

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.

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)

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.* If unemployed, persons who receive general assistance are expected to fulfill a work requirement either by participating in a work search program, job training program, or rehabilitation program, and/or workfare, as appropriate as determined by the caseworker. Recipients are expected to fulfill the work requirement assigned to them, and will be exempted from the requirement only for just cause.

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.
(Ord. No. 399-92, 6-3-92; Ord. No. 84-93, §§ 4--8, 9-8-93)

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 ($4 \frac{3}{10}$).

(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.

(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. Necessary expenses will be defined as follows:

- (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
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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.

Number in Household	Weekly Rent		Monthly Rent	
	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
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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
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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)

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 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)