty levels over the past year. **Note**, however, that the Legislature changed the formula for calculating the overall maximum for the period July 1, 2012 to June 30, 2013 (see § 4305(3-C) and again changed this formula for fiscal years 2013-2014 *and* 2014-2015 (see § 4305(3-D)). Please refer to state statute to ensure you are using the most recent formula established for calculating the overall maximum level of assistance.

The **FMRs** are calculated by HUD based on accumulated market data concerning the average rent-plus-energy costs for housing in the state's 16 counties.

Although the overall maximums established by this law are based on federal fair market rent surveys, the GA administrator should not confuse these overall maximum levels of assistance with the maximum levels of assistance in the ordinance for housing. *The overall maximum level of assistance is a hard number that applies to the total GA grant for a 30-day period.*

As a result of the current law that establishes two tests of eligibility for GA, MMA has suggested two distinct names for the purposes of distinguishing these two tests of eligibility: the "deficit" test, and the "unmet need" test. The first screen or test of GA eligibility is accomplished by determining the applicant's deficit. *The deficit is a strictly **mathematical***

subtraction of the applicant's income from the applicable overall maximum for that household size for the appropriate county as designated in the municipal ordinance.

It should be noted that an applicant is not automatically eligible for his or her deficit. It is possible (although not typical) for an applicant to have a deficit of a certain amount but have no real need for that amount of assistance when the applicant's actual expenses are taken into account. For this reason, the deficit test should always be supplemented with the unmet need test, as described below. *The way GA law works, an applicant is eligible over the course of a 30-day period for the household deficit or the unmet need, whichever is less.*

The only circumstance by which an applicant can be found eligible for more than his or her deficit is when the administrator makes a finding that the applicant is facing an **“emergency situation.”** The determination of eligibility for emergency GA and issues surrounding emergency assistance are discussed below in this chapter. It should be noted here that the analysis of eligibility for emergency GA will necessarily involve more than a determination of the applicant's deficit. *The emergency analysis will require an analysis of the applicant's unmet need.*

The point to remember is that the overall maximum level of assistance upon which the deficit is based is a somewhat arbitrary number that may or may not reflect the amount of money a household needs to get by for 30 days. *The unmet need, on the other hand, more accurately reflects the household's actual requirements.*

The Unmet Need Test

The determination of need, whether it is an initial or subsequent application, is achieved by reviewing the *household budget*.

The household budget is simply an analysis of the household's **prospective 30-day financial need for basic necessities**. It is important to remember that the analysis of need is prospective; that is, the “needs analysis” looks forward over the next 30 days and does not, generally, include expenses or debts which have already been incurred.

The GA program is designed to pay **current bills** for **basic necessities**. Debts incurred by the applicant **prior to applying for GA** or debts incurred by the applicant for **non-essentials are not considered in the 30-day budget**. While it is possible the applicant is eligible for emergency GA to alleviate a legitimate emergency situation which results as a consequence of past debts, the need for an emergency GA grant would be an independent

analysis, calculated separately from the 30-day budget analysis (see the section entitled “Emergencies,” below in this chapter).

MMA’s GA application form takes the administrator and the applicant through the budget process under the application section entitled “Expenses.” Under that section, for each of the various identified basic necessities, there are two columns in which to report information. Under the column heading “Actual Cost for Next 30 Days,” the applicant should enter the actual 30-day cost for the household’s basic necessities, such as food, rent, utilities, fuel, etc.

It is the responsibility of the applicant to supply documentation sufficient to verify the household’s actual expenses. Under the column heading “Allowed Amount,” the administrator should enter either the actual amount as indicated by the applicant or the maximum amount for that basic necessity as fixed in the municipal ordinance, whichever is less.

There is one glaring exception to the general rule that the administrator enter as an “allowed amount” either the actual 30-day cost or the ordinance maximum, whichever is less. The exception applies to the food category.

Federal law, at 7 U.S.C. § 2017(b), reads as follows:

“The value of benefits that may be provided (under the Food Stamp program) shall not be considered income or resources for any purpose under any Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of benefits under the chapter.”

Because of this federal law, the GA administrator **cannot consider the value of an applicant’s food supplement benefit** when considering how much food assistance should be budgeted for the applicant. State regulation now parallels the federal law by requiring the administrator to budget the full food maximum that is a part of the municipal GA ordinance (DHHS General Assistance Policy Manual, Section IV, “Food”).

The theory behind the federal law is that the food supplement benefit was intended to supplement and not replace all other existing food programs, and the federal Congress wanted to avoid the food supplement benefit from becoming the overall food assistance

maximum. In any event, to stay on the right side of the federal law and the state regulation, the administrator must budget the maximum food allowance for all applicants.

Another important exception to the general rule that the applicant is allowed only the lesser amount between the actual 30-day cost of the basic necessity and the ordinance maximum applies to applicants receiving federal fuel assistance benefits (HEAP/ECIP). 42 U.S.C. § 8624(f) provides that HEAP benefits *cannot be considered as “income or resources,”* but case law has interpreted the restriction to mean that eligibility for local assistance must be determined as though the recipient paid for the HEAP supplied energy.

Accordingly, under the MMA model ordinance, the administrator should enter into the “allowed amount” column the actual heating fuel costs up to the ordinance maximum for applicants who just received or are about to receive a HEAP benefit. The administrator can then reserve the issuance of that amount of assistance until the recipient can demonstrate an actual need for heating energy assistance.

It is important to note that in addition to the basic application, there is room in the budget analysis for the administrator to include other expenses to be incurred by the household which the administrator determines to be essential. *For example, some medical expenses, essential prescription drugs, non-prescription drugs, essential clothing and portions of a telephone cost (if a telephone is medically necessary) are basic necessities* that may be incurred by the household.

It might also be the case that a household is facing a special expense for goods or services which are not specifically identified as “basic necessities” in GA law. The GA program is flexible enough to allow the administrator to consider such an expense a basic necessity, and budget that expense into the household’s 30-day budget.

The result of the budget process is a “bottom line” calculation of the household “need” over the next 30-day period. By subtracting from that “need” the household’s income, the administrator reaches the determination of the household’s *unmet need*. The unmet need, if it is less than the applicant’s deficit, is the amount of “regular” or “non-emergency” GA that can be made available to the household over the 30-day period, in accordance with the household’s request for assistance.

Example: The following is an example of a budget work up for the hypothetical applicant, Patricia Flannagan. Pat was divorced recently and lives in Sorrento with her two children, ages three and five. The only household income is the monthly TANF check of \$526. The

date of the application is August 15. Pat is able to present adequate documentation to verify all her claims, and she is not presently in an emergency situation of any kind. Pat is a first time applicant so the administrator did not require proof of how Pat spent her last month's income. The overall maximum level of assistance for a household of three in Hancock County is \$913, and so after subtracting Pat's income of \$493 the administrator determined Pat's deficit to be \$387.

Pat was instructed to fill out the first column of the application, "Actual Cost for Next 30 Days." She was asked to put a figure beside each category which represents her actual cost of the particular basic necessity over the next 30 days. After Pat was finished with this section of the application, the administrator went over it with her, explaining the reason for the figures he was entering in the column "Allowed Amount."

Miscellaneous "Household Composition" Issues

Determining household composition (who is a member of the household for purposes of GA) is an essential step in calculating eligibility. Although it is one of the easier steps involved in the GA eligibility calculation process, complications sometimes arise—especially in an age where the "traditional" family composition is continuously changing.

- **Incarceration.** Although it may seem obvious, it is worth mentioning that incarcerated individuals should not be counted as members of a household for purposes of GA. *While in prison they receive all the basic necessities*—thus incarcerated family members have no "needs" relative to GA.

Furthermore, while incarcerated, they are not "shar[ing] a dwelling" with family which is key to the definition of "household" (§ 4301 (6)) and thus they are not members of the "household" for the duration of their incarceration.

- **Child Custody.** Another issue concerns the provision of GA to divorced (or separated) parents sharing legal custody of a child. In order to determine within which household the child belongs (for GA household composition purposes), *residency is a key factor.*

First, should a GA administrator receive information that a child may be living in more than one home, due for example to a divorce, the administrator should inquire as to where the child is registered to attend school. Although this may not in every situation reveal the actual residency of a child, it should generally provide the administrator with pertinent information.

Second, court documents such as “child custody orders” and “custody agreements” should also provide information as to who has custody of a child and for how many days a week, etc. If a parent has been given “sole” custody, and the child actually spends most or all of his/her time with that parent, that custodial parent would be entitled to receive the entire amount of GA designated for that child.

Note: In such a case, there exists a corresponding presumption that the other parent should be (or is) contributing child support for the child. If child support is not being received, the GA applicant as a condition of future eligibility should be made to contact DHHS’s unit of Child Support Enforcement. Because child support is considered a resource, parents are obligated to pursue its receipt as a condition of GA eligibility.

Example. Johnny’s parents are divorced. He spends half of the week with mom and half of the week with dad. Both parents reside in Wayne and he is registered for school in Wayne. Mom applies for GA and reveals that he lives with his father half of the week. The GA administrator should provide mom with only half of whatever amount she would otherwise be entitled to if Johnny were with her full time (i.e., the prorated amount).

Furthermore, since Johnny is under 25 years of age he remains the legal responsibility of both parents for support, which means the municipality could attempt to collect whatever funds are expended for Johnny from his father. The administrator should ask the mother whether she is receiving the child support Johnny’s father has been ordered to pay. If she is not, she should be required to contact the Department of Health and Human Services Support Enforcement Unit in order to seek enforcement of the father’s child support obligation.

Example. Sue’s parents are separated. She spends most of the time at her father’s home in Augusta and also attends school in Augusta. Sue’s mother lives in Old Orchard Beach. Sue’s mother applies for GA in Old Orchard Beach. Sue will be visiting her for a weekend sometime this month. Sue’s mother requests rental assistance because she lives in a one-bedroom apartment and wants to move into a two-bedroom apartment so she can accommodate her daughter with a bedroom of her own whenever she comes to visit. The GA administrator is told about the situation and performs the eligibility review based on a household of one—leaving Sue out of the household composition.

Needless to say, child custody issues relative to GA eligibility must be handled on a case by case basis. Chances are they will never be as clear cut as the previous examples. However much living arrangements may seem “untraditional” to administrators, information will

have to be objectively analyzed and DHHS or MMA should be called when dealing with situations which are unclear.

Income

If one half of the “need” analysis concerns the applicant’s overall eligibility as *though the household had access to zero income*, the other half concerns the household income calculation. Since need is determined by considering the applicant’s income, it is important to understand what is meant by *income*. The state law defines income as “any form of income in cash or in kind received by the household.” 22 M.R.S.A. § 4301(7). This definition refers to the net amount of earned income as well as retirement benefits, TANF, disability insurance, workers compensation benefits, social security income, alimony, support payments, or other forms of discretionary cash or in-kind contributions that may come into the household from friends, relatives or any other source.

Excluded Income

There are some forms of income that Congress has expressly prohibited from being considered as income. These include the food supplement benefit and fuel assistance benefits (HEAP). Also excluded by federal law is income earned under the Americorp program and VISTA job-training program. In addition, state law excludes from income property tax rebates issued under the Maine Residents Property Tax Program (so-called “Circuit Breaker” program). 36 M.R.S.A. § 6216. Effective August 1, 2013, however, the Circuit Breaker program was repealed and replaced with the “Property Tax Fairness Credit” program. Benefits obtained under the new program are counted as income unless used to provide for basic necessities. 22 M.R.S.A. § 4301(7).

Also excluded are funds from “Family Development Accounts” (known as FDAs). FDAs are accounts which can hold savings of up to \$10,000, and the family can still remain eligible for GA (in addition to other benefit programs e.g., the food supplement benefit) provided the funds in FDAs are used only for specific designated purposes such as: purchasing a car or home, or paying for education, health care, or other things approved by the Department of Health and Human Services. 10 M.R.S.A. § 1078. The earned income of any children *under 18 years old who are full-time students* and are working part-time also **cannot** be included as part of the household income. Finally, a person’s tools, such as a tractor or skidder used to earn a living, cannot be considered assets. 22 M.R.S.A. § 4301(7).

GA law also excludes work-related expenses such as withholding taxes, union dues, retirement funds, contributions, and reasonable work-related travel expenses and childcare costs from income. As a result, these items are subtracted from a household’s total income