

Changes to Maine's Safety Net Programs

June 2014

Maine Equal Justice Partners

www.mejp.org



About Maine Equal Justice Partners (MEJP)

- **We work with allies like you to find solutions to poverty and improve the lives of people with low income in Maine.**
- **We accomplish our mission through:**
 - Public policy advocacy in the legislature and with governmental agencies
 - Legal representation and impact litigation on systemic issues
 - Statewide outreach and training on issues affecting people with low income and the supports that can help them prevent or move out of poverty
- **MEJP focuses its work on the issues that affect people's daily lives - access to adequate health care, food and income security, supports for working families, and higher education and training opportunities.**
- **Our website contains much information about public benefit programs and current events related to poverty—www.mejp.org**



What we plan to cover today

1. TANF

- Changes to TANF
- Legislative proposals

2. Health Care

- MaineCare eligibility changes and updates
- Medicare Savings Program
- Affordable Care Act – the New Health Insurance Marketplace

3. Updates on the Food Supplement Program (SNAP)

- Administrative Changes

4. General Assistance

5. Benefits for immigrant populations

6. Property Tax Fairness Credit (PTFC)

7. Competitive Skills Scholarship Program (CSSP)

8. Unemployment Insurance

9. Changing the Conversation – solutions to poverty

The TANF Time Limit

- There is now a 60-month time limit in the Temporary Assistance for Needy Families (TANF) program. After receiving TANF for 60 months participants need to qualify for an extension to keep getting TANF.
- 26% of all TANF families, or 3,331 families, including an estimated 6,000 children, were terminated from assistance during the 18 month period between June 2012 through November 2013 due to time limits.
- Some families are able to get an extension in certain circumstances, e.g. - if they have a disability that keeps them from working, if they have to stay home to care for a disabled family member, or if they are in a qualifying education or training program.
- For a full list of the circumstances under which families can get an extension or circumstances under which parents are *exempted* from the time limits, visit <http://www.mejp.org/content/tanf-time-limit-rules-intro>.

TANF Time Limits—One Year Later: How Families are Faring



Dr. Sandy Butler, a professor at the University of Maine School of Social Work, released her second study in the past 18 months describing the experiences of families that lost TANF due to time limits.

This study paints a disturbing picture of families struggling with significant barriers, and failings by the Department to adequately administer important protections in Maine law intended to help this group of families.

The Findings:

- **WORK:** Despite claims by time-limit proponents that more families would go to work; most families in the 2013 Study did not include a working adult. Most of the respondents that were working were doing so despite disabilities; these workers describe their employment status as “insecure”. The average wage of the 2013 Study respondents was \$9.25 per hour, not much different than the \$9.00 per hour average earned by 2012 Study respondents.
- **DISABILITY:** The prevalence of disability for families that responded to the 2013 Study is high. Most respondents reported a work-limiting disability themselves; still others reported a child or another adult family member with a disability.
- **EDUCATION:** Data provided by the Maine Department of Health and Human Services (DHHS) show that the household head in more than *half* of all families terminated *did not* have a high school diploma or GED. Included in that number are 219 non-English speakers.

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Time Limits Study, continued....

- **HARDSHIPS:** Nearly 1 in 3 families lost their homes after losing their TANF. Nearly half reported running out of heating fuel and most relied on food banks to have enough to eat.
- **TIME LIMIT EXTENSIONS:** The “hardship” extensions are not working as intended. Data provided by Maine DHHS indicate that only 23% of all those terminated from TANF received an extension lasting up to six months; only 3% were granted a second extension.

The study provides evidence that extensions are not reaching many of those who need and qualify for them:

- A 2010 study of TANF families showed that nearly 90% of respondents had a disability themselves or were caring for a disabled family member; only 17% of terminated families received a disability-related extension.
- Only 1% of all families terminated received an extension based on domestic violence; nearly 25% of respondents to the 2010 TANF Study said that they applied for TANF after leaving an abusive relationship.
- Dr. Butler’s 2012 study is available on the Maine Equal Justice Partner’s (MEJP) website at: <http://www.mejp.org/sites/default/files/TANF-Study-SButler-Feb2013.pdf>.
- Her 2013 study is also available on the MEJP website at: <http://www.mejp.org/content/tanf-time-limits-study-2014>

TANF extensions...



- Some people have had a hard time getting an extension when it seems like they should qualify. If you or someone you know runs into a problem please contact Crystal Bond at Maine Equal Justice Partners – Toll Free: (866)626-7059, ext. 205.
- **TIP:** If someone times off TANF and cannot get an extension but then their circumstances change, they may be able to get TANF again. For example, if someone times off TANF and later becomes disabled she can apply for an extension based on her disability.

New ASPIRE Assessment Process

DHHS started a new assessment process for new TANF participants in December 2013. Within the next couple years DHHS will also start assessing the current TANF caseload.

The Department of Vocational Services at Maine Medical Center conducts the assessments over the course of 2 sessions to identify peoples' strengths and barriers so that TANF/ASPIRE can do a better job working with them to provide the appropriate supports and services to meet their employment goals.

Maine Medical provides an assessment report to the ASPIRE caseworker. The ASPIRE worker will then work with the TANF participant to create a family contract that will help them meet their goals and provide appropriate accommodations based on any mental or physical disabilities.

TANF parents will get a copy of this assessment.

New ASPIRE Assessment Process

- Between December 16, 2013 and end of March 2014, over 1,000 parents were scheduled for assessments at their orientation meeting.
- Of the 1,000 assessments scheduled, nearly 300 had been completed by late March.
- Of concern is the fact that 250 of the families referred were not able to complete the assessment process. The reasons for this are not yet known. It's a concern that getting to two different sessions may be difficult for some because of a lack of transportation or child care.
- MEJP has asked DHHS to follow up with these families to learn what prevented them from completing the assessment process, and to ensure that no one is sanctioned for failing to go to a scheduled assessment if they had good cause for not attending.
- If you have any experience with the new TANF assessment process, or have suggestions about how to improve it, we'd like to hear from you.

Housing Special Needs payment

- Back in October of 2013, more than 3,000 families with children who get TANF saw a \$100 increase in their benefit.
- The state budget included an increase to the **Housing Special Needs (HSN) payment** in the TANF program. The HSN payment gave \$100 extra each month for families who use 75% or more of their income to pay for housing.
- This is critically needed as TANF benefits are low. TANF benefits have not increased since 2001. The maximum monthly TANF benefit for a family of three is only \$485 without the HSN payment. This is rarely enough to pay the mortgage or rent, let alone pay for all the other basic necessities children need.



Proposed TANF legislation

- Toward the end of the session, the Governor introduced four bills that would have weakened the TANF program.
- These bills would have made it more difficult for families to get help.
- None would have addressed growing poverty rates for Maine children.
- All of these bills were rejected by the legislature and did not become law.

LD 1842: Elimination of Parents as Scholars and Good Cause



- **This bill would have eliminated the Parents as Scholars program.** This successful program has been proven to increase employment, wages, and job-related benefits and improve family stability for thousands of Maine women (mostly) raising children on their own since 1997.
- **The bill also sought to eliminate “good cause” in the TANF program.** Good cause excuses some parents from work requirements while they are disabled, caring for an ill or disabled child, or experiencing the impact of domestic violence or similar family crises.
- The Governor claimed the state must do this to meet the federal TANF “participation rate” or face millions in fines and penalties. Yet, Maine is already meeting the participation requirement that carries the greatest penalty, and is on track to meet the second.

LD 1815: Up-front job search



This bill would have required parents applying for TANF to apply for three jobs before they could get TANF if they were deemed “job ready” by DHHS staff—regardless of their circumstances (like lack of transportation or affordable child care).

- This requirement would have undermined the new ASPIRE assessment process that helps TANF families find and sustain employment. This new process uses qualified professionals to provide a more individualized and comprehensive assessment to identify barriers to work and help families overcome them.
- This would have deprived applicants who could not meet this requirement of needed benefits and a chance to be assessed properly;
- This would have created a process that was redundant, inefficient and costly.

LD 1820: Out-of-state EBT Restriction



This bill would have restricted the use of TANF benefits on an EBT card outside of Maine. The Legislature rejected this proposal for very good reasons:

- The vast majority (98%) of EBT-TANF transactions are made in Maine. Only one-half of one percent takes place outside of New England.
- There is no evidence that any of these transactions are improper or fraudulent.
- Families receiving TANF may travel outside their home state to care for a relative, visit family, look for a job, escape domestic violence, or attend a funeral.
- Families living near the border may also work, shop, or go to school in New Hampshire.
- The Attorney General's Office stated that blocking out-of-state EBT transactions raises constitutional concerns related to interstate commerce and the right to travel.

LD 1822: Restrictions on Certain EBT Purchases



This bill would have restricted the use of TANF benefits for certain items including cigarettes, alcohol, bail, lottery tickets, and gambling.

This may appear to be a reasonable proposal but when you dig just below the surface it looks less so.

- It is *already* illegal to use EBT cards in certain places like liquor stores, casinos and adult entertainment facilities. The State is now beginning to use technology to block the use of cards in these locations, but the bill did not offer to do this for the products that would be restricted.
- Instead, it would have relied on retailers and cashiers understanding and policing the new law and people calling the fraud hotline about perceived violations. This would have led to arbitrary and unreliable enforcement.
- The penalty for violating this law would have been extreme: for the first offense, the whole family would have lost benefits for a year; for the third offense, a lifetime.
- There is no evidence of widespread fraud or misuse of EBT cards. DHHS data show that only 3/10ths of 1% of all EBT transactions were improper. Put another way, 99.7% of people are using their benefits as intended.
- This bill simply reinforced negative stereotypes of people living in poverty and did nothing to provide economic opportunities for them.

Accepting Federal Funds to Expand MaineCare



- The Affordable Care Act (ACA) set aside federal dollars for Maine to provide Medicaid coverage to approximately 69,500 people who would be uninsured otherwise. Adults with income up to 138% FPL (\$16,105/year for an individual; \$27,311/year for a family of three) could be covered.
- The federal government pays 100% of the cost of covering “newly eligible” individuals through December 31, 2016. After that, the federal contribution will be adjusted gradually until it reaches the permanent rate of 90% in 2020.
- Many working low-income adults with income below 138% of the FPL can’t afford health insurance. They have little or no discretionary income and cannot afford the out-of-pocket expenses that people in the health care Exchange have to pay, even with available subsidies

Maine's Legislature approved accepting federal funds - Vetoed

- During the last legislative session, the legislature passed 3 bills that would have enabled Maine to accept the federal funding to expand MaineCare (with bipartisan support)
- Unfortunately, each of the bills passed were vetoed by the Governor and the legislature was unable to overturn the veto (just short a couple of votes)

MaineCare Expansion would benefit ALL of us

- 69,500 Maine people with low-income insured, including about 3000 veterans and 1000 of their family members;
- 3,100-3,400 jobs created throughout Maine;
- \$256,000,000 in additional federal dollars annually for Maine;
- \$500,000,000 additional economic activity in Maine's economy; and
- Hospitals in states that have accepted federal funds and expanded Medicaid indicate reduction in charity care and uninsured and increase in revenues.

Effort to Expand MaineCare Continues...We look forward to success in the next legislative session!

- www.CoverMaineNow.com



- See county specific fact sheets
- Story Banking

Cuts to MaineCare Eligibility—2012; 2013

Childless Adult Waiver (“Non-Categoricals”):

In February of 2012, enrollment in the Childless Adult waiver program was frozen. For State Fiscal Year ‘13, spending in the program was cut from an annual cap of \$80.3 million to \$40 million.

8,732 adults in this group lost their coverage on December 31st, 2013 because Maine did not expand MaineCare.

Approximately 25,000 childless adults on the waiting list never gained coverage.

Changes in MaineCare Coverage for Parents— 2012; 2013

Parents 100-133% FPL: 14,272 parents lost MaineCare coverage on **December 31, 2013**. Many were eligible for “Transitional MaineCare” if they were working or receiving child support when they lost their regular MaineCare benefits. Transitional MaineCare lasts for 3, 6, or 12 months depending upon a family’s circumstances.

Transitional coverage should have been provided to families automatically. Any family that thinks they should be eligible for Transitional MaineCare, but did not receive it, should check with their case worker.

Parents 133-150% FPL: MaineCare benefits for these parents was terminated on **March 1, 2013**. Many of these parents with income between 133% FPL (*\$2,164 per month for family of 3*) and 150% FPL (*\$2,441 per month for a family of 3*) were found eligible for “**Transitional**” **MaineCare**. Transitional coverage for this group has now ended.

Parents 151-200% FPL: MaineCare benefits for these parents was terminated on **March 1, 2013**. These parents were not eligible for “Transitional” MaineCare.

Approximately 30,000 parents lost coverage as a result of all of these cuts.

Important Note: *Pregnant women* remain eligible for MaineCare if their income is 200% FPL or below. Children remain eligible up to 200% of the federal poverty level. There is evidence that some children may have improperly lost coverage when their parents did; these families may not be aware of the continuing eligibility for their children.

The Legislature also voted to eliminate MaineCare coverage for young adults (19 and 20 year olds) with incomes below 150% FPL.

The federal government rejected the State's request to eliminate MaineCare coverage for these **6,500 young adults** (19 and 20 years old) who are under 150% of the poverty level (*\$16,755/year for a single individual*).

Coverage for this group of young adults is protected until 2019.

However, the state has filed a lawsuit disputing this.

That case is still pending.



The Medicare Savings Program

(sometimes called the “buy-in” program)



Medicare

Medicaid
(MaineCare)

The
Medicare
Savings
Program
(MSP)

MSP, continued

- Medicare doesn't pay the full cost of health care for seniors and people with disabilities. There are deductibles, co-pays, co-insurance and premiums.
- MaineCare has a benefit that helps pay these costs: the **Medicare Savings Program**
- MSP has different coverage groups: Qualified Medicare Beneficiaries (QMB); Specified Low-Income Medicare Beneficiaries (SLMB); and Qualified Individuals (QI)



MSP benefits for seniors and people with disabilities—what help different coverage groups receive...

	QMB	SLMB or QI
Part A		
Premium	Yes	No
Deductible	Yes	No
Co-insurance & co-pay	Yes	No
Part B		
Premium (\$105.50 a month)	Yes	Yes
Deductible	Yes	No
Co-insurance & co-pay	Yes	No
Part D		
Premium	Yes	Yes
Deductible	Yes	Yes
Donut hole	Yes	Yes
Co-insurance	Yes	Yes
Co-pay	Partial	Partial

Cuts to the Medicare Savings Program (MSP) eligibility--2012

In 2012, the Legislature voted to reduce MSP coverage for seniors and people with disabilities from 185% of the federal poverty level to 175% FPL. Today, the eligibility limit is 175% FPL (\$20,108 for a single person).

The federal government agreed to permit the State to implement this cut to the MSP. This cut went into effect on March 1, 2013.

Further cuts to the MSP were proposed in the 2013-2014 State Budget

In January 2013, the Governor's supplemental budget proposed to limit this program to people with income at or below 135% of the federal poverty level (\$15,512 for a single person; \$20,939 for a couple).

The Legislature rejected this proposal and eligibility for the MSP program will be maintained at 175% FPL (\$20,108 annually for an individual and \$27,143 for a couple).

However, there was a compromise and some cuts were made:

- The Legislature increased drug co-payments to the federal subsidy level of \$2.65 for generics and \$6.60 for brand names. (Co-payments were previously \$0 for Generics and \$3.30 for brand name drugs).
- An asset test was also added that mirrors the asset test for State In-Home and Community Support Services for Elderly and Other Adults, which is \$50,000 in *liquid* assets for individuals and \$75,000 for couples. Your home and certain other assets do not count as assets under this asset test.

The State Drugs for the Elderly Program (DEL) was also the target of Legislative cuts

- Last year, eligibility was rolled back from 185% FPL to 175% FPL (\$20,108 for a single person).
- The most recent state budget contained a proposal to completely eliminate the DEL Program. The Legislature rejected this proposal. Eligibility for the DEL program will be maintained at 175% FPL. No further cuts were made to this program.
- DHHS has *proposed* a rule to add an asset test to the DEL Program. We have argued that this would violate state law. No final decision has been made.

The Affordable Care Act: Medicaid Changes New Asset and Income Disregards Rules Under MAGI - Modified Adjusted Gross Income

Effective January 2014 changes were made to how eligibility for the MaineCare program is determined as a result of the Affordable Care Act.

- Assets will no longer be counted for so-called “MAGI” groups—this includes: parents, children, pregnant women, and 19 & 20 year olds
- However, any income that is produced from assets will continue to count as income.
- People in the elderly and disabled categories will continue to have an asset test.

New Asset and Income Disregards Rules Under MAGI - Modified Adjusted Gross Income

- Child support will no longer count as income in determining eligibility for MaineCare benefits.
- Income deductions that had been allowed for parents and children (cost of child care up to \$200 per month and the working parent disregard of \$90 per working parent) will no longer be allowed. Instead of these deductions or disregards, the effective eligibility limits will increase slightly:
 - Children: 213% of Federal Poverty Level (FPL);
 - Parents: 105% of FPL;
 - 19 & 20 year olds: 161% of FPL;
 - pregnant women: 214% of FPL.



The New Health Insurance Marketplace: Free Assistance

- Navigators
 - Maine Navigators: Western Maine Community Action (WMCA) and Fishing Partnership Health Plan (FPHP)/Maine Lobstermen's Association
 - Helping individuals and small employers with the application and enrollment process:
 - Conduct public education to raise awareness of marketplace and public programs
 - Distribute fair and impartial information concerning enrollment, premium tax credits, and cost sharing reductions
 - Facilitate enrollment
 - Provide referrals to office of health insurance consumer assistance, or appropriate agencies for grievances, complaints, or questions
 - Provide information in a culturally and linguistically appropriate manner

Health Insurance Marketplace Assistance

- **Certified Application Counselors (CACs)**
 - CACs are qualified to help people apply for Medicaid, CHIP, and plans sold through the marketplace
 - CACs do not receive any public funding. Being certified as CACs enables organizations that would likely be engaged in application assistance anyway to help consumers in a more formal capacity.
 - Health care institutions/providers often have CACs available.
- **Brokers**
 - Brokers can receive commissions, make specific recommendations and enroll individuals in plans

The next open enrollment period starts in November but there are reasons that someone could be able to apply outside of open enrollment. Some are eligible for a special enrollment period (SEP).

To find out what help is available in your area visit enroll207.com

The “Coverage Gap”

- Generally speaking only people with incomes between 100-399% FPL qualify for Marketplace subsidies
- This was because the ACA intended for people with low income to get MaineCare – then that became optional under Supreme Court ruling
- Because Maine has not accepted federal funds to cover adults below 138% in MaineCare, those below 100% who do not fit into a coverage category will get no assistance to help buy coverage in the Marketplace

Maine's Health Care Safety Net



- **Hospital Free Care** - Please check with individual hospitals about their Free Care guidelines – most are available on-line or go to Consumer's for Affordable Health Care website: http://mainecahc.org/guide_hospital.htm#income
- **Sliding Scale Clinics, Free Clinics**--<http://mepca.org/find-a-health-center/>
- **Breast and Cervical Cancer Program**-- 1-800-350-5180
- **Prescription Assistance Programs**--<http://www.needymeds.org/index.htm>
- **MedAccess**-- 1-877-275-1787
- **CarePartners**-- only available in certain parts of the state-- 1-877-883-1797
http://www.mainehealth.org/mh_body.cfm?id=3441
- **Other local programs**--<http://www.mejp.org/content/health-care-resources-uninsured-and-underinsured>

Food Supplement Benefits (SNAP/Food Stamps)



The Food Supplement (FS) program helps people access needed food. Eligible households receive their monthly benefits through an Electronic Benefit (EBT) card which they can use with participating retailers.

All households with incomes below 185% FPL (\$3,051/month for a family of 3) *may* be eligible for FS benefits. There is *no* asset test for this program.

You do *not* have to live with children, receive cash assistance, or be elderly or disabled to get Food Supplements. Many people work and still get FS benefits.

Several important decisions will be made in the next few months affecting the Food Supplement Program. These include:

- “Heat and Eat”
- Return of the 3-month time limit?
- Photos on EBT cards
- Relief from Overpayments

The FS/LIHEAP Connection: “Heat and Eat”

- If a FS household receives a LIHEAP benefit it is automatically eligible to use the FS “standard utility allowance” (SUA). This means that the household will get a higher FS benefit.
- Until recently if a household received *any* amount of LIHEAP assistance it would qualify for the SUA. A new federal law now requires that the household receive a LIHEAP payment of *more* than \$20/yr. to qualify for the SUA.
- Maine must now decide whether to increase the LIHEAP benefit to at least \$21 for FS household to continue to get the SUA.
- This issue mainly affects seniors and people with disabilities living in subsidized housing with heat included in their rent.
- Approximately 8,000 Maine households will be affected by this decision. Access to the SUA gives them approximately \$107 a month in additional Food Supplement benefits.

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“Heat and Eat”, continued

- MaineHousing has already supplemented benefits for the approximately 450 new LIHEAP recipients that applied in this heating season so that they will qualify for the SUA. No adjustment has yet been made for the approximately 7,500 households that qualified for the SUA based on receipt of a small 5-year LIHEAP benefit in the previous four years.
- LIHEAP applications are now closed until August, 2014.
- Under the current Maine rules, anyone who receives at least \$21 in LIHEAP in the past 12 months will continue to be eligible for the SUA.
- There will be no change until MaineHousing makes a decision about whether next year’s LIHEAP rules will give at least \$21 to all affected households. This decision will be made soon.
- It would cost approximately \$160,000 in additional LIHEAP costs to make this change. This cost would reduce the average LIHEAP benefit by approximately the cost of *1 gallon* of oil a year; BUT it would mean that low income seniors and people with disabilities will receive over *\$10,000,000 a year in additional food benefits*.

Return of the 3-month time limit for some Food Supplement households?



- **The law:** The federal “welfare reform” Act of 1996 limited receipt of FS/SNAP benefits for certain “able bodied adults without dependents” (known as “ABAWDs”) between the ages of 18 and 50 to 3 months in a 3-year period.
- **The history:** This time limit has *not* been in effect in Maine since 2008 . Congress suspended it during the recent recession. In the last few years, many states including Maine, have taken advantage of an option in federal law allowing them to “waive” application of the time limit for some or all of the state given continued high rates of unemployment. In fact, every year since 1996 Maine has received a waiver of this time limit for some or all of the State.
- **Who is exempt:** The 3-month time limit does not apply to individuals who are: 1) Working or participating in an approved FS/SNAP work or training program for at least 20 hours a week; (2) medically certified as physically or mentally unfit for employment; 3) responsible for a dependent child or caring for an adult with a disability; 4) pregnant; (5) participating in a substance abuse treatment program; or (6) attending approved school at least half time.

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FS Time Limits: The Pending Decision...

- **The pending decision:** In the next month or two the LePage administration will decide whether to: (1) seek a new “state-wide” time limit waiver; (2) to seek a waiver for specific parts of the State where unemployment is particularly high; or (3) not apply for a waiver at all and reinstate the 3-month limit statewide. All of these approaches are permissible under federal law.
- **The timing:** Maine’s current statewide waiver will expire in October, 2014. Any new waiver must be in place by that time. The State must go through a rulemaking process this summer to change its’ current rule that requires a statewide waiver. It must apply to the federal Department of Agriculture for the approval of any new waiver before it is implemented. There will be opportunity for public comment on any change in the rules. We will comment and encourage others to as well.
- **How many will be affected:** Approximately 25,000 individuals receiving SNAP benefits now, would be subject to a 3-month limit if Maine does not request a new waiver. This time limit would apply even when an unemployed adult is willing to work, and looking for work, but cannot find it.



New Policy: Photos on EBT cards

- On April 28, 2014, DHHS began a “pilot project ”in the greater Bangor area to add photos to EBT cards.
- The federal Department of Agriculture (USDA) that administers the FS program asked the State not to go forward with the plan until it could be assured that people’s rights would be protected.
- The State ignored this warning and began moving forward with the plan.
- At this point, the “pilot” project is voluntary. This means that if someone does not want to have their picture taken and put on their card they do not have to do it. They cannot be penalized for saying “no.”

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Photo EBT continued...

DHHS intends to expand photo IDs statewide later this summer

- ❖ **The process:** Before this can be done, DHHS must change the FS program rules. We expect to see these rules proposed this summer.
- ❖ **The penalty:** When this new policy goes statewide it will become “mandatory.” This means that anyone required to have their photo on their EBT card that refuses to do so may lose their FS benefits.
- ❖ **Exemptions:** Some people will be exempted from this requirement including: (1) seniors; (2) people with disabilities; and (3) victims of domestic violence.
- ❖ **The photos:** DHHS will allow up to two household members to put their photos on their EBT card.

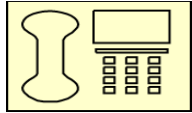
Important protections for EBT users in federal law

- ❖ **All household members and any “authorized representative” can still use the card:** Regardless of who’s photo is on the EBT card, **any** household member can use their EBT card. Also, anyone else that the household designates as an “authorized representative ” can also use the card provided they have the PIN number and household has filled out a form with DHHS authorizing that person to use the card. These “authorized representatives” might be a home health provider or a trusted friend or neighbor outside of the person’s household.
- ❖ **People shopping with EBT cards cannot be treated differently from other people using a credit or debit card in the check-out line.** For example, this means that a cashier cannot ask to look at someone’s EBT card if it has a photo on it, if they are not also asking to look at everyone else’s EBT, credit, or debit card.

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Photo EBT continued...

Call Maine Equal Justice if you have questions about photo IDs



- If you know of anyone having ANY PROBLEMS using their EBT card after a photo is added; OR
- if you know anyone in the pilot area who has felt pressured to add a photo to their EBT card when they did not want to; OR
- if you or your clients have any questions about this new plan:
- PLEASE CALL Crystal Bond at Maine Equal Justice at 207-626-7058, ext.205.

Food Supplement Overpayments



- **“No fault” overpayments:** Sometimes FS households receive more benefits than they are eligible for through no fault of their own. These are called “agency errors” or “inadvertent household violations.”
- **Waiver of repayment:** Even though these overpayments were not their fault, households must still repay them *unless* they can show that repayment would be a hardship. If so, federal law requires the State to tell overpaid recipients that they may be able to get a “waiver” of the overpayment. Maine DHHS is taking the position that they will not “compromise” (waive) these overpayments. MEJP has filed a lawsuit with Legal Services for the Elderly that would require the State to offer these waivers. This case is pending as we negotiate a resolution.
- **Requests for a Waiver:** Until this issue is resolved, DHHS offices will not provide a form to request a waiver of overpayment. Please call MEJP and we will provide a form to request a waiver.
 - The most important point to make in a waiver request is that your expenses for basic needs *exceeds* your income, so repayment would be a real hardship.
- **Some overpayments *cannot* be “waived”:** “Intentional Program Violations” also known as “IPVs”, or “fraud” overpayments *cannot* be waived. To prove that fraud was actually committed DHHS must show that a person deliberately misrepresented or failed to provide information with the intent to get benefits that they knew they were not eligible for.
- **How much fraud is there in Maine’s FS program:** Fraudulent overpayments in Maine represent only 4/10ths of 1% of all FS expenditures—lower than the national average.

FS overpayments, continued...

How are overpayments recovered by DHHS if they are not “waived”:

- For households with a *non-fraud* overpayment, *that remain eligible for FS*, DHHS will recoup the overpayment from their monthly FS allotment. The reduction will be 10% of the monthly benefit, or \$10.00, whichever is more.
- Households with “non-fraud” overpayments that are *not* receiving FS, may be subject to various civil methods of recovery including offsetting federal income tax returns or benefits like social security (but not SSI) through the U.S. Treasury Offset Program (TOP).
- Intentional Program Violations (IPVs) may also be recovered from people still receiving FS benefits; for these overpayments, the reduction is 20%, or \$20.00, whichever is more. Criminal charges may be also be filed in some of these cases.

The Good news: General Assistance—what didn't happen!

- There have been several legislative proposals in the last three years that would have made the General Assistance Program less accessible to people in need of help.
- There is some confusion about what did and did not become law. This confusion has made it more difficult for some to get GA even when they are eligible.



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GA, continued: The most harmful proposals were defeated

Here is what did not happen:

- There is no time limit on general assistance, including no time limit for housing assistance;
- TANF families will continue to be eligible for GA;
- Municipalities must provide GA to all who are eligible—there is no “cap” or limit on the amount that towns can spend—if you are eligible you must be given assistance;
- The funding mechanism for GA did not change—towns with higher spending will still be reimbursed at a higher rate.

Some modest changes were made in the 2013 legislative session. You can read about those changes at:

<http://www.mejp.org/sites/default/files/Changes-to-GA-2014-2015-Biennial-Budget.pdf>

Food Supplement and TANF Eligibility for Asylum Seekers with Work Authorization

- Asylum applicants who were waiting for an asylum decision have been eligible for the **Food Supplement Program** and **TANF** only while they were waiting for work authorization. Once they received their work authorization they would lose their benefits.
- The Maine Legislature changed the law a year ago so that asylum seekers can continue to receive Food Supplement benefits and TANF after receiving work authorization until they actually find work and become employed. Once they have a job they will lose their benefits.

Benefit Eligibility for Asylum Seekers with Work Authorization

- On March 1, 2014, asylum seekers with work authorization lost their **Food Supplement** and **Temporary Assistance for Needy Families (TANF)** benefits.
- Starting **May 12th, 2014** asylum seekers were again able to receive **Food Supplement** and **TANF** benefits after receiving work authorization until they actually become employed.
- Once employed, asylum applicants will need to report the employment change to DHHS within 10 days or you could be subject to an overpayment.
- The hardship extension is **temporary** because there is a funding cap on this extension. Once DHHS spends approximately \$216,654 this hardship will expire and the old policy will go back into effect.

General Assistance for New Mainers

At the end of 2013, DHHS proposed a rule to eliminate GA for immigrants who are ineligible for state and federal Food Supplement and TANF benefits.

The proposed rule would have resulted in homelessness and devastation for hundreds of families, many of whom have already experienced significant hardship in their lives.

More than 100 people came to Augusta to oppose the proposed rule at a public hearing. DHHS heard more than three hours of testimony asking the state to reject the proposed rule.

In only a week's time, over 2,600 Maine residents signed a petition to DHHS, opposing this rule.

MEJP, ACLU of Maine, and others submitted written comments asserting that the rule would violate the Equal Protection Clause of the U.S. and State Constitutions and that it exceeded the authority of the state to implement the rule. The Attorney General agreed. She also found that the rule would have resulted in an "unfunded mandate" because Maine towns and cities would have been forced to learn and enforce immigration policies in order to apply the rule.

DHHS now seeks to restrict GA for immigrants without documentation. They are neglecting to go through the required rulemaking process and cannot make this change in policy without changing the law.

Last year, the Legislature repealed the "**Property Tax and Rent Refund Program**" (or "Circuit Breaker") and replaced it with the "**Property Tax Fairness Credit**" (PTFC) .

- You claim and receive the new credit when filing your state income tax return between January and April. There is no longer a separate application. The Maine Income Tax Form 1040ME includes a Property Tax Fairness Worksheet to help people figure out the amount of any credit they may be eligible for and claim it.
- If someone does not normally file an income tax return, he or she should be able to get assistance getting the credit through DHHS. More information on this later (after DHHS has set up its rules and procedures).
- The PTFC provided far less help to far fewer people.
- PTFC was not available to many people in subsidized housing regardless of how much they paid out of pocket.

Recent changes to the PTFC this session

More families will be eligible: The eligibility threshold has been reduced from 10% to 6% of income.

More relief for those who really need it: Under the original PTFC, the maximum credit was only \$300 for non-elderly taxpayers and \$400 for those 70 or older. This will now increase to \$600 for those under-65 and to \$900 for those 65 and older.

Better benefit: Before this change, Maine residents only received a PTFC equal to 40% of the amount by which their property tax bill exceeded the eligibility threshold. The credited amount is now 50%.

Eligibility levels phased out, eliminating abrupt cutoff: Under the original PTFC, residents earning more than \$40,000 annually did not qualify for the credit. Now the credit gradually phases out to zero at \$33,333 for a household of 1; \$43,333 for a household of 2; and \$53,333 for a household of 3 or more. These phase-outs will be adjusted for inflation over time.

Help for people in subsidized housing: Under the original PTFC non-disabled people living in subsidized housing did not qualify for the credit regardless of how much they paid out-of-pocket for their rent. Individuals in subsidized housing will now qualify.

The amount of rent that is counted as property tax was reduced from 25% to 15% of the renter's income: Most renters will still benefit from the changes to the PTFC despite this reduction because of all of the other changes in the eligibility formula. Unfortunately, some renters will see a reduction in their credit as a result of this change.

Competitive Skills Scholarship Program (CSSP)— Opening in June! New opportunities for access to Education and Training



- CSSP was created in 2007 to offer adults with income below 200% FPL (\$39,580 annually for a family of 3) access to a post-secondary education degree and credential programs in high wage/high demand jobs.
- The program has been closed to new participants since 2012. After two years of protracted legislative debate and a lengthy Department of Labor rulemaking process the program is now on track to open again at the end of June.
- In fact, the Legislature has required that the program *double* enrollment by January 2015, creating even more opportunities than existed in the past for new students to enroll.
- ***CSSP will be accepting new applications between June 23, 2014 and July 2, 2014. Applications will be available on June 19, 2014 on this web page (<http://www.mainecareercenter.com/services-programs/training/cssp/index.shtml>) and at your local CareerCenter.*** This link can help you find a Career Center near you: <http://www.mainecareercenter.com/>

CSSP continued...

The Department of Labor has finalized new CSSP program rules

- In the fall of 2013 the Maine Department of Labor (MDOL) proposed rules that would have: (1) significantly limited the duration of time someone can participate in CSSP; and (2) made numerous cuts to the support services.
- **The very good news is that many of these changes will not go into effect** thanks to the efforts of CSSP participants, faith leaders, educators, and advocates who testified in strong opposition to the proposed rule.
- The following program changes will only apply to new CSSP applicants, and not *current* CSSP participants. This means that if the new rules are more restrictive, the old rules will apply for current participants.

more....

CSSP continued...



- **Completion times for education and training:**
 - 4-year programs—6 years to complete
 - 2-year programs—3 years to complete
 - Developmental/English language/prerequisite education—52 weeks to complete
- **Support Services include:**
 - **Child care**—100% of expense
 - **Car repairs**--\$600 during program enrollment
 - **Transportation/mileage**—state employee rate; limited max of 250 miles per week
 - **Eye care/dental care**—available with limits
 - **Books, supplies, tools, equipment, computers, services and uniforms**—only for *required* books, supplies, tools, equipment, services, uniforms or similar education or training-related items.
 - **Emergency needs**--\$1,000 for period of enrollment
 - **Training stipend**--\$332 a month for those with income below 125% FPL. Must be enrolled a minimum of 12 credit hours of classes or in full time student status as defined by the training institution to receive stipend. (Not available if receiving unemployment insurance or Trade Act benefits)

Legislative Action Should Help Reduce Long Waits for Unemployment Insurance Benefits

- **The Problem:** In recent years thousands of unemployed Maine workers have had to wait as long as two months for unemployment benefits. These delays threw many into financial crisis.
 - Federal law recognizes this need and requires that unemployment benefits be paid with the “greatest possible promptness”.
 - Maine has not met these promptness standards since 2011, in fact, for some time now Maine has ranked at or near the bottom of all states for timely payments in cases that require agency fact finding (e.g. voluntary quit or misconduct cases)
- **The Blue Ribbon Commission:** In 2013, Governor LePage created a Blue Ribbon Commission on Unemployment Insurance to explore whether there was systemic bias against employers in the unemployment insurance system. After several months of deliberations, it found no direct bias against either employers or employees in the system. Importantly, it also went on to identify benefit delays as a serious problem and recommended hiring additional staff to get benefits to unemployed workers faster.
- **The Legislative Response:** Responding to this recommendation, Governor LePage introduced legislation in 2014, requesting 24 additional staff to work at different steps in the appeals process at the Department of Labor. The legislation received strong support and was enacted by an emergency vote in early April. While it will take some time to hire and train these new staff, help is on the way to get benefits to unemployed workers more quickly.



Help Make a Difference for Maine People!



- Maine families are losing ground. Our overall poverty rate is rising; one in five Maine children is living in poverty, and poverty among our youngest children is growing four times faster than the rest of the nation.
- Homelessness has increased and more families are going hungry.
- Safety net programs that help individuals and families get by and stay healthy have been cut severely over the past three years.
- It's a sobering picture – and one made worse by policy proposals based on stereotypes that unfairly blame families living in poverty for their own difficult circumstances.
- Real problems that need real solutions—like a lack of jobs; inadequate access to health care, child care, and education—have been given a back seat in this debate.
- It's time to change this conversation!

Help make a difference...

We are working on a project to bridge the gap between this damaging rhetoric and real solutions to poverty.

- Over the next few weeks, MEJP will be conducting a survey to ask people with low income to tell us a little about their experiences; their opinions; and the policies they think would be most effective in reducing poverty in Maine.
- We will summarize that information along with data related to key poverty indicators in a report that will come out early in the fall.
- This report, including the recommendations from this survey (and poll results) will help us advocate for policies that increase opportunities for all Maine people.

More...

Help make a difference...



- If you would like to help distribute this survey we have packets to give you today. No number is too small—if you can think of one or two or five people who might want to fill this out we'd love their help. The survey includes a stamped return envelope.
- If you decide later that you would like some surveys call Maine Equal Justice at 207-626-7058.
- The survey will also be available electronically through “survey monkey” at:
<https://www.surveymonkey.com/s/SolutionsToPoverty>
- We are asking for all responses by: July 18, 2014

Thank you for your help!

THANK YOU for the work
you do and for taking the time to
come to this workshop today.

Any Questions or Comments?