

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 51 - L.D. 81

**An Act to Address Recovery Residence Participation in the Municipal General Assistance Program**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, housing security is vital for those in recovery from substance use disorder; and

Whereas, Public Law 2021, chapter 472 ensured access to general assistance benefits for rental payments by prohibiting municipalities from denying an eligible applicant housing assistance for the sole reason that the applicant resides in a recovery residence; and

Whereas, the law lacks clarity regarding who is eligible to receive payments for recovery residence housing assistance from municipal general assistance administrators; and

Whereas, this lack of clarity has resulted in delayed payments, threatening the housing security of individuals in recovery and causing confusion for recovery residence operating managers and property owners; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §4301, sub-§8-B** is enacted to read:

**8-B. Landlord.** "Landlord" means a person who owns a property and allows another person to use that property in return for payment.

**Sec. 2. 22 MRSA §4301, sub-§11-A** is enacted to read:

**11-A. Operator.** "Operator" means the lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining

certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program.

**Sec. 3. 22 MRSA §4309, sub-§6**, as enacted by PL 2021, c. 472, §3, is amended to read:

**6. Eligibility; recovery residence; exception.** The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities. Upon request by a person residing in a certified recovery residence who has been determined eligible for housing assistance, a municipality shall issue a housing assistance payment to the operator of the certified recovery residence instead of to a landlord.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.