

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1695

H.P. 1261

House of Representatives, May 12, 2021

An Act To Improve Housing Security by Improving Access to General Assistance

Received by the Clerk of the House on May 10, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.
Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4301, sub-§7-A** is enacted to read:

3 7-A. Indian tribe. "Indian tribe" has the same meaning as in section 411, subsection
4 8-A.

5 **Sec. 2. 22 MRSA §4305, sub-§3-E** is enacted to read:

6 3-E. Maximum level of assistance; housing costs. Notwithstanding subsection 3-A,
7 when the maximum level of assistance set by municipal ordinance is met or exceeded by
8 housing costs alone, an eligible person remains eligible to receive general assistance for
9 other basic necessities that are included in the municipal ordinance.

10 **Sec. 3. 22 MRSA §4309, sub-§5**, as enacted by PL 2019, c. 515, §3, is amended to
11 read:

12 **5. Presumptive eligibility.** The overseer in a municipality shall presume eligibility
13 to receive general assistance of a person who is provided shelter in an emergency shelter
14 for the homeless located in that municipality. After 30 days, that person's eligibility must
15 be redetermined. If a municipality does not have an emergency shelter or the emergency
16 shelter does not have the capacity to provide shelter to a person experiencing or facing
17 homelessness, the overseer shall presume eligibility to receive general assistance for
18 emergency shelter and temporary housing for that person. When presumptive eligibility is
19 determined under this subsection, no other municipality may be determined to be the
20 municipality of responsibility during that 30-day period.

21 **Sec. 4. 22 MRSA §4311, sub-§1-D** is enacted to read:

22 1-D. Emergency shelter reimbursement. Notwithstanding subsections 1 and 1-C,
23 the department shall reimburse each municipality and Indian tribe 100% of the direct costs
24 incurred for providing emergency shelter to an eligible person. If a person is presumed
25 eligible due to residing in an emergency shelter in accordance with section 4309, subsection
26 5 and the municipality or Indian tribe has not provided general assistance to the emergency
27 shelter on behalf of that person, the department shall reimburse the emergency shelter for
28 100% of those direct costs of providing emergency shelter to that person.

29 **Sec. 5. 22 MRSA §4311, sub-§1-E** is enacted to read:

30 1-E. Rental assistance reimbursement. The department shall reimburse each
31 municipality and Indian tribe 90% of the direct costs incurred by the municipality or Indian
32 tribe for rental assistance provided pursuant to section 4311-A.

33 **Sec. 6. 22 MRSA §4311-A** is enacted to read:

34 **§4311-A. Rental assistance program**

35 1. Priority for housing vouchers. Notwithstanding any provision of law to the
36 contrary, each eligible person who is determined eligible for rental assistance for a period
37 of longer than 30 days must be prioritized to receive a federal or state housing voucher,
38 including, but not limited to, housing choice vouchers under Section 8 of the United States
39 Housing Act of 1937 or other programs administered by the Maine State Housing Authority
40 for housing individuals and families experiencing homelessness or participating in a
41 housing stability program. An eligible person receiving general assistance for rental

1 assistance for a period of longer than 30 days is eligible to receive the next available
2 housing voucher.

3 **2. Rental assistance programs; unspent general assistance funds.** At the end of
4 each fiscal year, beginning with fiscal year 2021-22, any state funds appropriated or
5 allocated for general assistance that are unspent must be transferred equally between:

6 A. The Department of Health and Human Services to:

7 (1) Support the rental assistance program administered by the office of behavioral
8 health for clients who have serious mental illness, including substance use disorder,
9 and who are in need of transitional housing by increasing the number of vouchers
10 and the amount of each voucher used by the department; and

11 (2) Provide housing navigation services to general assistance recipients and clients
12 of the program described in this paragraph; and

13 B. The Maine State Housing Authority for the Housing Opportunities for Maine
14 Program established under Title 30-A, section 4852.

15 **3. Rulemaking.** The Maine State Housing Authority and the department shall adopt
16 rules to implement this section, including the prioritization of housing vouchers required
17 in subsection 1. Rules adopted pursuant to this subsection are routine technical rules as
18 defined in Title 5, chapter 375, subchapter 2-A.

19 **Sec. 7. 30-A MRSA §4852, sub-§2, ¶A,** as repealed and replaced by PL 1989, c.
20 48, §§5 and 31, is amended by amending subparagraph (5) to read:

21 (5) Pay the administrative costs of state public bodies or other public
22 instrumentalities and private, nonprofit corporations directly associated with
23 housing projects; and

24 **Sec. 8. 30-A MRSA §4852, sub-§2, ¶A,** as repealed and replaced by PL 1989, c.
25 48, §§5 and 31, is amended by amending subparagraph (6) to read:

26 (6) ~~Otherwise make~~ Make the costs of single-family or multi-unit residential
27 housing affordable by persons of low-income; and

28 **Sec. 9. 30-A MRSA §4852, sub-§2, ¶A,** as repealed and replaced by PL 1989,
29 c. 48, §§5 and 31, is amended by enacting a new subparagraph (7) to read:

30 (7) Establish housing navigation services to assist with locating rental housing and
31 negotiating leases with landlords and to provide housing mentoring and liaison
32 services to establish good landlord and tenant relationships.

33 SUMMARY

34 This bill makes the following changes to the municipal general assistance program.

35 1. It provides that a person receiving housing assistance that meets or exceeds the
36 maximum level in a municipal ordinance is eligible for assistance for other basic
37 necessities.

38 2. It extends presumed eligibility for general assistance for a person who is
39 experiencing or facing homelessness but is unable to be housed in an emergency shelter
40 because the shelter is full or because the municipality does not operate a shelter.

1 3. It requires the Department of Health and Human Services to reimburse
2 municipalities and Indian tribes for 100% of the costs of providing emergency shelter to a
3 person eligible for general assistance residing in a homeless shelter. If a municipality does
4 not reimburse the emergency shelter for general assistance costs, the department is required
5 to reimburse the shelter directly.

6 4. It requires a person who is receiving rental assistance under the general assistance
7 program for more than 30 days to be prioritized for housing vouchers administered by the
8 Maine State Housing Authority. Rules to implement this requirement are routine technical
9 rules.

10 5. It transfers unspent state funds for general assistance to the Department of Health
11 and Human Services for rental assistance programs administered by the office of behavioral
12 health and to the Maine State Housing Authority for the Housing Opportunities for Maine
13 Program.