



May 5, 2023

Testimony of John Brautigam Esq , Legal Services for the Elderly

Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services

On behalf of Legal Services for the Elderly I would like to offer general testimony on the list of bills relating to General Assistance

Legal Services for the Elderly (LSE) is a nonprofit legal services organization. We provide free legal assistance to Maine's older adults when their basic human needs are threatened. Our clients are all aged sixty or older and most have very low incomes. Some are the most physically and financially compromised people in our communities.

We would like to offer some high-level comments on General Assistance rather than speak on each bill. Attached to this testimony we have also included some specific observations on the individual bills.

The significant number of bills addressing General Assistance comes as no surprise to Legal Services for the Elderly and the individuals and families we represent. GA plays an important role in supporting low-income individuals and families in Maine, but the program faces several challenges, including limited funding and administrative capacity.

Although there has been some progress, most of the issues and concerns identified in the January 23, 2020 report of the Department of Health and Human Services have not been resolved.¹ The pandemic disrupted many previous patterns whereby Mainers in need of immediate assistance sought and obtained some aid through GA or through other safety net programs, and new resources provided temporary relief in some areas. But previous patterns are reemerging. Those include the lack of resources for GA as well as the administrative and policy challenges identified in the DHHS report issued just before the pandemic.

¹ <https://www.maine.gov/dhhs/sites/maine.gov/dhhs/files/documents/General-Assistance-Report-and-Cover-Letter-01-2020.pdf> The report includes data on the number of individuals receiving GA, the types of assistance provided, and the outcomes of the program.

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Potentially, GA could provide a much more meaningful safety net for low-income Mainers, including many elderly people. GA is not uniformly available. Others have noted that those in rural and underserved areas are not benefiting from GA in their towns. Currently a substantial majority of state GA funds – as much as 80% -- goes to one city: Portland.

GA is most often used to help residents of a town or city cover rent or other housing. But some applicants encounter numerous barriers in accessing GA, including confusing and inconsistent eligibility criteria, lengthy application processes, and arbitrary denials.

We do not have precise statistics, but LSE knows from working with thousands of clients over the years that many elderly people on fixed incomes are among those who benefit from GA when and where it is available.

When considering these bills, LSE asks that you keep in mind the following:

1. Although administered locally, the structure and incentives provided by state reimbursement can drive the availability of GA programs and thus the effectiveness of this safety net.
2. GA is primarily used to provide funds for housing, often for emergencies as the last possible intervention before a person is sleeping on the streets. The need for GA is intertwined with the lack of availability of short-term and permanent housing options for this population.
3. We have not yet found the solution to the problem of service center communities incurring the expense of providing either GA funds or homeless shelter options for individuals from other municipalities where those resources are not available. The differential effect on service centers remains and is inequitable and a source of tension. The reimbursement formula is one tool to help mitigate this effect.
4. DHHS continues to lack adequate staff resources to help ensure fair and uniform administration of GA programming.
5. There are lingering disputes and complaints regarding determining the municipality of responsibility. This is an area that requires ongoing attention, resources, and communication.
6. The Department's initiatives to educate municipal personnel should be continued and enhanced, and data sharing should be prioritized.
7. Those in most need often face challenges in establishing their eligibility. While we agree that it is important to have a credible process for determining eligibility, the more often that process is required, the more chances there are for a person in need to fall through the cracks. Where possible, we see advantages in moving from monthly redetermination to annual redetermination.
8. There is a very real human factor in seeking GA. Naturally, many people find it very difficult to approach their local officials to spell out their need for assistance and request aid.
9. Arbitrary residential duration requirements may cost more to administer than they save, are shown to have no effect on reducing the causes of poverty and may violate the Equal Protection Clause and the Privileges and Immunities Clause of the United States Constitution. And probably violate the Maine Constitution as well.

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Thank you for the opportunity to share our thoughts on these General Assistance bills
Legal Services for the Elderly would like to be a resource for your ongoing work in this
area

**Comments of Legal Services for the Elderly on General Assistance bills before the
Joint Standing Committee on Health and Human Services, May 5, 2023**

LSE Supports the following GA proposals

- A LD 1426 -- An Act to Secure Housing for the Most Vulnerable Maine Residents by Amending the Laws Governing Municipal General Assistance - Rep Kristi Mathieson of Kittery

LD 1426 suggests many administrative improvements that merit close consideration by the Committee LSE supports the increase in reimbursement and the reference to Section 8 vouchers as a metric for determining the level of assistance We also support providing more support to municipalities and ensuring that DHHS has the resources to do so

- B LD 1664 -- An Act to Increase Reimbursement Under the General Assistance Program - Sen Marianne Moore of Washington (Emergency)

LSE supports increasing the reimbursement from 70% to 90% It is a step toward equity, while still maintaining an element of cost-sharing with the municipality This is only one reform and should be part of a more wholistic approach as set forth in some of the other bills under consideration

- C LD 1675 -- An Act to Amend the Laws Governing the General Assistance Program Regarding Eligibility, Housing Assistance and State Reimbursement and to Establish a Working Group - Rep Michael Brennan of Portland (Emergency)

LSE strongly supports Representative Brennan's bill Linking increased reimbursement rates to the 008% benchmark will increase equity and relieve financial strain on service centers We also support the creation of a working group and are interested in exploring the idea of converting GA to a housing assistance program, along with other measures under consideration this Session to alleviate housing shortages, address the escalation in rental costs, confront the epidemic of evictions, adopt a housing-first strategy, and construct more affordable housing

- D LD 1732 -- An Act to Expand the General Assistance Program - Rep Michele Meyer of Eliot (Emergency)

LSE appreciates Representative Meyer's multi-part approach to improving GA as set forth in LD 1732 We support many of the ideas in this bill and note that many overlap with concepts in the preceding proposals

- E LD 81 -- An Act to Address Recovery Residence Participation in the Municipal General Assistance Program - Rep Michele Meyer of Eliot

In many cases, a recovery residence operates out of a rented facility In these cases, it is appropriate to direct payment of GA funds to the service provider who is the tenant

rather than to the owner of the property LSE supports LD 81 because it will allow this

The definition of recovery residence was added in August 2022 retroactive to July 1, 2022 While it provides a place to live, the emphasis is on services and not on housing Here's the definition

“RECOVERY RESIDENCE

A shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder ”

Ensuring that payment is made to the operator of the recovery residence rather to the landlord will ensure that the program receives payment even if the landlord is absent and merely rents the structure to the service provider

LSE opposes the following GA proposals

F LD 182 -- An Act to Create a 9-month Time Limit on General Assistance Benefits for Able-bodied Adults Without Dependents - Sen Eric Brakey of Androscoggin

In our experience, LSE believes that focusing on arbitrary limits on GA will do little to contain or prioritize costs or address the concerns identified above The concerns over GA merit more comprehensive approaches as set forth in other bills

G LD 183 -- An Act to Incorporate Time Limits on the Temporary Assistance for Needy Families Program into Municipal General Assistance Programs - Sen Eric Brakey of Androscoggin

As with LD 182, LSE believes that the challenges faced by our GA program cannot be addressed by adjusting time limits for eligibility These issues merit more comprehensive approaches as set forth in other bills

H LD 268 -- An Act to Establish a 45-day Municipal Residency Requirement for General Assistance Programs - Sen Eric Brakey of Androscoggin

The Constitution guarantees each person “equal protection under the law ” A governmental program that provides access to basic necessities of life like food and shelter is one example of a program providing “protection” for people in that jurisdiction The principles of “equal protection” mean that benefits provided to one person cannot be

denied to another person without justification. The courts have generally ruled that people have a constitutional right to travel and to re-locate.

For various reasons, some unhoused persons who are in crisis find it necessary to move. A 45-day residency requirement is unrealistic since the very problem GA seeks to address is the lack of an appropriate and affordable residential option for those experiencing a personal or financial crisis.

Durational residency requirements are prohibited by current General Assistance regulations 10-144 Chapter 323 Section VI (A)(2) "2. No municipality may establish durational residency requirements for General Assistance."

I LD 364 -- An Act to Prohibit the Use of General Assistance as a Replacement for Available Resources - Sen. Eric Brakey of Androscoggin

LSE supports existing measures to rationally target scarce resources to those in need. We are not aware of any information to show that those measures are inadequate or that people are receiving GA who have access to other resources. In our experience, those who apply for GA almost always have a genuine need and in fact are on the brink of crisis. We would be more concerned about the detrimental effect of unnecessary administrative barriers than we are about the kind of violations mentioned in this bill. Finally, the "just cause" standard opens up a new, indeterminate element in the determination process which undoubtedly will lead to uncertainty and inconsistent outcomes.

J LD 454 -- An Act to Establish a 180-day State Residency Requirement for Municipal General Assistance - Sen. Eric Brakey of Androscoggin

Imposing stricter residency requirements may offer an additional tool for denying GA benefits, but this is not where the Committee should focus. Recent studies by MEJ and DHHS do not point to residency requirements as a part of the solution. The current challenges require a comprehensive approach.

As noted in our general comments and in our specific remarks on LD 268, experience showed that residency durational requirements are not helpful. This experience was codified into regulations governing GA statewide. Furthermore, both the state and federal constitutions protect the rights of all to move from one place to another and ensure that all receive equal protection under the laws in place where they reside at any time. Any new residency duration requirements must be scrutinized to determine whether they violate these constitutional principles.