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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2828

02/09/2018 Authored by Allen
The bill was referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; expanding general assistance eligibility; amending
1.3 Minnesota Statutes 2016, sections 256D.01, subdivision 1a; 256D.06, subdivision
1.4 1; Minnesota Statutes 2017 Supplement, section 256D.05, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 256D.01, subdivision 1a, is amended to read:

1.7 Subd. 1a. Standards. (a) A principal objective in providing general assistance is to
1.8 provide for single adults, childless couples, ~~or~~ children as defined in section 256D.02,
1.9 subdivision 6, and families with children ineligible for federal programs who are unable to
1.10 provide for themselves. The minimum standard of assistance determines the total amount
1.11 of the general assistance grant without separate standards for shelter, utilities, or other needs.

1.12 (b) The commissioner shall set the standard of assistance for an assistance unit consisting
1.13 of an adult recipient who is childless and unmarried or living apart from children and spouse
1.14 and who does not live with a parent or parents or a legal custodian, and for families with
1.15 children. When the other standards specified in this subdivision increase, this standard must
1.16 also be increased by the same percentage.

1.17 (c) For an assistance unit consisting of a single adult who lives with a parent or parents,
1.18 the general assistance standard of assistance is the amount that the aid to families with
1.19 dependent children standard of assistance, in effect on July 16, 1996, would increase if the
1.20 recipient were added as an additional minor child to an assistance unit consisting of the
1.21 recipient's parent and all of that parent's family members, except that the standard may not
1.22 exceed the standard for a general assistance recipient living alone. Benefits received by a
1.23 responsible relative of the assistance unit under the Supplemental Security Income program,

2.1 a workers' compensation program, the Minnesota supplemental aid program, or any other
2.2 program based on the responsible relative's disability, and any benefits received by a
2.3 responsible relative of the assistance unit under the Social Security retirement program,
2.4 may not be counted in the determination of eligibility or benefit level for the assistance unit.
2.5 Except as provided below, the assistance unit is ineligible for general assistance if the
2.6 available resources or the countable income of the assistance unit and the parent or parents
2.7 with whom the assistance unit lives are such that a family consisting of the assistance unit's
2.8 parent or parents, the parent or parents' other family members and the assistance unit as the
2.9 only or additional minor child would be financially ineligible for general assistance. For
2.10 the purposes of calculating the countable income of the assistance unit's parent or parents,
2.11 the calculation methods must follow the provisions under section 256P.06.

2.12 (d) For an assistance unit consisting of a childless couple, the standards of assistance
2.13 are the same as the first and second adult standards of the aid to families with dependent
2.14 children program in effect on July 16, 1996. If one member of the couple is not included in
2.15 the general assistance grant, the standard of assistance for the other is the second adult
2.16 standard of the aid to families with dependent children program as of July 16, 1996.

2.17 Sec. 2. Minnesota Statutes 2017 Supplement, section 256D.05, subdivision 1, is amended
2.18 to read:

2.19 Subdivision 1. **Eligibility.** (a) Each assistance unit with income and resources less than
2.20 the standard of assistance established by the commissioner and with a member who is a
2.21 resident of the state shall be eligible for and entitled to general assistance if the assistance
2.22 unit is:

2.23 (1) a person who is suffering from a professionally certified permanent or temporary
2.24 illness, injury, or incapacity which is expected to continue for more than 45 days and which
2.25 prevents the person from obtaining or retaining employment;

2.26 (2) a person whose presence in the home on a substantially continuous basis is required
2.27 because of the professionally certified illness, injury, incapacity, or the age of another
2.28 member of the household;

2.29 (3) a person who has been placed in, and is residing in, a licensed or certified facility
2.30 for purposes of physical or mental health or rehabilitation, or in an approved chemical
2.31 dependency domiciliary facility, if the placement is based on illness or incapacity and is
2.32 according to a plan developed or approved by the county agency through its director or
2.33 designated representative;

3.1 (4) a person not described in clause (1) or (3) who is diagnosed by a licensed physician,
3.2 psychological practitioner, or other qualified professional, as developmentally disabled or
3.3 mentally ill, and that condition prevents the person from obtaining or retaining employment;

3.4 (5) a person who has an application pending for, or is appealing termination of benefits
3.5 from, the Social Security disability program or the program of Supplemental Security Income
3.6 for the aged, blind, and disabled, provided the person has a professionally certified permanent
3.7 or temporary illness, injury, or incapacity which is expected to continue for more than 30
3.8 days and which prevents the person from obtaining or retaining employment;

3.9 (6) a person who is unable to obtain or retain employment because advanced age
3.10 significantly affects the person's ability to seek or engage in substantial work;

3.11 (7) a person who has been assessed by a vocational specialist and, in consultation with
3.12 the county agency, has been determined to be unemployable for purposes of this clause; a
3.13 person is considered employable if there exist positions of employment in the local labor
3.14 market, regardless of the current availability of openings for those positions, that the person
3.15 is capable of performing. The person's eligibility under this category must be reassessed at
3.16 least annually. The county agency must provide notice to the person not later than 30 days
3.17 before annual eligibility under this item ends, informing the person of the date annual
3.18 eligibility will end and the need for vocational assessment if the person wishes to continue
3.19 eligibility under this clause. For purposes of establishing eligibility under this clause, it is
3.20 the applicant's or recipient's duty to obtain any needed vocational assessment;

3.21 (8) a person who is determined by the county agency, according to permanent rules
3.22 adopted by the commissioner, to have a condition that qualifies under Minnesota's special
3.23 education rules as a specific learning disability, provided that a rehabilitation plan for the
3.24 person is developed or approved by the county agency, and the person is following the plan;

3.25 (9) a child under the age of 18 who is not living with a parent, stepparent, or legal
3.26 custodian, and only if: the child is legally emancipated or living with an adult with the
3.27 consent of an agency acting as a legal custodian; the child is at least 16 years of age and the
3.28 general assistance grant is approved by the director of the county agency or a designated
3.29 representative as a component of a social services case plan for the child; or the child is
3.30 living with an adult with the consent of the child's legal custodian and the county agency.
3.31 For purposes of this clause, "legally emancipated" means a person under the age of 18 years
3.32 who: (i) has been married; (ii) is on active duty in the uniformed services of the United
3.33 States; (iii) has been emancipated by a court of competent jurisdiction; or (iv) is otherwise
3.34 considered emancipated under Minnesota law, and for whom county social services has not

4.1 determined that a social services case plan is necessary, for reasons other than the child has
4.2 failed or refuses to cooperate with the county agency in developing the plan;

4.3 (10) a person who is eligible for displaced homemaker services, programs, or assistance
4.4 under section 116L.96, but only if that person is enrolled as a full-time student;

4.5 (11) a person who is involved with protective or court-ordered services that prevent the
4.6 applicant or recipient from working at least four hours per day;

4.7 (12) a person over age 18 whose primary language is not English and who is attending
4.8 high school at least half time; or

4.9 (13) a person whose alcohol and drug addiction is a material factor that contributes to
4.10 the person's disability; applicants who assert this clause as a basis for eligibility must be
4.11 assessed by the county agency to determine if they are amenable to treatment; if the applicant
4.12 is determined to be not amenable to treatment, but is otherwise eligible for benefits, then
4.13 general assistance must be paid in vendor form, for the individual's shelter costs up to the
4.14 limit of the grant amount, with the residual, if any, paid according to section 256D.09,
4.15 subdivision 2a; if the applicant is determined to be amenable to treatment, then in order to
4.16 receive benefits, the applicant must be in a treatment program or on a waiting list and the
4.17 benefits must be paid in vendor form, for the individual's shelter costs, up to the limit of
4.18 the grant amount, with the residual, if any, paid according to section 256D.09, subdivision
4.19 2a;

4.20 (14) a person who is unemployed and who is looking for work; or

4.21 (15) a family with a child that is ineligible for MFIP due to the 60-month time limit.

4.22 (b) As a condition of eligibility under paragraph (a), clauses (1), (3), (4), (7), and (8),
4.23 the recipient must complete an interim assistance agreement and must apply for other
4.24 maintenance benefits as specified in section 256D.06, subdivision 5, and must comply with
4.25 efforts to determine the recipient's eligibility for those other maintenance benefits.

4.26 (c) The burden of providing documentation for a county agency to use to verify eligibility
4.27 for general assistance or for exemption from the food stamp employment and training
4.28 program is upon the applicant or recipient. The county agency shall use documents already
4.29 in its possession to verify eligibility, and shall help the applicant or recipient obtain other
4.30 existing verification necessary to determine eligibility which the applicant or recipient does
4.31 not have and is unable to obtain.

5.1 Sec. 3. Minnesota Statutes 2016, section 256D.06, subdivision 1, is amended to read:

5.2 Subdivision 1. **Eligibility; amount of assistance.** General assistance shall be granted
5.3 in an amount that when added to the countable income as determined to be actually available
5.4 to the assistance unit under section 256P.06, the total amount equals the applicable standard
5.5 of assistance for general assistance. For a family with a child, the applicable standard of
5.6 assistance for general assistance shall be the MFIP transitional standard as specified in
5.7 section 256J.24. In determining eligibility for and the amount of assistance ~~for an individual~~
5.8 ~~or married couple~~, the agency shall apply the earned income disregard as determined in
5.9 section 256P.03.