



Health & Human Services and Public Safety Committee

**Tuesday, October 29, 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 22, 2019
 - a. October 22, 2019 draft meeting minutes
3. Shelter Policy
 - a. Committee Questions and Discussion
 - b. 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 October 8, 2019 meeting. 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 22, 2019, 5:30pm, Room 209, City Hall

Committee Attendance: Belinda Ray, Chair (District 1), Brian Batson (District 3)

Councilors in Attendance: Kim Cook (District 5)

City Staff in Attendance: Jon Jennings, City Manager; Kristen Dow, Director of Health and Human Services; Aaron Geyer, Director of Social Services; Sara Fleurant, Director of Oxford Street Shelter; Jennifer Thompson, Associate Corporation Counsel; Adam Harr, Executive Assistant

Meeting called to order at 5:30 PM.

AGENDA ITEM 1 – Announcements

- Member of the committee, Councilor Ali is out of town. Noted: all unanimous motions in the meeting were made by Chair Ray and Councilor Batson.

AGENDA ITEM 2 – Approval of Minutes

- Councilor Batson moved to approve the minutes, chair Ray seconded and the minutes were approved without amendments.

AGENDA ITEM 3 – Shelter Policy

Sara Fleurant, Director of the Oxford Street Shelter explained staff is returning with answers to the committee's questions. Link: [Memo with Staff Response HHS Questions for Oct 22nd](#)

- Shelter Statistics: Highs, lows, averages, and overflow
 - o Links:
 - [Attachment A. October 2018 to September 2019 OSS Nightly Counts and Overflow](#)
 - [Attachment B. FY 11 Oxford Street Overflow](#)
- Transportation Costs:
 - o Link: [Attachment C. HSC Transportation Costs](#)
 - o FY19 Actuals and Projections of Greyhound bus tickets for reunification, Metro tickets, and taxi vouchers.
 - o Personnel and benefits are for the anticipated shuttle
 - Dedication to transportation would depend on route and needed.
 - Some of this cost is currently in the budget as staff already transport guests using city vehicles (see below).
 - There may be additional staffing needs.

- The cost for two new shelter attendants is included to demonstrate potential costs.
- o Startup costs include the initial capital cost of the shuttle vehicle.
 - Looking at one shuttle at this point in the process but it is not set in stone.
- o An anchor area for shuttle pickup in the downtown area is planned
- o The cost of people transporting people right now is not listed for comparison
 - There are two existing vehicles
 - Existing staff do the driving.
- o The request Councilor Cook made at previous meetings on new costs was meant to be much broader, not just transportation.
 - In the initial plan, food costs were not included.
 - What other costs may be considered while making policy choices with policy preferences in the various contexts (cap, catchment area, etc.)
 - Chair Ray does not think in depth cost estimates will be included at this stage in the process as until there are policies and a facility it is not possible to estimate all of those costs. Those numbers will come after the committee makes its recommendation, during the planning and design phase.
- Food pantries and community meals on the peninsula
 - o Link: [Attachment E. Community Meals and Food Pantries](#)
- Criminal Trespass and Restriction Concerns
 - o Link: [Attachment D. HHS Committee Criminal Trespassing](#)
 - o Community wide CTOs issued
 - 170 CTOs community wide in 2018
 - OSS: 84
 - Community Partners : 86
 - o (PSRC, Joe Kreisler Teen Center, Milestone Recovery, Logan Place, Huston Commons, Amistad, Florence House, CHOM, Shalom House)
 - 188 CTOs community wide in 2019
 - OSS: 126
 - Community Partners : 62
 - o City Manager Jennings spoke to why there may be more CTOs in 2019. There has been more aggressive behavior and we will not allow that behavior towards staff to go on without accountability.
 - There were 54 assaults at the Oxford Street Shelter, some towards staff and some towards guests of the shelter.
 - An increase in CTOs from the City perspective can be attributed to the change of substance use in the population from Opioids to Meth.
 - Councilor Batson noted the hospitals are seeing an increase in meth and aggression
 - Chair Ray noted that there is not much physical space for individuals to cool down or take personal space if necessary in the current shelter.
 - City Manager Jennings commended the Shelter's staff as they de-escalate situations and continue to operate 24-hours a day without reducing hours.
 - o Chair Ray asked about other instruments that remove people from shelter?

- CTOs are a 1-year restriction from shelter
- Progressive discipline can start with a walk around the neighborhood and lead to longer informal restrictions.

Committee Questions and Discussion

- Chair Ray looked to the time in overflow answer and appreciated including that in FY2019 it was 28% chronically homeless and in FY2018 it was 32%. Our chronically homeless numbers are trending down, largely in part to the Long-Term Stayer Initiative, and that is good to see.
- Councilor Cook asked about Chapter 2 of the Maine Municipal Association General Assistance Manual.
 - Jen Thompsons explained it is a helpful document for the questions in executive session and do not reflect the recent changes to GA statute.
 - Link: [MMA GA Manual - Chapter 2](#)

Chair Ray entertained a motion to enter 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, Councilor Batson moved to open executive session and Chair Ray seconded; the motion passed unanimously without members of the public requesting to give public comment.

Executive Session started at approximately 6:00 PM

Executive concluded and open session resumed at approximately 7:17 PM

Committee Questions and discussion continued

- Councilor Cook asked how do other municipalities provide emergency shelter under General Assistance obligations as Portland is the only one that operates shelters.
 - Are their spending and budgets available?
 - A sampling would work, such as Bangor, Biddeford, Lewiston, etc.
- GA Ordinance is based on state law; how is the City of Portland's GA Ordinance the same and how is it different from other municipalities?
 - Do municipalities use an MMA standard model and is Portland's the same or does it go above and beyond?
 - Jen believes the state is required to approve ordinances and that MMA provides a model. She suspects Portland's may go into deeper detail than others with slight deviations under the general statutory framework.
 - She is happy to provide a further analysis at a future meeting.
- If there are municipalities that do so, how do other municipalities in the state provide shelter to non-GA eligible individuals?

AGENDA ITEM 4 – Next Meeting

- Next meeting October 29, 2019 (Committee members will confirm their availability)
- Goals
 - Have prepared a resolution on policy goals for the 10/29/2019 meeting.
 - Vote if the committee is ready to do so; if not yet ready to vote, then the committee would hold a vote at the November 12, 2019 meeting

The meeting adjourned at approximately 7:24 PM.



Maine Municipal GA Ordinances

Bangor

<https://ecode360.com/6890558>

Brewer

<http://brewermaine.gov/wp-content/uploads/2019/10/CHAP11GA.pdf>

Lewiston

<https://www.lewistonmaine.gov/DocumentCenter/View/211/Chapter-46?bidId=>

Portland

<https://www.portlandmaine.gov/DocumentCenter/View/1077/Chapter-13-General-Assistance---Revised-12192016>

Waterville

<http://www.waterville-me.gov/ordinances/wp-content/uploads/sites/25/2019/03/GA-Ordinance.pdf>

[HISTORY: Adopted by the City Council of the City of Bangor 2-27-2006 by Ord. No. 06-80.^[1] Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 134, General Assistance Program, adopted as Ch. II, Art. 21, Sec. 5, as amended.*

§ 134-1 Declaration of policy.

- A. The City of Bangor shall administer a program of general assistance available to all persons who are qualified to receive general assistance in accordance with the standards of eligibility as set forth herein. Applications will be accepted during regular business hours from anyone who expresses a desire to receive assistance, and relief will be furnished to those who qualify within 24 hours of the date of the submission of the application.
- B. Assistance in the City of Bangor will be provided for certification periods not to exceed one month. In order to be eligible for assistance the applicant must meet all eligibility requirements of these guidelines. Eligibility for assistance will be determined in accordance with § 134-10 of these guidelines. It is the policy of the Department not to make grants of cash directly to the recipients.
- C. Every effort will be made by employees of the Health and Community Services Department to recognize and encourage dignity, self-respect and self-reliance. One of the goals of the General Assistance Program will be to assist each applicant in achieving self-maintenance and adequate social function. The incentive to work will be encouraged. An important focus of the general program will be the preservation and strengthening of the family unit in order to secure the rights of all children to a sound and healthy environment conducive to normal development.
[Amended 11-14-2007 by Ord. No. 07-319]
- D. The General Assistance Program will place no restriction on the individual rights of any applicant, nor will there be any discrimination based upon race, sex, religion and political affiliation.
- E. The Health and Community Services Department will take all reasonable steps to ensure that each client is made aware of his/her rights and responsibilities under the General Assistance Program. Each applicant will be evaluated individually, with fair and equal treatment being guaranteed to all applicants. Any applicant shall have the right to request a fair hearing of any decision concerning his/her right to assistance in accordance with these guidelines and 22 M.R.S.A. § 4322.
[Amended 11-14-2007 by Ord. No. 07-319]
- F. As far as reasonably possible, decisions on all applications for assistance will be made at the time of application. Complete records will be maintained, and all information given by clients must be recognized as privileged and confidential. All decisions concerning the applicant's right to assistance will be given in writing stating the reasons why assistance was granted or denied.
- G. A notice will be posted in the office of the Health and Community Services Department stating the hours and days that General Assistance will be administered. An updated copy of these guidelines will be maintained for easy access to any member of the public.
[Amended 11-14-2007 by Ord. No. 07-319]
- H. A copy of these guidelines, together with a copy of all application forms and notices, shall be on file with the Commissioner of Health & Human Services. Any amendment or modification of these guidelines shall be submitted to the Commission for comment and filing.

§ 134-2 Definitions.

Unless otherwise defined, all terms used herein will have their common meanings. Words and phrases having special definitions will be defined when they first appear in the guidelines, except as follows:

APPLICANT

A person who has expressed, by means of a written application form, either directly or through an authorized representative, a desire to receive general assistance.

APPLICATION

An action by which a person indicates in writing to the Health and Community Services Department his/her desire to receive general assistance.

[Amended 11-14-2007 by Ord. No. 07-319]

APPLICATION FORM

A document in a form prescribed by the Director of Health and Community Services formalizing, in writing, the applicant's desire to receive general assistance.

[Amended 11-14-2007 by Ord. No. 07-319]

BASIC NECESSITY

Food, clothing, shelter, fuel, electricity, nonelective medical services recommended by a physician, telephone where it is necessary for medical reasons and any other commodity or service determined essential by the Director of Health and Community Services. Basic necessities do not include security deposits for rental property, except for those emergency situations where no other permanent lodging is available unless a security deposit is paid.

[Amended 11-14-2007 by Ord. No. 07-319]

CASE RECORDS

Official files of forms, correspondence and narrative records pertaining to the application, determination of eligibility, reasons for decisions and actions by the caseworker or the Director of Health and Community Services and kinds of assistance given each applicant.

[Amended 11-14-2007 by Ord. No. 07-319]

CLAIMANT

Any applicant or recipient who has requested a fair hearing.

DEFICIT

The difference resulting from subtracting a household's net income from the overall maximum for the appropriate household size for a particular municipality.

DESTITUTE

In distress and standing in need of immediate relief.

DIRECTOR OF HEALTH AND COMMUNITY SERVICES

The municipal official designated to receive applications, to make decisions concerning a client's right to assistance and to prepare records and communications concerning granting of assistance. The Director of Health and Community Services may delegate such tasks to other employees of the Health and Community Services Department (caseworkers).

[Amended 11-14-2007 by Ord. No. 07-319]

DISABLED PERSON

A person who by reason of any incapacity of a physical or mental nature verifiable by objective medical evidence is therefore unable to work or maintain a home.

DWELLING UNIT

A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit.

EMERGENCY

Any life-threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health and safety of a person. If the applicant had sufficient income/resources to provide the basic necessities needed to alleviate the emergency but chose to use it for other than basic necessities, no emergency will exist for general assistance purposes and the applicant will not be eligible to receive assistance to replace that income/resource.

GENERAL ASSISTANCE PROGRAM

A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families.

HOUSEHOLD

An individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals in a dwelling, eligible applicants shall receive assistance for no more than a pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in this chapter. The income of household members not legally liable for supporting the household must be considered as available to the applicant only when there is a pooling of income.

INCOME

Any form of income in cash or in kind received by the household, including net remuneration for services performed; cash received on either secured or unsecured credit; any payments received as an annuity; retirement or disability benefits; benefit under any state or federal categorical assistance program, supplemental security income (SSI), social security (SS) and any other payments from government sources, unless specifically prohibited by any law or regulation; court-ordered support payments; income from pension or trust funds; and household income from any other source, including relatives or unrelated household members.

JUST CAUSE

Just cause for failure to meet work requirements or the use of potential resources shall be found when there is reasonable and verifiable evidence of:

- A. Physical or mental illness or disability.
- B. Below-minimum wages.
- C. Sexual harassment.
- D. Physical or mental inability to perform required job tasks.
- E. Inability to work required hours or to meet piecework standards.
- F. Lack of transportation to and from work or training.
- G. Inability to arrange for necessary child care or care of an ill or disabled family member.
- H. Any reason found to be good cause by the Bureau of Employment Security.
- I. Any other evidence which is reasonable and appropriate.

LUMP SUM PAYMENT

A one-time or typically nonrecurring sum of money issued to an applicant or recipient after an initial application. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses.

MINOR CHILD

Any person who has not attained the age of 18 years.

MUNICIPALITY OF RESPONSIBILITY

The municipality which is liable for the support of an eligible person at the time of application.

NEED

The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the overall maximum levels of assistance established by this chapter.

NOTICE

Notice shall constitute that relief shall be furnished or denied within 24 hours of the submission of an applicant's benefit request.

REAL ESTATE

Any land, buildings, homes, mobile homes and any other things affixed to that land.

RECIPIENT

A person who has been found eligible to receive general assistance under these guidelines by the Director of Health and Community Services or his/her authorized assistant.

[Amended 11-14-2007 by Ord. No. 07-319]

RESIDENT

A person who has moved into a municipality with the intention of remaining in that municipality and establishing a household and who has no other residence.

ROOMING HOUSE

A home licensed by the City where the landlord rents to persons each of whom pays the landlord for his/her room although such persons may share other facilities, such as a bathroom, living room or kitchen.

STUDENT

An individual over the age of 18 years who is currently enrolled in a post-secondary educational or training program, not specifically designed to assist him/her in securing employment, during regular business hours and by virtue of this fact is unavailable for full-time employment during these hours.

UNEMPLOYABLE

An individual who, through no fault of his/her own, has, over a period of time, demonstrated an inability to secure or retain gainful employment in spite of continued diligent attempts and repeated efforts at training and retraining may be considered unemployable.

UNMET NEED

The difference resulting from subtracting a household's projected thirty-day net income from the household's thirty-day need, which is the sum of the client's actual thirty-day expenses for basic necessities, up to the specific chapter maximums.

§ 134-3 Confidentiality of information.

- A. Under 22 M.R.S.A. § 4306, records, papers, files and communications relating to an applicant or recipient of general assistance are confidential, and no information relating to an applicant or recipient of general assistance may be disclosed to the general public, unless expressly permitted by that applicant or recipient.
- B. Information supplied to the municipality by the State Department of Health & Human Services under 22 M.R.S.A. § 4314, Subsection 1, concerning recipients of categorical assistance is to be held confidential by the municipality. Misuse of information, whether in state or municipal records, concerning public assistance clients is punishable by law as a misdemeanor (22 M.R.S.A. § 42). The Director of Health and Community Services should also be aware of laws concerning the confidentiality of records concerning narcotics prescriptions and records concerning birth, marriage and death (22 M.R.S.A. § 2706).

[Amended 11-14-2007 by Ord. No. 07-319]

§ 134-4 Maintenance of records.

[Amended 11-14-2007 by Ord. No. 07-319]

The Health and Community Services Department is required by statute to keep complete records of general assistance granted by the City of Bangor. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record is established for each individual or household applying for general assistance.

- A. The purpose for keeping records of general assistance is three-fold:

- (1) To provide a valid basis of accounting for expenditure of municipal funds.

- (2) To support decisions concerning the applicant's eligibility.
- (3) To assure availability of information if a client seeks administrative or judicial review of the caseworker's decision.
- B. When verification of circumstances affecting eligibility is needed, information recorded will be limited to what is necessary to ensure validity of the decision concerning assistance. Narrative record will be utilized to explain the unique circumstances of each client.
- C. Minimum information to be maintained in case records by the caseworker is the following:
 - (1) Completed application for assistance.
 - (2) Grounds for approval or denial of application.
 - (3) A narrative social history recording the need for assistance, the results of home visits, collateral information, referrals, changes in statutes, etc.
 - (4) Complete data concerning the type and amount of assistance granted.
 - (5) A copy of the notification of eligibility form.

§ 134-5 Application procedure.

Any person who makes an application for assistance and who has never applied for assistance in any municipality within the State of Maine shall have his/her eligibility determined solely on the basis of need. All subsequent applications shall be considered in accordance with these guidelines.

- A. Right to apply.
 - (1) Any person has the right to apply for general assistance. An individual may do so by appearing in person before a caseworker and expressing a desire to receive general assistance and by completing a written application and other forms as may be required by the Director of Health and Community Services. If an individual is incapacitated, application may be made through a duly authorized representative.
[Amended 11-14-2007 by Ord. No. 07-319]
 - (2) In any case when an applicant is unable, due to illness, disability, lack of transportation, lack of child care or other good cause, to apply in person for assistance or unable to appoint a duly authorized representative, the caseworker shall accept an application by telephone, subject to verification by mail and a visit to the applicant's home, with the consent of the applicant. If the applicant fails to give such consent, assistance will be denied.
- B. Caseworker's responsibilities at time of application. When application is made for general assistance, the caseworker shall inform the applicant of:
 - (1) The standards of eligibility for general assistance in the City of Bangor.
 - (2) The applicant's right to review and the nature of the review process.
 - (3) The applicant's responsibility for reporting all facts material to a proper determination of eligibility, and the penalties for false representation, to the caseworker in order to receive general assistance (see 22 M.R.S.A. § 4315) and that such false representation is a Class E crime and may, upon written notice, result in a disqualification of 120 days. Allegations of fraud and abuse made by members of the public may be investigated through a home visit conducted during regular working hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.).
 - (4) The joint responsibility of the caseworker and the applicant for presenting records or documents in his/her possession or readily available to him/her to support his/her statements.
 - (5) The kinds of verification needed.

- (6) The fact that an investigation will be undertaken by the Health and Community Services Department as to the applicant's income, resources and assets and that such an investigation may include an announced home visit made during regular working hours.
[Amended 11-14-2007 by Ord. No. 07-319]
 - (7) The applicant's responsibility for notifying the caseworker of any change in circumstances that will affect his/her eligibility.
 - (8) Any other programs of assistance or service of which the caseworker may be aware of which the applicant may avail himself/herself in addition to or in lieu of receiving general assistance.
 - (9) The City of Bangor's rights and remedies for reimbursement from the applicant's relatives pursuant to 22 M.R.S.A. § 4319.
 - (10) The applicant's personal responsibilities for reimbursement to the City of Bangor under 22 M.R.S.A. § 4318.
- C. Emergency benefits prior to full verification. Whenever an applicant for general assistance states to the caseworker that he/she is in need of immediate assistance to meet basic necessities, the caseworker shall, pending verification, issue to the applicant, within 24 hours of the application, sufficient benefits to provide the basic necessities needed immediately by the applicant, provided that the following conditions are met:
- (1) Probability of eligibility for assistance after full verification. As a result of the initial interview with the applicant, the caseworker shall have determined that the applicant will probably be eligible for assistance after full verification is completed.
 - (2) Documentation. Where possible, the applicant shall submit to the caseworker at the time of the initial interview adequate documentation to verify that there is a need for immediate assistance.
 - (3) Information obtained. When adequate documentation is not available at the time of the initial application, the caseworker may contact at least one other person for the purpose of obtaining information to confirm the applicant's statements about his/her need for immediate assistance.
 - (4) Limitations. In no case:
 - (a) May the authorization of benefits under this Subsection C exceed 30 days.
 - (b) May there be further authorization of benefits to the applicant until there has been full verification confirming the applicant's eligibility.
- D. Temporary refusal to accept applications. Under special circumstances the Department may refuse to accept applications. Such circumstances shall include, but are not limited to, the following:
- (1) Cases where the applicant's conduct is abusive and disruptive or in cases where the applicant is under the influence of alcohol or drugs. The applicant may be required to leave. If he or she refuses to leave, the police may be summoned. The applicant will be informed that an application will be taken when the particular circumstances are no longer present.
 - (2) Cases where a third person desired to make application for assistance on behalf of the applicant. The person will be requested to provide written verification that he or she has been authorized to act as representative for the applicant.

§ 134-6 Responsibilities of applicant and recipient.

Each applicant and recipient has a responsibility at the time of the application and continuing thereafter:

- A. To provide accurate, complete and current information concerning his/her needs, resources and assets and the whereabouts and circumstances of responsible relatives.
- B. To notify the caseworker when a change in his/her needs, resources and assets will affect eligibility for general assistance.

- C. To apply for and utilize any other available benefits or resources that will reduce or eliminate the need for general assistance.
- D. To reimburse the City for the costs of assistance granted in the event that he/she becomes of sufficient ability to pay the same. The City may recover the full amount expended for assistance either from the person relieved or from any person liable for the recipient's support, their executors or administrators in a civil action. In no case may the City be authorized to recover through a civil action, in full or part, the amount expended for assistance of a previously eligible person if, as a result of the repayment of that amount, this person would in all probability again become eligible for general assistance.
- E. To use all moneys available to him/her for necessities first before requesting general assistance or purchasing luxury items.

§ 134-7 Recognition of dignity and rights.

Any initial interview or any later proceedings, including any investigation of the applicant's eligibility, shall be conducted in a manner that will not violate the privacy, personal dignity or individual rights of either the caseworker or the client and/or his or her family and personal acquaintances.

§ 134-8 Action on application.

[Amended 11-14-2007 by Ord. No. 07-319]

Unless an application is withdrawn, the caseworker must make a decision concerning the applicant's eligibility and, if eligible, commence furnishing relief within 24 hours after the date of submission of a signed and completed application, together with all other forms required by the Director of Health and Community Services.

§ 134-9 Withdrawal of application.

An application is considered withdrawn if:

- A. The caseworker is unable to complete the interview, if the applicant refuses to cooperate with the caseworker;
- B. The applicant dies before general assistance is furnished;
- C. The applicant avails himself/herself of another service which makes him/her ineligible under these guidelines;
- D. The applicant requests, in writing, that his or her application be withdrawn; or
- E. The applicant fails to complete or sign the application or any other form required by the Director of Health and Community Services.

[Amended 11-14-2007 by Ord. No. 07-319]

§ 134-10 Redetermination of eligibility.

- A. The application form will show the duration of the limited periods of entitlement. Written notice of termination or suspension of benefits with opportunity for hearing will be given should a decision be made to discontinue assistance during this limited period of entitlement.
- B. If a hearing is requested within the established time limit, assistance will continue pending a decision from the hearing authority. At no time will such an extension of benefits outlast the original certification period.

§ 134-11 Minors.

Under Maine law, the care and supervision of unemancipated minors becomes the responsibility of the Department of Health & Human Services when parents or legal guardians cannot/will not fulfill their parental responsibilities.

- A. When an unemancipated minor applies for general assistance:
 - (1) The caseworker will attempt to contact the parents or legal guardians of the applicant to inform him/her of the application, action on the application and the parent's/guardian's responsibility to support. Contact will not be made if the caseworker has sufficient reason to believe that such contact may physically endanger the minor; and

- (2) The Department of Health & Human Services Child Protective Services will be notified by the caseworker, in writing, that the minor may be living in circumstances which are seriously jeopardizing the health and welfare of the minor.
- B. Minors will be expected to comply with all eligibility requirements set forth in this chapter.
- C. Nothing in this section may permit the City of Bangor to deny assistance to an otherwise eligible minor when there is any dispute regarding parental or Department of Health & Human Services responsibility.
- D. When sufficient funds to support the minor within the standards of these regulations are unavailable from the Department of Health & Human Services or from any other source, emergency assistance may be given to an unemancipated minor for a maximum of 30 days, pending a decision from the Department of Health & Human Services. Such assistance may be in the form of goods, household/personal items, rent in an already established household, etc. Emergency shelter may be provided in a City-run shelter.

§ 134-12 Eligibility of minors who are parents.

- A. A person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible for assistance only if that person and child reside in a dwelling maintained by a parent or other adult relative at the parent's or relative's own home or in a foster home, maternity home or other adult-supervised supportive living arrangement, unless:
 - (1) The person has no living parent or the whereabouts of both parents are unknown;
 - (2) No parent will permit the person to live in the parent's home;
 - (3) The Department of Health & Human Services determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent;
 - (4) The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child;
 - (5) The Department of Health & Human Services determines that there is good cause to waive this requirement; or
 - (6) The person has been legally emancipated by valid decree of a state, tribal or federal court.
- B. For the purpose of this section, "parent" includes a legal guardian.
- C. Under statute, the City of Bangor is absolutely immune from suit on any tort claims seeking recovery or damages by or on behalf of the minor recipient in connection with the provision of general assistance.

§ 134-13 Residence.

- A. Residence is a factor in determining whether the City of Bangor is responsible for providing assistance to an individual. The City has a statutory duty to give assistance to residents (see definition) of the City who are in need. Assistance will be given to eligible persons who apply for assistance and who are neither residents of the City nor of any other municipality. When the City of Bangor assists a recipient to relocate, at the recipient's request, in another municipality the City will continue to be responsible for the support of said recipient for 30 days after relocation. An applicant who is in a group home, shelter, rehabilitation center, nursing home, hospital or other institution at the time of application and who has either been in that institution for six months or less or has a residence which he/she has maintained and to which he/she intends to return shall remain the responsibility of the municipality where the applicant was a resident immediately prior to entering the institution.
- B. If a resident of another municipality falls into distress in the City of Bangor, emergency assistance may be given to that individual on behalf of the responsible municipality, provided that the administration in that municipality had given prior approval and has agreed to reimburse the City of Bangor for the assistance provided.

§ 134-14 Liquid assets.

No person owning assets easily convertible into cash, including but not limited to bank deposits, stocks, bonds, certificates of deposit or other marketable security or life insurance with a cash surrender value, will be eligible for assistance. In those cases

where the need for relief is determined to exceed the cash value of such liquid assets, assistance may be granted for any remaining difference.

§ 134-15 Tangible assets.

No person owning or possessing tangible assets consisting of more than one motor vehicle or a boat, trailer, recreation vehicle or other assets that are convertible into cash and nonessential to the maintenance of the applicant's household shall be eligible for general assistance.

- A. Exceptions may be made when a person is making an initial application and when reasonable efforts to convert assets to cash at fair market value are unsuccessful.
- B. Tools of a trade and other equipment used for the production of income are not considered available assets.
- C. The ownership of one automobile under the value of \$8,000 by an applicant or a dependent will not make the applicant ineligible for assistance if such automobile is essential for transportation to employment, medical care, rehabilitation or training facilities.

§ 134-16 Citizenship.

Applicants who are neither citizens of the United States nor lawfully admitted clients may be referred to the United States Department of Immigration for appropriate action. Emergency assistance may be granted to an applicant pending action by the Department of Immigration.

§ 134-17 Other resources.

Any applicant or recipient must make a good faith effort to secure any potential resources which may be available, including but not limited to any state or federal assistance program; unemployment benefits; governmental or private pension programs; available trust funds; support from legally liable relatives; child support; jointly held resources where the applicant or recipient share may be available to the individual, etc. Assistance shall not be withheld pending receipt of such resources as long as application has been made or good faith effort is being made to secure the resource.

- A. Any individual applying for or receiving assistance due to a disability must make a good faith effort to make use of any medical and/or rehabilitative resources that may be recommended by a physician and which are available without financial burden which would not constitute further physical risk to the individual.
- B. Any applicant who forfeits receipt of or causes reduction in benefits from another public assistance program because of a knowing and willful violation of a program rule is not eligible to receive general assistance to replace the forfeited assistance.

§ 134-18 Insurance.

- A. Insurance that is available to an applicant on a noncontributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may be considered as a tangible asset. The applicant must begin the process of liquidating this asset within seven days of application, and the proceeds from this asset must be used to purchase basic necessities.
- B. Minimum liability coverage will not be a factor in determining eligibility when an automobile is essential for transportation to employment, medical care, rehabilitation or training facilities, except that the mileage reimbursement is intended to cover the cost of insurance, as well as registration, inspections, etc.

§ 134-19 Real property.

No person owning real property shall be eligible for assistance except as follows:

- A. Where the applicant owns real property which he/she makes his/her home he/she may be eligible to receive assistance.
- B. When the City spends general assistance funds to provide mortgage payments to an eligible person, such payment may not exceed the housing maximums stated in these guidelines. A lien may be placed upon that property for the amount of

mortgage assistance given. Such a lien will not be claimed until the death of the recipient or the transfer of said property. Any recipient receiving assistance with a mortgage payment will receive written notification of these conditions.

- C. When the City spends general assistance to make capital improvements to real estate, whether land or buildings or a combination of land and buildings, on behalf of an eligible client, a lien may be placed upon that property for the amount of the assistance given to make the capital improvement. No such lien shall be enforced by collection or other legal action until the death of the recipient or the transfer of the property to a third party. Any recipient receiving assistance with capital improvements will receive written notification of these conditions.
- D. The Health and Community Services Department may provide assistance upon receipt of the initial application to persons owning real estate other than their home in case of emergency. Continued eligibility for any type of assistance will depend upon the applicant making a reasonable effort to dispose of such real property at a fair market value.

[Amended 11-14-2007 by Ord. No. 07-319]

§ 134-20 Employment.

Unless exempted herein, every person receiving assistance under this chapter shall actively seek and accept gainful employment. For purposes of this chapter, "gainful employment" shall mean any available employment within the recipient's skills and abilities resulting in the maximum possible income for the recipient. Such efforts shall include, but not be limited to, registration with the Bureau of Employment Services of the Maine Department of Labor, diligent solicitation of available job openings and making oneself available for work at all times during the night or day. The requirements of this chapter shall also apply to every member of the recipient's household, unless specifically exempted.

- A. The only persons who shall be exempted from this requirement shall be:

- (1) Dependent minor children.
- (2) Persons over the age of 65.
- (3) Persons who, by reason of illness or disability, are unable to perform any type of work. Any person claiming to be exempt from seeking or accepting employment because of illness or disability may be required by the Health and Community Services Department to be examined by a qualified physician at the Department's expense. Reimbursement for these services shall be at current Medicaid rates.

[Amended 11-14-2007 by Ord. No. 07-319]

- (4) Persons whose presence is required in the home in order to provide care for a dependent child under the age of six years or for any ill or disabled member of the household.
- (5) Persons 18 years of age and older who are regularly participating in a vocational training or primary or secondary educational program which would assist the individual in securing employment.

- B. Applicants and recipients are ineligible for assistance for 120 days if, without just cause, they:

- (1) Quit work or are discharged for misconduct. The disqualification commences with the date of separation from employment.
- (2) Refuse to search for employment.
- (3) Refuse to register for work.
- (4) Refuse to accept a suitable job offer under this section.
- (5) Refuse to perform or willfully fail to perform a job assigned under this section.
- (6) Willfully perform a job assigned under this section below the average standards of that job.
- (7) Refuse to participate in a training, educational or rehabilitation program which would assist them in securing employment.

- C. This person may become eligible during this period of time if he/she becomes employed or otherwise satisfies the requirement of this section for which he/she was disqualified.
- D. In no case may the requirement to search for work or participate in a work or training program interfere with:
 - (1) Existing gainful employment or participation in a vocational training or primary or secondary educational program which would assist the individual in securing employment;
 - (2) The individual's ability to follow up on a bona fide job offer;
 - (3) Attendance at an interview for possible employment;
 - (4) Participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - (5) Participation in a training program which is operated under the control of the Department of Health & Human Services or the Department of Labor. This does not include participation in a degree-granting program, except when that program is under the Department of Health & Human Services or the Department of Labor.

§ 134-21 Work requirement.

All persons otherwise eligible for general assistance under this chapter may be required to perform work for the City of Bangor or to participate in a training or educational program which would assist him/her in securing employment as a condition of receiving such assistance. Any such work requirement shall be subject to the provisions of 22 M.R.S.A. § 4316-A, as modified by the following:

- A. The work requirements of this chapter shall be under the direction of the Director of Health and Community Services, who shall be authorized to issue such administrative directives as may be necessary from time to time to ensure the proper implementation of the work requirement program.
[Amended 11-14-2007 by Ord. No. 07-319]
- B. An otherwise eligible person who refuses a workfare assignment from the City of Bangor under this chapter without just cause shall be ineligible for general assistance for a period of 120 days.
 - (1) Refusal to accept a workfare assignment shall include:
 - (a) Failure to report for work.
 - (b) Leaving work without permission from the worker's supervisor before the work period has ended.
 - (c) Failure to perform work as directed.
 - (2) A recipient who is disqualified under this section will be given one opportunity to regain eligibility during the one-hundred-twenty-day disqualification. Any recipient who intentionally causes damage to property or harms other employees by his/her actions and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.
- C. In no case shall eligible persons performing work under this chapter replace regular municipal employees.
- D. No person shall, as a condition of general assistance eligibility, be required to do any amount of work that exceeds the value of the net general assistance that person should otherwise receive under these general assistance standards. Any person performing work under this chapter shall be provided with net general assistance, the value of which is earned at a rate of at least the state's minimum wage. Expenses related to the work performed shall be considered in determining the amount of net general assistance being provided.
- E. Work performed under this chapter shall not interfere with the eligible person's existing employment; ability to follow up on a bona fide job offer; attendance at job interviews; participation in a primary or secondary educational program intended to lead to a high school diploma; or participation in a training program which is either approved or determined, or both, by the Department of Labor to be reasonably expected to assist the individual in securing employment. This

subsection does not include participation in a degree-granting program, except when that program is a training program operated under the control of the Department of Health & Human Services or the Department of Labor.

- F. An eligible person may be required to perform work prior to receiving assistance when that assistance is not emergency in nature.
- G. Failure of an otherwise eligible person to accept a suitable workfare assignment under this section shall not affect the general assistance eligibility of any member of the person's household who is incapable of working; a dependent minor child; an elderly, ill or disabled person; and a person whose presence is required in the home in order to provide care for a dependent child under the age of six years or for any ill or disabled member of the household.
- H. General assistance recipients required to perform work for the City of Bangor under this chapter will complete and execute such forms as may be required by the Director of Health and Community Services for purposes of administering the work requirement program. All forms will be read to the recipient to ensure complete understanding of the conditions under which the general assistance is to be granted. The work order form will detail the amount of time the recipient is expected to work, the department to which he or she is assigned and the date, time and work location to which he or she is to report. Expenses related to work performed under this section by an eligible person shall be considered in determining the amount of net general assistance to be provided to the person.

[Amended 11-14-2007 by Ord. No. 07-319]

§ 134-22 Security deposits; back bills.

- A. It is the policy of the City of Bangor not to expend public funds for security deposits. When the only suitable housing available requires a security deposit, the client will be required to enter into an agreement with the landlord to pay a portion of the deposit each month until the total payment is made or to apply for whatever other resources might be available to assist in the payment of security deposits. When no other solution is possible, the caseworker may issue a written guaranty for damages (in lieu of up to one month's rent).
- B. Assistance is not available to pay a bill for a basic necessity when that bill is more than two months old and the person requesting assistance had sufficient income, money assets or other resources available to pay for the basic necessity when the bill was received. The person requesting the assistance shall be required to provide evidence of income for the applicable time period.
- C. At the discretion of the Department, the current bill may be guaranteed to prevent an eviction or a utility shutoff.

§ 134-23 Hotel rooms.

No welfare funds shall be expended for hotel rooms where the costs exceed the rental allowance. However, an exception would be made for efficiency units where no shelter facilities are available.

§ 134-24 Verification required.

- A. It is the responsibility of the individual requesting assistance to provide enough information to verify that he or she is eligible. This verification may include but not be limited to wage statements, receipts for household expenditures, etc.
- B. The caseworker may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the caseworker may examine public records without the applicant's knowledge and consent.
- C. Home visits may be made in order to verify information supplied by the client at the time of application. Clients will be notified at the time of application that such a visit is possible. Visits will be conducted during regular working hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.).
- D. Any applicant who refuses to allow a home visit will be denied assistance under this section until such a visit is allowed.
- E. When available information is inconclusive or conflicting regarding a fact which is material and necessary to determine eligibility, the applicant will be advised as to what questions remain. To be considered inconclusive or conflicting, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications or inconsistent with information received by the caseworker from

other sources. Assistance may be denied or terminated if the applicant is unwilling to supply the caseworker with necessary verification or permission to make collateral contacts or if the caseworker cannot determine that eligibility exists after contact with the applicant or the applicant's collateral contacts.

§ 134-25 Personal financial resources.

Personal financial resources shall be used to meet current expenses before requesting assistance.

§ 134-26 Deficit formula; unmet need formula.

- A. The deficit formula will be calculated by taking the overall maximum and subtracting income minus actual work-related expenses (if any) and adding in any unaccounted-for income.
[Amended 12-28-2009 by Ord. No. 10-030]

- (1) If there is no deficit and no emergency is determined to exist, assistance will be denied.
- (2) In cases where there is a deficit, an unmet need formula will be calculated by determining the actual cost of basic necessities up to the maximum levels established by this chapter for each need category and subtracting the income, minus actual work-related expenses (if any), and adding in any unaccounted-for income.
- (3) An applicant may be granted assistance up to the lesser of the two amounts so determined.
- (4) In case of an emergency which could not have been averted, a determination must be made as to whether or not all income has been used on basic necessities and that there is no other source available to assist with the emergency. If all of these conditions are met, assistance may be granted to alleviate the emergency.

- B. Earned income. Earned income shall consist of income in cash or kind earned by the applicant or recipient or members of his or her household through wages, salary, commissions or profit, whether self-employed or as an employee. Rental income and profits from products sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income, when income taxes, social security and other payroll deductions which are required by state, federal or local law are deducted.

- C. Income from other assistance or social insurance programs. State categorical benefits, supplemental security income (SSI) payments, social security benefits, veterans' (VA) benefits, unemployment insurance benefits and payments from other governmental or private sources will be considered as income unless specifically prohibited by any law or regulation. Any applicant who forfeits receipt of or causes reduction in benefits from another program because of a knowing and willful violation of a program rule is ineligible to receive general assistance to replace the forfeited assistance.

- D. Court-ordered support payments. Alimony and child support payments will be considered income only if they are actually received by the applicant or recipient.

- E. Income from other sources. Income from any source will be considered if it is intended for use by any member of the household, related or unrelated, and is actually available to the applicant.

- F. Earnings of a child. The earnings of child under the age of 18 years who is a full-time student and who is not working full time will not be considered as income under these guidelines.

- G. Retroactive benefits. If an applicant receives a lump sum payment, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant/recipient has spent to purchase basic necessities, including but not limited to all basic necessities provided by general assistance; payments of funeral or burial expenses for a family member; travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disasters; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; and payment of bills earmarked for the purpose for which the lump sum is paid.

- (1) The period of proration is then determined by dividing this total by the greater of:

- (a) The verified actual prospective thirty-day budget for all the household's basic necessities; or

(b) By 150% of the applicable federal poverty guidelines.

- (2) The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.
- (3) Notwithstanding any other provisions of law, the City of Bangor shall have a lien for the value of all general assistance payments made to a recipient on any lump sum payments made to said recipient under the Workers Compensation Act of the State of Maine or similar law of any other state.
- (4) All applicants who receive general assistance while receipt of their supplemental security income (SSI) assistance is pending or suspended and which therefore may be retroactively issued to the applicant at a later date will be required to sign a statement on a form distributed by the Department of Health & Human Services that authorizes the social security to direct a portion of any retroactive SSI payment to the City of Bangor and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied or who may be applying for SSI or who refuses to sign such an authorization will be found ineligible for general assistance until he/she provides the required signature.
- (5) For good cause shown, an applicant's deficit may be consolidated and applied to housing costs (rent, utilities, heat, etc.) in an amount greater than the maximum specified. Whether there is good cause shown will be assessed on a case-by-case basis and shall be the exception rather than the rule.

H. Excludable income. Excludable income includes:

- (1) Real or personal income-producing property, tools of trade and governmental entitlement specifically treated as exempt by state or federal law.
- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation allowance to and from work, special equipment costs and child-care expenses.
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

I. Potential income. Potential income is defined as income that could be received by the applicant if action were taken to obtain it, e.g., social security, workers' compensation, unemployment compensation, TANF, SSI, etc.

J. Treatment of all other income. The full value of all income not defined as earned income, whether in kind or in cash, which is actually available for use in the household will be considered in determining need under the deficit/unmet need formula.

K. Agreement for housing. If an individual or family has provided living accommodation to a person or family, standard general assistance may not duplicate this service.

L. Other unrelated person(s) living in the home. When any other unrelated individual is residing with the applicant, certification must be made of the entire household, and the income and assets of all members of the household will be considered available to the applicant unless the applicant can prove otherwise. When it is proven by the applicant that he or she and the other unrelated individuals residing in the household are sharing expenses equally and are not pooling income, each such individual will be treated as a freestanding household.

M. Eligibility. An applicant's eligibility will be based on his/her total income and the basic total requirements of his/her household as established in these guidelines. There will be no automatic eligibility. All applicants must complete the application process.

N. Deficit formula assistance.

[Added 12-28-2009 by Ord. No. 10-030]

- (1) In order to receive assistance under this section, the applicant must be maintaining his or her own household, have a need deficit under the deficit formula and satisfy all other eligibility rules and regulations set forth in these guidelines.

- (2) All persons requesting general assistance in the City of Bangor must use their own income to purchase basic necessities. For the purposes of this section, rent will be considered the primary basic necessity, and clients making other than initial applications will be expected to expend their available income on paying the rent prior to applying for assistance.
- (3) Except for initial applicants, recipients are not eligible to receive assistance to replace income that was spent within the thirty-day period prior to the application on goods and services that are not basic necessities.
- (4) The income not spent on goods and services that are basic necessities is considered available to the applicant.
- (5) Applications for assistance under this section must be processed within 24 hours of the date of application. Decisions shall be communicated, in writing, setting forth the reason(s) for the decision. If the applicant is found eligible, assistance shall be furnished within 24 hours of the date of submission of the application.

§ 134-27 Amount of assistance.

[Amended 11-13-2006 by Ord. No. 06-327; 10-22-2007 by Ord. No. 320; 11-14-2007 by Ord. No. 07-319; 11-10-2008 by Ord. No. 08-344; 4-13-2009 by Ord. No. 09-118; 10-26-2009 by Ord. No. 09-314; 12-28-2009 by Ord. No. 10-030]

- A. The overall maximum levels of assistance shall be periodically adjusted to conform to 22 M.R.S.A. § 4305(3-B) as published annually in the Maine Municipal Association's General Assistance Ordinance Appendices. A copy of the maximum levels of assistance shall be on file in and available from the City's general assistance office.
- B. Rental assistance.
 - (1) The level of weekly and monthly rental assistance is based on the size of the apartment occupied by eligible clients. The maximum amount of rental assistance based on apartment size shall be periodically adjusted to conform to the fair market rents promulgated by the Department of Housing and Urban Development for the Bangor Metropolitan Statistical Area. A copy of the maximum levels of rental assistance shall be on file in and available from the City's general assistance office.
 - (2) Shared apartments. In the event that two or more persons share the rental of a single dwelling unit (not including rooms in rooming houses), the weekly or monthly maximum rental assistance rate shall be derived by dividing the maximum rental rate in Subsection B(1) by the number of renters in the dwelling unit.
 - (3) Landlord responsibilities.
 - (a) Landlords renting units to individuals receiving general assistance are responsible for accurately completing and updating the rental voucher request forms. The Director of Health and Community Services is authorized to require landlords renting to individuals receiving general assistance to provide such information as the Director may require to ensure that the appropriate level of assistance is being provided and that the unit rented complies with all applicable City codes.
 - (b) The provision of incorrect or false information by a landlord on a rental voucher request form shall constitute a civil violation. Upon conviction, the minimum penalty for intentionally providing false information or failing to update information on a voucher request form shall be \$500; provided, however, that when it can be shown that there has been a previous conviction of the same party of this same provision within the last two years, the minimum penalty shall be \$2,500 but shall not exceed \$25,000. All fines collected hereunder shall inure to and be recovered by the City of Bangor.^[1]

[1] *Editor's Note: Former § 134-27.1, Rental assistance, which immediately followed this section, was amended and renumbered as Subsection B of § 134-27.*

§ 134-28 Assistance categories.

[Amended 11-14-2007 by Ord. No. 07-319; 12-28-2009 by Ord. No. 10-030]

- A. There are two categories of assistance which are administered by the Health and Community Services Department under the General Assistance Program: deficit formula § 134-26) and emergency assistance (this section). Eligibility under all emergency provisions other than those covered by § 134-5C of this Code shall be determined by this section.

B. Emergency shelter.

- (1) The Health and Community Services Department is authorized to provide temporary shelter (in shelters operated by the City) for persons who, by reason of special emergency, are stranded, homeless or victims of family violence. Individuals and families housed in City-run shelters must qualify for general assistance. The length of time authorized in the shelter shall not exceed 30 days. An extension may be granted if circumstances warrant, and upon completion of an application for General Assistance. Such circumstances may include, but shall not be limited to, delay in application of categorical assistance, loss or delay of monthly benefit checks, etc. Individuals will be eligible for admission to shelter once in any 12 months. Exception to this rule may be made where verifiable circumstances warrant.
- (2) General assistance funds may be expended to house eligible individuals and families in private not-for-profit shelters located in the City of Bangor, provided that the shelter has entered into an agreement with the City to provide such service. Eligibility will be contingent upon full general assistance application being taken within two working days of admission to shelter and general assistance eligibility being established.

C. Minor children. At times it might be necessary for the Health and Community Services Department to assist minor children whose needs are not being met by their parents. Reasons for this might include, but shall not be limited to:

- (1) Disqualification of the head of household for quitting employment, failing to register for employment or refusing to participate in the workfare program.
- (2) Failure of a responsible relative to provide necessary support.

D. Excessive assets. At the time of an initial application, an individual or family may be assisted even though it has excessive assets if an immediate need can be established. Continuing assistance will be contingent upon the applicant making a good faith effort to convert the assets into available funds to be used to purchase basic necessities.

E. Burial. The Health and Community Services Department shall provide for proper burial of indigent persons, provided that the total burial costs do not exceed \$1,340 and it is determined that the burial costs cannot be paid in total, or in part, from any other source, including responsible relatives or from the estate of the deceased. The Health and Community Services Department will apply all moneys available from other sources toward the total burial costs. The allowance for full-service burials and cremations under these guidelines shall include the undertaker's services, clergy, personal attendants, casket, vault box, hearse and obituary. When required, a maximum of \$550 may be paid for a liner. The expense of opening and closing the grave will be considered an additional cost to be paid directly to the cemetery up to a maximum of \$225. The additional cost of a graveside service will not be considered a covered expense under these guidelines. The maximum payment for a direct cremation without other services may not exceed \$1,000. The Health and Community Services Department will not be obliged to pay for any burial expenses if the Director has not approved such expenses prior to their delivery.

[Amended 11-8-2010 by Ord. No. 10-358]

F. Oversupplementation of total requirements. For various reasons, it might be necessary to assist an individual or family in excess of the amount established under the deficit formula. Such assistance will be granted only for food, fuel, medicine, clothing and household items, when such items are unavailable from any other source.

G. Other necessary expenses. Under this section, assistance that is absolutely necessary and cannot be obtained from any other source may be provided. Assistance granted under this section shall not exceed amounts listed in the basic total requirement charts.

§ 134-29 Review procedure.

A. Rights to review. Any applicant/recipient aggrieved by a decision, act, failure to act or delay in action concerning his/her application for general assistance under these guidelines shall have the right to appeal. If a person's application has been approved, there shall be no revocation of general assistance during the period of entitlement until that applicant/recipient has been provided notice and an opportunity for hearing.

B. Initiation of appeal.

- (1) To request an appeal, the aggrieved person must file a written request for the same with the Health and Community Services Department:

[Amended 11-14-2007 by Ord. No. 07-319; 7-25-2011 by Ord. No. 11-236]

- (a) Within five working days of receiving a written decision or notice of denial, reduction or termination of assistance; or
- (b) Within 10 working days after any other act or failure to act by the municipality with regard to an application for assistance.

- (2) If an aggrieved person fails to file a written request for appeal within the appropriate time period listed in Subsection B(1), any appeal filed after that time period shall be denied by the fair hearing authority by written notice without hearing.

[Added 10-10-2018 by Ord. No. 18-363]

C. (Reserved)^[1]

[1] *Editor's Note: Former Subsection C, Interim review by the Director of Health and Community Services, as amended, was repealed 10-10-2018 by Ord. No. 18-363.*

- D. Time for fair hearing. Pursuant to the requirements of 22 M.R.S.A. § 4322, the requested hearing shall be held by the fair hearing authority within five working days following the receipt of the written request for an appeal. The Director shall inform the aggrieved person of the review procedure and the date, time and place of the fair hearing.

[Amended 7-25-2011 by Ord. No. 11-236]

- E. Fair hearing authority. All appeals under these guidelines shall be heard by the fair hearing authority, who shall consist of the Assistant City Manager, the Finance Director, and the Assistant Community Development Director. The City Manager and the Housing Rehabilitation Specialist shall serve as the first and second alternate members of the fair hearing authority, respectively. A majority of the members of said committee shall constitute a quorum for the transaction of business, but a smaller number may adjourn a meeting from one time to another.

[Amended 7-25-2011 by Ord. No. 11-236]

- F. Conduct of hearing. All reviews by the fair hearing authority will be conducted in accordance with the following:

[Amended 11-14-2007 by Ord. No. 07-319; 7-25-2011 by Ord. No. 11-236]

- (1) The proceeding will be conducted privately and openly only to:
 - (a) The aggrieved person, his/her witnesses, and legal counsel or other spokesperson.
 - (b) The Director of Health and Community Services and his/her staff and witnesses, the City Manager, and legal counsel.
 - (c) Legal counsel for the fair hearing authority.
- (2) The proceeding will be conducted informally, without technical rules of evidence apart from the standard set in 5 M.R.S.A. § 9057(2), but subject to the requirements of due process.
- (3) The review will be opened with a presentation of issues by the fair hearing authority or its legal counsel.
- (4) After the presentation of issues, the aggrieved person shall present his/her position with the aid of legal counsel or other spokesperson and/or witnesses.
- (5) The Director of Health and Community Services and/or his/her staff shall then present the position of the Health and Community Services Department with the aid of legal counsel or witnesses.
- (6) All participants shall be given an opportunity to:
 - (a) Present their own and witnesses' oral or written testimony or documentary evidence.

(b) Offer rebuttal.

(c) Question all witnesses presented at the hearing.

(7) The Committee's decision shall be determined solely upon the evidence presented by all parties at the hearing. Said decision shall be in accordance with these guidelines and the state statutes relating to granting of general assistance.

G. Decision.

[Amended 11-14-2007 by Ord. No. 07-319; 7-25-2011 by Ord. No. 11-236]

(1) Upon completion of the fair hearing, the fair hearing authority shall prepare a written notice of its decision which will contain the following information:

(a) A statement of the issue(s).

(b) Pertinent provisions of the general law and these guidelines relating to the Committee's decision.

(c) The Committee's decision and the reasons for it.

(2) Copies of the notice of decision will be provided within five working days of the hearing to the aggrieved person.

(3) When any decision by a fair hearing authority or court authorizing assistance is made, that assistance must be provided within 24 hours.

H. Further appeal. Further appeals may be taken from any action or failure to act of the fair hearing authority or the Director of Health and Community Services, by any party, to the Superior Court in accordance with Rule 8oB of the Maine Rules of Civil Procedure. The aggrieved person shall be notified of his/her right to such an appeal.

[Amended 11-14-2007 by Ord. No. 07-319; 7-25-2011 by Ord. No. 11-236]

I. The City shall make a record of the fair hearing. The City's obligation is limited to keeping a taped record of the hearing. Costs for preparing any transcripts which are required to pursue an appeal of the fair hearing authority's decision shall be paid for by the applicant.

[Amended 7-25-2011 by Ord. No. 11-236]

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ARTICLE I

Statement of Policy

The Municipality of Brewer administers a program of general assistance (GA) available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided within this ordinance, Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq.

Every effort will be made to recognize the dignity of the applicant while encouraging self-reliance. The program will strive to help eligible persons achieve self-maintenance by promoting the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. The general assistance program will place no unreasonable restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities, in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the municipal GA program are encouraged to provide the municipality with advance notice regarding the accommodation request.

The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. GA applicants will be provided information regarding their rights and responsibilities under the GA program. Within 24 hours of receiving an application, the administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see section 5.6 of this ordinance*).

The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law (*see 22 MRSA §4306*).

The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II

Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Applicant. A person who has submitted, either directly or through an authorized representative, an application for general assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

Basic Necessities. Food, clothing, shelter, fuel, electricity, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt
- Furniture
- Loan re-payments
- Cigarettes
- Alcohol
- Pet care costs
- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property(except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full) (22 M.R.S.A. § 4301(1)).

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written

decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household as provided in section 6.8 of this ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (22 M.R.S.A. § 4301(2)).

Eligible Person. A person who is qualified to receive general assistance from the municipality according to the standards of eligibility set forth in this ordinance (22 M.R.S.A. § 4301(3)).

Emergency. Any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S.A. §§ 4301(4), 4308(2), 4310).

General Assistance Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person is in need and is found to be otherwise eligible to receive general assistance (22 M.R.S.A. § 4301(5)).

General Assistance Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker (22 M.R.S.A. § 4301(12)).

Household. “Household” means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income (22 M.R.S.A. § 4301(6)).

Income. “Income” means any form of income in cash or in kind received by the household including:

- Net remuneration for services performed
- Cash received on either secured or unsecured credit
- Payments received as an annuity, retirement or disability benefits
- Veterans’ pensions and/or benefits
- Retirement accounts or benefits
- Workers’ compensation
- Unemployment benefits
- Federal and/or state tax returns
- Benefits under any state or federal categorical assistance
- program such as, TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation)
- Court ordered support payments, e.g., child support
- Income from pension or trust funds
- Household income from any other source, including relatives or unrelated household members
- Student loans
- Rental income

The following items shall not be considered as income or assets that must be liquidated for the purposes of deriving income:

- 1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- 3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to

purchase basic necessities, provided that the income does not exceed the income standards established by the municipality (22 M.R.S.A. § 4301(7)).

- 4) Certain public benefit programs are specifically exempt from being counted as income for purposes of GA. These programs include:
- Food Stamps (7 USCS § 2017(b))
 - Li-Heap (42 USCS § 8624)
 - Family Development Accounts (22 M.R.S. § 3762)
 - Americorp VISTA program benefits (42 USCS § 5044 (f))
 - Property tax rebates issued under the Maine Residents Property Tax Program (AKA “Circuitbreaker” Program) (36 M.R.S.A. § 6216)
 - Aspire Support Service Payments (10-144 CMR Chapter 323)

Initial Applicants. A person who has not applied for assistance in this or any other municipality are considered initial applicants.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing (22 M.R.S.A. § § 4301(8), 4316-A(5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 MRSA § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's general assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in section 6.8 of this ordinance or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (see 22 MRSA §4316-A) misconduct shall have the same meaning as misconduct defined in 26 MRSA §1043 (23). (See Appendix I of this ordinance for the official definition of misconduct.) Generally, employees are guilty of misconduct when the employee violates his or her

duties or obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Municipality. Any city, town or plantation administering a general assistance program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application (22 M.R.S.A. § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance (22 M.R.S.A. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistance program (22 M.R.S.A. §§ 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided, however, in no event shall this period extend beyond one month (22 M.R.S.A. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real Estate. Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S.A. § 4301(13)).

Recipient. A person who has applied for and is currently receiving general assistance.

Repeat Applicants. All applicants for general assistance that are not initial applicants are repeat applicants. For purposes of this ordinance repeat and subsequent shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application

and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S.A. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual (22 M.R.S.A. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the GA administrator a necessary minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The municipal GA administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities. Although GA applicants/recipients may be informed of the existence of a charitable resource and/or organization, GA eligibility shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant’s 30-day need is the sum of the household’s prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household’s actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unforeseen Repeat Applicants. Are repeat applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source and who have unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need as established by section 6.6 of the ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are those obligations the municipal administrator places on applicants for general assistance as directed and/or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for general assistance when complied with, result in ineligibility when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III

Administrative Rules and Regulations

The following are rules and regulations for the administration of general assistance.

Section 3.1—Confidentiality of Information

Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released (22 M.R.S.A. § 4306).

Release of Information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his or her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

Information from Other Sources; Penalty. Information furnished to the municipality by the Department of Health and Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706).

Any representative of a financial institution (except national banks) or any employer of a general assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S.A. § 42(2)).

Section 3.2—Maintenance of Records

The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:

- a) provide a valid basis of accounting for municipal expenditures;
- b) document and support decisions concerning an applicant or recipient; and

- c) ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.

Case Records. The administrator will establish and maintain a separate case record, either in paper format or digital format for each applicant or recipient. Each case record will include at least:

- household applications
- budget sheets
- information concerning the types and amounts of assistance provided
- narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less)
- written decisions
- requests for fair hearings and the fair hearing authority decisions
- workfare participation records
- repayments to the municipality
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information
- adjustments in aid, and suspension or termination of eligibility
- physician's documentation
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms
- vendor forms

Case records will not include information or material that is irrelevant to either the applicant's or recipient's application or the administrator's decisions.

Retention of Records. General assistance records shall be retained for a minimum of three full years. The three year period shall coincide with the State's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by one of the two preferred methods of destruction for confidential records, i.e., supervised shredding, burning or appropriate digital deletion/destruction process. In the event a client's records contain SSI reimbursement forms, the client's records should be maintained so that the municipality may seek reimbursement.

ARTICLE IV

Application Procedure

Section 4.1—Right to Apply

Who May Apply. Anyone may apply for general assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in section 4.9 of this ordinance or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for general assistance (22 M.R.S.A. §4304(3)). In such cases, the administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for general assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. § § 4305, 4308). With notice, all members of the household receiving general assistance may be required to physically present themselves to the administrator.

Application Via Telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail and visiting the applicant's home with his or her permission (22 M.R.S.A. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for general assistance each time a person applies (22 M.R.S.A. § § 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the general assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the DHHS toll-free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator or his or her designee will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the general assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Section 4.3—Contents of the Application

At a minimum, the application will contain the following mandatory information:

- | | |
|--|---|
| a) applicant's name, address, date of birth, Social Security number or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number; | e) all household income, resources, assets, and property; |
| b) names, date(s) of birth, and Social Security number(s) or appropriate USCIS documentation of other household members for whom the applicant is seeking assistance; | f) household expenses; |
| c) total number of individuals living with the applicant; | g) types of assistance being requested; |
| d) employment and employability information; | h) penalty for false representation; |
| | i) applicant's permission to verify information; |
| | j) signature of applicant and date. |

In the event an initial applicant is unable to provide identification records (e.g., Social Security card/number) because the record may have been lost, stolen or misplaced, the initial applicant may be provided a reasonable amount of time, e.g., five working days, in order to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA required to cure an immediate and/or emergency need shall not be withheld. In such cases the municipality may elect to provide only a prorated amount of GA, e.g., five day's worth, while the applicant proceeds to obtain the required information.

Section 4.4—General Assistance Administrator's Responsibilities at the Time of the Application

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving general assistance, including application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.

Eligibility Requirements. The administrator will inform, either verbally or in writing, the applicant of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the financial reduction in assistance that is the consequence of spending household income on non-basic necessities; and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The administrator will inform all applicants of their rights to:

- review the municipal General Assistance ordinance and Maine General Assistance law;
- apply for assistance;
- receive a written decision concerning eligibility within 24 hours of applying for assistance;
- confidentiality;
- contact the DHHS;
- challenge the administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The administrator will inform the applicant that he/she must reimburse the municipality for the amount of general assistance he/she has been granted in the event of a subsequent ability to pay. The municipality may also, as appropriate, contact the client's legal representative to inform him or her of the client's obligation to repay the municipality under the GA program. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25, see Article VIII, "Recovery of Expenses") (22 M.R.S.A. § § 4318, 4319). Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the

Workers' Compensation lump sum payment lien, or the SSI "interim assistance agreement" lien, as these liens are described in Article VIII, "Recovery of Expenses".

Section 4.5—Responsibilities of the Applicant at the Time of Application

The applicant has the responsibility at the time of each application to provide accurate, complete and current household information and verifiable documentation concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility (22 M.R.S.A. §4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the administrator, in order to diminish the applicant's need for general assistance (22 M.R.S.A. § §4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The general assistance administrator will give a written decision to the applicant concerning his or her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to section 5.6 of this ordinance) to issue assistance conditionally on the successful completion of a workfare

assignment (22 M.R.S.A. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

Content. The written decision will contain the following information:

- a) the type and amount of aid the applicant is being granted or the applicant's ineligibility;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally (22 M.R.S.A. § 4321).

Section 4.7—Withdrawal of an Application

An application is considered withdrawn if:

- a) the applicant requests in writing that his or her application be withdrawn; or
- b) the applicant refuses to complete or sign the application or any other form needed by the general assistance administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the general assistance administrator may temporarily refuse to accept applications. Such circumstances may include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
- b) If the administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, or if such behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, then the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;

- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

Section 4.9—Emergencies

An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S.A. § 4301(4)). Although they may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency may be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency (22 M.R.S.A. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the client or the municipality.

Disqualification. A person who is currently disqualified from receiving General Assistance due to a violation of sections 5.5, 5.6, 5.7, 5.8 or 6.4 of this ordinance is ineligible to receive emergency assistance (22 M.R.S.A. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as: 1) a dependent minor child; 2) an elderly, ill or disabled person; or 3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.

Assistance Prior to Verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The administrator may contact at least one other person to confirm the applicant’s statements about needing emergency assistance. No further assistance will be authorized until the applicant’s eligibility is confirmed (22 M.R.S.A. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator shall accept an application over the telephone (22 M.R.S.A. § 4304).

The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his or her home or by mail and the administrator cannot determine his or her eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive general assistance to replace the misspent money (22 MRSA § § 4308(2) & 4315-A).

All applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert the emergency situation. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total general assistance actually received during the applicable time period.

- e) The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Section 4.10—Residence

The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of this municipality. A resident is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S.A. § 4307 and §4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution (22 M.R.S.A. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions (*-above*) if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: Municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to 6 months and may be subject to other penalties (22 M.R.S.A. § 4307(4)).

Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility the administrator will notify the DHHS in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S.A. § § 4307(5), 4307(6)).

ARTICLE V

Eligibility Factors

A person will be eligible for general assistance if he/she is in need and has complied with the eligibility requirements set forth below.

Section 5.1—Initial Application

Initial Application. For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 1043 (23)) (*see section 5.5 of this ordinance*). An initial applicant is a person who has never before applied for general assistance in any municipality in Maine (22 M.R.S.A. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in section 6.8 of this ordinance or the applicant’s 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Subsequent Applicants. Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for general assistance at any time in the past. Repeat applicants are also people on whose behalf a general assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be eligible for general assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify a person from receiving general assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. § 2017 (b)).

In addition, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs (42 U.S.C. §8624(f)). The calculation of general assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under “Types of Income” at section 6.7 of this ordinance.

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the general assistance administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S.A. § 4317).

Section 5.3—Personal Property

- a) **Liquid Assets.** No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for general assistance unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them.

At the discretion of the GA administrator, liquid assets do not mean a reasonable minimum balance necessary for obtaining free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

- b) **Tangible Assets.** No person owning or possessing personal property, such as but not limited to: a motor vehicle, or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant’s household, will be eligible for general assistance. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Section 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful.

Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

- c) **Automobile Ownership.** Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation or training facilities, or for any other reason the GA administrator determines reasonable for the maintenance of the applicant's household. Recipients of general assistance who own an automobile with a market value greater than \$8000 may be required, with written, 7-day notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8000. Any income received by the applicant by virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification (22 M.R.S.A. § 4317).

The municipality will neither pay nor consider as necessary any car payment or vehicle maintenance cost including insurance for which the applicant is responsible. However, provided the vehicle value is \$8000 or less and the applicant is utilizing the vehicle for any of the above mentioned "essential" reasons, the municipality in its discretion may choose to not consider reasonable car payments, reasonable car insurance and reasonable associated costs of maintenance as "misspent" income. General assistance for travel-related needs shall be computed in accordance with section 6.8(F)(7), (8) "Work Related/Travel Expenses."

- d) **Insurance.** Insurance that is available to an applicant on a non-contributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may, at the discretion of the GA administrator, be considered as a tangible asset.
- e) **Transfer of Property.** Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for general assistance will not be granted general assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his or her assets in order to be eligible for general assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for general assistance unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

- a) **Principal Residence.** For purposes of General Assistance solely, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job

training, education, illness or disaster, provided there is demonstrated an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, then that land may be considered a potential resource if:

1. The applicant has received General Assistance for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If the above conditions are met, then the administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support and therefore not all the land need be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) **Other Property.** If the applicant or dependents own real property other than that occupied as the principal residence, continued eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or

2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for general assistance will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient (*see also section 6.8 of this ordinance*) (22 M.R.S.A. § 4320).

Section 5.5—Work Requirement

All general assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and members of their households who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. “Pursuit of employment” means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant’s period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job

training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent worksearch and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see section 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see Appendix I, 26 M.R.S.A. § 1043 (23) for the definition*) will be eligible to receive general assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;

- f) the applicant is unable to arrange for necessary child care or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.A. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. § § 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in section 5.6 of this ordinance, under "Eligibility Regained".

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated as though the household is composed of the dependents only, except that all household income will be considered as available to them.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Labor.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in section 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 MRSA § 4318 individuals owing the municipality funds for general assistance provided to them are obligated to repay the municipality when and if they become able (see *Article VIII*). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations (22 M.R.S.A. § 4316-A(3)).

- 1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the Department of Labor.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309).

If the administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However in such a case the administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving general assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for general assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving general assistance in accordance with the following "workfare first" policy.

“Workfare First” Policy. Under the authority of 22 M.R.S.A. § 4316-A(2)(D), the administrator may, in accordance with the following guidelines, require a recipient of general assistance to perform a workfare assignment prior to the actual issuance of the general assistance benefit conditionally granted.

- 1) In no circumstance will emergency general assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for general assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:
 - a) a specific description of the amount of general assistance being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the general assistance grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the general assistance grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site, date(s) and time(s) of assigned workfare, workfare supervisors’ names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of general assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance grant shall be terminated, and notice of the partial

termination, and the reasons therefore, will be issued to the workfare participant in accordance with section 6.10 of this ordinance.

- 5) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons shall be reassigned or excused at the discretion of the GA administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net general assistance to be provided to the person (22 M.R.S.A. § 4316.2(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S.A. § 4316-A(1)). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see section. 5.5, "Dependents"*).

If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible.

If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of such emergency assistance will not bar the administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

Recipients who have asked for the opportunity to regain their eligibility during a 120 day disqualification period and who agreed to fulfill the assignment which they previously

failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but will be provided no opportunity to requalify.

Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS (22 M.R.S.A. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource that may reduce his or her need for general assistance (see *section 2.2 for definition of “Resources”*). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S.A. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for general assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of the both parents are unknown; or
- 3) no parent will permit the minor to live in the parent’s home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or

- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility (22 M.R.S.A. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for general assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality (22 M.R.S.A. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for general assistance by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the administrator may find the applicant not to be in need of general assistance for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize or obtain the resources. General assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive general assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided not in the form of income but, rather, in the form of a specific, regularly issued resource of a calculable value, that resource, up to its forfeited value, need not be replaced with general assistance for a period of

120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S.A. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her assistance terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S.A. § § 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see sections 5.5, 5.6*). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. People who commit fraud are disqualified from receiving assistance for a period of 120 days (*see section 6.4, “Fraud”*). The administrator shall give recipients written notice that they are ineligible as soon as the administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

ARTICLE VI

Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for general assistance. The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

Section 6.3—Verification

Eligibility of applicant; duration of eligibility. The overseer shall determine eligibility each time a person applies or reapplies for general assistance. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's responsibilities. Applicants and recipients for general assistance are responsible for providing to the overseer all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the overseer. When information required by the overseer is unavailable, the overseer must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. A person who has not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants are still responsible for providing the GA administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e. job quit).

Repeat Applicants. All applicants for general assistance that are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted, as required by the GA administrator.

Repeat applicants are also responsible for providing any changes of information reported on previous applications including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Overseer's responsibilities. In order to determine an applicant's eligibility for general assistance, the overseer first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the overseer is responsible for determining eligibility. The overseer will seek verification necessary to determine eligibility. In order to determine eligibility, the overseer may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the overseer may examine public records without the applicant's knowledge and consent.

Appropriate sources, which the overseers may contact, include, but are not limited to:

- DHHS and any other department/agency of the state or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply the overseer with necessary information, documentation, or permission to make collateral contacts, or if the overseer cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of eligibility. The overseer may redetermine a person's eligibility at any time during the period that person is receiving assistance if the overseer is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction

in assistance for that time period may not be made without prior written notice to the recipient with the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance (22 M.R.S.A. § 4315). False representation shall consist of any individual knowingly and willfully:

- a) making a false statement to the general assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) concealing information from the general assistance administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) using general assistance benefits for a purpose other than that for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for general assistance, the administrator shall notify that applicant in writing that he or she has been disqualified from receiving assistance for 120 days. For the purpose of this section, a material misrepresentation is a false statement about eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the administrator shall inform the applicant of his or her right to appeal the administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.

Section 6.5—Period of Eligibility

The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S.A. § 4309). Upon receiving a completed and signed application the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency the administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse general assistance for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application (22 M.R.S.A. § 4301(7)). The administrator will calculate applicants'

expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in section 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need.

Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (22 M.R.S.A. § 4308(2)) (*see section 4.9 of this ordinance*).

Applicants will also not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of section 6.8 (22 M.R.S.A. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity (*see Appendixes A-H of this ordinance*) shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The administrator may require that anyone applying for general assistance provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the GA administrator for "unforeseen" repeat applicants (*See Section 6.3 of this ordinance*), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the

base rate if the household needs a telephone for medical reasons, the cost of nonelective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt.

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income (22 M.R.S.A. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
- 2) The administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of section 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (see *section 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in section 6.8 of this ordinance for specific basic necessities except in an emergency or when the administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total general assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in section 6.8 shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

Calculation of Income. To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in section 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded (22 M.R.S.A. § 4308) (*see section 4.9 of this ordinance*). To calculate weekly income and expenses, the administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will be deducted from an applicant's income (22 M.R.S.A. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of general assistance the applicant is eligible to receive. Although applicants may have only a limited or reduced need for general assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
 - Americorp VISTA program benefits (42 USCS § 5044 (f))
 - Property tax rebates issued under the Maine Residents Property Tax Program (so-called “Circuitbreaker” program) (36 M.R.S.A. § 6216)
- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The general assistance administrator will refer cases where support payments are not actually received to the State Department of Health and Human Services’ Child Support Enforcement Unit. In order to be eligible for future GA, applicants being referred to DHHS for such enforcement services shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.
- d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301(7)).
- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.
- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.
- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S.A. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior to the date of application for general assistance will be considered as income available to the household. However, verified required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria (22 M.R.S.A. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the general assistance program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S.A. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance; and
- 5) divide the sum created in subsection (4) by the greater of the verified actual monthly amounts for all of the household's basic necessities or 150% of the applicable federal poverty guidelines. 22 M.R.S.A. § 4305(3-B)

This dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 MRSA § 4308)

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Appendices B-H of this ordinance, an applicant's eligibility for general assistance will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size (22 M.R.S.A. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for general assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for general assistance unless they are in an emergency, in which case eligibility for emergency general assistance will be determined according to section 4.9 of this ordinance.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with general assistance; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

- A) **Food**. The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine Department of Health and Human Services on or about October of each year. See Appendix B of this ordinance for the current year's food maximums.

In determining need for food the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S.A. § 4301.7(A); 7 U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The administrator will exceed the maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

- B) **Housing**. The administrator will provide assistance with rent or mortgage payments that are reasonable within the allowed maximum levels and in accordance with housing assistance limits and exceptions provided in Title 22, Section 4308, Subsections 1-A and 1-B.. See Appendix C of this ordinance for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their

basic needs. For the purpose of this section, a “relative” is defined as the applicant’s parents, grandparents, children, grandchildren, siblings, parent’s siblings, or any of those relative’s children (22 M.R.S.A. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant’s shelter expense will be the applicant’s pro rata share of the actual, total shelter cost, up to the ordinance maximum (22 M.R.S.A. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see section 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord’s own residence must, at a minimum, make a good faith effort to obtain a lodging license from the Department of Health and Human Services, Division of Health Engineering, pursuant to 10-144A Code of Maine Regulations, Chapter 201, as a condition of that landlord receiving future general assistance payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the general assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant’s proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter’s equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant’s financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;

- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for general assistance if after reviewing the above criteria the administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S.A. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for general assistance if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the general assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.S.R.A. § 841(2)) and General Assistance. If the applicant chooses to seek property tax assistance through General Assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Resident Property Tax Program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department

of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Appendix C of this ordinance for the current year's housing maximums.

If and when the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

- C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive general assistance to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308(2)) (*see section 4.9 and 6.3*). The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Appendix D of this ordinance for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Appendix D of this ordinance for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance.

See Appendix E of this ordinance for the current year's fuel maximums.

- E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Appendix F of this ordinance for the current year's personal care and household supplies maximums.
- F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the general assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.
- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
 - 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (see *below*), provided that the municipality is notified and approves

the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue general assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing general assistance for any medical expenses, the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S.A. § 396-F(1). Anyone who is not eligible for the hospital's free care program may apply for general assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment

arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 6.6 of this ordinance.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue general assistance for dental services at the established Medicaid rates for those services, and before authorizing the general assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive general assistance for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The general assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or job related reasons exist and/or for any other reasons the administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum (*see Appendix G for this year's maximum mileage allotment*). The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Appendix G for the current rate at which such necessary

travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see section 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Appendix H for the current maximums.
- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant general assistance for capital improvements when:
 - 1) the failure to do so would place the applicant(s) in emergency circumstances;
 - 2) there are no other resources available to effect the capital repair; and
 - 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when general assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of the next business day following the funeral director’s receipt of the body, whichever is earlier (22 M.R.S.A. §4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director’s responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be completed by the administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 4.10 of this ordinance.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, siblings, children and grandchildren of the deceased, who live in Maine or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses.

Consideration of the Financial Responsibility of Family Members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Ten Days to Determine Eligibility. The administrator may take up to 10 days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 10-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this 10-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

Burial Expenses. The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremated. See Appendix H for the maximum levels of assistance granted for the purpose of burials.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator may issue general assistance for cremation services. See Appendix H for the maximum levels of assistance granted for the purpose of cremations.

Section 6.10—Notice of Decision

Written Decision. The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving a completed and signed application (22 M.R.S.A. § 4305(3)) (*see Article IV, section 4.6*).

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator may decide to render a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to explain the applicants’ right to a fair hearing in the written notice of decision.

Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in section 4.6 of this ordinance, the notice will state that applicants:

- a) have the right to a fair hearing and the method by which they may obtain a fair hearing and;
- b) have the right to contact the DHHS if they believe the municipality has violated the law. The decision will state the method for notifying the department.

Disbursement of General Assistance. Except when determined impractical by the administrator, all general assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing general assistance in the form of cash (22 M.R.S.A. § 4305(6)).

ARTICLE VII

The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the general assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the general assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the general assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and
- c) the relief sought by the claimant.

The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request the fair hearing authority must meet and hold the hearing within 5 working days. The administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;

- b) confront and cross-examine any witnesses presented at the hearing against the claimant; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance.

The fair hearing authority may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated, the board of appeals created under 30-A M.R.S.A. § 2691 (22 M.R.S.A. § 4322). In determining the organization of the fair hearing authority, the municipal officers will use the following criteria. The person(s) serving as FHA must:

- a) not have participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case. The claimant shall be permitted to review his or her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

- a) be conducted privately, and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the general assistance administrator, his or her agents, counsel and witnesses;
- b) be opened with a presentation of the issue by the fair hearing authority;

- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs (22 M.R.S.A. § 4322).

Claimant's Failure to Appear. In the event the claimant fails to appear, the FHA will send a written notice to the claimant that the GA administrator's decision was not altered due to the claimant's failure to appear. Furthermore, the notice shall indicate that the claimant has 5 working days from receipt of the notice to submit to the GA administrator information demonstrating "just cause," for failing to appear. For the purposes of a claimant's failure to appear at a fair hearing, examples of "just cause" include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or their attorney) establishes just cause, the request for the hearing will be reinstated and a hearing rescheduled.

In the event a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The decision of the fair hearing authority will be binding on the general assistance administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain the following:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or general assistance ordinance related to the decision; and
- d) the decision and the reasons for it.

A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the general assistance administrator.

The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the fair hearing authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient, at a rate not less than minimum wage.

Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for general assistance (22 M.R.S.A. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers’ Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any general assistance on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the recipient of general assistance who has applied for or is receiving Workers’ Compensation. Any general assistance applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive general assistance until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient’s Worker’s Compensation attorney, if known, the applicant’s employer or the employer’s insurance company, and, at the administrator’s discretion, to the Workers’ Compensation Board. The lien shall be enforced at the time any lump sum Workers’ Compensation benefit is issued.

Recipients of SSI. All applicants who receive general assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Assistance SSI authorization form will be found ineligible

to receive general assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, grandchildren, children, siblings, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S.A. § 4319).

ARTICLE IX

Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5 6*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	759	862	1,096	1,373	1,924 1,999
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	503	504	606	763	930
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	407	510	636	795	897
Durham, Leeds, Livermore, Livermore Falls, Minot	411	510	654	817	916
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth	667	792	1026	1294	1386
Buxton, Hollis, Limington, Old Orchard Beach	667	792	1026	1294	1386
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	864	869	1042	1517	1653
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	584	627	809	1076	1238
Brunswick	587	699	904	1146	1375

***Note: Add \$75.00 for each additional person.**

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	634	642	793	1055	1317
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	579	601	765	945	1058
Biddeford, Saco, Sanford	643	717	903	1146	1355

***Note:** Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	398	473	600	763	879
Franklin County	477	515	627	763	972
Hancock County	521	601	700	985	1014
Kennebec County	415	519	622	840	898
Knox County	472	624	712	964	1112
Lincoln County	570	612	738	913	1076
Oxford County	398	528	608	811	1016
Piscataquis County	495	564	699	887	948
Somerset County	418	491	600	822	902
Waldo County	554	595	717	856	935
Washington County	477	515	615	763	879

*** Please Note:** Add \$75 for each additional person.

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2007, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	45.12	194.00
2	82.56	355.00
3	118.37	509.00
4	150.23	646.00
5	178.60	768.00
6	214.19	921.00
7	236.74	1018.00
8	270.70	1164.00

Note: For each additional person, add \$146.00 per month

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		59	253	69	301
1		67	289	81	371
2		84	363	103	445
3		108	465	132	580
4		121	521	150	624
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		80	342	91	390
1		82	351	96	413
2		96	412	116	499
3		113	485	138	595
4		149	642	180	775
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		88	380	98	423
1		99	425	112	482
2		110	474	129	553
3		162	695	185	794
4		162	695	185	794
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		68	292	77	330
1		80	345	92	395
2		97	419	114	489
3		137	589	158	678
4		140	600	164	707

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	80 344	89 382
1	107 459	118 508
2	117 503	133 572
3	162 697	182 784
4	184 790	208 896
<u>Lincoln County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	101 433	109 471
1	104 448	116 497
2	122 527	139 596
3	147 632	167 719
4	147 632	167 720
<u>Oxford County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	65 278	74 316
1	87 375	99 425
2	96 412	112 482
3	131 562	151 651
4	165 708	189 815
<u>Piscataquis County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	80 345	92 394
1	88 377	103 442
2	106 454	127 545
3	135 581	162 695
4	136 585	168 723
<u>Somerset County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	62 268	73 316
1	77 329	91 391
2	86 371	107 458
3	128 551	154 661
4	128 551	159 683

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	97 419	106 457
1	101 433	112 482
2	118 508	134 577
3	144 620	164 707
4	146 630	171 735
<u>Washington County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	79 340	89 383
1	81 347	94 404
2	92 397	111 476
3	115 493	138 592
4	118 507	146 627

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	141 608	164 705
1	156 670	186 798
2	198 852	237 1,018
3	249 1073	298 1,282
4	362 1558	422 1,815
<u>Penobscot County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	80 345	92 394
1	80 345	88 379
2	84 360	105 450
3	105 452	132 566
4	128 552	160 690
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	67 287	76 325
1	83 359	95 409
2	99 426	115 496
3	126 543	147 632
4	135 580	160 687

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	121 521	130 559
1	142 612	154 661
2	183 789	199 858
3	232 997	252 1084
4	242 1040	266 1145
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	161 693	171 733
1	161 693	170 733
2	184 792	201 866
3	276 1187	298 1280
4	294 1265	320 1378
<u>Cumberland County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	91 393	100 431
1	107 462	119 511
2	137 591	153 660
3	163 699	183 786
4	210 904	235 1010
<u>Sagadahoc County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	114 491	123 528
1	114 491	143 616
2	127 546	173 742
3	152 655	265 1140
4	227 977	252 1082
<u>York County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	Weekly Monthly	Weekly Monthly
0	101 434	110 474
1	101 434	112 483
2	126 540	143 614
3	149 639	170 732
4	156 670	182 783

Electric Utility Maximums

Without electric hot water

The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

*Add \$7.50 a month for each additional family member.

With electric hot water

The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$ 89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided In Appendix E.

In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer-loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant, even when the arranged payment amount exceeds the above maximums or actual usage.

- 1) The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for non-electrically heated dwelling units.
- 2) The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.

- 3) The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.

Pursuant to the use-of-income requirements in section 6.6 of this ordinance, whenever the administrator budgets for SPA's or BPA's under this section, the recipient will be required to pay the SPA or BPA him or herself to the extent of the income capacity of the household.

Heating Fuel

When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	February	225
October	100	March	125
November	200	April	125
December	200	May	50
January	225		

When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. However, no eligible applicant shall be considered to need more than:

- 7 tons of coal per year
- 8 cords of wood per year
- 126,000 cubic feet of natural gas per year, or
- 1000 gallons of propane.

Household & Personal Items

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

Note: For each additional person ad \$1.25 per week or \$5.00 per month.

Child Under 5 Allowance

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$ 55.00
2	\$17.40	\$ 75.00
3	\$23.30	\$ 100.00
4	\$27.90	\$120.00

2005-2006 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate (until December 2005) for approved employment and necessary medical travel etc. is 34 cents (34¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$50
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

26 MRSA §1043 (23)

Misconduct. “Misconduct” means a culpable breach of the employee’s duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee’s entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (rpr).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute “misconduct” as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee’s eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee’s qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[1999, c. 464, §2 (new).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
 - (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
 - (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.
- [1999, c. 464, §2 (new).]

END OF CHAPTER NOTATIONS – CHAPTER 11

Revised, effective July 21, 2002

Amendments:

1. effective October 20, 2002 (2002-C060) Sub-Chapter 1 maximum benefits
2. effective October 19, 2003 (2003-C020) Sub-Chapter 1 maximum benefits
3. effective January 16, 2005 (2005-C001) Sub-Chapter 1 maximum benefits
4. effective November 12, 2005 (2005-C021) Sub-Chapter 1 General Assist. Ord.
5. effective December 24, 2006 (2006-C012) Sub-Chapter 1 maximum benefits
6. effective November 18, 2007 (2007-C007) Sub-Chapter 1 maximum benefits
7. effective November 17, 2008 (2008-C013) Sub-Chapter 1 maximum benefits
8. effective June 1, 2009 (2009-C002) Sub-Chapter 1 maximum benefits
9. effective November 15, 2009 (2009-C011) Sub-Chapter 1 maximum benefits
10. effective January 16, 2011 (2010-C022) Sub-Chapter 1 maximum benefits
11. effective November 19, 2011 (2011-C014) Sub-Chapter 1 maximum benefits
12. effective July 29, 2012 (2012-C008) Sub-Chapter 1 maximum benefits
13. effective July 29, 2012 (2012-C008) Temporary Housing Assist. Limit
14. effective November 25, 2012 (2012-C019) Art. VI, Appendix C
15. effective September 23, 2013 (2013-C008)
16. effective September 21, 2014 (2014-C015) Sub-Chapter 1 maximum benefits
17. effective December 14, 2014 (2014-C023) Sub-Chapter 1 (B & C)
18. effective October 18, 2015 (2015-C012) Sub-Chapter (A, B & C)
19. effective November 19, 2016 (2016-C012) Sub-Chapter (A, C & D)
20. effective October 10, 2017 (2017-C017) (Sub-Chapter (A, B, C & D)
21. effective October 9, 2018 (2018-C008) Sub-Chapter A, B & C
22. effective October 8, 2019 (2019-C010) Sub-Chapter A, B, C & H

Chapter 46

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ARTICLE I. IN GENERAL

Sec. 46-1. Introductory provisions.

- (a) The city shall administer a program of general assistance available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided in this chapter and in 22 M.R.S.A. § 4301 et seq.
- (b) Every effort will be made to recognize the dignity of the applicant for general assistance and to encourage self-reliance. The program will help each person achieve self-maintenance and will encourage the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. General assistance will promote strengthening the family, especially with regard to the care and protection of children.
- (c) The general assistance program will place no restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on gender, age, race, religion, disability or political affiliation. The applicant or recipient will be informed of his rights and responsibilities under the general assistance program.
- (d) The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. Within 24 hours of receiving an application, the applicant will receive a written decision whether or not assistance is granted, and that will state the specific reasons for the decision. The administrator will also give the applicant written notice that the applicant may appeal to the municipal fair hearing authority, if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted, except when the administrator issues nonemergency assistance conditionally on the successful completion of a workfare assignment.
- (e) The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential.
- (f) The administrator will post a notice stating the days and hours the administrator will be available. A copy of this chapter and the Maine General Assistance Law, 22 M.R.S.A. § 4301 et seq., will be readily available to any member of the public upon request.
- (g) The general assistance administrator will refer to and abide by any other city ordinance to define a condition, area or situation. The administrator will not pay rent or utilities to a building owner or landlord when that building, or the specific unit within that building which is to be rented, has been placarded, condemned, is unlicensed when a license is required, or is known to be in violation of any other municipal ordinance, except that, if the violation(s) is determined to be non-life threatening by the Director of Planning and Code, weekly rent vouchers may be issued for up to a 30 day period and utility vouchers may be issued one time in that 30 day period for existing tenants. Vouchers may be issued beyond the 30 day period if an extension is granted by code enforcement.

(Ord. No. 92-6, § 13-1, 3-5-92; Ord. No. 94-2, § 13-1, 5-5-94; Ord. No. 12-9, 8-16-12; Ord. No. 18-10, 11-15-18)

Cross references: Municipal work program, § 46-67.

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Sec. 46-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person who has submitted, either directly or through an authorized representative, an application for general assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application form means a standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

Basic necessities means food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the city. The term "basic necessities" does not include security deposits for rental property, except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full.

Case record means an official file containing application forms, correspondence, narrative records and all other communications pertaining to an applicant or recipient, written decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

Caseworker. The term "overseer" shall be that official so designated by the municipal officers, and the term shall incorporate those personnel within the division of general assistance who act as agents of the overseer.

Categorical assistance means all state and federal income maintenance programs.

Claimant means a person who has requested a fair hearing.

Disabled person means a person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician.

Dwelling unit means a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit.

Eligible Person means a resident who is otherwise qualified to receive general assistance from the municipality, according to the requirements of this chapter and 22 M.R.S. §4301(3). For purposes of this chapter, the term "Eligible Person" shall include all U.S. citizens and permanent residents aliens who otherwise meet the qualifications of this chapter. Eligible person shall also include a nonresident alien who:

(a) has been lawfully admitted or paroled into the United States and who is not

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unlawfully present under U.S. immigration and nationality law ; or

(b) is seeking benefits under United States immigration and nationality law, as evidence by: a receipt notice or other documentation of a pending application for benefits or relief, a sworn statement from the Applicant's attorney identifying the requested relief and confirming that the applicant has a meritorious basis for requesting the relief, or a sworn statement from the applicant identifying the requested relief and confirming that he or she is taking all reasonable steps necessary to obtain the relief; or

(c) is an unaccompanied minor; or

(d) is the parent, guardian, or sibling of a U.S. citizen who is a minor; or

(e) is living in the United State with the knowledge and permission of the Department of Homeland Security (DHS) and DHS does not contemplate enforcing the applicant's departure.

The term "Eligible Person" does not include a person who is a fugitive from justice as defined in 15 M.R.S. §201 or any person for whom the municipality is ineligible for reimbursement in accordance with the rules, regulations, and statutes governing the State of Maine's General Assistance program.

Emergency means any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person.

General assistance administrator means a municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. The administrator may be an overseer or an authorized agent such as a town manager, welfare director, or caseworker.

General assistance program means a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person has need and is found to be otherwise eligible to receive general assistance.

Household means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is a pooling of income.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, Lewiston Code

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workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, household income from any other source, including relatives or unrelated household members and any benefits received pursuant to Title 36, chapter 907 and Title 36, section 5219-II, unless used for basic necessities as defined in section 4301, subsection 1.

The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income.

- (1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality.

Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior or subsequent to applying for assistance, that payment must be prorated over future months.

Just cause means a valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility.

Lump sum payment means a one-time or typically nonrecurring sum of money issued to an applicant or recipient. "Lump sum payment" includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses.

Maximum levels of assistance means the amount of assistance as established in article IV or the actual cost of any basic necessity, whichever is less.

Misconduct shall have the same meaning as misconduct defined in 26 MRSA§1043 (23). Generally, employees are guilty of misconduct when the employee violates his or her duties or obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interests may also be found guilty of misconduct.

Municipality means any city, town or plantation administering a general assistance

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program.

Municipality of responsibility means the municipality which is liable for the support of an Eligible Person at the time of application.

Need means 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.

Net general assistance costs means those direct costs incurred by a municipality in providing assistance to Eligible Persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistance program.

Period of eligibility means the time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance, provided, however, that in no event shall this period extend beyond one month.

Pooling of income means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumption of pooling income.

Real estate means any land, buildings, homes, mobile homes, and any other things affixed to the land.

Recipient means a person who has applied for and is currently receiving general assistance.

Registered Domestic Partner means an individual registered as the domestic partner of the applicant pursuant to 22 M.R.S.A. § 2710.

Resident means a person who is physically present in Lewiston with the intention of remaining in Lewiston in order to maintain or establish a home and who has no other residence. A person who applies for assistance in Lewiston who is not a resident of Lewiston or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he is eligible, until he establishes a new residence in another municipality. See section 46-40.

Resources means and includes any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources: available and potential.

- (1) *Available resources.* Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). Available resources also include the services, commodities or facilities made available by private organizations when:

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- a. The applicant voluntarily agrees to utilize such services;
- b. The municipality has established a contractual relationship with the private organization to provide services or commodities when requested;
- c. The municipality is able to secure the services or commodities needed by an applicant from the private organization for any consideration acceptable to both the organization and the municipality; and
- d. The service is available and offered at no cost to the applicant and deemed necessary by a physician, psychologist or other professional retraining or rehabilitation specialist.

Charities may be considered private organizations which are available resources only if the charity places no unreasonable requirements on the applicant which are violative of the applicant's fundamental rights. (Fjeld v. Lewiston, Andro. Sup. Ct. CV 87-4; Bolduc v. Lewiston, Andro. Sup. Ct. CV 87-248)

- (2) *Potential resources.* Potential resources are programs, services, nonliquid assets, or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released. Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. Potential resources include TANF, food supplement, fuel assistance (HEAP), subsidized housing, and similar programs.

(Ord. No. 92-6, § 13-20, 3-5-92; Ord. No. 94-2, § 13-20, 5-5-94; 12-9, 8-16-12; Ord. No. 13-11, 7-1-13; Ord. No. 15-14, 01-14-16; Ord. No. 17-18, 11-16-17)

Cross references: Definitions generally, § 1-2.

State law references: Similar provisions, 22 M.R.S.A. §§ 4301(1), (2), (3), (4), (5), (6), (7), (8), (8-A), (9), (10), (11), (13), 4307, 4308, 4309(1), 4310, 4311, 4316-A(5), 4317, 26 M.R.S.A. § 1043(23).

Sec. 46-3. Confidentiality of information.

- (a) *Confidentiality.* Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released. (Janak v. D.H.S., Aroostook Cty #CV-89-116).
- (b) *Release of information.* Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a legal representative or other third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his records. Whenever the administrator releases any information, he will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.
- (c) *Information from other sources; penalty.*
 - (1) Information furnished to the municipality by the department of human services or

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any other agency or institution pursuant to 22 M.R.S.A. § 4314 is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of records concerning birth, marriage and death.

- (2) Any representative of a financial institution or any employer of a general assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or agents stating that the named depositor is deceased. Any person who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any person who refuses to provide information, without just cause, may be subject to a civil penalty in accordance with the city's policy manual as approved by the city council. Any person, including the applicant, who knowingly and willfully gives false information to the administrator is committing a class E crime.

- (d) *Misuse of information.* Misuse of any information relating to an applicant or recipient is a punishable offense.

(Ord. No. 92-6, § 13-30, 3-5-92; Ord. No. 94-2, § 13-30, 5-5-94; Ord. No. 08-06f, 8-14-08; Ord. No. 17-18, 11-16-17)

State law references: Similar provisions, 22 M.R.S.A. §§ 42(2), 2706, 4306, 4314, 4315.

Sec. 46-4. Maintenance of records.

- (a) *Purpose.* The general assistance administrator will keep complete and accurate general assistance records. These records are necessary to:
 - (1) Provide a valid basis of accounting for municipal expenditures;
 - (2) Document and support decisions concerning an applicant or recipient; and
 - (3) Assure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.
- (b) *Case records.* The administrator will establish and maintain a separate case record for each applicant or recipient. Each case record will include at least the household's applications, budget sheets, information concerning the types and amounts of assistance provided, narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's unmet need, written decisions, any requests for fair hearings and the fair hearing authority decisions. Workfare participation will also be recorded, as will any cash repayments to the municipality. The record may also include a narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in

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status, the reason(s) for the release of confidential information, adjustments in aid and suspension or termination of eligibility.

Case records will not include information or material that is irrelevant to an applicant's or recipient's application or to the general assistance administrator's decisions.

(Ord. No. 92-6, § 13-31, 3-5-92; Ord. No. 94-2, § 13-31, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4306.

Secs. 46-5--46-30. Reserved.

ARTICLE II. APPLICATION PROCEDURE

Sec. 46-31. Right to apply.

- (a) *Who may apply.* Any Eligible Person may apply for general assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in section 46-39 or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for general assistance. The administrator may require a duly authorized representative to present a signed statement documenting that he is in fact authorized to apply for general assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility.
- (b) *Telephone applications.* When a person has an emergency but is unable to apply in person due to illness, disability, lack of transportation, lack of child care, or other good cause, and the person cannot send an authorized representative, the administrator will accept an application over the telephone. The telephone application process will include the administrator receiving written verification via mail or visiting the applicant's home with the applicant's permission.
- (c) *Written application upon each request.* Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for general assistance each time a person applies.
- (d) *Applications accepted; posted notice.* Applications will be processed during regular business hours at the municipal office and when the general assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance, and will include the information on the emergency contact available to take emergency applications at all other times. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator; however, in an emergency, the administrator will be available to accept applications for assistance whenever necessary.

(Ord. No. 92-6, § 13-40, 3-5-92; Ord. No. 94-2, § 13-40, 5-5-94; 12-9, 8-16-12; Ord. No. 15-14, 01-14-16)

State law references: Similar provisions, 22 M.R.S.A. §§ 4304, 4305, 4308, 4309.

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Sec. 46-32. Application interview.

Except when it is impractical, the general assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

(Ord. No. 92-6, § 13-41, 3-5-92; Ord. No. 94-2, § 13-41, 5-5-94)

Sec. 46-33. Contents of application.

At a minimum, the application will contain the following information:

- (1) Applicant's name, address, date of birth, Social Security Number, and phone number;
- (2) Names, dates of birth, and Social Security Numbers of other household members for whom the applicant is seeking assistance;
- (3) Total number of individuals in the building or apartment where the applicant is residing;
- (4) Employment and employability information;
- (5) All household income, resources, assets, and property;
- (6) Expenses;
- (7) Types of assistance being requested;
- (8) Penalty for false representation;
- (9) Applicant's permission to verify information;
- (10) Signature of applicant and date.

(Ord. No. 92-6, § 13-42, 3-5-92; Ord. No. 94-2, § 13-42, 5-5-94)

Sec. 46-34. General assistance administrator's responsibilities at time of application.

- (a) *Generally.* The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving general assistance, including application requirements, eligibility guidelines, applicant rights, and reimbursement obligations.
- (b) *Application requirements.* The administrator will fill out the application as described in section 46-33, with information and documentation provided by the applicant. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.
- (c) *Eligibility requirements.* The administrator will inform the applicant of the eligibility requirements of the program, including the income standard of need; the applicant's ongoing use-of-income, work related, and resource related responsibilities, as described in section 46-35; the financial reduction in assistance that is the consequence of spending

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household income on non-necessities; and the disqualification penalties associated with committing fraud, failing to perform work related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

- (d) *Applicant rights.* The administrator will inform all applicants of their rights to, review this chapter and the state general assistance law, apply for assistance, receive a written decision concerning eligibility within 24 hours of applying for assistance, confidentiality, contact the department of health and human services, and challenge the administrator's decision by requesting a fair hearing.
- (e) *Reimbursement, recovery.* The administrator will inform the applicant that he must reimburse the municipality for the amount of general assistance he has been granted in the event of a subsequent ability to pay. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25, see article VI, relative to recovery of expenses). Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the workers' compensation lump sum payment lien or the SSI interim assistance agreement lien, as these liens are described in article VI.

(Ord. No. 92-6, § 13-43, 3-5-92; Ord. No. 94-2, § 13-43, 5-5-94; 12-9, 8-16-12)

State law references: Similar provisions, 22 M.R.S.A. §§ 4318, 4319.

Sec. 46-35. Responsibilities of applicant at time of application.

- (a) The applicant has the responsibility at the time of each application to provide accurate, complete and current information and verifiable documentation concerning the applicant's income, resources, assets, household employment, how the applicant has spent his income, the names and addresses of any relatives legally liable for the applicant's support, and any change in this information from a previous application that would affect the applicant's eligibility.
- (b) In addition, the applicant must accurately report and provide verifiable documentation that shows that the applicant:
 - (1) Has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
 - (2) Has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
 - (3) Has made use of all available and potential resources when directed in writing to such a program by the administrator, including but not limited to other government benefit programs or the assistance of liable relatives of sufficient means; and
 - (4) Has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the

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administrator, in order to diminish the applicant's need for general assistance.

(Ord. No. 92-6, § 13-44, 3-5-92; Ord. No. 94-2, § 13-44, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. §§ 4309, 4316-A, 4317.

Sec. 46-36. Action on applications.

- (a) *Written decision.* The general assistance administrator will give a written decision to the applicant concerning his eligibility within 24 hours after he submits a written application and will furnish assistance to eligible applicants within that period except when the municipality is permitted by law (and pursuant to section 46-67) to issue assistance conditionally on the successful completion of a workfare assignment. A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.
- (b) *Content of decision.* The written decision on the application will contain the following information:
 - (1) The type and amount of aid the applicant is being granted or the applicant's ineligibility;
 - (2) The period of eligibility if the applicant is eligible for assistance;
 - (3) The specific reasons for the decision;
 - (4) The applicant's right to a fair hearing; and
 - (5) The applicant's right to notify the department of health and human services if he believes the municipality has acted illegally.

(Ord. No. 92-6, § 13-45, 3-5-92; Ord. No. 94-2, § 13-45, 5-5-94; 12-9, 8-16-12)

State law references: Similar provisions, 22 M.R.S.A. §§ 4305, 4321.

Sec. 46-37. Withdrawal of an application.

An application is considered withdrawn if:

- (1) The applicant requests, in writing, that his application be withdrawn; or
- (2) The applicant refuses to complete or sign the application, or any other form needed by the general assistance administrator.

(Ord. No. 92-6, § 13-46, 3-5-92; Ord. No. 94-2, § 13-46, 5-5-94)

Sec. 46-38. Temporary refusal to accept application.

Under special circumstances, the general assistance administrator may temporarily refuse to accept applications for 24 hours. Such circumstances may include, but are not limited to, the following:

- (1) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be requested to leave. If the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will be

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accepted when his conduct is under control;

- (2) When a third person applies for assistance on behalf of the applicant. That person may be required to provide written verification that he has been duly authorized to act as a representative for the applicant.

(Ord. No. 92-6, § 13-47, 3-5-92; Ord. No. 94-2, § 13-47, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4308.

Sec. 46-39. Emergencies.

An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. Although applicants may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency will be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency. The following exceptions and conditions apply when determining eligibility for emergency assistance.

- (1) *Disqualification.* A person who is currently disqualified from receiving general assistance due to a violation of sections 46-66, 46-67, 46-68 and 46-94 is ineligible to receive emergency assistance. Dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (i) a dependent minor child; (ii) an elderly, ill or disabled person; or (iii) a person whose presence is required to provide care for any child under the age of six years or any ill or disabled member of the household. If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.
- (2) *Assistance prior to verification.* Whenever an applicant informs the administrator that he needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:
 - a. After interviewing the applicant, the administrator has determined that he will probably be eligible for assistance after a verification of information is completed; and
 - b. The applicant submits documentation, when possible, to verify his need.

The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility has been confirmed.

- (3) *Telephone applications.* If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, lack of child care, or other good cause, and if there is no authorized representative who can apply for the applicant, the administrator will accept an application over the telephone.

The administrator will not grant any assistance as the result of a telephone

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application if the applicant refuses to allow the administrator to verify the information either by visiting his home, or by mail, and the administrator cannot determine his eligibility through any other means.

- (4) *Limitation on emergency assistance.* Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive general assistance to replace that money. Applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert the emergency situation.

According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a. The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b. The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his basic necessities for the applicable time period, including evidence of all income and resources for the applicable time period.
- c. The administrator shall compute all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this chapter for the specific basic necessities or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d. From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total general assistance actually received during the applicable time period.
- e. The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (4)d, above, even when such a grant will not totally alleviate the emergency situation.
- f. The administrator may waive this limitation on emergency assistance in life threatening situations or for first time applicants, that is, persons who have never before applied for general assistance.
- g. Nothing in these criteria may be construed as prohibiting a municipality

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from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. Upon subsequent applications, that household's eligibility is subject to all the standards established by this chapter.

(Ord. No. 92-6, § 13-48, 3-5-92; Ord. No. 94-2, § 13-48, 5-5-94; 12-9, 8-16-12)

State law references: Similar provisions, 22 M.R.S.A. §§ 4301(4), 4308, 4308(2)(A), 4308(3), 4309(3), 4310.

Sec. 46-40. Residence.

- (a) *Eligibility.* The administrator shall provide general assistance to all Eligible Persons applying for assistance who are residents of this municipality. A "resident" is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household. The municipality also recognizes its responsibility to provide assistance to Eligible Persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his eligibility and, if eligible, will grant assistance until he establishes a residence in another municipality.
- (b) *Moving, relocating.* The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after the applicant moves, provided the recipient remains eligible.
- (c) *Institutions.* If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitative center, nursing home, or hospital) and requests assistance while at the institution, he will be the responsibility of this municipality for up to six months after he enters the institution. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution.
- (d) *Temporary housing.* Hotels, motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging. [Note: Municipalities which illegally deny housing assistance, and as a result of the denial the applicant stays in temporary lodging, are responsible for the applicant for up to

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six months and may be subject to other penalties.]

- (e) *Disputes.* When the administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the administrator will notify the department of human services in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his eligibility and, if eligible, will grant assistance until the department has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the department will recover the amount due from the other municipality.

(Ord. No. 92-6, § 13-49, 3-5-92; Ord. No. 94-2, § 13-49, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4307, 4307(4), (5), (6).

Secs. 46-41--46-60. Reserved.

ARTICLE III. ELIGIBILITY FACTORS

Sec. 46-61. Generally.

An Eligible Person may receive general assistance if he is in need and has complied with the eligibility requirements set forth in this article.

(Ord. No. 92-6, art. V, 3-5-92; Ord. No. 94-2, art. V, 5-5-94; Ord. No. 15-14, 01-14-16)

Sec. 46-62. Initial application; repeat applicants.

- (a) *Initial application.*

- (1) For initial applicants, except as provided below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct. See section 46-66. An initial applicant is a person who has never before applied for general assistance in any Maine municipality.
- (2) *Need* means that the applicant's income, including pro-rated income where applicable, property, credit, assets or other resources are less than the overall maximum levels of assistance established in accordance with section 46-98 or the actual 30-day costs, whichever is less, and he doesn't have adequate income or other resources available to provide basic necessities.

- (b) *Subsequent applicants.* Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for general assistance at any time in the past. Repeat applicants are also people on whose behalf a general assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be eligible for general assistance, they must be in need, have used their income and resources to secure basic necessities, and meet all other eligibility requirements.

(Ord. No. 92-6, § 13-50, 3-5-92; Ord. No. 94-2, § 13-50, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. §§ 4308(1), 4316-A(1A).

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Sec. 46-63. Eligibility for categorical assistance.

- (a) Receipt of categorical assistance will not disqualify a person from receiving general assistance, if he is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of food stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. section 2017(b)). Also, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income or resources; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his total fuel costs (42 U.S.C. section 624(f); Dept. of Health and Welfare v. Block, 784 F.2d 895). The computation of general assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under types of income at section 46-96.
- (b) Applicants or recipients must apply for other program benefits within seven days after being advised in writing to do so by the general assistance administrator. Persons who, without just cause, fail to make a good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit.

(Ord. No. 92-6, § 13-51, 3-5-92; Ord. No. 94-2, § 13-51, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4317.

Sec. 46-64. Personal property.

- (a) *Liquid assets.* No person owning assets easily convertible into cash, including, but not limited to, bank deposits, stocks, bonds, certificates of deposit and other marketable security, will be eligible for general assistance unless and until he uses these assets to meet his basic needs and thereby exhausts them.
- (b) *Tangible assets.* No person owning or possessing personal property consisting of more than one motor vehicle, or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are nonessential to the maintenance of the applicant's household will be eligible for general assistance. Exceptions may be made when a person is making an initial application and when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.
- (c) *Automobile ownership.* Ownership of one automobile per household will not make a person ineligible for assistance, if such vehicle is essential for transportation to employment, medical care, rehabilitation or training facilities, or if it is essential to the maintenance of the applicant and his family. Recipients of general assistance who own an automobile with a market value greater than \$8,000.00 may be required, with written, 30-day notice, to make a good faith effort to trade that automobile in to a reputable automobile dealer for an automobile with a market value of less than \$8,000.00. Any income received by the applicant by virtue of such a trade-down must be used for his basic necessities. Failure to liquidate or trade down the excess value of an automobile asset can result in disqualification. The municipality will neither pay, nor consider as

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necessary expenses, any car payment for which the applicant is responsible. General assistance for travel-related needs shall be computed in accordance with section 46-98, regarding work related expenses.

- (d) *Insurance.* Insurance that is available to an applicant on a noncontributory basis, or that is required as a condition of employment, will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may be considered as a tangible asset when an applicant has received assistance for four weeks or more after an application for assistance.
- (e) *Transfer of property.* Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for general assistance will not be granted general assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his assets in order to be eligible for general assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for general assistance unless the applicant can demonstrate the existence of an arms-length transaction.

(Ord. No. 92-6, § 13-52, 3-5-92; Ord. No. 94-2, § 13-52, 5-5-94; 12-9, 8-16-12)

State law references: Similar provisions, 22 M.R.S.A. § 4317.

Sec. 46-65. Ownership of real estate.

- (a) If the applicant or dependents own real property other than that occupied as the principal home, continued eligibility will depend on the applicant making a reasonable effort to:
 - (1) Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
 - (2) Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to someone solely to appear eligible for general assistance will be ineligible.
- (b) If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient. See section 46-97.

(Ord. No. 92-6, § 13-53, 3-5-92; Ord. No. 94-2, § 13-53, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4320.

Sec. 46-66. Work requirement.

All general assistance recipients are required to work, look for work, and fulfill the work requirements, unless they are exempt as provided in this section.

- (1) *Employment, rehabilitation.* All unemployed applicants and members of their households who are 16 years of age or older will be required to accept any suitable job offer or opportunity for rehabilitative services, except as provided in

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this article (see exemptions). Applicants must demonstrate to the administrator that they are available for work and are actively seeking full time employment.

- a. *Suitable job* means any job (at a rate of at least the state's minimum wage) which the applicant is mentally and physically able to perform.
 - b. *Available for work* means that applicants must make themselves available for work during the normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.
- (2) *Verification.* Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. If employment is pursued online, an actual application must be completed, and a receipt for the completed application must be provided *Pursuit of employment* means actually submitting a written application or applying for a job in person when reasonable, or submitting an online application. For the duration of any repeat applicant's period of unemployment or partial employment, each recipient will be responsible for providing documentation of their pursuit of employment according to the conditions set forth by the administrator. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.
- (3) *Disqualification.* After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:
- a. Refuse to register for employment with the state job service;
 - b. Refuse to search diligently for employment when the search is reasonable and appropriate. Recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
 - c. Refuse to accept a suitable job offer;
 - d. Refuse to participate in an assigned training, education or rehabilitative program that would assist the applicant in securing employment;
 - e. Fail to be available for work;
 - f. Refuse to participate, or participate in a substandard manner, in the municipal work program. See section 46-67.
- (4) *Disqualification for quitting job, discharge for misconduct.* No applicant, whether an initial or repeat applicant, who has quit his full-time or part-time job without just cause or who has been discharged from employment for misconduct will be eligible to receive general assistance of any kind for a 120-day period from the date of separation from employment.
- (5) *Just cause.* Applicants will be ineligible for assistance for 120 days if they refuse

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to comply with the work requirements of this section without just cause. Just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a. The applicant has a physical or mental illness or disability, which prevents him from working;
 - b. Employment pays below minimum wage;
 - c. The applicant was subject to sexual harassment;
 - d. The applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
 - e. The applicant has no means of transportation to or from work or a training or rehabilitation program;
 - f. The applicant is unable to arrange for necessary child care or care of ill or disabled family members;
 - g. Any reason found to be good cause by the state department of labor or any other verifiable reason which the administrator considers reasonable and appropriate will be accepted as just cause.
- (6) *Applicant's burden of establishing just cause.* If the administrator finds that the applicant has violated a work related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause.
- (7) *Eligibility regained.* Persons who are disqualified for 120 days because they violated the work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement they violated. Persons who have been disqualified for 120 days for failing or refusing to participate in the municipal workfare program or for performing their workfare assignment in a substandard manner shall be limited to a single opportunity to regain eligibility. If a workfare participant fails to regain eligibility, without just cause, after being offered a distinct and separate opportunity to do so, the administrator shall enforce the 120-day disqualification for the term of its initial duration. If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial period of disqualification for failing to comply with the municipal work program, that participant shall be ineligible for a new 120-day period beginning with a new disqualification date, but with no opportunity to requalify.
- (8) *Dependents.* Failure of an otherwise Eligible Person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:
- a. A dependent minor child;
 - b. An elderly, ill, or disabled person; and
 - c. A person whose presence is required in order to provide care for any child under six years of age or for any ill or disabled member of the household.

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If one or more members of a household are disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated as though the household is composed of the dependents only, except that all household income will be considered as available to them.

(9) *Exemptions.*

- a. The work requirements of this section do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the family residing in the household is also exempt from the requirements of this section.
- b. The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved or determined by the department of labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program under the control of the department of human services or department of labor.

(Ord. No. 92-6, § 13-54, 3-5-92; Ord. No. 94-2, § 13-54, 5-5-94; 12-9, 8-16-12)

State law references: Similar provisions, 22 M.R.S.A. § 4301(8), 4309(3), 4316-A(1A), (4).

Sec. 46-67. Municipal work program.

- (a) *Participation.* Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a nonprofit organization, as a condition of receiving assistance. The work requirement provisions found in section 46-66 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.
- (b) *Consent.* Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.
- (c) *Limitations.* The work requirement is subject to the following limitations:
 - (1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance the value of which is computed at the rate of at least the prevailing minimum wage under state or

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federal law.

- (2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- (3) In no case shall Eligible Persons performing work under this section replace regular municipal employees.
- (4) In no case will work performed under this section interfere with an Eligible Person's:
 - a. Existing employment;
 - b. Ability to follow up on a bona fide job offer;
 - c. Attendance at an interview for possible employment;
 - d. Classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e. Classroom or on-site participation in a training program which is approved or determined by the department of labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree granting program operated under the control of the department of human services or the department of labor.
- (5) In no case may an Eligible Person be required to work more than 40 hours per week. An Eligible Person who has full- or part-time employment shall be exempt from the work requirement, to the extent that the work requirement in combination with his regular employment would result in the person working more than 40 hours per week.
- (6) In no case will an Eligible Person be required to perform work beyond his capabilities. However, when an illness or disability is claimed, an Eligible Person may be required, as a condition of receiving assistance, to present a medical statement detailing the extent of the disability or illness. If the administrator requires a medical statement to verify an applicant's illness or disability, the municipality will pay for the doctor's evaluation if the applicant has no means to pay for the exam; however, in such a case, the administrator will choose the medical provider. The administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention.
- (7) In no case may an Eligible Person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this section prior to receiving general assistance. The administrator shall meet immediate needs upon receiving written assurance from the Eligible Person that he is willing to perform workfare in order to continue to be eligible for general assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving general assistance in accordance with the following workfare first policy.

(d) *Workfare first policy.* Under the authority of 22 M.R.S.A. § 4316-A(2)(D), the
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administrator may, in accordance with the following guidelines, require a recipient of general assistance to perform a workfare assignment prior to the actual issuance of the general assistance benefit conditionally granted.

- (1) In no circumstance will emergency general assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- (2) All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for general assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:
 - a. A specific description of the amount of general assistance being conditionally granted to the household, and for which basic needs;
 - b. The period of eligibility for which the general assistance grant is being issued, in days or weeks but not to exceed 30 days;
 - c. The rate, at a dollar-per-hour basis, but not less than the prevailing minimum wage, upon which the duration of the workfare assignment is calculated;
 - d. The actual duration of the workfare assignment that must be performed, in hours, before the general assistance grant will be actually issued;
 - e. The specifics of the workfare assignments, including the general nature of the type of work being assigned, locations of work sites, dates and times of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f. Any other pertinent information related to the workfare assignments the recipient will be expected to perform.
- (3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his workfare related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- (4) In addition to any disqualification penalty that may apply, the consequences of refusing to perform or failing to completely perform the workfare assignment, without just cause, or performing the entire workfare assignment below the average standards for that job, without just cause, will be the termination of the entire general assistance grant. Notice of the grant termination will be provided to the workfare participant in accordance with section 46-99.
- (5) If some of the workfare first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of general assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance grant shall be terminated, and notice of the partial termination and the reasons therefore will be issued to the workfare participant in accordance with

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section 46-99.

- (6) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons shall be reassigned.
- (e) *Work-related expenses.* A participant's expenses related to work performed under this section will be added to the amount of net general assistance to be provided to the person. The municipality will provide any special clothes or equipment the recipient needs to perform his work assignment, if they are not available through other sources.
- (f) *Disqualification.* Any person who willfully fails to perform or willfully performs below average standards the work assigned by the municipality, without just cause, will be ineligible for 120 days. As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient that he is disqualified for 120 days unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.
- (g) *Eligibility regained.* Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- (1) Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see section 46-66).

If during the 120-day disqualification period the recipient makes a timely and reasonable request to perform the work assignment which he, without just cause, failed to perform, the disqualified recipient will be given an opportunity to regain his eligibility. The administrator will give the recipient a work assignment as soon as possible. If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency but the provision of such emergency assistance will not bar the administrator from subsequently enforcing the 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

Recipients who have asked to regain their eligibility during a 120-day disqualification period and who agree to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

- (2) If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of disqualification for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but with no

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opportunity to requalify.

- (3) Any recipient who intentionally causes damage to property or harms other employees by his actions and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.
- (4) For the purposes of regaining eligibility under section 46-66 and this section by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. § 1043 et seq., or a service performed for an employer who withholds from the employee a social security tax pursuant to federal law.
- (h) *Reports.* The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the department of human services.

(Ord. No. 92-6, § 13-55, 3-5-92; Ord. No. 94-2, § 13-55, 5-5-94)

Cross references: Nonemergency assistance issued conditionally upon successful completion of workfare assignment, § 46-1(d).

State law references: Similar provisions, 22 M.R.S.A. §§ 4309, 4316(5), 4316-A(1), (2), (3).

Sec. 46-68. Use of resources.

- (a) *Required.* Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource which may reduce his need for general assistance (see definition of resources, section 46-2). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource.
- (b) *Minors.* A minor under the age of 18 years who has never married and is applying independently for general assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:
 - (1) The minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement;
 - (2) The minor has no living parent or the whereabouts of the parents are unknown;
 - (3) No parent will permit the minor to live in the parent's home;
 - (4) The minor has lived apart from both parents for at least one year before the birth of any dependent child;
 - (5) The department of human services determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his child or children lived with a parent; or
 - (6) The department of human services determines, in accordance with its regulations, that there is good cause to waive this limitation on eligibility.

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Any person under the age of 25 years who is applying independently from his parents for general assistance will be informed that until he reaches the age of 25, the applicant's parents are still legally liable for his support, and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his parents are financially capable of repaying the municipality. With regard to any such application, the municipality may seek verification of the applicant's need for general assistance by contacting his parents (*City of Bangor v. DHS, Penob. Cty #CV-90-28*). If the applicant's parents declare a willingness to provide the applicant with his basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his parents for basic needs, the administrator may find the applicant to be in no need for general assistance for the reason that his needs are being provided by a legally liable relative.

- (c) *Mental or physical disability.* Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant provided they would not constitute a financial burden or create a physical risk to the individual.
- (d) *Written notice; disqualification.* The administrator will give each applicant written notice that he is required to utilize any and all potential resources. Any applicant who refuses to utilize potential resources, without just cause, after receiving a written seven-day notice, will be ineligible for further assistance until he has made a good faith effort to utilize the resources. General assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.
- (e) *Forfeiture of benefits.* Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive general assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture. An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, section 1051, subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

(Ord. No. 92-6, § 13-56, 3-5-92; Ord. No. 94-2, § 13-56, 5-5-94; Ord. No. 13-11, 7-1-13)

State law references: Similar provisions, 19 M.R.S.A. §§ 441--443, 22 M.R.S.A. §§ 4309(4), 4317, 4319.

Sec. 46-69. Period of disqualification.

- (a) *Notice; hearing.* No one will have his assistance terminated, reduced or suspended prior to being given written notice and an opportunity for a fair hearing. Each person will be notified in writing of the reasons for his ineligibility, and any person disqualified for not complying with this chapter will be notified in writing of the period of disqualification.
- (b) *Work requirement.* People who do not comply with a work requirement are disqualified

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from receiving assistance for a period of 120 days (unless they regain their eligibility; see section 46-66). Recipients who do not comply with the work requirement and are disqualified before the period covered by the grant of assistance expires shall be disqualified for 120 days following the end of the period covered by the assistance grant. People who do not comply with a work requirement and are disqualified after the period covered by the grant of assistance expires will be disqualified for 120 days from the date of the written notice of disqualification. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision of disqualification.

- (c) *Fraud.* People who commit fraud are disqualified from receiving assistance for a period of 120 days (see section 46-94, fraud) and they are required to reimburse the municipality. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision. If a disqualification for fraud is issued before the expiration of a grant of assistance, the period of disqualification shall commence on the day following the end of the period covered by the grant of assistance or on the day the fair hearing authority renders its decision, whichever is later. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of disqualification, unless subsequently modified by the fair hearing authority.

(Ord. No. 92-6, § 13-57, 3-5-92; Ord. No. 94-2, § 13-57, 5-5-94; Ord. No. 17-18, 11-16-17)

State law references: Similar provisions, 22 M.R.S.A. §§ 4321, 4322.

Secs. 46-70--46-90. Reserved.

ARTICLE IV. DETERMINATION OF ELIGIBILITY

Sec. 46-91. Recognition of dignity and rights.

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his individual rights.

(Ord. No. 92-6, § 13-60, 3-5-92; Ord. No. 94-2, § 13-60, 5-5-94)

Sec. 46-92. Determination; redetermination.

- (a) The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for general assistance. The administrator will make a redetermination of eligibility at least monthly, but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.
- (b) The administrator may redetermine a person's eligibility at any time during the period he

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is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority.

(Ord. No. 92-6, § 13-61, 3-5-92; Ord. No. 94-2, § 13-61, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4309.

Sec. 46-93. Verification.

- (a) *Applicant's responsibility.* Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his need, income, use of income, expenses, and any changes in information previously reported on the application. The administrator will require documentation of the applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities that are reasonably obtainable. The recipient is responsible for notifying the administrator of any changes in his household or income that may affect his eligibility. When determining an applicant's eligibility, the administrator will seek all necessary information first from the applicant. Information needed from other sources, with the exception of public records, will be gathered only with the knowledge and consent of the applicant.
- (b) *Decision.* If an applicant does not have the necessary information at the time of application, the administrator will give the applicant the opportunity to provide the information prior to the expiration of the 24-hour period within which the administrator must act on the application. Except when assistance is conditionally granted pursuant to this municipality's workfare first policy (see section 46-67). If all the necessary information has been provided and the applicant is eligible, assistance will be granted. If the applicant does not provide the required information needed within the 24-hour period, and the administrator cannot determine the applicant's eligibility, the applicant will be denied assistance for that reason.
- (c) *Denial of assistance.* The administrator will not grant assistance to any applicant who refuses to supply necessary information and documentation concerning his needs, income and other resources, or who refuses to grant permission for the administrator to contact other persons to verify the information. If the administrator has attempted to verify the information but is unable to determine if the applicant is eligible because the applicant has refused to provide or allow the administrator to verify the necessary information, the applicant will be denied assistance until the necessary verification has been accomplished.
- (d) *Right to verify.* It is the administrator's responsibility to determine and verify the eligibility of each applicant. The administrator may seek and verify information from all appropriate sources including, but not limited to: The department of human services and any other department of the state having information that has a bearing on an applicant's eligibility, financial institutions, employers and landlords, physicians, and legally liable relatives. The administrator will request the applicant's written consent authorizing the

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administrator to receive the necessary information.

- (e) *Penalty for refusing to release information.* Any person who refuses to provide necessary information to the administrator, after it has been requested, must state in writing the reasons for the refusal within three days of receiving the request. Any person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25.00 nor more than \$100.00, which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a class E crime.

(Ord. No. 92-6, § 13-62, 3-5-92; Ord. No. 94-2, § 13-62, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. §§ 4309(1-B), 4314, 4315.

Sec. 46-94. Fraud.

- (a) *Generally.* It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance. A "material fact" is any information which has direct bearing on the person's eligibility. "False representation" shall consist of any individual knowingly and willfully:
 - (1) Making a false statement to the general assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
 - (2) Concealing information from the general assistance administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
 - (3) Using general assistance benefits for a purpose other than that for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

- (b) *Period of ineligibility.* When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself eligible for general assistance, the administrator shall notify the applicant in writing that he has been disqualified from receiving assistance and is required to reimburse the municipality for any assistance rendered for which he was ineligible and is ineligible from receiving further assistance for 120 days and until that reimbursement is made, or the person enters into a written agreement, which must be reasonable under the circumstances. For the purpose of this section, a "material misrepresentation" is a false statement about an eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted. The notification of disqualification issued by the administrator shall inform the applicant of his right to appeal the administrator's decision to the fair hearing authority within five working days of receipt. Unless modified by the fair hearing authority, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of disqualification, whichever is later.
- (c) *Right to a fair hearing.* Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing

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authority in accordance with article V of this chapter. No recipient shall have his assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the fair hearing authority may appeal that decision to the superior court pursuant to rule 80-B.

- (d) *Reimbursement.* If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he was not entitled.
- (e) *Dependents.* In no event will the disqualification of a person under this section serve to disqualify any eligible dependent in that household. If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.

(Ord. No. 92-6, § 13-63, 3-5-92; Ord. No. 94-2, § 13-63, 5-5-94; Ord. No. 17-18, 11-16-17; Ord. No. 17-21, 1-4-18)

State law references: Similar provisions, 22 M.R.S.A. § 4315.

Sec. 46-95. Period of eligibility.

The administrator will grant assistance to all Eligible Persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. Upon any application the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis. For reasons of administrative efficiency, however, the administrator may elect to disburse that applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse general assistance for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

(Ord. No. 92-6, § 13-64, 3-5-92; Ord. No. 94-2, § 13-64, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4309.

Sec. 46-96. Determination of need.

The period of time used to calculate need will be the next 30-day period from the date of application. The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in the general assistance policy, whichever is less. Applicants will not be considered eligible if their income and other resources exceed this calculation, except in an emergency. See section 46-39.

Applicants will also not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the general assistance policy. The difference between the applicant's income/resources and the overall maximum levels of assistance established by this chapter is the applicant's deficit. Once an applicant's deficit has

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been determined, the specific maximum levels of assistance for each basic necessity listed in the general assistance policy shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency.

- (1) *Income for basic necessities.* Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to the application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. Applicants who have sufficient income to provide their basic necessities, but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum levels of assistance.
- (2) *Use-of-income requirements.* Anyone applying for general assistance must document his use of income to the administrator. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Any repeat applicants must verify that such an expenditure of income was for basic necessities.
 - a. Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; nonprescription drugs up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons; the costs of nonelective medical services as recommended by a physician which are not otherwise covered by medical entitlement or insurance; the reasonable cost of essential clothing; and the costs of any other commodity or service determined essential by the administrator.
 - b. Cable television, cigarettes, alcohol, gifts purchased, costs of trips or vacations, court fines paid, repayments of unsecured loans, credit card debt, costs associated with pet care, etc., are not considered basic necessities and will not be included in the budget computation.
 - c. The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his income for basic necessities or fails to reasonably document his use of income. Those additional requirements will be applied in the following manner:
 1. The administrator may require the applicant to use some or all of his income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required

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expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities.

2. The administrator will notify applicants in writing of the specific use-of-income requirements placed on them.
 3. If upon subsequent application it cannot be determined how the applicant's income was spent, or if it is determined that some or all of applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income.
 4. If the applicant does not spend his income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.
- (3) *Computation of income and expenses.* In determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of section 46-98. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (see section 46-39).
- The municipality will provide assistance in an amount up to the deficit to the extent the applicant is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in section 46-98 for specific basic necessities except in an emergency or when the administrator elects to consolidate the applicant's unmet need, as provided in subsection (4) of this section.
- (4) *Consolidation of deficit.* As a general rule and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this chapter or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.
- a. The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
 - b. The total general assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
 - c. The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his income or resources in violation of the use-of-income requirements of this chapter.

(Ord. No. 92-6, § 13-65, 3-5-92; Ord. No. 94-2, § 13-65, 5-5-94)

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State law references: Similar provisions, 22 M.R.S.A. §§ 4301(7), (10), 4305(3-A), (3-B), 4308(2), 4315-A.

Sec. 46-97. Income.

- (a) *Income standards.* Applicants whose income exceeds the overall maximum level of assistance provided in the general assistance policy shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time they apply.
- (b) *Calculation of income.* To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in the general assistance policy, applicants will not be considered in need. Exceptions will be made in emergency situations which may necessitate that the maximum levels be exceeded. See section 46-39. To calculate weekly income and expenses, the administrator will divide the applicant's monthly income and expenses by 4.3.
- (c) *Types of income.* Income which will be considered in determining an applicant's need includes:
 - (1) *Earned income.* Income in cash or in-kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income. Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will not be considered available income and will be deducted.
 - (2) *Income from other assistance or social services programs.* State/federal categorical assistance benefits, SSI payments, social security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits food stamps and fuel assistance payments made by the home energy assistance program (HEAP) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of general assistance the applicant is eligible to receive, although applicants may have only a limited or reduced need for general assistance for heating fuel or electricity if a recently received HEAP benefit has sufficiently credited their account or otherwise obliterated an actual fuel-related cost over the

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prospective 30-day period. The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP as if that applicant paid for his total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward nonheating purposes solely on the basis of the recipient's receipt of HEAP.

- (3) *Court-ordered support payments.* Alimony and child support payments will be considered income only if actually received by the applicant. The general assistance administrator will refer cases where support payments are not actually received to the state department of human services' support enforcement location unit.
- (4) *Income from other sources.* Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives.
- (5) *Earnings of a son or daughter.* Earned income received by sons and daughters below the age of 18 years who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.
- (6) *Income from household members.* Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another. (Boisvert v. Lewiston, CV#80-436, Androscoggin County Superior Court)
- (7) *Pooling or nonpooling of income.* When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of nonpooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his pro rata share of household costs. If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant

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successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his income and his pro rata share of actual household expenses.

- (8) *Lump sum income.* A lump sum payment received by an applicant or recipient, prior to or subsequent to applying for assistance shall be considered as income available to the household, with the exception of any required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant or recipient can document was spent on basic necessities, as described below. The lump sum payment must be prorated over future months according to the following criteria:

The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all of the household's basic necessities. That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

(Ord. No. 92-6, § 13-66, 3-5-92; Ord. No. 94-2, § 13-66, 5-5-94; 12-9, 8-16-12; Ord. No. 13-11, 7-1-13)

State law references: Similar provisions, 22 M.R.S.A. §§ 4301(7), (8-A), (12-A), 4308.

Sec. 46-98. Basic necessities; maximum levels of assistance.

- (a) *Overall maximum levels of assistance.* Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in this section, an applicant's eligibility for general assistance will be first determined by subtracting his income from the overall maximum level of assistance, established in Title 22, section 4305, subsection 3-C, as set in the general assistance policy for the applicable household size. The difference yielded by this calculation shall be the applicant's deficit. Applicants will be eligible for general assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for general assistance unless they are in an emergency, in which case eligibility for emergency general assistance will be determined

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according to section 46-39.

- (b) *Maximum levels of assistance for specific basic necessities.* The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance as set forth in the general assistance policy. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs (*Glidden v. Town of Fairfield, et al*, CV79-17, Somerset County Superior Court). In all cases, either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need. The applicant's need for common living expenses for food, rent, fuel, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. This presumption may be rebutted by evidence that the other household members had no income with which to pay their share of common expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person, or which has been incurred in another person's name.
- (1) *Food.* The administrator will provide food assistance to Eligible Persons up to the allowed maximum amounts as established by the city council in the general assistance policy, such amounts being as designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size, and distributed by the state department of human services on or about October of each year. In determining need for food, the administrator will not consider the value of food stamps an applicant receives as income (7 USC sec. 2017(b); *Dupler, et al v. City of Portland, et al*, CV-74-134 SD). The municipality will authorize vouchers to be used solely for approved food products.
- (2) *Housing.* The administrator will provide assistance with rent or mortgage payments that are reasonable and within the allowed maximum levels established by the city council in the general assistance policy, and in accordance with the housing assistance limits provided in Title 22, section 4308, subsection 1-A; and in accordance with the housing exceptions provided in Title 22, section 4308, subsection 1-B. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed. Single individuals will be required to live in rooms, boardinghouses or shelters when such housing is available. Persons will be required to find rooms or apartments that have utilities furnished, unless they are residing in subsidized housing. Persons will be required to apply for, and accept, subsidized housing. The

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municipality will not pay security deposits or back bills, except in an emergency as provided in section 46-39.

- (3) *Rental payments to relatives.* The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relatives rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relatives' children.
- (4) *Rental payments to private homes.*
 - a. When applicants are living in private homes or sharing dwelling units with other people who are not requesting general assistance, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum.
 - b. Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with most superior legal or equitable interest in the property.
 - c. When the municipality issues in aggregate more than \$600.00 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation. See section 6041(a) of the Internal Revenue Code.
 - d. Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the department of human services, division of health engineering, pursuant to 10-144A Code of Maine Regulations, chapter 201, as a condition of that landlord receiving future general assistance payments on behalf of his tenants.
- (5) *Mortgage payments.*
 - a. In the case of a request for assistance with a mortgage payment, the general assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:
 1. The marketability of the shelter's equity;
 2. The amount of equity;
 3. The availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
 4. The extent to which liquidation may aid the applicant's financial rehabilitation;

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5. A comparison between the amount of mortgage obligations and of anticipated rental charges the applicant would be responsible for if he were to be dislocated to rental housing;
 6. The imminence of the applicant's dislocation from owned housing because of his inability to meet the mortgage payments;
 7. The likelihood that the provision of housing assistance will prevent such dislocation; and
 8. The applicant's age, health and social situation.
- b. These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide. If after reviewing the above criteria the administrator determines that the payment of the mortgage is not necessary to meet the applicant's immediate shelter needs, the administrator may elect not to make any mortgage payment unless the applicant has been served a notice of foreclosure, although mortgage payments, up to the ordinance maximum for housing, will be budgeted as an expense.
- c. If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels established by the city council in the general assistance policy, whichever is less. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he is responsible for finding alternative housing within his ability to pay and will be obligated to make all reasonable efforts to secure such housing.

(6) *Liens.*

- a. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. No lien may be enforced against a recipient, except upon his death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance or who would again become eligible for general assistance if the lien were enforced.
- b. If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment, it must file a notice of the lien with the county register of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage payment and all subsequent mortgage payments made on behalf of the same Eligible Person, plus interest and costs. Not less than ten days prior to filing the

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lien notice in the registry, the municipal officers must send a different notice to the owner of the real estate, the general assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment or the imposition of interest. This notice must include the same information that appeared on the original notice of proposed filing sent to the recipient.

- c. The municipality will charge interest on the amount of money secured by the lien. The city council will establish the interest rate, not to exceed the maximum rate of interest allowed by the state treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.
- (7) *Property taxes.* If an applicant requests assistance with his property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process and general assistance. If the applicant chooses to seek property tax assistance through general assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:
- a. The property tax in question is for the applicant's place of residence;
 - b. There is a tax lien on the property which is due to mature within 60 days of the date of application;
 - c. As a matter of policy or practice it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
 - d. The applicant, with sufficient notice, applies for property tax relief through the state resident property tax program, when available.
- (8) *Housing maximums.* The maximum levels of housing assistance contained in this chapter have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values as those values are prepared and distributed by the state department of human services on or about November 1 of each year, those levels are hereby incorporated by reference. If and when the maximum levels of housing contained in this chapter are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the department of human services, general assistance unit, and the maximum levels of housing assistance will be incorporated into this chapter pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305. The maximum amounts allowed for housing are as established by the city council in the general assistance policy.

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(9) *Utilities.*

- a. Expenses for lights, cooking and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.
- b. Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 46-39. Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive general assistance to replace those funds. Applicants have the burden of providing evidence of their income and use of income for the applicable time period. See section 46-39. The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicants' responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.
- c. In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer-loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant:
 1. The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for nonelectrically heated dwelling units.
 2. The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.
 3. The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.
- d. Pursuant to the use-of-income requirements in section 46-96, whenever the administrator budgets for SPAs or BPAs under this section, the recipient will be required to pay the SPA or BPA himself to the extent of

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the income capacity of the household.

- (10) *Nonelectric utilities.* The allowed amount for water and sewer utility service will be budgeted at the actual 30-day cost for those services.
- (11) *Fuel.*
 - a. Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May), provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.
 - b. Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills, except in an emergency as provided in section 46-39. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicant's control, and process the emergency request accordingly, pursuant to section 46-39. Running out of fuel will not necessarily be considered an emergency unless the applicants have just cause for failing to give the administrator timely notice of their need for fuel.
 - c. When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.
 - d. When fuel such as wood, coal and/or natural gas is used to heat, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than seven tons of coal per year, eight cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.
- (12) *Personal/household supplies.* Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums. Personal and household supplies include hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags, and lightbulbs.
- (13) *Other basic necessities.* Expenses falling under this subsection may be granted when they are deemed essential to an applicant's or recipient's health and safety by the general assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.
 - a. *Clothing.* The municipality may assist a household with the purchase of adequate clothing, although, in most instances, clothing will be a postponable item. Exceptions to this would be, for example, if fire or

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unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment. Before assistance will be granted for clothing, the general assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. Clothing will be budgeted at a fee as determined by the city council in the general assistance policy when the general assistance administrator finds it necessary to authorize clothing.

- b. *Medical.* The municipality will pay for essential medical expenses, other than hospital bills (see hospital bills), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. The municipality will grant assistance for medical service only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his need to seek general assistance for medical expenses. The municipality will grant assistance for nonemergency medical services only if a physician verifies that the services are essential. All medical costs authorized by the municipality will be at Medicaid rates. The administrator may require a second medical opinion from a physician designated by the municipality at the municipality's expense to verify the necessity of the service. In order for telephone service to be considered an allowable expense, the applicant must provide a written statement from a physician certifying that the telephone is absolutely essential to the applicant's health and safety. Only the basic rate will be considered.
- c. *Hospital bills.*
 - 1. In the event of an emergency admission to the hospital, the hospital must notify the administrator within five business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.
 - 2. Any person who cannot pay his hospital bill must apply to the hospital for consideration under the hospital's charity care program as provided in 22 M.R.S.A. § 396-F(1). Anyone who is not eligible for the hospital's charity care program may apply for general assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's charity care program.
 - 3. Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly

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payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 46-96 of this chapter.

- d. *Dental.* The municipality will not furnish dental services, except in cases of emergency. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- e. *Eye care.* In order to be eligible to receive general assistance for eyeglasses, an applicant must have his medical need certified by a person licensed to practice optometry. The general assistance administrator will provide assistance for eyeglasses to Eligible Persons only after the applicant has exhausted all other available resources.
- f. *Work-related expenses.* In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include child care costs, work clothes, supplies and transportation (if it is not available by the local bus service or car pooling) at the actual costs, not to exceed the ordinance maximum as established by the city council in the general assistance policy. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- g. *Burial, cremations.*
 - 1. Under the circumstances and in accordance with the procedures and limitations described below, the municipality recognizes its responsibility to pay for the burial or cremation of Eligible Persons. The administrator will provide for burial and cremation services to Eligible Persons up to the allowed maximum amounts as established by the city council in the general assistance policy.
 - 2. Funeral directors must give timely notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of 3 business days following the funeral director's receipt of the body, whichever is earlier. This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses and the funeral director wants the municipality to pay all

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or part of the expenses, the funeral director must make timely contact with the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

3. Application for assistance shall be created on behalf of the deceased. For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be created by the administrator on behalf of the deceased.
4. With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 46-40.
5. Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.
6. The financial responsibility of certain family members. Spouse, registered domestic partner, grandparents, parents, children and grandchildren of the deceased are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator, with any reasonable requested information regarding their income, assets, and basic living expenses. If any responsible family members refuse to provide the requested information or refuse to allow the municipality to investigate their resources, the municipality will not grant the requested burial or cremation assistance. If the administrator makes a finding that one or more legally liable relatives has a financial capacity to pay for the burial or cremation, the

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municipality will not grant the requested burial or cremation assistance. Any representative of a financial institution or any employer of a general assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with 22 M.R.S.A. §4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased.

7. Eight days to determine eligibility. The administrator may take up to eight days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation.
 8. The municipal obligation to pay when legally liable relatives or others can contribute. The figures provided in the general assistance policy are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source.
- h. *Burial expenses.* The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremation. Burial services required, at a minimum, shall include removal of the body from a local residence or institution, a secured death certificate and obituary, preparation of the body, a minimum casket, and necessary transportation. Other reasonable and necessary specified direct costs may be approved for reimbursement by the administrator, and may include the wholesale cost of a cement liner if the cemetery bylaws require one, the opening and closing of the gravesite, and a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery, or in a cemetery under municipal control, or in a cemetery that donates the lots to the city, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.
- i. *Cremation expenses.* In the absence of any objection by any family members of the deceased, the administrator will issue general assistance for cremation services. Cremation services required, at a minimum, shall include removal of the body from a local residence or institution, a

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secured death certificate and obituary, an appropriate container for cremation, and necessary transportation. Other reasonable and necessary specified direct costs may be approved for reimbursement by the administrator, and may include the wholesale cost of a liner if the cemetery bylaws require one, and a cremation lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery, or in a cemetery under municipal control, or in a cemetery that donates the lots to the city, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

- j. *Capital improvements.* The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been preapproved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible, for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant general assistance for capital improvements when:
1. The failure to do so would place the applicant(s) in emergency circumstances;
 2. There are no other resources available to effect the capital repair; and
 3. There is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when general assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (b)(2) of this section.

(Ord. No. 92-6, § 13-67, 3-5-92; Ord. No. 94-2, § 13-67, 5-5-94; Ord. No. 99-8, 4-15-99; Ord. No. 12-06, 7-5-12; 12-9, 8-16-12; Ord. No. 15-14, 01-14-16; Ord. No. 17-18, 11-16-17)

State law references: Similar provisions, 22 M.R.S.A. §§ 4301(6), (7-A), 4305, 4308(2), 4309, 4313(2), 4319(2), 4320, 36 M.R.S.A. § 841(2).

Sec. 46-99. Notice of decision; disbursements.

- (a) *Written decision.* The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving an application. See section 46-36.

In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to explain the applicant's right to a fair hearing in the written notice of decision.

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- (b) *Contents.* After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in section 46-36, the notice will state that applicants:
- (1) Have the right to a fair hearing and the method by which they may obtain a fair hearing;
 - (2) Have the right to contact the department of human services if they believe the municipality has violated the law. The decision will state the method for notifying the department.
- (c) *Disbursement of general assistance.* Except when determined impractical by the administrator, all general assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing general assistance in the form of cash.

(Ord. No. 92-6, § 13-68, 3-5-92; Ord. No. 94-2, § 13-68, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4305(3), (6).

Secs. 46-100--46-120. Reserved.

ARTICLE V. FAIR HEARING

Sec. 46-121. Right to fair hearing.

Within five working days of receiving a written notice of denial, reduction or termination of assistance, or within ten working days after any other act or failure to act, the applicant or his authorized representative has the right to request a fair hearing. The right to review a decision by the general assistance administrator is a basic right of the applicant to a fully evidentiary hearing and is not limited solely to a review of the decision. (Carson v. Oakland, 442 A.2d 170 (Me. 1982); Thibodeau v. Lewiston, Androscoggin Superior Court, 1979, CV78-388)

(Ord. No. 92-6, § 13-70, 3-5-92; Ord. No. 94-2, § 13-70, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4322.

Sec. 46-122. Method of obtaining.

Upon receiving notification of the decision of the general assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the general assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

- (1) *Written request.* To obtain a fair hearing, the claimant must make a written request within five working days of receiving the administrator's decision to deny, reduce or terminate assistance, or within ten working days after any other act or failure to act. The administrator will make available a printed form for requesting

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a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a. The decision on which review is sought;
- b. The reasons for the claimant's dissatisfaction and why the claimant believes he is eligible to receive assistance; and
- c. The relief sought by the claimant.

The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn by the claimant.

- (2) *Scheduling the fair hearing.* Upon receipt of the completed written request, the fair hearing authority must meet and hold the hearing within five working days. The administrator will notify the claimant in writing when and where the hearing will be held. In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

- a. Be his own spokesperson at the fair hearing or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;
- b. Confront and cross examine any witnesses presented at the hearing against the claimant;
- c. Present witnesses on his own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given notice early enough to allow preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of the claimant's case.

(Ord. No. 92-6, § 13-71, 3-5-92; Ord. No. 94-2, § 13-71, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4322.

Sec. 46-123. The fair hearing authority.

- (a) The municipal officers will appoint a fair hearing authority, which will review decisions of the general assistance administrator when requested by any claimant. The authority is charged with the responsibility of ensuring that general assistance is administered in accordance with state law and local ordinance.
- (b) The fair hearing authority may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the hearing authority or, if designated, the board of appeals created under 30-A M.R.S.A. § 2691. In determining the organization of the fair hearing authority, the municipal officers will use the following criteria. The person(s) serving as fair hearing authority must:
 - (1) Not have participated in the decision which is the subject of the appeal;
 - (2) Be impartial;

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- (3) Be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination;
- (4) Be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear or inadequate policies, practices or actions.

(Ord. No. 92-6, § 13-72, 3-5-92; Ord. No. 94-2, § 13-72, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4322.

Sec. 46-124. The fair hearing procedure.

When a claimant requesting a fair hearing is notified of the date, time and place for the hearing in writing, he will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his case. The claimant shall be permitted to review his file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

- (1) Be conducted privately, and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the general assistance administrator, his agents, counsel and witnesses;
- (2) Be opened with a presentation of the issue by the fair hearing authority;
- (3) Be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- (4) Allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- (5) Give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal, question witnesses presented at the hearing, and examine all evidence presented at the hearing;
- (6) Result in a decision, based exclusively on evidence or testimony presented at the hearing;
- (7) Be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his representative. The claimant will be responsible for preparing a written transcript if he wishes to pursue court action.

The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

(Ord. No. 92-6, § 13-73, 3-5-92; Ord. No. 94-2, § 13-73, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4322.

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Sec. 46-125. The fair hearing decision.

- (a) The decision of the fair hearing authority will be binding on the general assistance administrator, and will be communicated in writing to the claimant within five working days after completion of the hearing. Written notice of the decision will contain the following:
 - (1) A statement of the issue;
 - (2) Relevant facts brought out at the hearing;
 - (3) Pertinent provisions in the law or general assistance ordinance related to the decision;
 - (4) The decisions and reasons for it.
- (b) A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the general assistance administrator.
- (c) The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he has a further legal right to appeal the decision, pursuant to the Maine Rules of Civil Procedure, rule 80B. To take advantage of this right, the claimant must file a petition for review with the superior court within 30 days of receipt of the fair hearing decision.
- (d) When the decision by the fair hearing authority or court authorizes assistance to the claimant, that assistance will be provided within 24 hours.

(Ord. No. 92-6, § 13-74, 3-5-92; Ord. No. 94-2, § 13-74, 5-5-94)

Secs. 46-126--46-145. Reserved.

ARTICLE VI. RECOVERY OF EXPENSES

Sec. 46-146. Recipients.

- (a) *Generally.* The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or from his executors or administrators in a civil action. Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for general assistance.
- (b) *Recipients anticipating workers' compensation benefits.* The municipality shall claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the workers' compensation act or similar law of any other state. After issuing a general assistance payment on behalf of a recipient who has applied for or is receiving workers' compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the office of secretary of state, uniform commercial code division. The notice of lien shall be filed on a UCC-1 form. The municipality shall also send a photocopy of that filing to the recipient's

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workers' compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the workers' compensation board. The lien shall be enforced at the time any lump sum workers' compensation benefit is issued.

- (c) *Recipients of SSI.* All applicants who receive general assistance while receipt of their supplemental security income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an interim assistance agreement form distributed by the department of human services that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317 and who refuses to sign the interim agreement SSI authorization form will be found ineligible to receive general assistance until he provides the required signature.

(Ord. No. 92-6, § 13-80, 3-5-92; Ord. No. 92-14, § 1, 7-23-92; Ord. No. 94-2, § 13-80, 5-5-94)

State law references: Similar provisions, 22 M.R.S.A. § 4318, 39 M.R.S.A. § 106.

Sec. 46-147. Relatives.

The spouse of an applicant and the parents of any applicant under the age of 25 years are liable for the support of the applicant. In addition, spouse, registered domestic partner, children, grandchildren, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility.

(Ord. No. 92-6, § 13-81, 3-5-92; Ord. No. 94-2, § 13-81, 5-5-94; 12-9, 8-16-12; Ord. No. 17-18, 11-16-17)

State law references: Similar provisions, 22 M.R.S.A. § 4319.

Chapter 13 GENERAL ASSISTANCE*

***Editor's note**--Ord. No. 399-92, adopted June 3, 1992, amended Ch. 13 in its entirety, in effect repealing former Ch. 13, general assistance, §§ 13-1--13-7, and enacting similar new provisions as §§ 13-1--13-12. Formerly, this chapter derived from Ord. No. 305-83, adopted Dec. 5, 1983; Ord. No. 596-84, 1--6, adopted May 21, 1984; Ord. No. 549-85, adopted May 6, 1985; Ord. No. 276-85, §§ 1--14, adopted Dec. 16, 1985; Ord. No. 385-88, §§ 1, 2, adopted May 16, 1988; Ord. No. 375-90, § 1, adopted June 6, 1990; and Ord. No. 374-91, adopted May 20, 1991.

Cross reference(s)--Administration, Ch. 2.

State law reference(s)--Municipal general assistance programs, 22 M.R.S.A. § 4450.

Sec. 13-1. Statement of policy.

(a) The city administers a program of general assistance available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided herein and in 22 M.R.S.A., Chapter 1161.

(b) When possible, the general assistance program will seek to alleviate needs other than financial, assisting recipients with arrangements for rehabilitative, preventive, and protective services. The applicant or recipient is expected to make use of all available resources. The general assistance program provides a specific amount and type of aid for current defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program.

(c) The goals of the program are to recognize and encourage dignity, self-respect, and self-reliance, to assist each recipient to achieve self-maintenance and adequate social functioning, and to encourage the work incentive. An important focus of attention for the general assistance program is the strengthening of family life, especially for the care and protection of children.

(d) The general assistance program will not discriminate on account of sex, sexual orientation, age, race, religion, disability, or political affiliation. Each applicant or recipient will be made aware of his or her rights and responsibilities under

general assistance. Any applicant or recipient has a right to request review of any decision concerning his or her right to assistance.

(e) Complete records will be maintained, although any information given by applicants or recipients will be recognized confidential pursuant to 22 M.R.S.A., Section 4306.

(f) The city will post a notice in the city general assistance office of the times and days that general assistance applications will be processed. This chapter will be made easily accessible to any member of the public and will be available in the welfare office.

(g) In times of emergency, general assistance will be available to eligible persons even at days and times when the general assistance office is not ordinarily open. Notice will be posted of the person to contact in an emergency in a place accessible to the public when the office or building is closed.
(Ord. No. 399-92, 6-3-92)

Sec. 13-2. Definitions.

Unless otherwise defined here or in the text or in 22 M.R.S.A., Chapter 1161, all words used will have their common meanings. Words and phrases having special definitions will be defined when they first appear in the chapter, except for the following definitions:

Administrator is the social services administrator of the city's department of health and human services to whom the day to day administration of the general assistance program is delegated. The administrator is authorized to delegate some or all of his duties to caseworkers and other employees of the city's division of social services, and references to the administrator shall include the duly authorized designees of said administrator.

Appellant is any applicant or recipient who has appealed a decision of the administrator to a fair hearing officer.

Applicant is a person who has expressed a desire to receive general assistance by means of a written application form, either directly or through a representative authorized in writing, or through an application accepted by telephone or who has, in an emergency, requested assistance without first completing an application. An applicant may simultaneously be a recipient if he

is receiving general assistance at the time of application.

Application form is a document in a form prescribed by the administrator on which a person indicates a desire to receive general assistance and states the necessary facts on which a determination of eligibility can be made.

Back bills are any charges for goods and services received prior to application. A bill that is due in the same month in which an application is made is not a back bill.

Basic necessities are food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality. "Basic necessities" do not include security deposits for rental property, except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full.

Case record is the official file of forms, correspondence, and narrative records and all other communications pertaining to an applicant or recipient, determination of initial or subsequent eligibility, reasons for decisions and actions by the general assistance administrator, and types of assistance provided each recipient.

Caseworker is any person designated by the social services administrator to assist in administering the general assistance program.

Categorical assistance is all state and federal income maintenance programs.

Disabled person is a person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician.

Dwelling unit is a building or part thereof used for separate living quarters for one (1) or more persons living as a single housekeeping unit.

Eligible person is a person who is qualified to receive general assistance from the city according to the standards of eligibility set forth in this chapter and 22 M.R.S. §4301(3).

Emergency is any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person.

Fair hearing officer is a person or persons appointed by the city council who is empowered to review any decision, act, failure to act, or delay in action in regard to general assistance pursuant to 22 M.R.S.A., Section 4322.

General assistance program is a service administered by the city for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. The general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of the city to provide general assistance to a person each time that the person has need and is found to be otherwise eligible to receive general assistance.

Household is an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one (1) or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established herein. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is a pooling of income.

Income is any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement, or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security, and any other payments from governmental sources, unless specifically prohibited

by any law or regulation, court ordered support payments, income from pension or trust funds and household income from any other source, including relatives or unrelated household members.

The following items are not income:

- (a) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- (b) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs, and child care expenses; or
- (c) Earned income of children below the age of eighteen (18) years who are full-time students and who are not working full time.

In determining need, as defined herein, the period of time used as a basis for the calculation shall be the thirty-day period commencing on the date of the application. This prospective calculation does not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established in section 13-8 below.

Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior to applying for assistance, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the aggregate maximum level of assistance designated under section 13-8 below. That dividend represents the period of

proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for twelve (12) months from the date of application or during the period of proration, whichever is less.

Just cause is a valid, verifiable reason that hinders an individual in complying with one (1) or more conditions of eligibility.

Lump sum payment is a one-time or typically nonrecurring sum of money issued to an applicant or recipient after an initial application. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses.

Maximum level of assistance is the amount of assistance as established in section 13-9 below, or the actual cost of a basic necessity, whichever is less.

Municipality of responsibility is the municipality which is liable for the support of any eligible person at the time of application.

Need is 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 herein.

Overseer is the city's social services administrator.

Period of eligibility is the time for which a person has been granted assistance. Such period shall commence on the date the application for assistance is granted and shall continue for the period stated on the decision. The period of eligibility may vary depending on the type of assistance provided; however, in no event

shall such period extend beyond one (1) month.

Pooling of income is the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. It is a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one (1) or more household members are not pooling their income have the burden of rebutting the presumption of pooling income by providing verification that they are not doing so.

Real estate is any land, buildings, homes, mobile homes, and any other things affixed to that land.

Recipient is a person who has applied for and is currently receiving general assistance.

Resident is a person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance who is not a resident of the city nor any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he is eligible until he establishes a new residence in another municipality.

Resources include, but are not limited to, any program, service, or other sources of support which are an alternative or supplement to general assistance. Potential resources include, but are not limited to, any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. Potential resources include AFDC, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs, and any medical and rehabilitative resources recommended by a physician which are available without financial burden and which would not constitute a further physical risk to the applicant.
(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, § 1, 9-8-93; Ord. 85-15/16, 10-15-2015)

Sec. 13-3. Administrative procedures.

(a) *Records.* Pursuant to 22 M.R.S.A., Section 4306, the

administrator is required to keep complete and accurate records pertaining to general assistance. These records are necessary to:

- (1) Provide a valid basis of accounting for municipal funds;
- (2) Support decisions concerning the applicant's or recipient's eligibility;
- (3) Assure availability of information if an aggrieved person seeks administrative or judicial review of the caseworker's decision.

In addition to general statistical records concerning the number of persons given assistance and the cost of such support, a separate case record is established for each individual applying for general assistance and his or her household with the exception of records of individuals presumed eligible through an approved shelter. Each case record shall contain at least the following:

- (1) The completed application for assistance;
- (2) Grounds for approval or denial of assistance;
- (3) A narrative social history containing the need for relief, the results of home visits, collateral information, referrals, changes in status, etc.;
- (4) Complete data concerning the type and amount of assistance provided.

(b) *Confidentiality.* Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless expressly permitted by the applicant or recipient in writing. If the administrator releases information contained in an applicant's or recipient's case record to a person with a legal right to that information, an entry will be made in the case record, giving the reason(s) for the release.

The applicant or recipient or his legal representative will have the right to review any information contained in his case record. No record will be released to a legal representative or other third party, however, unless the administrator receives a consent form signed by the applicant or recipient expressly authorizing release of the records to the specified parties. The administrator may charge a reasonable fee for the reproduction of

records, when appropriate.

(c) *Applications; right to apply.* Any person has the right to apply for general assistance under this chapter. The head of the family, any other responsible household adult, or a duly authorized representative must apply in person, except as otherwise provided herein. The administrator may require a duly authorized representative to present a signed statement documenting that he is in fact so authorized. The applicant must complete a written application form and any other required forms. The administrator is authorized to promulgate all forms and notices necessary for the administration of this chapter and to file said forms with the state department of human services.

When a person in an emergency is unable to apply in person due to illness, disability, lack of transportation, lack of child care or other good cause, and he cannot send an authorized representative, the caseworker will accept an application by telephone or conduct a home visit, and assistance shall be granted, if at all, temporarily. Any telephone application will be subject to the caseworker receiving written verification via mail or a visit to the applicant's home with his permission. Further assistance shall be granted upon completion of a written application and determination of eligibility hereunder.

The administrator will not grant any assistance as the result of a telephone or home visit application if the applicant refuses to allow the administrator to verify the information.

Each request for assistance will be administered in accordance with this chapter. Applications will be taken during regular business hours at the general assistance office. An independent determination of eligibility for general assistance shall be made by the caseworker upon receipt of each application. The application form will give clear notice that the applicant has the right to a fair hearing if he is dissatisfied with the caseworker's decision.

The administrator is authorized to enter into contracts with emergency shelters for the presumption of eligibility of homeless persons using the shelter.

(d) *Caseworkers' responsibilities at the time of application.* At the time of application, the caseworker will inform the applicant of the eligibility requirements of the program and ask the applicant to provide all information and documentation necessary for the caseworker to make a determination of

eligibility. This information will include:

- (1) The applicant's household income, including income actually received from any source or due to be received during the period of eligibility;
- (2) Any assets or resources available to the applicant, including personal property and real estate;
- (3) Employment information; if the applicant is unemployed due to a disability, the caseworker will seek information regarding its nature and will recommend rehabilitative services when appropriate;
- (4) The amount and type of assistance requested.

The caseworker will also be responsible for informing the applicant about the possible ways to reduce his need for general assistance and the applicant's responsibility to:

- (1) Accurately report all information necessary to determine eligibility;
- (2) Fulfill the city's work requirements pursuant to section 13-4(h), below;
- (3) Make use of all available resources including, but not limited to, those of other government benefit programs and liable relatives of sufficient means;
- (4) Participate in a rehabilitation program, when appropriate in order to diminish his dependence on general assistance;
- (5) Reimburse the city for the amount of general assistance granted in the event of a subsequent ability to pay;
- (6) Notify the caseworker of any change in circumstances that will affect eligibility.

The caseworker will also inform the applicant that the parent(s) of a child under twenty-five (25) years of age and a spouse living within or owning real or tangible property in the state are required to support him in proportion to their ability to pay, and that the city can seek reimbursement therefrom. Further, if applicable, the caseworker will inform the applicant that the

city will not make payments for rental assistance on behalf of an otherwise eligible applicant when the rental payment would be made to a parent, grandparent, child, grandchild, sibling, parent's sibling or any of their children, unless the caseworker determines that the rental arrangement has existed for three (3) months prior to the application for assistance and is necessary to provide the relative with basic necessities. The applicant shall provide reasonable information to the caseworker as to the duration of the rental agreement and the resources of the relative in order to permit the caseworker to make such determination. The caseworker will also inform the applicant of the penalty for false representation and of his right to have decisions reviewed and the nature of the hearing process.

(e) *Responsibilities of each applicant and recipient.* Each applicant and recipient has a responsibility at the time of each application and thereafter to:

- (1) Provide accurate, complete, and current information concerning his or her needs, income, resources, assets, and employment and the whereabouts and circumstances of persons who may be liable for his support;
- (2) Notify the caseworker when a change in his needs, income, resources, assets, or employment will affect eligibility for general assistance;
- (3) Apply for and utilize any other available benefits or resources that will reduce or eliminate the need for general assistance;
- (4) Use all money available to him for basic necessities on a priority basis, before requesting general assistance or purchasing items not required for basic needs, except in the case of an initial application; and
- (5) Participate in a training education, or rehabilitation program, when appropriate, in order to diminish his/her need for general assistance.
- (6) Reimburse the city for assistance provided in the event he has the ability to do so.

Each applicant is responsible for requesting assistance with bills that are current. The city is not responsible for paying back bills except as provided below for emergencies.

(f) *Action on application.* The caseworker will give a written decision concerning the applicant's eligibility within twenty-four (24) hours after he has submitted a written application form, or a telephone application has been accepted, together with other documents required for verification and support of information thereon. If approved, assistance will be furnished within that period.

The written decision will inform the applicant of the following:

- (1) The type and amount of aid the applicant is eligible for and the period of eligibility; or
- (2) The reasons for denial;
- (3) The applicant's right to a fair hearing; and
- (4) The applicant's right to notify the state department of human services and the available means for notifying said department.

(g) *Withdrawal of an application.* An application is considered withdrawn if:

- (1) The applicant dies before assistance is rendered; or
- (2) The applicant requests in writing that his application be withdrawn; or
- (3) The applicant refuses to complete or sign the application or any other form needed by the general assistance administrator.

(h) *Temporary refusal to accept application.* Under special circumstances, the general assistance administrator may temporarily refuse to accept applications for twenty-four (24) hours. Such circumstances may include, but are not limited to, the following:

- (1) When the applicant's conduct is abusive, disruptive or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be required to leave and not to return until his conduct is under control; or

- (2) When a third person applies for assistance on behalf of the applicant. That person may be required to provide written verification that he has been duly authorized to act as a representative for the applicant.

In addition to the foregoing, if the administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to city employees, or if such behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one (1) occasion, then the applicant may be required to designate a third party to apply for assistance on his behalf and the applicant may be prohibited from entering the social services offices.

(i) *Emergencies.* Except as provided herein, any person who applies for assistance to alleviate an emergency is eligible for emergency general assistance if they do not have sufficient resources to meet an actual immediate need for basic necessities, although they have been found ineligible for nonemergency general assistance. An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant, such as a natural disaster, which could reasonably be expected to pose a threat to the health and safety of the applicant if not alleviated immediately. Examples of such circumstances include, but are not limited to: fire, flood, illness or injury, imminent eviction or termination of utilities, or being stranded in the community.

If an applicant is in emergency need of a basic necessity and the only way to obtain that necessity is by paying a back bill, the administrator will attempt to negotiate with the creditor in order to determine the minimum amount which could be paid in order to meet the emergency need. Notwithstanding the foregoing, emergency assistance is not available to pay a back bill or obligation for a basic necessity if the person requesting the assistance had sufficient income, money, assets or other resources available to pay for the basic necessity when the bill was received or the obligation was due. The person requesting assistance shall be required to provide evidence of income and resources for the applicable time period.

Notwithstanding the foregoing, a person who is currently disqualified from general assistance for a violation of section 13-4(f) (use of potential resources), 13-4(g) (work requirement) or 13-6 (false representation) is ineligible for emergency assistance under this subsection.

(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, §§ 2, 3, 9-8-93)

Sec. 13-4. Eligibility factors.

(a) *Residence.* The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of the city. A resident is a person who has no other residence and is physically present in the city and who intends to remain here and establish a household.

The city also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this city or any other municipality. If a person who is not a resident of any municipality applies in this city first, the administrator will determine his eligibility and, if eligible, will grant assistance until he establishes a residence in another municipality.

Moving/relocating. The city will not move or transport an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help the applicant relocate, the city will be responsible for providing assistance to him for thirty (30) days after he moves, provided the recipient remains eligible.

Institutions. If a resident of this city enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home or hospital) and requests assistance while at the institution, he will be the responsibility of the city for up to six (6) months after he enters the institution. The city thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in the city to which he intends to return. The city also recognizes its responsibility for an applicant residing in an institution in this city if he had no residence prior to entering the institution.

Temporary housing. For the purpose of this paragraph, a hotel, motel or similar place of temporary lodging is considered an institution when a municipality:

- (1) Grants financial assistance for a person to move to or stay in temporary lodging;

- (2) Makes arrangements for a person to stay in temporary lodging;
- (3) Advises or encourages a person to stay in temporary lodging; or
- (4) Illegally denies housing assistance and, as a result of that denial, the person stays in temporary lodging.

Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility, the administrator will notify the department of human services in Augusta. If the applicant applies in this city first, the administrator will determine his eligibility and, if eligible, will grant assistance until the department has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the department will recover the amount due from the other municipality.

(b) *Initial application.* For initial applicants, need will be the sole condition of eligibility. An initial applicant is a person who has not applied for general assistance in this city or in any Maine municipality.

"Need" means that the applicant's income and resources are less than the overall maximum level of assistance contained in section 13-9 of this chapter or the actual thirty-day costs, whichever is less, and he does not have adequate income or other resources available to provide basic necessities.

Subsequent applications. All applications which are not initial applications are repeat applications. Persons who are not initial applicants must be in need, use their income and resources to secure basic necessities, and meet all other eligibility conditions established by state law and this chapter.

(c) *Categorical assistance.* Receipt of categorical assistance will not disqualify a person from receiving general assistance, if he is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of food stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. Also, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income or resources; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid

for his total fuel costs. Applicants or recipients must apply for program benefits within seven (7) days after being advised in writing to do so by the administrator. Persons who, without just cause, make no good faith effort to receive a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit.

(d) *Personal property.*

- (1) Liquid assets. No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit and other marketable security will be eligible for general assistance unless he uses such assets to provide for his basic needs and thereby exhausts them. Applicants who transfer their assets to someone else solely to appear eligible for general assistance will be denied assistance.
- (2) Tangible assets. No person owning personal property (such as motor vehicles, snowmobiles, boats, trailers, recreational vehicles) or other assets which are readily convertible to cash and are not essential to the maintenance of the applicant or his family, shall be eligible for general assistance. Exceptions may be made upon an initial application or when reasonable efforts to convert assets to cash are unsuccessful. Tools of a trade, livestock, and farm equipment used in the production of income are exempt from the above category and are not considered as available assets.

The ownership of one (1) automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment, medical care, rehabilitation or training facilities; however, continued eligibility for assistance will depend upon the applicant making reasonable efforts to dispose of the automobile if his equity interest in the automobile exceeds twenty-five hundred dollars (\$2,500.00), or if it is not essential for the above-named purposes.

- (3) Insurance. Insurance that is available to an applicant on a noncontributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life

insurance with a cash surrender value will be considered as a tangible asset and eligibility after the initial application shall depend upon the applicant's making reasonable efforts to obtain the cash surrender value.

(e) *Real estate.* Ownership of a house used as a principal residence will not affect eligibility. When an applicant who owns his own home is unable to pay his mortgage, taxes, or insurance, and is eligible for general assistance, the city will provide only the mortgage payment up to the allowable maximum for rent. Notwithstanding the foregoing, the city may provide assistance for the payment of taxes on a principal residence in the event of an emergency.

If an applicant is granted assistance in the form of a mortgage payment, the city may claim a lien against any real estate owned by that person pursuant to 22 M.R.S.A., Section 4320, which lien shall be enforceable upon sale of the property or death of the recipient.

The administrator may provide emergency assistance to persons owning real property other than their own home. However, continued future eligibility for assistance will depend upon the applicant making reasonable efforts to dispose of such real property at fair market value or obtain a loan against such property to use to meet present need.

(f) *Use of potential resources.* Any applicant or recipient must make a good faith effort to secure any potential resource which may be available, including, but not limited to, any state or federal assistance program, employment benefits, trust funds, support from legally liable relatives, child-support payments, and jointly held resources where the applicant or recipient share may be available to the individual. Assistance shall not be withheld pending receipt of such resource as long as application has been made or good faith effort is being made to secure the resource.

Any individual applying for or receiving general assistance due to a disability must make a good faith effort to make use of any medical and rehabilitative resources that may be recommended by a physician, psychologist or other professional retraining or rehabilitation specialist which are available without financial burden and would not constitute further physical risk to the individual.

"Without financial burden" shall include without financial

burden to the city to the extent such resources are available, as well as without financial burden to the individual.

Any applicant or recipient who refuses to utilize potential resources without just cause as defined in subsection (h) below, after receiving a written seven-day notice, shall be disqualified from receiving assistance until he has made a good faith effort to secure the resources.

Any applicant or recipient who forfeits receipt of or causes reduction in benefits from another public assistance program because of fraud, misrepresentation, or a knowing or intentional violation of program rules committed by the applicant or recipient or a refusal to comply with program rules without just cause is not eligible to receive general assistance to replace the forfeited assistance for the duration of the forfeiture.

(g) *Work requirement.*

A determination of the assigned work requirement will be made at the time of application and the recipient will be given written notice of the required assignment at that time.

- (1) Work search; rehabilitative services. All unemployed applicants and members of their households who are over the age of seventeen (17), except as provided below, may be required to search for work, accept any suitable job offer, or job training, or opportunity for rehabilitation services. If the work search requirement is assigned, applicants must demonstrate to the administrator that they are available for work forty (40) hours a week and are actively seeking employment, except as provided in subsection (3) below.

A "suitable job offer" as used herein means any job which the applicant is mentally and physically able to perform.

"Available for work," as used herein, will mean that applicants must make themselves available for work during normal business hours prevailing in that area, Monday through Saturday, and show that no circumstance exists which would prevent them from accepting full-time employment. Full-time employment means forty (40) hours a week.

Applicants who are employed are expected to remain on the

job and not to quit employment except for just cause.

After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for one hundred twenty (120) days if they, without just cause:

- a. Refuse to register for employment with the Maine Job Service;
- b. Refuse to search for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
- c. Refuse to accept a suitable job offer;
- d. Refuse to participate in a training, education, or rehabilitation program that would assist the applicant in securing employment;
- e. Fail to be available for work; or
- f. Refuse to perform or willfully fail to perform, or perform below average standards, an assignment under subsection (2) below (work program).

An applicant, whether an initial or repeat applicant, who quits work or is discharged from employment due to misconduct as defined in Title 26, Section 1043, subsection 23, is ineligible to receive assistance for one hundred twenty (120) days after the date of the applicant's separation from employment.

- (2) Municipal work program. In addition to or alternatively to the requirements of subsection (1) above, the city may require that an otherwise eligible person who is capable of working be required to perform work for the municipality or work for a nonprofit organization, if that organization has agreed to participate as an employer in the municipal work program, as a condition of receiving general assistance. Nonprofit organizations participating in the work program must enter into a contract with the administrator for such participation, which contracts the administrator is authorized to

execute on behalf of the city. The city may also require recipients to participate in a training or educational or rehabilitative program which would assist them in securing employment. Any such work requirement shall be subject to the following provisions:

- a. A person may not, as a condition of general assistance eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person would otherwise receive under the general assistance standards herein. Any person performing work under this subsection shall be provided with net general assistance, the value of which is computed at a rate of at least the state's minimum wage.
- b. A person may not be required to work under this subsection for a nonprofit organization if that work would violate a basic religious belief of that person.
- c. An eligible person performing work under this subsection shall not replace regular municipal employees or regular employees of a participating nonprofit organization.
- d. An eligible person in need of emergency assistance (i.e., a person who is not on one-hundred-twenty-day denial) shall not be required to perform work under this subsection prior to receiving general assistance. An applicant who is not in need of emergency assistance may be required to satisfactorily fulfill a workfare requirement prior to receiving the nonemergency assistance conditionally granted to that applicant.
- e. Expenses related to work performed under this subsection by an eligible person must be considered in determining the amount of net general assistance to be provided to the applicant.
- f. A person may not be required to work under this subsection if that person is physically or mentally incapable of performing the work assigned.

(3) In no case may the requirement to search for work or

participate in a work or training program interfere with:

- a. Existing employment;
 - b. Ability to pursue a bona fide job offer;
 - c. Ability to attend an interview for possible employment;
 - d. Classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e. Classroom or on-site participation in a training program which is either approved or determined, or both, by the department of labor to be reasonably expected to assist the individual in securing employment. This paragraph does not include participation in a degree granting program, except when that program is under the control of the department of human services or department of labor (e.g., Job Training Partnership Act or the Welfare Employment Education and Training Program).
- (4) Failure of an otherwise eligible person to comply with this section shall not affect the eligibility of any member of the person's household who is not capable of working, including at least:
- a. A dependent minor child;
 - b. An elderly, ill, or disabled person; and
 - c. A person whose presence is required in order to provide care for any child under the age of six (6) years or for any ill or disabled member of the household.
- (5) Applicants will be ineligible for assistance for one hundred twenty (120) days if they do not comply with the requirements of this subsection (g) without just cause, as defined in subsection (h) below. Persons may regain their eligibility if they become employed or complete the workfare and work search assignments previously established in the written decision on their application sheet and meet all other eligibility requirements. An

applicant disqualified for failure to comply with the municipal work program will be given only one (1) opportunity to regain eligibility during the one-hundred-twenty-day disqualification. An applicant who regains eligibility and is again disqualified for failure to comply with the municipal work program within the initial period of disqualification is ineligible for assistance for one hundred twenty (120) days and does not have the opportunity to requalify during that second one-hundred-twenty-day period.

(6) In administering the work requirement, the administrator will:

- a. Itemize work or other activities assigned to and performed by eligible persons separately in reports to the commissioner of human services;
- b. Read or have the applicant read an information sheet that must be signed prior to commencing the assignment so that the applicants will understand the conditions of their general assistance. The information sheet will detail the amount of time persons need to perform to meet their needs and the type of assignment that they are required to perform.

(h) *Just cause.* Just cause for failure to meet the work requirements in subsection (g) or the use of potential resources in subsection (f) shall be found when there is reasonable and verifiable evidence of:

- (1) Physical or mental illness or disability;
- (2) Below minimum wages;
- (3) Sexual harassment;
- (4) Physical or mental inability to perform required job tasks;
- (5) Inability to work required hours or to meet piece work standards;
- (6) Lack of transportation to and from work or training;
- (7) Inability to arrange for necessary child care or care of

ill or disabled family member;

- (8) Any reason found to be good cause by the state department of labor; and
- (9) Any other evidence which is reasonable and appropriate under the circumstances.

All claims of illness or disability under this chapter are subject to verification except the caseworker shall not require medical verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention. In any case in which the caseworker requires medical verification, and the applicant has no means of obtaining such verification, the caseworker shall grant assistance for the purpose of obtaining such verification from a medical provider approved by the city.

No recipient will have his assistance terminated, reduced, or suspended prior to being given notice and an opportunity for a hearing as provided in section 13-12 below. If the fair hearing officer upholds the decision of the administrator, the period of ineligibility shall commence on the date the fair hearing officer renders a written decision. In the case of a person who chooses not to request a hearing, the period of ineligibility shall commence on the date the administrator renders his written decision. People who are disqualified before the period covered by any particular form of assistance expires shall be disqualified for one hundred twenty (120) days from the end of the period covered by that assistance. The period of ineligibility shall run for one hundred twenty (120) days unless a stay is ordered by a court of law.

(i) *Immigration Status.* Beginning July 1, 2015, the administrator shall provide general assistance to all eligible persons who are lawfully present in the United States or who are pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months. Only months of general assistance provided after July 1, 2015 for eligible persons who are lawfully present in the United States or who are pursuing a lawful process to apply for immigration relief shall be counted toward the 24-month limit.

Citizens, nonimmigrants and "qualified aliens" as defined in the provisions of § 431 of the PRWORA, as amended (8 U.S.C. § 1641) are not subject to the 24-month time limit.

- (1) For the purposes of this section and determining eligibility under this chapter, an eligible person who is lawfully present in the United States shall be defined as an individual described in 8 U.S.C. §1621(a)(1)-(3) who is:

- a. A qualified alien (as defined in section 1641 of this title);
- b. A nonimmigrant under the *Immigration and Nationality Act* (8 U.S.C. §1101 et seq.); or
- c. An alien who is paroled into the United States under section 212(d)(5) of such Act (8 U.S.C. §1182(d)(5)) for less than one year.

- (2) For the purposes of this section and determining eligibility under this chapter, an eligible person who is pursuing a lawful process to apply for immigration relief shall be defined as a person who has filed an application for immigration relief with the United States Citizen and Immigration Service.

(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, §§ 4--8, 9-8-93; Ord. 85-15/16, 10-15-2015; Ord. No. 104-16/17, 12-19-2016)

Sec. 13-5. Determination of eligibility.

(a) *Determination; redetermination.* The administrator shall make a determination of eligibility each time a person applies or reapplies for general assistance. The administrator will make a redetermination of eligibility at least monthly, or within the month, as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a thirty-day prospective analysis, but may elect to disburse the applicant's assistance periodically, e.g., daily, weekly, or throughout a thirty-day period of eligibility pursuant to that eligibility determination. Assistance will be provided for current needs only, and the city is not responsible for back bills, except as provided in section 13-3(i) above.

The administrator may redetermine a person's eligibility at any time during the period he is receiving assistance if notified of any change in the recipient's circumstances which may alter the amount of assistance which the recipient may receive. Once a recipient has been granted assistance, the administrator may not

reduce or rescind the assistance without giving prior written notice to the recipient explaining the reasons for the decision and allowing the recipient to appeal the decision to the fair hearing officer.

(b) *Verification.* Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate, and current information and documents concerning his need, income, and other resources. For documentation, the administrator will require actual bills or receipts for rent, utilities, fuel, telephone, medical services, and other expenses for basic necessities that are reasonably obtainable, except that food and household supplies will be budgeted at the actual amount paid, subject to the maximums allowed in this chapter. The administrator will also require documentation regarding the applicant's income and assets. When determining an applicant's eligibility, the administrator will seek all necessary information first from the applicant. Information needed from other sources, with the exception of public records, will be gathered only with the knowledge of the applicant.

The administrator may seek and verify information from all appropriate sources including, but not limited to, the department of human services and any other department of the state which has information that has a bearing on an applicant's eligibility; financial institutions except national banks; employers, landlords, physicians, other service providers, and legally liable relatives. The administrator will request the applicant's written consent in order to receive necessary information. In the case of verification of employment, the administrator will give the applicant written notice that if he does not provide documentary verification of benefits received within one (1) week of application, the employer will be contacted.

Any person who is required to but who refuses to provide necessary information to the administrator after it has been requested must state in writing the reasons for the refusal within three (3) days of receiving the request. Any person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the overseer or administrator is guilty of a Class E crime.

The applicant is required to provide all information necessary

for the administrator to determine if he is eligible for assistance. When available information is inconclusive or conflicting regarding a material fact that is necessary to determine eligibility, the administrator will inform the applicant what further information is needed. In order to be considered inconclusive or conflicting, the information on the application must be inconsistent with other information on the application, previous applications, or other information received by the administrator.

The administrator will not grant assistance to any applicant who refuses to supply necessary information and documentation of his needs, income, and other resources, or who refuses to grant permission for the administrator to contact other persons or otherwise verify the information. If the administrator has attempted to verify the information but is unable to determine if the applicant is eligible because the applicant has refused to provide or allow the administrator to verify the necessary information, the applicant will be denied assistance until the necessary verification has been accomplished.

The applicant will be given the opportunity to provide the necessary information prior to the expiration of the twenty-four-hour time period within which the administrator must act on the application. If all the necessary information has been provided and the applicant is found to be eligible, assistance will be granted. If the applicant does not provide the required information needed within the twenty-four-hour period, and the administrator cannot determine the applicant's eligibility, the application will be denied on the basis of insufficient information and documentation. The administrator will notify the applicant that he may reapply when he can complete the application.

(c) *Eligibility of members of person's household.* Failure of an otherwise eligible person to comply with this chapter shall not affect the general assistance eligibility of any member of the person's household who is not capable of working, including at least:

- (1) A dependent minor child;
- (2) An elderly, ill, or disabled person; and
- (3) A person whose presence is required in order to provide care for any child under the age of six (6) years, or for any ill or disabled member of the household.

(d) *Minors.* A person under the age of eighteen (18) who has never married and applies for general assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- (1) The minor is residing in a foster home, maternity home, or other adult supervised supportive living arrangement; or
- (2) The minor has no living parent or the whereabouts of both parents are unknown; or
- (3) No parent will permit the minor to live in the parent's home; or
- (4) The minor has lived apart from both parents for at least one (1) year before the birth of any dependent child; or
- (5) The department of human services determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his child or children lived with a parent; or
- (6) The department of human services determines, in accordance with its regulations, that there is good cause to waive this limitation on eligibility.

Any unemancipated or unmarried minor under the age of eighteen (18) who is applying independently from his parents for general assistance will be informed that until he reaches the age of eighteen (18), the minor's parents are still legally liable for his support and the city has the right to seek recovery from the parents of the cost of all assistance granted to the minor, at least to the extent his parents are financially capable of repaying the city. With regard to any such application, the city may seek verification of the minor's need for general assistance by contacting his parents. If the applicant's parents declare a willingness to provide the applicant with his basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his parents for basic needs, the administrator may find the applicant to be in no need for general

assistance for the reason that his needs are being provided by a legally liable relative. Nothing herein modifies or changes parental or spousal obligation to support an applicant under the age of twenty-five (25) pursuant to section 13-3(d) above.

(e) *Benefits pending verification.* Whenever an applicant for general assistance states to the caseworker that he is in an emergency situation and requires immediate assistance to meet basic necessities, the caseworker shall, pending verification, issue to the applicant either personally or by mail, within twenty-four (24) hours of the application, sufficient benefits to provide the basic necessities needed immediately by the applicant, provided that the following conditions are met:

- (1) As a result of the initial interview with the applicant, the caseworker determines that the applicant will probably be eligible for assistance after full verification is completed.
- (2) Where possible, at the time of the initial interview, the applicant shall submit to the caseworker adequate documentation to verify that there is a need for immediate assistance.
- (3) When adequate documentation is not available at the time of the initial application, the caseworker may contact at least one (1) other person for the purpose of obtaining information to confirm the applicant's statements about his need for immediate assistance.
- (4) Limitations. In no case:
 - a. May the authorization of benefits under this section exceed thirty (30) days; and
 - b. May there be further authorization of benefits to the applicant until there has been full verification confirming the applicant's eligibility.

(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, § 9, 9-8-93)

Sec. 13-6. False representation.

It is unlawful for a person to make knowingly and willfully a false representation of a material fact in order to receive general assistance or to cause another to receive assistance. A material

fact is any information which has a direct bearing on the person's eligibility. False representation shall consist of any action by an individual to knowingly and willfully:

- (a) Make a false statement to the administrator or the state department of human services or their agents, either orally or in writing, in order to obtain assistance to which the applicant, the applicant's household or another is otherwise not entitled;
- (b) Conceal information from the overseer, administrator or the state department of human services or its agents in order to obtain assistance to which the applicant or applicant's household or another is otherwise not entitled; or
- (c) Transfer real or personal property to a third party solely to appear eligible for general assistance. There will be a rebuttable presumption that the applicant transferred his assets in order to appear eligible for general assistance if the transfer occurred within thirty (30) days prior to applying for general assistance, or if property is sold to a relative or acquaintance for less than fair market value; or
- (d) Use general assistance benefits for a purpose other than that for which they were intended.

When the administrator has reason to believe a misrepresentation of circumstances has occurred on an application, the applicant will be asked to furnish the information needed and/or verify the accuracy of the information provided. If the applicant is unwilling or unable to produce the required verification within a reasonable period of time, and the administrator concludes that there has been a false representation of a material fact, the applicant may be ineligible for assistance for one hundred twenty (120) days, although the remainder of the applicant's household may still be eligible. False representation hereunder is a Class E crime.

A person disqualified from receiving general assistance for making a false representation will be given notice and afforded the opportunity to appeal the decision to the fair hearing officer in accordance with section 13-12 of this chapter. No recipient shall have his assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to

appeal the decision.

If an applicant or recipient does not appeal the decision, or if the fair hearing officer determines that an applicant or recipient did make a false representation, he will be required to reimburse the city for any assistance received to which he was not entitled. Any person who is dissatisfied with the decision of the fair hearing officer may appeal that decision to the superior court pursuant to Rule 80-B, Maine Rules of Civil Procedure.

In no event will the disqualification of a person under this section serve to disqualify any dependent in their household. In the event one (1) or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.
(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, § 10, 9-8-93)

Sec. 13-7. Determination of need.

(a) *Determination of need.* The period of time used to calculate need will be the thirty-day period starting from the date of application. Applicants will not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in section 13-9(a). The difference between the applicant's income/resources and the overall maximum levels of assistance established by this chapter is the applicant's deficit. Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity listed in section 13-9(c) shall be used by the administrator to determine the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to maintain health and decency.

The administrator will calculate applicant's expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in section 13-9(b) or (c), whichever is less. Applicants will not be considered eligible if their income and other resources exceed this calculation (or the overall maximums in section 13-9(a)) except in an emergency.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in section 13-9 of this chapter, except in an emergency.

(b) *Income for basic necessities.* Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the thirty-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective thirty-day income for the purposes of computing eligibility. Applicants who have sufficient income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

(c) *Use-of-income requirements.* Except for initial applicants, anyone applying for general assistance must document their use of income to the administrator.

Cable television, mail orders, cigarettes/alcohol, gifts, purchases, costs of trips or vacations, court fines paid, repayments of unsecured loans, credit card debt, costs associated with pet care, legal fees, late fees or key deposits are not considered basic necessities and will not be included in the budget computation. The foregoing list is not intended to be exhaustive and the administrator is authorized to promulgate and update as needed a list of ineligible items.

The city reserves the right to impose specific use-of-income requirements on any applicant, other than an initial applicant, who fails to use his income for basic necessities or fails to reasonably document his use of income. Those additional requirements will be applied in the following manner:

- (1) The administrator may require the applicant to use some or all of his income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e.,

rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities.

- (2) The administrator will notify applicants in writing of the specific use-of-income requirements placed on them.
- (3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income.
- (4) If the applicant does not spend his income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

(Ord. No. 399-92, 6-3-92)

Sec. 13-8. Income.

(a) *Income standards.* Applicants whose income exceeds the overall maximum level of assistance provided in section 13-9(a) shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time they apply.

(b) *Calculation of income.* To determine whether applicants are in need, the administrator will calculate the income they will receive during the next thirty-day period commencing on the date of application and any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous thirty-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the chapter maximums for specific basic necessities. If the applicant's income exceeds the amount needed for basic necessities, up to the maximum levels contained in section 13-9, the applicant will not be considered in need. Exceptions will be made in emergency situations which may necessitate that the maximum levels be exceeded. To calculate weekly income and expenses, the administrator will divide the applicant's monthly income and expenses by four and three-tenths (4

3/10).

(c) *Types of income.* Income, defined in section 13-2, which will be considered in determining an applicant's need includes, but is not limited to:

- (1) *Earned income.* Income in cash or in kind earned by the applicant through wages, salary, commissions or profit, whether self-employed or as an employee, is to be included. When income consists of wages, the amount computed will be that available after taxes, social security and other payroll deductions required by state, federal and local law. Rental income and profit from produce sold fall into this category. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income. Actual work-related expenses such as union dues, transportation to and from work, special equipment and child care costs will be deducted from income.
- (2) *Self-employment.* With respect to self-employment, total profit is arrived at by subtracting reasonable business expenses from gross income. In the event that business expenses exceed income, or there is no reasonable likelihood that the business will be profitable within a three-month period, the applicant will be required to comply with the work requirements.
- (3) *Income from spouse or support from relatives.* Contributions from a spouse or relatives who are not members of the applicant's household will be considered income only if it is actually received by the applicant or used to pay any of his expenses. Income from unrelated household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses or intermingle their funds so as to provide support to one another.
- (4) *Income from other assistance or social services programs.* State categorical assistance benefits, SSI payments, social security payments, VA benefits, unemployment insurance benefits and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Food stamps and

fuel assistance payments made by the home energy assistance program will not be considered income.

- (5) *Court-ordered support payments.* Alimony and child support payments will be considered income only if actually received by the applicant. The administrator will refer cases where support payments are not actually received to the state department of human services' support enforcement location unit.
- (6) *Income from other sources.* Payments from pensions, annuities, trust funds, and disability or other insurance will be considered income. Income from unrelated household members who occupy the same dwelling unit and who contribute their fair share for living expenses such as rent, fuel and utilities will not be considered income that is available to the applicant unless actually received by the applicant. However, only the applicant's prorata share of expenses will be considered when determining his expenses. Income also includes gifts and cash received on secured or unsecured credit, from any source.
- (7) *Earnings of a son or daughter.* Income from children who are members of the household will be considered available. Earned income received by sons and daughters below the age of eighteen (18) who are full-time students and who are not working full-time will not be considered income.
- (8) *Income from household members.* Income from all related members of the household will be considered available except as provided in (7) above.
- (9) *Pooling of income.* When two (2) or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, there is a rebuttable presumption that the entire household is pooling income. One (1) or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable information affirmatively demonstrating a pattern of nonpooling for the duration of the shared living arrangement. If the applicant is unable to successfully rebut the presumption that all household income is being pooled, eligibility of the entire

household will be determined based on total household income. If the applicant successfully rebuts the presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his income and his prorata share of actual household expenses.

(10) *Lump sum income.* The lump sum proration in section 13-2 above and herein only applies to applicants who:

- a. Are not initial applicants; and
- b. Had notice, prior to receiving the lump sum payment, of the authority to prorate eligibility.

If these conditions are met, the lump sum proration will be determined as follows:

- a. Subtract from the lump sum payment all deductions required by state or federal law;
- b. Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance up to the specific maximum levels of assistance, per month, provided in this chapter; payment of funeral or burial expenses for a family member; travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; and
- c. Divide the remaining amount by the applicant's maximum monthly allocation of general assistance.

This amount represents the number of months from the receipt of the lump sum payment that the applicant(s) will not be eligible for general assistance, except in an emergency. No proration of eligibility can extend longer than twelve (12) months from the date of application. Applicants who have been declared ineligible by reason of lump sum proration shall be eligible for emergency general assistance during the period of proration according to the standards at section 13-3(i) of this

chapter.
(Ord. No. 399-92, 6-3-92)

Sec. 13-9. Basic necessities.

(a) *Overall maximum levels of assistance.* Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in this section, an applicant's eligibility for general assistance will be first determined by subtracting his total income, less voluntary deductions mandated by state, federal or local law, from the overall maximum level of assistance established by 22 M.R.S.A. Sec. 4305(3-B) and published by Maine Municipal Association for the applicable household size. Except on initial applications, applicants must apply their income to basic necessities. Applicants whose income exceeds the overall maximum level of assistance and/or applicants who have not applied their income toward basic needs as required shall not be eligible for general assistance, unless they are in an emergency.

The overall maximum levels of assistance shall be periodically adjusted to conform to 22 M.R.S.A. Sec. 4305(3-B) as published in Maine Municipal Association's General Assistance Manual. A copy of the maximum levels of assistance shall be on file in, and available from the city's general assistance office.

Notwithstanding any other provision in this chapter for the period from July 1, 2012 to June 30, 2013, to comply with 22 M.R.S.A. §4305(3)(C) as enacted by the State's supplemental budget for FY'13, the overall maximum allowed shall be:

Persons in Household

1	2	3	4	5*
731	868	1124	1416	1517

***Note: Add \$68 for each additional person.**

(b) *Maximum levels of assistance for specific basic necessities.* The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one

(1) or combination of necessities not to exceed the total deficit. In all cases, either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need. The maximum levels will be strictly adhered to although, if the administrator determines that there are exceptional circumstances and an emergency is shown to exist, these absolute levels will be waived in order to meet immediate needs.

No assistance will be granted to an applicant for any expense which has been or will be paid by another person, or which has been incurred in another person's name.

(c) *Necessary expenses.* Assistance will be granted pursuant to the provisions of this section except that for the period from July 1, 2012 to June 30, 2013 the Administrator will provide rent or mortgage payments that are reasonable within the allowed maximum levels and in accordance with the housing assistance limits and exceptions provided in Title 22 M.R.S.A. §4308, subsections 1-A and 1-B, as enacted by the State's supplemental budget for FY'13 and as shown below:

<u>Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	100	431	112	481
1	118	507	133	572
2	150	648	172	739
3	178	765	204	879
4	225	966	264	1134

- (1) *Food.* The actual expense for food will be budgeted to the following maximums. Alcoholic beverages, tobacco products, pet food and paper products are not considered to be food.

Number in Household	Daily Food Amount	Weekly Food Amount	Monthly Food Amount
1	\$ 3.70	\$ 26.00	\$111.00

2	7.00	49.00	203.00
3	10.00	68.00	292.00
4	12.00	86.00	370.00
5	15.00	102.00	440.00
6	18.00	123.00	528.00
7	19.00	136.00	584.00
8	22.00	155.00	667.00

Additional members of household: Add \$83.00 per month (\$19.50 per week) per person. The administrator is authorized to adjust the above amounts to conform to the U.S.D.A. "Thrifty Food Plan" amounts to the extent that such amounts are recommended by the Maine State Department of Human Services.

- (2) *Housing.* The payment for rent or mortgage will be entered in the budget but may not exceed the following maximums regardless of the amount actually paid. It is the responsibility of the applicant to obtain housing that is within his ability to pay and which is the minimum size unit needed to shelter the applicant's household.

	Weekly Rent		Monthly Rent	
Number in Household	Unheated	Heated	Unheated	Heated
1 Room & Board		\$104.00		\$447.00

1	\$ 55.00	74.00	\$235.00	315.00
2	80.00	94.00	340.00	405.00
3 and 4	95.00	115.00	410.00	495.00
5 or more	120.00	142.00	520.00	610.00

* Add \$4.00 per week or \$18.00 per month if electricity is included.

When the city issues in aggregate more than six hundred dollars (\$600.00) in rental payments to any landlord in any calendar year, a 1099 Form declaring the total amount of rental payments during the calendar year will be issued to the Internal Revenue Service. This may be adjusted by the administrator to comply with IRS regulations.

Any landlord wishing to receive rental payments from the city on behalf of any applicant must comply with all state and local licensing and land use codes. The city reserves the right to inspect any rental unit whenever an applicant applies for assistance with that rent, such inspections to determine whether that unit is in compliance with the city's housing and land use codes. The administrator is authorized to promulgate policies detailing such inspection requirements.

- (3) *Fuel*. Expense for fuel oil for heat and hot water, if not included in the rent, will be budgeted at actual cost, subject to the following maximums:

Month	Maximum Number of Gallons	
	# 2 Fuel Oil	Kerosene
September 15 to October 30	100	100

November	125	150
December	200	250
January	300	250
February	200	250
March	150	150
April 1 to May 15	150	100
May 15 to September 15 (hot water only)	120	100

If hot water is not provided by fuel oil (or kerosene as applicable), deduct thirty (30) gallons per month from the above maximums.

- (4) *Utilities.* Expenses for gas or electricity, if not included in the rent, will be budgeted at actual cost, subject to the following maximums:

Basic Amount:

Number in Household	Monthly Amount
1 or 2	\$26.00
3 or 4	53.00
5 or more	76.00

If hot water is provided by gas or electricity, and is not included in the rent, the expense will be budgeted at actual cost, subject to the following maximums to be added to the basic amount:

Number in Household	Monthly Amount
1 or 2	\$16.00
3 or 4	30.00
5 or more	42.00

If heat is provided by gas or electricity, and is not included in the rent, the expense will be budgeted at actual cost, subject to the following maximums to be added to the basic amount:

Month	Monthly Amount
September and October	\$ 72.00
November	96.00
December through February	168.00
March	96.00
April and May	72.00

- (5) *Water and sewer.* The allowed amount for water and sewer utility services will be budgeted at the actual cost, subject to the following maximums:

Number in Household	Monthly Amount	
	Water	Sewer
1	\$ 5.12	\$ 5.86
2	6.19	14.65
3	8.33	20.51
4	11.54	29.30
5	13.68	35.16

Additional members of household: Add two dollars and fifty cents (\$2.50) for water and seven dollars and fifty cents (\$7.50) for sewer per month. The administrator may adjust the foregoing maximums for water and sewer to reflect approved rate increases.

- (6) *Personal and household items.* This allowance covers necessary personal care and household supplies such as toothpaste, soap, toilet paper, etc., and will be granted according to the applicant's actual need for these items subject to the following maximums. The maximum amounts allowed are:

Number in Household	Weekly Amount	Monthly Amount
1	\$ 5.00	\$20.00
2	7.00	28.00

3 or 4	9.00	36.00
5 or more	11.00	44.00

(7) *Clothing.* If the applicant and his or her dependents have insufficient funds to purchase clothing, the applicant is expected to make maximum use of church and civic organizations or other sources in the community which make free or low-cost clothing available. If necessary, the city will provide payment for essential items obtainable from these sources. Exceptions to this policy will be made only for special items such as work clothes, children's shoes, and cloth or disposable diapers as provided below, which are unavailable from these sources. If a household includes children below the age of three (3) who use diapers, one (1) of the following may be authorized:

- a. Cloth diapers and/or laundry assistance; or
- b. Voucher to purchase disposable diapers in the following maximum amounts:

Number of Children Using Diapers	Weekly Amount	Monthly Amount
1	\$10.00	\$ 40.00
2	15.00	60.00
3	20.00	80.00
4	25.00	100.00

- (8) *Nonelective medical expenses.* The city will pay for nonelective medical expenses, other than hospital bills (see below), provided that the city is notified and approves the expenses and services prior to their being made or delivered. The city will grant assistance for medical service only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the city's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his need to seek general assistance for medical expenses. The city will grant assistance for nonemergency medical services only if a physician verifies that the services are nonelective. The administrator may require a second medical opinion from a physician designated by the city at the city's expense to verify the necessity of the services.

Notwithstanding the foregoing, the following will be considered nonelective only in exceptional circumstances which are verified by a physician of the city's choice: chiropractic, acupuncture and/or massage therapy services.

Except in the case of a medical emergency, applicants must use available medical resources including, but not limited to, medical providers readily accessible to applicant and to minimize cost thereof to the city through the use of medicaid providers. It is the applicant's responsibility to apply promptly for medicaid and to secure the services of a provider who accepts medicaid reimbursement.

- (9) *Hospital bills.* In the event of an emergency admission to the hospital, the hospital must notify the administrator within five (5) business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the city will have no obligation to pay the bill.

Any person who cannot pay his hospital bill must apply to the hospital for consideration under the hospital's charity care program as provided in Title 22 M.R.S.A. 396-F(1). Anyone who is not eligible for the hospital's charity care program may apply for general assistance.

Applicants must apply for assistance within thirty (30) days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's charity care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the medicaid rate. In determining an applicant's eligibility, the city will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 13-7(c) above.

- (10) *Dental*. The city will pay for nonelective medically necessary dental services only. If full mouth extractions are necessary, the city will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- (11) *Eye care*. In order to be eligible to receive general assistance for eyeglasses, an applicant must have his medical need certified by a person licensed to practice optometry. The general assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources.
- (12) *Telephone charge*. Payment for a basic telephone charge will only be authorized if a telephone is necessary for medical reasons as verified by a physician.
- (13) *Burials/cremations*. Burial services will be provided only in instances where there is no other person or agency to perform the function. The administrator will respect the wishes of family members with regard to whether the

deceased is interred by means of burial or cremated.

- a. Burials. The maximum amount of general assistance granted for the purpose of burial is \$1,125.00, with additional payments, where there is an actual cost, for:
 1. the wholesale cost of a cement liner if the cemetery by-laws require one;
 2. the opening and closing of the grave site; and
 3. a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a city owned cemetery or in a cemetery under city control, the cost of the cemetery lot in any other cemetery will not be paid by the city.

The city's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to: removal of the body from a local residence or institution; a secured death certificate or obituary; embalming; a minimum casket; a reasonable cost for necessary transportation; and other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the administrator.

- b. Cremation expenses. In the absence of any objection by any family members of the deceased known to the administrator, or when neither the administrator nor the funeral director can locate any family members, the administrator may issue general assistance for cremation services. The maximum amount of assistance granted for a cremation shall be \$785.00, with additional payments, where there is an actual cost, for a cremation lot in the least expensive section of the cemetery, a reasonable cost for a burial urn not to exceed \$50.00, and transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

- c. Application for burial/cremation expenses must be made by the closest relative available before the burial/cremation takes place to be eligible for city assistance. Such application shall be made on behalf of and in the name of the deceased. When there is no relative, the city will provide assistance only if written notification is received prior to burial or cremation or by the end of the next business day following the funeral director's receipt of the body, whichever is earlier. It is the funeral director's responsibility to make a good faith effort to determine if the family or any other persons are going to pay all or part of the burial/cremation expenses. If family members or others are unable to pay the expenses, and the funeral director wants the city to pay all or part of the expenses, the funeral director must make timely contact to the administrator. Any and all contributions or benefits from any other sources which are available must be deducted from the maximum amounts which the city will pay for burial or cremation.
- d. A decision on any application for assistance with burial/cremation expenses need not be rendered until the administrator has verified that no relative or other resource is available to pay for the burial/cremation costs, but the decision must be rendered within ten (10) days after receiving an application. The father, mother, grandfather, grandmother, children, grandchildren or siblings, by consanguinity, living within or owning real or tangible property within the state shall be responsible for burial or cremation costs for the eligible person in proportion to their respective abilities, on either a lump sum or installment payment basis. All legally liable relatives must provide the administrator with any reasonably requested information regarding their income, assets, and basic living expenses.
- e. The administrator may adjust the maximum levels of assistance for burials and cremation expenses to conform to those adopted in the Maine Municipal Association General Assistance Manual, as it may be

amended from time to time.

- (14) *Property taxes.* In the event an applicant requests assistance with his property taxes, the administrator will inform the applicant that there are two (2) procedures to request that relief, i.e., the poverty abatement process under 36 M.R.S.A. § 841(2) and through general assistance. If the applicant chooses to seek property tax assistance through general assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:
- a. The property tax in question is for the applicant's place of residence; and
 - b. There is a tax lien on the property which is due to mature within sixty (60) days of the date of application; and
 - c. The applicant uses all available resources for property tax relief.
- (15) *Transportation.* Applicants are expected to utilize all resources available for transportation, including walking reasonable distances. Assistance for transportation will be granted only if necessary to pursue a bona fide job offer or as a work-related expense or if determined to be necessary to the applicant's health and safety and transportation cannot be obtained from any other source or through any other means. Resources in the city which minimize the need for transportation assistance must be utilized. The amount and type of assistance granted will be the minimum necessary to alleviate the need.
- (16) *Other assistance.* Assistance may be granted with household items only upon a determination by the administrator that such assistance is essential to the applicant's health and safety and cannot be obtained from any other source or through any other means. The amount and type of assistance will be the minimum necessary to alleviate the need.

(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, §§ 11, 12, 9-9-93; Ord. No. 186-01/02, § 1, 2, 3-18-02; Ord. No. 216-11/12, emergency passage 6-18-12)

Sec. 13-10. Forms of assistance.

All assistance will be by purchase order, voucher or direct payments, and only for those items of basic need for which the applicant seeks assistance. Assistance will be provided in the following forms:

- (a) *Food*: City voucher;
 - (b) *Rent*: Paid directly to landlords. No rent will be paid in advance;
 - (c) *Fuel*: Paid directly to the vendor;
 - (d) *Mortgage*: Paid directly to the mortgagee;
 - (e) *Utilities*: Paid directly to the utility;
 - (f) *Clothing*: By purchase order from used clothing or other retail store;
 - (g) *Medication*: By purchase order to druggist;
 - (h) *Nonfood*: By purchase order to grocery or department store; and
 - (i) *Medical, dental, eye care, burial/cremation*: Paid directly to the agency or person rendering the service.
- (Ord. No. 399-92, 6-3-92)

Sec. 13-11. Recovery of expenses.

The city may recover general assistance granted to a recipient from relatives or others pursuant to state law and to the extent of their liability thereunder. Further, the city may claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to the recipient under the worker's compensation act or similar law of any other state. Such lien shall be claimed pursuant to state law. The city will be reimbursed for general assistance payments to a recipient who receives Supplemental Security Income pursuant to state and federal law and regulation.

(Ord. No. 399-92, 6-3-92)

Sec. 13-12. Appeals.

(a) *Grant, denial, reduction or termination to be communicated in writing; right to a hearing.* Any action relative to the grant, denial, reduction, suspension or termination of relief provided under this chapter must be communicated to the applicant or recipient in writing. The decision shall include the specific reason or reasons for that action and shall inform the person affected of his right to a hearing, the procedure for requesting such a hearing, the right to notify the state department of human services and the available means for notifying such department, if he believes that the city has acted in violation of this chapter. All proceedings relating to the grant, denial, reduction, suspension or termination of relief provided under this chapter are not public proceedings under 1 M.R.S.A., Chapter 13 unless otherwise requested by the person aggrieved.

(b) *Right to a fair hearing.* Any person aggrieved by a decision, act, failure to act or delay in action concerning his application for general assistance under this chapter shall have the right to an appeal. If a person's application has been approved, there shall be no revocation of general assistance during the period of entitlement until that person has been provided notice and an opportunity for hearing as provided in this section. Within five (5) working days of receiving a written decision or notice of denial, reduction or termination of assistance, or within ten (10) working days after any act or failure to act by the administrator with regard to an application for assistance, the person aggrieved may request an appeal. A hearing shall be held by the fair hearing officer within five (5) working days following the receipt of a written request by the person aggrieved for an appeal. The hearing will be conducted by a fair hearing officer. In no event may an appeal be held before a person or body responsible for the decision, act, failure to act, or delay in relating to the person aggrieved.

The person requesting the appeal and the administrator shall be afforded the right to confront and cross-examine any witnesses presented at the hearing, present witnesses in their own behalf and be represented by counsel or other. The person must be advised of these rights in writing. The decision of such an appeal shall be based solely on evidence adduced at the hearing. The person requesting the appeal shall, within five (5) days after the hearing, be furnished with a written decision detailing the reasons for that decision. When any decision by a fair hearing officer or court authorizing assistance is made, that assistance shall be provided within twenty-four (24) hours.

No recipient who has been granted assistance in accordance with this chapter may have that assistance terminated prior to the decision of the fair hearing officer. In the event of any termination of assistance to any recipient, the dependents of the person may still apply for and, if eligible, receive assistance.

(c) *Fair hearing officer.* The city council shall appoint persons to act as fair hearing officers. The terms of office shall not exceed three (3) years, and such persons shall serve without compensation. Fair hearing officers shall be residents of the city during their tenure. The overseer shall designate which fair hearing officer shall hold the hearing and decide each appeal in accordance with the provisions of 22 M.R.S.A. § 4322. Whenever the overseer determines that no designated hearing officer can act within the time frames required by said Section 4322 with respect to any pending appeal, he or she shall request that the city manager hear the appeal or designate a person, who was not responsible for the decision, act, failure to act, or delay that is the subject of the appeal, which person shall then hear and decide the appeal.

(d) *Duties of fair hearing officer.* Each fair hearing officer or alternate shall exercise the powers granted to a fair hearing authority pursuant to this chapter and 22 M.R.S.A., Chapter 1161.

(e) *Time of hearing.* Upon receipt of a written request for a hearing, the administrator shall arrange for the hearing to take place. The administrator will inform the appellant of the date, time and place of the proceeding.

(f) *Review procedure.* All reviews by a fair hearing officer will be conducted in accordance with the following:

- (1) Unless otherwise requested by the appellant, the proceeding will be conducted privately and open only to:
 - a. The appellant, witnesses and legal counsel;
 - b. The overseer, administrator, the casework supervisor or caseworkers, the city manager or his or her designee, witnesses, members of the city council and legal counsel.
- (2) The proceedings will be conducted informally without technical rules of evidence, but subject to the requirements of due process. Evidence shall be admitted

if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Irrelevant or unduly repetitious evidence may be excluded.

- (3) The appellant shall present his position with the aid of legal counsel or witnesses, if the appellant so desires.
- (4) The administrator shall then present his position with the aid of legal counsel or witnesses, if he so desires.
- (5) All participants shall be given an opportunity to:
 - a. Present oral or written testimony or documentary evidence;
 - b. Offer rebuttal;
 - c. Question witnesses on matters germane to the issue at hand;
 - d. Examine all evidence presented at the hearing.

(g) *Decisions.* Upon completion of the proceeding, the fair hearing officer shall prepare a written notice of his decision which will contain the following information:

- (1) A statement of the issues;
- (2) Relevant evidence presented by any participant at the proceeding;
- (3) Pertinent provisions of the general law and this chapter relating to the fair hearing officer's decision;
- (4) The fair hearing officer's decision and the reason for it.

(h) *Appeal to superior court.* Copies of the notice of decision will be provided forthwith to the appellant. When any decision by a fair hearing officer or a court authorizes assistance, that assistance will be provided within twenty-four (24) hours of notice of the decision to the city. The decision shall also state that, if the appellant is dissatisfied with the fair hearing officer's decision, he or she may seek judicial review under Rule 80B, Maine Rules of Civil Procedure. The city will keep

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and provide a sufficient record of the fair hearing for the court review.

(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, §§ 13, 14, 9-8-93)



GENERAL ASSISTANCE ORDINANCE

As amended March 5, 2019
(Effective: March 26, 2019)
(Appendices updated annually)

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ARTICLE I

Statement of Policy

The Municipality of Waterville administers a program of General Assistance (GA) available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided within this ordinance, Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq.

Every effort will be made to recognize the dignity of the applicant while encouraging self-reliance. The program will strive to help eligible persons achieve self-maintenance by promoting the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. The General Assistance program will place no unreasonable restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation to access and/or utilize the municipal GA program are encouraged to provide the municipality with notice regarding the accommodation request.

The General Assistance administrator will act promptly on all applications for assistance and requests for fair hearings. GA applicants will be provided information regarding their rights and responsibilities under the GA program. Within 24 hours after receipt of an application, the administrator will provide the applicant a written decision, whether assistance is granted, that will state the specific reasons for the decision. The administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be

furnished within 24 hours after the completed application is submitted except when the administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see section 5.6 of this ordinance*).

The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law (*see 22 MRSA §4306*).

The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II

Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Applicant. A person who has submitted, either directly or through an authorized representative, an application for General Assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the General Assistance administrator for allowing a person to apply for General Assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

Basic Necessities. Food, clothing, shelter, fuel, electricity, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**

- | | |
|---|--|
| <ul style="list-style-type: none"> • Cigarettes • Alcohol • Pet care costs • Vacation costs • Legal fees • Late fees • Key deposits • Security deposits for rental property (except for those situations where no other | <p>permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full) (22 M.R.S.A. § 4301(1)).</p> |
|---|--|

****Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.**

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household as provided in section 6.8 of this ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (22 M.R.S.A. § 4301(2)).

Eligible Person. A person who is qualified to receive General Assistance benefits from the municipality according to the standards of eligibility set forth in this ordinance, Maine General Assistance law (22 M.R.S.A. ch. 1161), and Maine Department of Health & Human Services regulations (10-144 C.M.R. ch. 323). If otherwise qualified, “Eligible Person” shall include U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. “Eligible Person” does not include a fugitive from justice as defined in 15 M.R.S.A. § 201(4).

Emergency. Any life-threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person at the municipality’s option, a situation which is imminent, and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S.A. § § 4301(4), 4308(2), 4310).

General Assistance Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the necessities essential to maintain themselves or their families. A General Assistance program provides a specific amount and type of aid for defined needs during a limited period and is not intended to be a continuing “grant-in-aid” or “categorical” welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide General Assistance to a person each time that the person is in need and is found to be otherwise eligible to receive General Assistance (22 M.R.S.A. § 4301(5)).

General Assistance Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker (22 M.R.S.A. § 4301(12)).

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income (22 M.R.S.A. § 4301(6)).

Income. "Income" means any form of income in cash or in kind received by the household including:

- Net remuneration for services performed
- Cash received on either secured or unsecured credit
- Payments received as an annuity, retirement or disability benefits
- Veterans' pensions and/or benefits
- Retirement accounts or benefits
- Workers' compensation
- Unemployment benefits
- Federal and/or state tax returns
- Benefits under any state or federal categorical assistance program such as, TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation)

- Court ordered support payments, e.g., child support
- Income from pension or trust funds
- Household income from any other source, including
- relatives or unrelated household members
- Student loans
- Rental income

The following items shall not be considered as income or assets that must be liquidated for the purposes of deriving income:

- 1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- 3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality (22 M.R.S.A. § 4301(7)).

- 4) Certain public benefit programs are specifically exempt from being counted as income for purposes of GA. These programs include:
 - Food Stamps (7 USCS § 2017(b))
 - Li-Heap (42 USCS § 8624)
 - Family Development Accounts (22 M.R.S. § 3762)
 - AmeriCorps VISTA program benefits (42 USCS § 5044 (f))

- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S.A. § 4301(7))
- Aspire Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not applied for assistance in this or any other municipality is considered an initial applicant.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing (22 M.R.S.A. § § 4301(8), 4316-A (5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 MRSA § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's General Assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in section 6.8 of this ordinance or the actual cost of any such necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (*see 22 MRSA §4316-A*) misconduct shall have the same meaning as misconduct defined in 26 MRSA §1043 (23). (See Appendix I of this ordinance for the official definition of misconduct.)

Generally, employees are guilty of misconduct when the employee violates his or her duties or obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Municipality. Any city, town or plantation administering a General Assistance program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application (22 M.R.S.A. § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance (22 M.R.S.A. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in helping eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the General Assistance program (22 M.R.S.A. §§ 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided, however, in no event shall this period extend beyond one month (22 M.R.S.A. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs

any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real Estate. Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S.A. § 4301(13)).

Recipient. A person who has applied for and is currently receiving General Assistance.

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S.A. § 2710.

Repeat Applicants. All applicants for General Assistance that are not initial applicants are repeat applicants. For purposes of this ordinance repeat and subsequent shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S.A. § 4307).

Resources. Resources include any program, service, or other sources of support which an alternative to or for General Assistance supplement are. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period before eligibility is determined or the potential income is released.

Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual (22 M.R.S.A. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the GA administrator a necessary minimum balance required by a financial institution to obtain free checking or to maintain the account shall not be considered an available resource.

The municipal GA administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities. Although GA applicants/recipients may be informed of the existence of a charitable resource and/or organization, GA eligibility shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various necessities. For this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unforeseen Repeat Applicants. Are repeat applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source and who have unexpectedly

become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need as established by section 6.6 of the ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are those obligations the municipal administrator places on applicants for General Assistance as directed and/or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for General Assistance when complied with, result in ineligibility when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III

Administrative Rules and Regulations

The following are rules and regulations for the administration of General Assistance.

Section 3.1—Confidentiality of Information

Case records and all other information relating to an applicant or recipient of General Assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released (22 M.R.S.A. § 4306).

Release of Information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his or her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

Information from Other Sources; Penalty. Information furnished to the municipality by the Department of Health and Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The General Assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706).

Any representative of a financial institution or any employer of a General Assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator to verify an applicant's eligibility must state in writing the reason for the refusal. Effective November 1, 2017 national banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release

signed by the depositor. Additionally, effective November 1, 2017, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S.A. § 42(2)).

Section 3.2—Maintenance of Records

The General Assistance administrator will keep complete and accurate General Assistance records (22 M.R.S.A. § 4306). These records are necessary to:

- a) provide a valid basis of accounting for municipal expenditures;
- b) document and support decisions concerning an applicant or recipient; and
- c) ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the General Assistance administrator.

Case Records. The administrator will establish and maintain a separate case record, either in paper format or digital format for each applicant or recipient. Each case record will include at least:

- household applications
- budget sheets
- information concerning the types and amounts of assistance provided

- narrative statements describing the nature of the emergency whenever General Assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less)
- written decisions
- requests for fair hearings and the fair hearing authority decisions
- workfare participation records
- repayments to the municipality
- narrative writings documenting the need for General Assistance, the results of home visits, collateral information, referrals, changes in status
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information
- adjustments in aid, and suspension or termination of eligibility
- physician's documentation
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms
- vendor forms

Case records will not include information or material that is irrelevant to either the applicant's or recipient's application or the administrator's decisions.

Retention of Records. General Assistance records shall be retained for a minimum of three full years. The three-year period shall coincide with the State's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by one of the two preferred methods of destruction for confidential records, i.e., supervised shredding, burning or appropriate digital deletion/destruction process. In the event a client's records contain SSI reimbursement forms, the client's records should be maintained so that the municipality may seek reimbursement.

ARTICLE IV

Application Procedure

Section 4.1—Right to Apply

Who May Apply. Anyone may apply for General Assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in section 4.9 of this ordinance or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for General Assistance (22 M.R.S.A. §4304(3)). In such cases, the administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for General Assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. § § 4305, 4308). With notice, all members of the household receiving General Assistance may be required to physically present themselves to the administrator. Note that fugitives from justice are ineligible for General Assistance.

Application Via Telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail and visiting the applicant's home with his or her permission (22 M.R.S.A. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for General Assistance each time a person applies (22 M.R.S.A. § § 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the General Assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the DHHS toll-free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator or his or her designee will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the General Assistance administrator will interview each applicant personally before deciding. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Section 4.3—Contents of the Application

At a minimum, the application will contain the following mandatory information:

- | | |
|--|---|
| a) applicant's name, address, date of birth, Social Security number or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number; | household members for whom the applicant is seeking assistance; |
| b) names, date(s) of birth, and Social Security number(s) or appropriate USCIS documentation of other | c) total number of individuals living with the applicant; |
| | d) employment and employability information; |

- e) all household income, resources, assets, and property;
- f) household expenses;
- g) types of assistance being requested;
- h) penalty for false representation;
- i) applicant's permission to verify information;
- j) signature of applicant and date.

In the event an initial applicant is unable to provide identification records (e.g., Social Security card/number) because the record may have been lost, stolen or misplaced, the initial applicant may be provided a reasonable amount of time, e.g., five working days, to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA required to cure an immediate and/or emergency need shall not be withheld. In such cases the municipality may elect to provide only a prorated amount of GA, e.g., five days' worth, while the applicant proceeds to obtain the required information.

Section 4.4—General Assistance Administrator's Responsibilities at the Time of the Application

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving General Assistance, including application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.

Eligibility Requirements. The administrator will inform, either verbally or in writing, the applicant of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the financial reduction in assistance that is the consequence of spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The administrator will inform all applicants of their rights to:

- review the municipal General Assistance ordinance and Maine General Assistance law;
- apply for assistance;
- receive a written decision concerning eligibility within 24 hours of applying for assistance;
- confidentiality;
- contact the DHHS;
- challenge the administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The administrator will inform the applicant that he/she must reimburse the municipality for General Assistance he/she has been granted in the event of a subsequent ability to pay. The municipality may also, as appropriate, contact the client's legal representative to inform him or her of the client's obligation to repay the municipality under the GA program. In addition to seeking repayment from a recipient,

the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25, see Article VIII, "Recovery of Expenses") (22 M.R.S.A. § § 4318, 4319). Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "interim assistance agreement" lien, as these liens are described in Article VIII, "Recovery of Expenses".

Section 4.5—Responsibilities of the Applicant at the Time of Application

The applicant has the responsibility at the time of each application to provide accurate, complete and current household information and verifiable documentation concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility (22 M.R.S.A. §4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has

satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

- c) has made use of all available and potential resources when directed in writing to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of enough means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the administrator, to diminish the applicant's, need for General Assistance (22 M.R.S.A. § §4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The General Assistance administrator will give a written decision to the applicant concerning his or her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to section 5.6 of this ordinance) to issue assistance conditionally on the successful completion of a workfare assignment (22 M.R.S.A. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

Content. The written decision will contain the following information:

- a) the type and amount of aid the applicant is being granted or the applicant's ineligibility;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the decision;

- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally (22 M.R.S.A. § 4321).

Section 4.7—Withdrawal of an Application

An application is considered withdrawn if:

- a) the applicant requests in writing that his or her application be withdrawn; or
- b) the applicant refuses to complete or sign the application, or any other form needed by the General Assistance administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the General Assistance administrator may temporarily refuse to accept applications. Such circumstances may include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
- b) If the administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, or if such behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, then the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;

- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

Section 4.9—Emergencies

An emergency is any life-threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S.A. § 4301(4)). Although they may be considered otherwise ineligible to receive General Assistance, persons who apply for assistance to alleviate an emergency may be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency (22 M.R.S.A. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to help may result in undue hardship and unnecessary costs to either the client or the municipality.

Disqualification. A person who is currently disqualified from receiving General Assistance due to a violation of sections 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 of this ordinance is ineligible to receive emergency assistance (22 M.R.S.A. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as: 1) a dependent minor child; 2) an elderly, ill or disabled person; or 3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant, the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S.A. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator shall accept an application over the telephone (22 M.R.S.A. § 4304).

The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his or her home or by mail and the administrator cannot determine his or her eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not necessities, they will not be eligible to receive General Assistance to replace the misspent money (22 MRSA § § 4308(2) & 4315-A).

All applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have enough income to avert

the emergency. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time- period.

- a) The applicable time - period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time- period shall be the consecutive length of time the account balance has been in the negative.
- b) The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total General Assistance actually received during the applicable time period.
- e) The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

- f) The administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never applied for General Assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with General Assistance law.

Section 4.10—Residence

The administrator shall provide General Assistance to all eligible persons applying for assistance who are residents of this municipality. A resident is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or

hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S.A. § 4307 and §4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution (22 M.R.S.A. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: Municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to 6 months and may be subject to other penalties (22 M.R.S.A. § 4307(4)).

Disputes. When the administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility the administrator will notify the DHHS in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for aiding. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S.A. § § 4307(5), 4307(6)).

ARTICLE V

Eligibility Factors

A person will be eligible for General Assistance if he/she is an “Eligible Person” as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. For guidance in determining whether an applicant is an Eligible Person, contact the Department of Health & Human Services at (800) 442-6003 (TTY: 287-6948).

Section 5.1—Initial Application

Initial Application. For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 1043 (23)) (*see section 5.5 of this ordinance*) and to fugitives from justice as defined in 15 M.R.S.A. § 201(4) (22 M.R.S.A. § 4301(3)). An initial applicant is a person who has never applied for General Assistance in any municipality in Maine (22 M.R.S.A. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in section 6.8 of this ordinance or the applicant’s 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide necessities.

Subsequent Applicants. Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for General Assistance at any time in the past. Repeat applicants are also people on whose behalf a General Assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be

eligible for General Assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify a person from receiving General Assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, except for Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. § 2017 (b)).

In addition, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs (42 U.S.C. §8624(f)). The calculation of General Assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under “Types of Income” at section 6.7 of this ordinance. For several additional exceptions please refer to the definition of “Income” in this ordinance (see page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the General Assistance administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S.A. § 4317).

Section 5.3—Personal Property

- a) **Liquid Assets.** No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for

General Assistance unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them. At the discretion of the GA administrator, liquid assets do not mean a reasonable minimum balance necessary for obtaining free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

- b) **Tangible Assets.** No person owning or possessing personal property, such as but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household, will be eligible for General Assistance. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Section 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used to produce income are exempt from the above category and are not considered available assets.
- c) **Automobile Ownership.** Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation or training facilities, or for any other reason the GA administrator determines reasonable for the maintenance of the applicant's household. Recipients of General Assistance who own an automobile with a market value greater than \$8000 may be required, with written, 7-day notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8000. Any income received by the applicant by such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification (22 M.R.S.A. § 4317).

The municipality will neither pay nor consider as necessary any car payment or vehicle maintenance cost including insurance for which the applicant is responsible. However, provided the vehicle value is \$8000 or less and the applicant is utilizing the vehicle for any of the above mentioned “essential” reasons, the municipality in its discretion may choose to not consider reasonable car payments, reasonable car insurance and reasonable associated costs of maintenance as “misspent” income. General Assistance for travel-related needs shall be computed in accordance with section 6.8(F)(7), (8) “Work Related/Travel Expenses.”

- d) **Insurance.** Insurance that is available to an applicant on a non-contributory basis or that is required as a condition of employment will not be a factor in determining eligibility for General Assistance. Life insurance with a cash surrender value may, at the discretion of the GA administrator, be considered as a tangible asset.
- e) **Transfer of Property.** Applicants who transfer assets for less than fair market value to someone else solely for establishing eligibility for General Assistance will not be granted General Assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred his or her assets to be eligible for General Assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for General Assistance unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

- a) **Principal Residence.** For purposes of General Assistance solely, the applicant’s principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training,

education, illness or disaster, provided there is demonstrated an intent to return. If the applicant owns land more than the minimum lot size for the zone or district in which the home is located, then that land may be considered a potential resource if:

1. The applicant has received General Assistance for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If the above conditions are met, then the administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support and therefore not all the land need be sold at the present time.) Assistance shall not be denied during the time that the

applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) **Other Property.** If the applicant or dependents own real property other than that occupied as the principal residence, continued eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party to become eligible for General Assistance will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient (*see also section 6.8 of this ordinance*) (22 M.R.S.A. § 4320).

Section 5.5—Work Requirement

All General Assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and members of their households who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment

workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. “Pursuit of employment” means submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant’s period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be performing a diligent work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see section 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see Appendix I, 26 M.R.S.A. § 1043 (23) for the definition*) will be eligible to receive General Assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;

- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary child care or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.A. § 4316-A (5)).

Applicant's Burden of Establishing Just Cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

For regaining eligibility by becoming employed, “employment” shall mean employment by an employer as defined in 26 M.R.S.A. § § 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in section 5.6 of this ordinance, under “Eligibility Regained”.

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required to provide care for any child under 6 years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Labor.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A (2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in section 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of General Assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 MRSA § 4318 individuals owing the municipality funds for General Assistance provided to them are obligated to repay the municipality when and if they become able (*see Article VIII*). However, persons performing workfare shall have the value of the workfare performed deducted from all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations (22 M.R.S.A. § 4316-A (3)).

- 1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net General Assistance that the person receives

under municipal General Assistance standards. Any person performing work under this subsection shall be provided with net General Assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on-site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the Department of Labor.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309).

If the administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving General Assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for General Assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving General Assistance in accordance with the following "workfare first" policy.

"Workfare First" Policy. Under the authority of 22 M.R.S.A. § 4316-A(2)(D), the administrator may, in accordance with the following guidelines, require a recipient of General Assistance to perform a workfare assignment prior to the actual issuance of the General Assistance benefit conditionally granted.

- 1) In no circumstance will emergency General Assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for General Assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:

- a) a specific description of the amount of General Assistance being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the General Assistance grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the General Assistance grant will be issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of General Assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued General Assistance grant shall be terminated, and notice of the partial

termination, and the reasons therefore, will be issued to the workfare participant in accordance with section 6.10 of this ordinance.

- 5) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just because reasons shall be reassigned or excused at the discretion of the GA administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net General Assistance to be provided to the person (22 M.R.S.A. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S.A. § 4316-A (1)). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see section. 5.5, "Dependents"*).

If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible.

If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide enough assistance to the recipient to avert the emergency. However, the provision of such emergency assistance will not bar the administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.

Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to

the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS (22 M.R.S.A. § 4316-A (2)).

Section 5.7—Use of Resources

Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource that may reduce his or her need for General Assistance (*see section 2.2 for definition of “Resources”*). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they try to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S.A. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for General Assistance and who is pregnant or has a dependent child or children will be eligible to receive General Assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of the both parents are unknown; or
- 3) no parent will permit the minor to live in the parent’s home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or

- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility (22 M.R.S.A. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for General Assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality (22 M.R.S.A. § 4319).

Regarding such application, the municipality may seek verification of the applicant's need for General Assistance by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the administrator may find the applicant not to be in need of General Assistance for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good

faith effort to utilize or obtain the resources. General Assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive General Assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under General Assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided not in the form of income but, rather, in the form of a specific, regularly issued resource of a calculable value, that resource, up to its forfeited value, need not be replaced with General Assistance for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S.A. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her assistance terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S.A. § § 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see sections 5.5, 5.6*). If an applicant/recipient is helped and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120

days following the end of the period covered by the grant of assistance. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has enough knowledge and information to render a decision of ineligibility.

Fraud. People who commit fraud are disqualified from receiving assistance for a period of 120 days (*see section 6.4, "Fraud"*). The administrator shall give recipients written notice that they are ineligible as soon as the administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S.A. § 1051(1) is ineligible to receive General Assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S.A. § 4317.

ARTICLE VI

Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for General Assistance. The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility based on a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

Section 6.3—Verification

Eligibility of applicant; duration of eligibility. The overseer shall determine eligibility each time a person applies or reapplies for General Assistance. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's responsibilities. Applicants and recipients for General Assistance are responsible for providing to the overseer all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the overseer. When information required by the overseer is unavailable, the overseer must accept alternative available information, which is subject to verification.

Each applicant and recipient have the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely based on need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants are still responsible for providing the GA administrator with reasonably obtainable documentation adequate to

verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e. job quit).

Repeat Applicants. All applicants for General Assistance that are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined based on need and all other conditions of eligibility established by law and this municipal ordinance.

The administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted, as required by the GA administrator.

Repeat applicants are also responsible for providing any changes of information reported on previous applications including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Overseer's responsibilities. To determine an applicant's eligibility for General Assistance, the overseer first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the overseer is

responsible for determining eligibility. The overseer will seek verification necessary to determine eligibility. To determine eligibility, the overseer may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the overseer may examine public records without the applicant's knowledge and consent.

Appropriate sources, which the overseers may contact, include, but are not limited to:

- DHHS and any other department/agency of the state or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply the overseer with necessary information, documentation, or permission to make collateral contacts, or if the overseer cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of eligibility. The overseer may redetermine a person's eligibility at any time during the period that person is receiving assistance if the overseer is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient with the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the administrator to receive General Assistance or cause someone else to receive General Assistance (22 M.R.S.A. § 4315). A person who commits fraud to receive General Assistance benefits may be prosecuted for this offense.

False representation shall consist of any individual knowingly and willfully:

- a) making a false statement to the General Assistance administrator, either orally or in writing, to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) concealing information from the General Assistance administrator to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) using General Assistance benefits for a purpose other than that for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the General Assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for General Assistance, the administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters a reasonable written agreement to reimburse the municipality. (22 M.R.S.A. § 4315)

For this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all the assistance would not be or would not have been granted.

The notification of ineligibility issued by the administrator shall inform the applicant of his or her right to appeal the administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the Fair Hearing Authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she

was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period more than one month (22 M.R.S.A. § 4309). Upon receiving a completed and signed application, the administrator will determine the applicant's eligibility based on a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency the administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse General Assistance for a period less than 30-day's, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period used to calculate need will be the next 30-day period from the date of application (22 M.R.S.A. § 4301(7)). The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in section 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (22 M.R.S.A. § 4308(2)) (see section 4.9 of this ordinance).

Applicants will also not be considered in need of General Assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of section 6.8 (22 M.R.S.A. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity (*see Appendixes A-H of this ordinance*) shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on

goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have enough income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The administrator may require that anyone applying for General Assistance provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the GA administrator for "unforeseen" repeat applicants (*See Section 6.3 of this ordinance*), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and, in such case, will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television

- Cellular phones
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt.

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income (22 M.R.S.A. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The administrator may require the applicant to use some or all his or her income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified necessities;
- 2) The administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all the applicant's income was not spent as directed and was also not spent on necessities, the applicant will not be eligible to receive either regular or emergency General Assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed but can show with verifiable documentation that all income was spent on necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of section 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see section 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance more than the maximum amounts allowed in section 6.8 of this ordinance for specific necessities except in an emergency or when the administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total General Assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in section 6.8 shall not be eligible for General Assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

Calculation of Income. To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous 30-day period on necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in section 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded (22 M.R.S.A. § 4308) (*see section 4.9 of this ordinance*). To calculate weekly income and expenses, the administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions

required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will be deducted from an applicant's income (22 M.R.S.A. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of General Assistance the applicant is eligible to receive. Although applicants may have only a limited or reduced need for General Assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's

fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely based on the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorps VISTA program benefits (42 USCS § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on necessities. (22 M.R.S.A. § 4301(7))

- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if received by the applicant. The General Assistance administrator will refer cases where support payments are not actually received to the State Department of Health and Human Services' Child Support Enforcement Unit. To be eligible for future GA, applicants being referred to DHHS for such enforcement services shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.
- d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301(7)).
- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time

will not be considered income. The unearned income of a minor in the household will be considered available to the household.

- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether the household member is legally obligated for the support of the applicant if the household members pool or share their income and expenses as a family or intermingle their funds to provide support to one another.
- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for General Assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S.A. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined based on his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or after the date of application for General Assistance will be considered as income available to the household. However, verified required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or after the date of application for General Assistance, the administrator will assess the need for prorating an applicant's eligibility for General Assistance according to the following criteria (22 M.R.S.A. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the General Assistance program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S.A. § 4301(7), (8-A));

- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for General Assistance; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all the household's necessities. 22 M.R.S.A. § 4305(3-B)

This dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely based on the proration of a lump sum payment. (22 MRSA § 4308)

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Appendices B-H of this ordinance, an applicant's eligibility for General Assistance will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size (22 M.R.S.A. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for General Assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for General Assistance unless they are in an emergency, in which case eligibility for

emergency General Assistance will be determined according to section 4.9 of this ordinance. These levels are contained in Appendix A.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived to meet immediate needs. In all cases either the actual expenses the applicant incurs for necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with General Assistance; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

- A) **Food.** The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine Department of Health and Human Services. **See Appendix B of this ordinance for the current food maximums.**

In determining need for food, the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S.A. § 4301.7(A); 7 U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The administrator will exceed the maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

- B) **Housing.** The administrator will aid with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be helped according to the maximum level for the number of rooms needed. The maximum levels of housing assistance contained in this ordinance have been

derived from either a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development. (HUD). If the maximum levels of housing are derived from the HUD values, and adjusted by the Maine State Housing Authority, those levels are incorporated by reference. See Appendix C of this ordinance for the current housing maximums.

Any landlord wishing to receive rental payments from the City of Waterville on behalf of any applicant must comply with all state and local licensing and land use codes. The City reserves the right to inspect any rental unit whenever an applicant applies for assistance with rent. These inspections are to determine whether that unit complies with the City's housing and land use codes. The Administrator is authorized to promulgate policies detailing such inspection requirements. The City requires that an inspection be completed before authorizing rent for applicants in order to ensure that decent and safe housing is being provided.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children (22 M.R.S.A. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum (22 M.R.S.A. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see section 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the Department of Health and Human Services, Division of Health Engineering, pursuant to 10-144A Code of Maine Regulations, Chapter 201, as a condition of that landlord receiving future General Assistance payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the General Assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan to meet immediate needs;

- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for General Assistance if after reviewing the above criteria the administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for money spent by it to make capital improvements to the real estate (22 M.R.S.A. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for General Assistance if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing General Assistance for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the General Assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.S.R.A. § 841(2)) and General Assistance. If the applicant chooses to seek property tax assistance through General Assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using General Assistance to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or based on information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and

- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1 and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. **See Appendix C of this ordinance for the current housing maximums.**

When the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

- C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for deciding with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants based on their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will

consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision.

Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not necessities, will not be eligible to receive General Assistance to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308(2)) (*see section 4.9 and 6.3*). The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Appendix D of this ordinance for the current electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Appendix D of this ordinance for the current electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants based on their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance. See Appendix E of this ordinance for the current fuel maximums.

E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Appendix F of this ordinance for the current personal care and household supplies maximums.

F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the General Assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the General Assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if

fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.

- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek General Assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue General Assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing General Assistance for any medical expenses, the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-

prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. For telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S.A. § 1716. Anyone who is not eligible for the hospital's free care program may apply for General Assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is not eligible for the hospital's free care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 6.6 of this ordinance.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue General Assistance for dental services at the established Medicaid rates for those services, and before authorizing the General Assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, considering the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive General Assistance for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The General Assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or job-related reasons exist and/or for any other reasons the administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum (see Appendix G for the current

maximum mileage allotment). The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.
- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see section 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Appendix H for the current maximums.
- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant General Assistance for capital improvements when:
 - 1) the failure to do so would place the applicant(s) in emergency circumstances;
 - 2) there are no other resources available to affect the capital repair; and
 - 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when General Assistance has been used to affect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. For the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of three business days following the funeral director’s receipt of the body, whichever is earlier (22 M.R.S.A. §4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director’s responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing General Assistance for burial or cremation purposes, an application for assistance shall be completed by the administrator on behalf of the deceased.

Regarding residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 4.10 of this ordinance.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for General Assistance since living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for General Assistance, by their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all General Assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Effective November 1, 2017, grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Effective November 1, 2017, Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family

members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

Burial Expenses. The administrator will respect the wishes of family members regarding whether the deceased is interred by means of burial or cremated. See Appendix H for the maximum levels of assistance granted for burials.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator may issue General Assistance for cremation services. See Appendix H for the maximum levels of assistance granted for cremations.

Section 6.10—Notice of Decision

Written Decision. The administrator will give a written decision to each applicant after deciding of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving a completed and signed application (22 M.R.S.A. § 4305(3)) (*see Article IV, section 4.6*).

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator may decide to render a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

To ensure that applicants understand their rights, it is the responsibility of the General Assistance administrator to explain the applicants’ right to a fair hearing in the written notice of decision.

Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in section 4.6 of this ordinance, the notice will state that applicants:

- a) have the right to a fair hearing and the method by which they may obtain a fair hearing and;
- b) have the right to contact the DHHS if they believe the municipality has violated the law. The decision will state the method for notifying the department.

Disbursement of General Assistance. Except when determined impractical by the administrator, all General Assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General Assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing General Assistance in the form of cash (22 M.R.S.A. § 4305(6)).

ARTICLE VII

The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the General Assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the General Assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the General Assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and

- c) the relief sought by the claimant.

The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request the fair hearing authority must meet and hold the hearing within 5 working days. The administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;
- b) confront and cross-examine any witnesses presented at the hearing against the claimant; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The City Council will appoint a Fair Hearing Authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with the responsibility of ensuring that General Assistance is administered in accordance with the state law and this ordinance.

The Fair Hearing Authority shall consist of a single person chosen on a rotational basis for each hearing from a three-member panel. The members of the three-member panel will be appointed for two-year terms at the organizational meeting of the City Council.

The person(s) serving on the three-member panel must:

- a) not have participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case. The claimant shall be permitted to review his or her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

- a) be conducted privately and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the General Assistance administrator, his or her agents, counsel and witnesses;
- b) be opened with a presentation of the issue by the Fair Hearing Authority;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;

- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the Fair Hearing Authority must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The Fair Hearing Authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to relying in the conduct of serious affairs (22 M.R.S.A. § 4322).

Claimant's Failure to Appear. In the event the claimant fails to appear, the FHA will send a written notice to the claimant that the GA administrator's decision was not altered due to the claimant's failure to appear. Furthermore, the notice shall indicate that the claimant has 5 working days from receipt of the notice to submit to the GA administrator information demonstrating "just cause," for failing to appear.

For the purposes of a claimant's failure to appear at a fair hearing, examples of "just cause" include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;

- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or their attorney) establishes just cause, the request for the hearing will be reinstated and a hearing rescheduled.

In the event a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The decision of the Fair Hearing Authority will be binding on the General Assistance administrator and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain the following:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or General Assistance ordinance related to the decision; and
- d) the decision and the reasons for it.

A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the General Assistance administrator.

The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the Fair Hearing Authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient, at a rate not less than minimum wage.

Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, because of the repayment, the person would again become eligible for General Assistance (22 M.R.S.A. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien for the value of all General Assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers’ Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any General Assistance on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the General Assistance recipient and the Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the recipient of General Assistance who has applied for or is receiving Workers’ Compensation. Any General Assistance applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive General Assistance until he or she provides the required

signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive General Assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the General Assistance granted. Any General Assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive General Assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, the grandchildren, children, parents, grandparents, and effective November 1, 2017, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S.A. § 4319).

ARTICLE IX

Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

Article X

Appendices

For this purpose, the municipality hereby incorporates by reference any updates to Appendices A through I, individually or collectively, as distributed by the Maine Department of Health and Human Services.

Appendix A – General Assistance Overall Maximums

Appendix B – Food Maximums

Appendix C – General Assistance Housing Maximums

Appendix D – Electric Utility Maximums

Appendix E – Heating Fuel

Appendix F – Household & Personal Items

Appendix G – Mileage Rate

Appendix H – Funeral Maximums

Appendix I - Definition of misconduct (26 MRSA) Section 1043(23)

Appendix A

Effective: 10/1/18 – 9/30/19

2018-2019 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kentuckian, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veasy	733	814	1,032	1,294	1,748
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dumont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Madawaska, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Sabonis plantation, Springfield, Stacyville, Stetson, Twombly UT,	693	697	908	1,137	1,297

Webster plantation, Whitney UT, Winn, Woodville					
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	669	736	932	1,193	1,461
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,058	1,159	1,483	1,986	2,303
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	989	1,039	1,382	1,749	2,433
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	784	831	1,091	1,593	1,820

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	786	875	1,017	1,345	1,636
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	766	884	1,098	1,487	1,515

***Note: Add \$75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	622	662	773	1,016	1,112
Franklin County	650	680	807	1,005	1,431
Hancock County	698	798	1,009	1,274	1,397
Kennebec County	727	756	944	1,241	1,326
Knox County	759	765	944	1,210	1,344
Lincoln County	788	845	1,004	1,259	1,503

Oxford County	694	699	839	1,221	1,426
Piscataquis County	615	681	843	1,115	1,238
Somerset County	679	714	859	1,156	1,219
Waldo County	696	761	903	1,231	1,389
Washington County	679	683	840	1,062	1,212

*** Please Note: Add \$75 for each additional person.**

Appendix B

Effective: 10/01/18 to 09/30/19

2018-2019 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2018, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

Note: For each additional person add \$144 per month.

Appendix C
Effective: 10/01/18 to
09/30/19

**2018-2019 GA Housing Maximums
(Heated & Unheated Rents)**

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	112	483	131	565
1	115	496	140	600
2	133	572	163	700
3	180	776	217	932
4	192	826	236	1,016
<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	511	138	593
1	120	514	144	618
2	141	606	171	734
3	178	765	214	921
4	266	1,145	310	1,335

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	140	602	169	726
2	183	788	215	924
3	230	988	273	1,175
4	246	1,058	299	1,285
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	159	684
2	168	724	200	859
3	222	955	266	1,142
4	230	987	282	1,214

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694
2	168	724	200	859
3	215	924	258	1,111
4	234	1,005	287	1,232
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	151	649	180	773
2	182	783	214	919

3	226	973	270	1,160
4	271	1,164	323	1,391
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	528	146	629
1	123	528	146	629
2	140	600	175	754
3	218	935	261	1,122
4	253	1,087	306	1,314
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	474	130	559
1	119	512	144	619
2	149	640	179	771
3	203	871	240	1,032
4	220	946	266	1,142
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	143	614
1	121	519	149	642
2	147	631	180	774
3	202	870	246	1,057
4	205	880	257	1,107

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	530	147	631
1	131	565	160	689
2	159	683	190	818
3	220	945	263	1,132
4	244	1,050	297	1,277
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	143	614
1	119	513	143	614
2	140	601	176	755
3	181	776	224	963
4	203	873	256	1,100

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	132	567	155	668
1	144	618	173	742
2	185	793	220	947
3	234	1,008	278	1,195
4	328	1,409	380	1,636

<u>Penobscot Cty.</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	527	146	628
1	123	527	146	628
2	156	669	191	823
3	198	851	241	1,038
4	223	958	276	1,185
<u>Lewiston/Auburn</u> <u>MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	140	604
1	125	540	154	664
2	165	711	197	847
3	211	907	254	1,094
4	261	1,122	314	1,349

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	208	892	231	993
1	224	963	253	1,087
2	289	1,244	325	1,398
3	395	1,700	439	1,887
4	457	1,964	510	2,191
<u>York/Kittery/S. Berwick</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly

0	192	824	215	924
1	196	843	225	967
2	266	1,143	302	1,297
3	340	1,463	384	1,650
4	487	2,094	540	2,321
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	618	167	719
1	148	635	177	759
2	202	868	234	1,006
3	304	1,307	347	1,494
4	344	1,481	397	1,708
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	623	168	721
1	158	679	187	803
2	185	795	217	932
3	246	1,059	290	1,246
4	302	1,297	354	1,524
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	140	600	163	701
1	160	688	189	812
2	203	875	236	1,013
3	274	1,201	323	1,388
4	274	1,201	326	1,403

Appendix D Effective: 10/01/18 to 09/30/19

2018-2019- ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below.
But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water.** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Appendix E

Effective: 10/01/18 to 09/30/19

2018-2019 HEATING FUEL MAXIMUMS

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F

Effective: 10/01/18 to 09/30/19

2018-2019 PERSONAL CARE & HOUSEHOLD SUPPLIES
MAXIMUMS

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

APPENDIX G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Funeral Maximums

Burial Maximums

The maximum amount of General Assistance granted for the purpose of burial is **\$1,125**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$785**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$50
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

26 MRSA §1043 (23)

Misconduct. “Misconduct” means a culpable breach of the employee’s duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee’s entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (rpr).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute “misconduct” as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee’s eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee’s qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

Appendix I

[1999, c. 464, §2 (new).]

B. “Misconduct” may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
 - (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer’s notification rules and policies; or
 - (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.
- [1999, c. 464, §2 (new).]

APPROVED

Waterville City Council

Effective: February 3, 2007
(Ordinance 22-2006)

As Amended: August 6, 2013
(Ordinance 141-2013)

As Amended: March 5, 2019
(Ordinance 44-2019)

Appendices updated annually.

RESOLUTION OUTLINING POLICY GOALS FOR THE CITY OF PORTLAND'S SINGLE-ADULT SHELTER FACILITY

WHEREAS, for the past 30 years a residence located at 203 Oxford Street, which was built in the year 1900 and originally designed as a two-family dwelling,¹ has been leased by the City of Portland to serve as a single-adult shelter facility, namely the Oxford Street Shelter; and

WHEREAS, the Oxford Street Shelter, which opened in December of 1989 with 50 beds has since expanded as follows²:

- to 62 beds in October 1994, due to an increase in homelessness;
- to 80 beds in 1996, due to an increase in homelessness;
- to 108 beds in 1998, due to an increase in homelessness;
- to 127 beds in 1999, due to an increase in homelessness;
- to its current maximum capacity of 154 beds as set by the Fire Department in 2000, due to an increase in homelessness; and

WHEREAS, in 2001, when the Oxford Street Shelter reached its maximum capacity of 154 beds, a plan for emergency shelter overflow was developed; and

WHEREAS, in April of 2003 the Salvation Army gym was used for the first time to accommodate overflow from the Oxford Street Shelter; and

WHEREAS, since that time alternative overflow options for the Oxford Street Shelter have been developed, including 75 mats at the Preble Street Resource Center and a limited number of mats at the City's General Assistance office; and

WHEREAS, the average nightly bedcounts for the last three years, along with high and low censuses for each year are as follows:

YEAR	AVG BEDS PER NIGHT	HIGH CENSUS	LOW CENSUS
2017	216	247: 2/20/2017	165: 12/2/2017
2018	211	248: 1/29/2018	172: 6/1/18 and 6/15/18
2019	208	271: 1/28/19 and 2/28/19	135: 8/31/2019

WHEREAS, the only physical expansion of habitable space at the Oxford Street Shelter over the 30 year period from 1989 to 2019 occurred in 1995 when the City began leasing the adjacent property, a former auto body shop located at 197 Oxford Street; and

WHEREAS, each increase in the number of beds was recommended by the Emergency Shelter Assessment Committee (ESAC), which was jointly established in August of 1987 by the City of Portland and the United Way to monitor shelter beds in the City and serve as an advisory board to the City regarding homeless issues, with staff from the City Social Services Division serving as staff on ESAC²; and

WHEREAS, the City of Portland is currently working through a process to replace the Oxford Street Shelter with a new facility; and

WHEREAS, in conjunction with this process, the City Council's Health & Human Services and Public Safety Committee has held a series of meetings to examine and discuss the City's current single-adult shelter policies in order to ensure this City service is being provided in accordance with Council priorities and goals and in the best interests of the City and all of its inhabitants; and

WHEREAS, the Council recognizes that in operating the Oxford Street Shelter for these past 30 years, the City of Portland has been providing a regional service that benefits communities and individuals far beyond the City's boundaries; and

WHEREAS, the Council recognizes the need to bring together more resources from other municipalities as well as the State and Federal governments to encourage a more regional approach to addressing homelessness; and

WHEREAS, addressing homelessness was identified as a 2017 priority by the seven communities comprising the Greater Portland Council of Government's Metro Regional Coalition, or MRC (Cape Elizabeth, Falmouth, Gorham, Portland, Scarborough, South Portland and Westbrook); and

WHEREAS, on October 8, 2019 the MRC updated its Fiscal Year 2020 workplan goals under the heading of "Homelessness" to add the following:

1. To house more of the homeless in the Greater Portland area.
 2. To more equitably distribute the burden of caring for the homeless across municipalities;
- and

WHEREAS, the Council recognizes the need to balance competing priorities in the City budget in order to best serve all of Portland's residents;

WHEREAS, there is no prior written record of Council guidance regarding its policy goals for the City's single-adult shelter services aside from annual approvals of the municipal budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby proffer the following policy goals to provide staff with guidance on Council objectives as the City plans for its new homeless services center for single adults:

1. Continue to employ a housing first approach, using the homeless services center as a place to help stabilize people experiencing homelessness as they transition to more permanent housing;
2. Continue the excellent work of the award winning Long-Term Stayer Initiative⁴, which seeks to focus resources on housing those people with the longest stays in homelessness in the City;

3. Look into Diversion and Prevention tactics such as the Pine Street Front Door Triage program, a program staff reports has successfully diverted “nearly 20% of individuals from ever entering homelessness and spending a night in a shelter.”⁵
4. Along with diversion and prevention tactics, seek other methods to decrease the average nightly census at the City run facility.
5. Continue to work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities.
6. Continue to work with community partners and local and national experts to determine national best practices that will ensure the safety of staff, guests, and community members.
7. Continue to pursue partnerships to help to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility.
8. Set a cap of _____ beds at the new HSC.
9. Ensure the new facility has adequate capacity to handle occasional overflow onsite, particularly when the nightly census spikes due to inclement weather.
10. Develop clear transportation guidelines to assist guests in reaching the facility and accessing outside services in the City as necessary.

ATTACHMENT A

References

1. Maine Memory Network, <https://www.mainememory.net/artifact/67713>, accessed on October 17, 2019.
2. *Oxford Street Shelter History*, City of Portland Department of Social Services, circa 2004, <https://www.portlandmaine.gov/DocumentCenter/View/2288/Oxford-Street-Shelter-History>, accessed on October 17, 2019.
3. Emergency Shelter Assessment Committee page on the City of Portland website, <http://www.portlandmaine.gov/537/Emergency-Shelter-Assessment-Committee>, accessed on October 17, 2019.

4. *National Alliance to End Homelessness Honors Pioneers in Innovation and Excellence at Annual Awards Ceremony*, National Alliance to End Homelessness Press Release, Washington D.C., October 10, 2017. <https://endhomelessness.org/wp-content/uploads/2016/10/Awards-Ceremony-FINAL-101017.pdf>, accessed on October 22, 2019.
5. DHHS Staff Memo to HHS & PS Committee from Sarah Fleurant, Oxford Street Shetler Director, dated September 23, 2019. Available in the HHS & PS Committee packet from October 8, 2019.

DRAFT