

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM**

TO: Holders of the Maine Public Assistance Manual

FROM: Barbara J. Van Burgel, Director, Office of Integrated Access and Support

DATE: December 2, 2009

SUBJECT: TANF Emergency Rule #89E – Creation of a limited temporary program called Family Housing Stabilization

Attached to this memorandum please find policy statement release(s) as described below:

SUBJECT: TANF Emergency Rule 89E – Creation of a limited temporary program called Family Housing Stabilization. The program is for children and their families who are at risk of imminent homelessness due to lack of housing and lack of housing security.

CONTENT: See attached

EFFECTIVE DATE: January 1, 2010

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM**

TO: Program Administrators, Supervisors and Other Interested Parties

FROM: Dawn Mulcahey, TANF Program Manager

DATE: December 2, 2009

SUBJECT: TANF Emergency Policy 89E – Creation of a limited temporary program called Family Housing Stabilization

This is an Emergency Rule.

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FAMILY HOUSING STABILIZATION PROGRAM

LEGAL BASIS: In addition to the basic TANF and PaS programs, the Department of Health and Human Services administers a limited temporary program called Family Housing Stabilization. This program is authorized through the American Recovery and Reinvestment Act (AARA) and is time limited. The Program will end on 9/30/2010 or when funding is exhausted. The Family Housing Stabilization Program is available to eligible clients who have been referred to the Department by the MaineHousing Homeless Diversion and Prevention Program administered as part of the Homelessness Prevention and Rapid Re-Housing Program funded under the American Recovery and Reinvestment Act of 2009.

GENERAL RULE: Payment of services through the Family Housing Stabilization (FHS) Program is limited to children and their families who are at risk of imminent homelessness due to lack of stable housing and lack of housing security. The program does not cover all situations.

In order to meet the definition of imminent risk of homelessness which is needed to qualify for assistance, the applicant must have at least one of the risk factors listed below:

1. Eviction from a private dwelling – The tenant has received termination notice in the form of either a Notice to Quit or a Summons and Complaint in a forcible entry and detainer action; or
2. Foreclosure from a privately owned dwelling – the homeowner has been served a Writ of Possession issued by the court in a foreclosure proceeding.
3. Impending termination of a housing arrangement provided by family or friends that is not sustainable; or
4. Discharge within two weeks from an institution in which the person has been a resident for more than 180 days (including prisons, mental health institutions, hospitals) and met the McKinney-Vento definition of homelessness at admission; or
5. Housing that is not fit for human habitation:
Renter – Residency in a rental unit that is not fit for human habitation where the landlord is unwilling or unable to remedy unsafe or unfit living condition(s).
Private Dwellings – Residency in a privately owned dwelling that is not fit for human habitation in a manner that would force the owner to quit the premises within a two-week period.

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Examples of unsafe or unfit living conditions include undrinkable water, no heat or too little heat in the winter, an inoperative septic system or a combination of problems, such as leaking ceilings, unsafe heating system, broken windows, and roaches.

Authorization in the eligibility period may be made for any combination of covered payments or services within the limitations of the payment maximum of \$2,500 per family.

The FHS Program is not a substitute for the locally administered General Assistance program or for the DHHS Emergency Assistance or Alternative Aid Programs, although it can be a supplement to those programs and a potential resource. Eligibility is not dependent upon denial of General Assistance, Emergency Assistance or Alternative Aid or the complete expenditure of General Assistance, Emergency Assistance or Alternative Aid benefits prior to application.

SUSTAINABILITY STANDARD: There must be a reasonable expectation that the assistance will alleviate the risk of housing instability and that the family will be able to maintain housing security for at least the next six month period after receiving FHS assistance. The determination of the ability to maintain housing for six months following the receipt of assistance will be made by one of the designated agencies for the MaineHousing Homeless Diversion & Prevention Program.

TIME LIMITS: FHS assistance is a once in a lifetime benefit.

PROGRAM REQUIREMENTS: In order to be eligible for FHS, all of the following criteria must be met:

1. The child must be under the age of 21;
2. The child must be living with an individual described in the TANF and PaS programs as a "specified relative". Women in their last trimester of pregnancy who have no other children living with them are potentially eligible. The focus of the FHS program is to help families with children obtain housing security.

NOTE: Services cannot be authorized for the child's family unless the child is living with them at the time of application.

3. The child and family must meet income eligibility requirements. If the child is living with parents, the income of the parents must be taken into account.

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4. Income Limit: Payment for services through this program is available to families which do not have income available to provide the needed services. For all services provided through the FHS program, the following income limits must be met:
 - a. a family's income must be below 185% of the Federal Poverty Level, or
 - b. families must receive TANF or PaS, SSI, or Food Supplement.

NOTE: Every household member applying for FHS must receive at least one of the benefits listed above.

In determining the amount of income available to the family, the same work related disregards including the child care disregards allowed in the TANF and PaS cash programs are used.

The definitions of excluded income used in the TANF and PaS programs apply to the Family Housing Stabilization Program.

5. All bills must be in either the applicant's name or the name of other adults or children listed on the application who meet FHS requirements.
6. Refusal, without good cause, of a family member to accept employment or training must not have caused the circumstance requiring Family Housing Stabilization benefits.
7. A family in which the adult is under ASPIRE sanction must remedy the sanction and sign a Family Contract Amendment with the Department.
8. Payments will be made only to vendors. No reimbursements or third party payments will be approved. Payment will not be authorized to other governmental or private organizations offering the same or similar services (Red Cross, Salvation Army, municipalities).
9. All non-financial eligibility factors of the TANF and PaS cash programs must be met unless specifically excluded. Those requirements excluded from consideration in FHS program eligibility include Deprivation, Assignment of Rights to Support, and Third Party Liability. There is no asset limit for this program, and lump sum income (as described in this manual at Chapter III, page 25) where not excluded is considered an asset and therefore not subject to a limit. And as indicated in this chapter in #1 above, the child must be under age 21, and the income limits for the FHS program are specified in #4 above.

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SCOPE OF SERVICE: Assistance will be in the form of vendor payments for current or past expenses.

A tentative agreement has been reached between the vendor, the client and the Department when it is determined the payment will resolve the housing issue. Payment will be authorized if the services have been provided in accordance with the agreement and when the vendor has provided the Department with an appropriate bill.

Although needs and costs may be higher, a maximum limit of \$2,500 per family is established for services directly related to housing expenses. Payments to vendors may include, but are not limited to, payment for rent or mortgage, including arrearages; security deposits necessary to secure housing; delinquent property taxes; liens, plumbing, electrical, carpentry, or other similar work, the repair or replacement of chimneys, roofs, windows, doors, major appliances, furnace or other heating system, septic system or wells and any other expenses necessary to sustain the housing security of the family.

Payment of services through the Housing Stabilization Program is limited to those services authorized during the 30 days following the date of initial authorization. Bills must be received by the Department within sixty (60) days of the date of initial authorization.

If assistance is requested for plumbing, electrical, carpentry, or other similar work, estimates must be made by a reputable person in the appropriate field of work. Payment will be made only after the work has been completed by a reputable repairman, carpenter, electrician, etc. The Department may request verification that the work has been completed and has resulted in safe conditions.

Expenses related to transportation are not covered by this program.

Expenses for repair, replacement or eviction caused by misuse of property or other types of willful disturbance by the applicant, relatives or their guests are not covered by this program.

If assistance reaches the maximum before the eligibility period expires, eligibility ceases.

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PROCEDURES:

The applicant family makes contact with one of the designated agencies for the MaineHousing Homeless Diversion & Prevention Program administered as part of the Homelessness Prevention and Rapid Re-Housing Program funded under the American Recovery and Reinvestment Act of 2009.

Housing Stability Specialists, also called case managers, located at the designated agencies, will assess families for program eligibility and work together with the family to connect with all resources that will help the family stabilize housing.

Housing Stability Specialists will make determination that if the family has services provided, the family will have sufficient income and resources to cover expenses for the following 6 months.

Resources that the family needs to connect with might include mortgage or rental assistance, weatherization, heating system repairs, credit counseling, and any other resource directly related to housing stabilization that will assist the family.

Once all other resources are exhausted, the stability specialist will refer the applicant to DHHS for additional assistance. DHHS will make the final determination of a family's eligibility for the Family Housing Stabilization Program.