

To: Municipal Officials/Welfare Directors/General Assistance Administrators

From: Antoinette Mancusi, Technical Advisor

Re: 2005-2006 General Assistance Ordinance Appendixes A, B & C

Date: September 9, 2005

Enclosed please find the following items:

- MMA's new (October 1, 2005–October 1, 2006) “**General Assistance Ordinance Appendixes**” (A, B and C).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA maximums adoption form**” which was developed so that municipalities could easily send DHHS proof of GA maximums adoption. Once the selectpersons adopt the new maximums, the enclosed form should be signed and submitted to DHHS in the self-addressed envelope provided with this packet (*see “Filing of GA Ordinance and/or Appendixes” below for further information*).
- **Federal Fair Market Rents (FMR) rates**

Appendixes A, B & C

The enclosed Appendixes A, B and C have been revised for your municipality’s General Assistance Ordinance. These new Appendixes, **once adopted**, should replace the existing Appendixes dated October 1, 2004–October 1, 2005. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendixes yearly.**

The various maximum levels of General Assistance that are controlled by these values are established as a matter of state law based on certain federal values that are made effective on the first day of October each year.

Note: This year there is also an updated MMA model ordinance (revision date of Sept. 2005). Municipalities are strongly encouraged to adopt this new version as it contains revisions and updates to state law, case law in addition to DHHS regulation. The ordinance can be obtained free of charge from MMA’s website or, for a charge, municipalities may call MMA’s Publications Dept. to order a copy.

Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2005-2006 HUD Fair Market Rent (FMR) values that will become effective on October 1, 2005. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and **cannot** be altered by action of the municipal officers.

Unlike past years, there are substantial changes to both the federal FMR methodology and to the GA statute's formula used to calculate the overall maximum (Appendix A). With only a few exceptions, the changes in formulas have not resulted in major increases to the maximums. However, many municipal locations have changed relative to their placement in the FMR list. As a result, municipalities (especially those in metropolitan areas) should exercise caution prior to adopting the following maximums.

Because HUD has reorganized certain localities, municipalities should first check to see in which locality they have been placed. For example, the locality of "Androscoggin Non-SMSA" no longer exists. Instead, the federal government has placed all the municipalities that were once a part of that locality under the new locality called "Lewiston-Auburn MSA." Another notable change has been the addition of new locality categories such as the Penobscot County HMFA, Sagadahoc HMFA, York-Kittery-S.Berwick HMFA and York County HMFA.

The following abbreviations may assist in your review of the enclosed FMRs:

Abbreviations:

Department of Housing and Urban Development (HUD)

Fair Market Rent (FMR)

HUD Metro FMR (HMFA)

Metropolitan Statistical Area (MSA)

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2005-2006 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2005-2006 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are "backed out" or subtracted from the FMR in order to obtain a pure "housing" cost.

What should your municipality do if the housing maximums contained in this packet are unreasonably low (or high) given the rental rates in your area? First, the preferred option is to conduct a local rental survey. A local rental survey can be developed fairly easily, and municipalities should explore this option by contacting DHHS for guidance on conducting such a survey.

Another option is to forego adopting housing maximums (the law does not actually require housing maximums—the other two maximums, i.e., Appendix A and B, are required). If you are a municipality that has to perform “emergency analysis” each and every time an applicant requests housing assistance and you are not planning to perform a market survey (although you probably should), then perhaps working without housing maximums is an option.

Emergency analysis should be an exception, not “the rule.” If it has become the rule in your municipality, then the adoption of artificially low housing maximums is of no service to you (or your clients) and you might be better off with no housing maximums. Municipalities choosing to forego housing maximums must still adhere to the overall maximum and work an applicant’s budget accordingly. Such municipalities might choose to utilize the actual FMR provided by the federal government as a guide (*enclosed for your convenience*).

The Adoption Process

With regard to the adoption process, the **municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendixes**, even in town meeting communities. The law, however, requires that the *municipal officers adopt the ordinance and/or Appendixes after notice and hearing*. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendixes

Please remember that General Assistance law requires municipalities to send DHHS a copy of its ordinance once adopted. (*For a copy of the GA model ordinance, please call MMA’s Publication Department, or visit our web site www.memun.org*). In addition, any changes—amendments—such as new Appendixes must also be submitted to DHHS. This year DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed “adoption sheet” as proof that a municipality has adopted the current GA maximums.

Finally, all general assistance forms and notices that the municipality intends to use must also be submitted to DHHS. If it is your intention to use MMA forms, and you have not already done so, simply state that intention to the Department when you submit your ordinance for DHHS filing. Remember, if you intend to use locally developed forms or notices, those forms should be submitted with your adopted ordinance. DHHS’s GA Unit address is:

The Department of Health and Human Services
General Assistance Unit
#11 State House Station (Whitten Road)
Augusta, Maine 04333

In way of a reminder, municipalities that have not already seen or used MMA's "interactive" GA forms on MMA's web site are strongly encouraged to visit our site. GA forms (including MMA's new model GA ordinance) and other materials are all available online at www.memun.org.

Farewell

After almost eight and one-half years with the MMA, I bid you all "farewell." I am leaving MMA and will be joining Coastal Counties Workforce, Inc. in Topsham, Maine as Director of Operations. I feel privileged for having had the opportunity to serve so many wonderful and committed municipal officials/officers. I will truly miss such fine clients. Since I will not be here to answer questions on the enclosed maximums (or the new ordinance), please call Cindy Boyd, DHHS, GA Program Manager at 1 (800) 442-6003 with any follow-up questions you might have.