

SENATE BILL 787

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CF HB 1313

By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Finance and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2020

CHAPTER _____

1 AN ACT concerning

2 **Family Investment Program – Temporary Cash Assistance – Eligibility**

3 FOR the purpose of prohibiting reducing or terminating certain temporary cash assistance
4 for certain individuals who qualify for a certain exemption under certain
5 circumstances; prohibiting reducing or terminating certain temporary cash
6 assistance for certain individuals for noncompliance with certain work activities for
7 good cause based on certain criteria as established by the Secretary of Human
8 Services; specifying additional considerations for a certain evaluation of certain work
9 activities; providing that a certain agreement include certain accommodations
10 provided by certain local departments of social services for certain purposes;
11 requiring certain local departments to provide a certain conciliatory period of a
12 certain number of days for certain recipients who are not in compliance with the
13 Family Investment Program; requiring certain case managers to provide certain
14 assistance to certain Program recipients; requiring the full amount of temporary
15 cash assistance to resume upon compliance with a certain Program; repealing a
16 certain procedure for resuming certain temporary cash assistance; providing for a
17 delayed effective date; and generally relating to temporary cash assistance and the
18 Family Investment Program.

19 BY repealing and reenacting, with amendments,
20 Article – Human Services
21 Section 5–308(b) and (c), 5–309, 5–310, and 5–312
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY adding to
Article – Human Services
Section 5–308(c)
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Human Services

5–308.

(b) (1) An individual may not be required to meet the work activity requirement under subsection (a)(2)(iv) of this section if the individual is exempt under criteria the Secretary establishes.

(2) The criteria shall include exemptions for:

(i) adults who are required to care for a child who is a recipient under the age of 1 year; and

(ii) subject to paragraph (3) of this subsection, adults and children who are recipients and who are severely disabled.

(3) An individual's exemption because of severe disability is limited to 12 months unless:

(i) the individual applies for Supplemental Security Income; and

(ii) the application is approved, pending, or on appeal.

(4) ASSISTANCE FOR AN INDIVIDUAL WHO QUALIFIES FOR AN EXEMPTION UNDER THIS SUBSECTION BUT WHO VOLUNTARILY PARTICIPATES IN A WORK ACTIVITY MAY NOT BE REDUCED OR TERMINATED AS A RESULT OF THE PARTICIPATION IN THE WORK ACTIVITY.

(C) (1) ASSISTANCE FOR AN INDIVIDUAL MAY NOT BE REDUCED OR TERMINATED FOR NONCOMPLIANCE WITH THE WORK ACTIVITY REQUIREMENT IF THE INDIVIDUAL HAS GOOD CAUSE UNDER THE CRITERIA ESTABLISHED BY THE SECRETARY.

(2) THE CRITERIA SHALL PROVIDE THAT ANY OF THE FOLLOWING ARE SUFFICIENT TO SHOW GOOD CAUSE:

(I) TEMPORARY ILLNESS OR INCAPACITY;

(II) COURT-REQUIRED APPEARANCES OR TEMPORARY
INCARCERATION;

(III) DOMESTIC VIOLENCE;

(IV) A FAMILY CRISIS THAT THREATENS NORMAL FAMILY
FUNCTIONING, INCLUDING:

1. EXPERIENCING HOMELESSNESS WHEREBY A FAMILY:

A. LACKS A FIXED, REGULAR, AND ADEQUATE
NIGHTTIME RESIDENCE ~~DUE TO THE LOSS OF THE FAMILY'S HOUSING, OR SHARES
THE HOUSING OF OTHER PERSONS DUE TO THE LOSS OF HOUSING, ECONOMIC
HARDSHIP, OR A SIMILAR REASONS THAT LEAD THE FAMILY TO:~~ REASON;

~~A. SHARE THE HOUSING OF OTHER PERSONS;~~

B. ~~LIVE~~ LIVES IN A MOTEL, HOTEL, TRAILER PARK, ~~CAR,
PARK, PUBLIC SPACE, A VACANT BUILDING, SUBSTANDARD HOUSING, TRANSIT
STATION, OR CAMPING GROUND, OR SIMILAR SETTING;~~ OR DUE TO THE LACK OF
ALTERNATIVE ACCOMMODATIONS;

C. ~~LIVE~~ LIVES IN AN EMERGENCY SHELTER OR
TRANSITIONAL ~~SHELTER;~~ HOUSING;

D. RESIDES IN A PRIMARY NIGHTTIME RESIDENCE THAT
IS A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR ORDINARILY USED AS A
REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS; OR

E. LIVES IN A CAR, PARK, PUBLIC SPACE, VACANT OR
ABANDONED BUILDING, SUBSTANDARD HOUSING, BUS STATION, TRAIN STATION, OR
SIMILAR SETTING;

2. A HOUSING CRISIS, INCLUDING EVICTION,
FORECLOSURE, OR OTHER LOSS OF HOUSING; OR

3. RECEIVING A UTILITY DISCONNECTION NOTICE OR
HAVING A UTILITY DISCONNECTED;

(V) A BREAKDOWN IN TRANSPORTATION ARRANGEMENTS;

(VI) A BREAKDOWN IN CHILD CARE ARRANGEMENTS OR LACK OF
CHILD CARE FOR A CHILD OR CHILDREN WHO ARE 12 YEARS OLD OR YOUNGER;

(VII) FOR A SINGLE PARENT CARING FOR A CHILD YOUNGER THAN 6 YEARS OLD WHO IS UNABLE TO OBTAIN CHILD CARE, ~~THE UNAVAILABILITY OF:~~

1. THE UNAVAILABILITY OF APPROPRIATE CHILD CARE WITHIN A REASONABLE DISTANCE FROM THE PARENT'S HOME OR WORK SITE;

2. THE UNAVAILABILITY OR UNSUITABILITY OF INFORMAL CHILD CARE BY A RELATIVE OR OTHERS; OR

3. THE UNAVAILABILITY OR UNSUITABILITY OF APPROPRIATE AND AFFORDABLE CHILD CARE ARRANGEMENTS;

(VIII) A LACK OF SUPPORTIVE SERVICES IDENTIFIED AND AGREED ON BY AN INDIVIDUAL AND A LOCAL DEPARTMENT; OR

(IX) THE FAILURE OF A LOCAL DEPARTMENT TO OFFER OR PROVIDE A REASONABLE ACCOMMODATION TO AN INDIVIDUAL WITH A DISABILITY.

[(c)] (D) Subject to the State budget, a legal immigrant is entitled to assistance under this subtitle if the immigrant:

(1) meets FIP eligibility requirements under this subtitle and any other requirements imposed by the State; and

(2) (i) arrived in the United States before August 22, 1996; or

(ii) arrived in the United States on or after August 22, 1996 and is not eligible for federally funded cash assistance.

5-309.

(a) Except for an applicant or recipient who is a single child, the FIP shall include:

(1) an assessment of each applicant or recipient that considers:

(i) the reasons for applying for or continuing to rely on assistance;

(ii) an evaluation of appropriate work activities based on educational level, LITERACY, HEALTH, MENTAL OR PHYSICAL IMPAIRMENTS, HOUSING STABILITY, CHILD CARE NEEDS, TRANSPORTATION NEEDS, HISTORY OF DOMESTIC OR FAMILY VIOLENCE, job skills and readiness, and interests; [and]

(iii) personal and family resources available to facilitate independence; and

(IV) WHETHER THE APPLICANT OR RECIPIENT QUALIFIES FOR AN EXEMPTION OR HAS GOOD CAUSE NOT TO PARTICIPATE IN A WORK ACTIVITY; AND

(2) welfare avoidance grants that:

(i) meet immediate needs so that an applicant or recipient can avoid temporary cash assistance;

(ii) may be granted as the Department considers appropriate;

(iii) may not cover the same type of immediate need met by a previous welfare avoidance grant unless the Department determines that the current immediate need is a new and verified emergency;

(iv) do not exceed an amount of 3 months of temporary cash assistance, unless the Department determines there is a compelling need for an amount not exceeding 12 months; and

(v) may not duplicate periods of temporary cash assistance.

(b) Except for a recipient who is a single child, the FIP for a recipient shall include:

(1) an agreement between the Department and the recipient that:

(i) requires the recipient to cooperate with the child support enforcement agency to obtain support from a noncustodial parent;

(ii) requires the recipient to comply with reasonable requests for cooperation by case management workers in seeking and using programs and community and family resources that may be available to the recipient;

(iii) specifies the work activities in which the recipient will participate; [and]

(iv) specifies the supportive services that the local department will assist in providing and that are necessary for the recipient to meet the recipient's obligations under the FIP; AND

(V) SPECIFIES THE REASONABLE ACCOMMODATIONS THAT A LOCAL DEPARTMENT WILL PROVIDE TO A RECIPIENT WITH A DISABILITY THAT ARE NECESSARY FOR THE RECIPIENT TO MEET THE RECIPIENT'S OBLIGATIONS UNDER THE FIP;

(2) supportive services activities, including child care, to the extent resources allow;

(3) referral, as appropriate, to family planning counseling and services that:

(i) are not offered or conducted in a manner that:

1. is coercive;

2. violates the recipient's confidentiality; or

3. violates the recipient's bona fide religious beliefs and practices; and

(ii) give preference to eligible teen parents; and

(4) temporary cash assistance, as a last resort.

(c) Except for an applicant who is a single child, the FIP for an applicant shall include a child care voucher:

(1) to the extent resources allow, if the applicant is required to participate in a work activity as a condition of eligibility; or

(2) if providing child care eliminates the applicant's need for cash assistance under the FIP.

(d) For an applicant or recipient who is a single child, the FIP shall include:

(1) referral to appropriate services; and

(2) temporary cash assistance for the recipient, as a last resort.

(e) To the extent resources allow, the FIP shall serve noncustodial parents who need employment services to pay child support obligations.

5-310.

(1) FOR A RECIPIENT THAT IS ~~A FAMILY~~ AN ASSISTANCE UNIT THAT INCLUDES ADULTS AND CHILDREN OR MINOR PARENTS AND CHILDREN, THE AMOUNT OF ASSISTANCE SHALL BE DESIGNATED AS FOLLOWS:

(i) 75% FOR THE CHILD OR CHILDREN IN THE ASSISTANCE UNIT; AND

(II) 25% FOR THE ADULT MEMBER OR MEMBERS, OR MINOR PARENT OR PARENTS OF THE ASSISTANCE UNIT.

(2) FOR A RECIPIENT THAT IS ~~A FAMILY~~ AN ASSISTANCE UNIT THAT INCLUDES ONLY ADULTS OR A RECIPIENT WHO IS A PREGNANT INDIVIDUAL, 100% OF THE AMOUNT OF ASSISTANCE SHALL BE DESIGNATED FOR THE ADULT MEMBER OR MEMBERS OR THE PREGNANT INDIVIDUAL.

[(1)] (3) For applicants to the FIP, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 20% of that earned income.

[(2)] (4) The first \$100 of child support collected in a month for one child and the first \$200 of child support collected in a month for two or more children shall pass through to the family and shall be disregarded in computing the amount of assistance.

[(3)] (5) For eligible recipients who obtain unsubsidized employment, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 35% of that earned income.

(b) A recipient who has established eligibility may not lose eligibility solely because one or more wage earners in the family unit works more than 100 hours per month.

(c) Two-parent families shall be exempt from any requirement that the principal wage earner must have worked for a specified time before applying to the FIP.

(d) (1) A child who is living with the child's parent and a stepparent in a household in which the household income exceeds the State eligibility standard for assistance may receive assistance if:

(i) the requirements of § 5-308 of this subtitle are met; and

(ii) the parent and the child would be eligible for assistance, based on the income of the parent and that parent's children.

(2) The amount of assistance to be paid under paragraph (1) of this subsection shall be computed with regard to the income of the stepparent if the total income of the stepparent equals or exceeds 50% of the official poverty level, adjusted for family size, established under the federal Community Services Block Grant Act.

(e) A dependent child over the age of 17 years is eligible for inclusion in the FIP grant if:

(1) the child is a full-time student in secondary school or the equivalent; and

(2) the education program is expected to be completed in the calendar year that the child attains the age of 19 years.

5–312.

(a) This section is not intended to create an incentive for individuals to seek temporary cash assistance benefits instead of employment.

(b) A local department shall provide temporary cash assistance to an applicant or recipient only if:

(1) the applicant or recipient meets the requirements for participation in the FIP set forth in § 5–308 of this subtitle;

(2) the applicant or recipient assigns to the State all right, title, and interest in support, for the period that the family receives temporary cash assistance, from any other person that the applicant or recipient has on behalf of any intended or potential recipient for whom the applicant or recipient is applying for or receiving assistance; and

(3) in the case of an applicant or recipient who is a minor parent, the applicant or recipient lives:

(i) with a parent, legal guardian, custodian, or other adult relative who will be the payee of the minor parent;

(ii) in an adult-supervised group living arrangement that provides a protective payee and:

1. there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live;

2. the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative; or

3. a social service worker finds that living with any available adult relative would not be in the best interest of the minor parent or child; or

(iii) independently, if a social service worker confirms that the physical safety or emotional health of the minor parent or child would otherwise be in jeopardy.

(c) A recipient who meets the requirements of the FIP is entitled to temporary cash assistance benefits.

(d) In determining the eligibility for and the amount of temporary cash assistance to be provided to an applicant or recipient who is a legal immigrant, the income and resources of the applicant or recipient shall include, for the period of time established by

federal law, the income and resources of any sponsor who executed an affidavit of support in accordance with 8 U.S.C. § 1183a on behalf of the legal immigrant.

(e) (1) (I) The [Secretary shall adopt regulations that establish a schedule of reductions and terminations of temporary cash assistance for noncompliance] **LOCAL DEPARTMENT SHALL IMPOSE A 30% REDUCTION OF THE PORTION OF A RECIPIENT'S GRANT AMOUNT DESIGNATED FOR THE ADULT MEMBER OR MEMBERS, MINOR PARENT OR PARENTS, OR PREGNANT INDIVIDUAL IF AN ADULT MEMBER, MINOR PARENT, OR PREGNANT INDIVIDUAL IS FOUND TO BE IN NONCOMPLIANCE, WITHOUT GOOD CAUSE, with FIP WORK ACTIVITY requirements.**

(II) **THE PORTION OF THE GRANT AMOUNT DESIGNATED FOR THE CHILD OR CHILDREN OF THE ASSISTANCE UNIT MAY NOT BE REDUCED OR TERMINATED BASED ON NONCOMPLIANCE BY AN ADULT MEMBER'S OR MINOR PARENT'S NONCOMPLIANCE WITH FIP WORK ACTIVITY REQUIREMENTS.**

(2) **THE LOCAL DEPARTMENT SHALL IMPOSE A 25% REDUCTION OF THE ENTIRE GRANT AMOUNT IF AN ADULT MEMBER OR MINOR PARENT IS FOUND TO BE IN NONCOMPLIANCE WITHOUT ADEQUATE REASON OR GOOD CAUSE WITH CHILD SUPPORT REQUIREMENTS.**

[(2)] (3) (i) If a recipient is found to be in noncompliance with FIP requirements, [a caseworker] **THE LOCAL DEPARTMENT shall [investigate the reasons for noncompliance] PROVIDE A 30-DAY CONCILIATION PERIOD FOR EACH INSTANCE OF NONCOMPLIANCE.**

(ii) [The investigation, to the extent resources allow, shall include personal contact with the family of the recipient] **DURING THE 30-DAY CONCILIATION PERIOD, THE CASE MANAGER SHALL ADVISE THE RECIPIENT OF THE NONCOMPLIANCE, AND HELP THE RECIPIENT TO COMPLY BY:**

1. INVESTIGATING THE REASONS FOR NONCOMPLIANCE, INCLUDING BY PERSONALLY CONTACTING THE FAMILY OF THE RECIPIENT;

2. EVALUATING AND PREPARING A WRITTEN DETERMINATION OF WHETHER THE RECIPIENT QUALIFIES FOR AN EXEMPTION OR GOOD CAUSE UNDER § 5-308(B) OR (C) OF THIS SUBTITLE;

3. SENDING THE RECIPIENT A LETTER OFFERING A CONCILIATION CONFERENCE; AND

4. ASSISTING THE RECIPIENT IN IDENTIFYING AND RESOLVING ANY BARRIERS TO COMPLIANCE.

1 ~~[(3)]~~ (4) The Secretary may not reduce or terminate temporary cash
2 assistance to a family until 30 days after the day on which the first written notice of
3 noncompliance was sent to the recipient.

4 ~~[(4)]~~ (5) For noncompliance with a FIP requirement [other than a work
5 activity], **THE FULL AMOUNT OF** temporary cash assistance shall resume on compliance
6 with the FIP requirement.

7 (5) For noncompliance with a work activity, temporary cash assistance
8 shall resume in the following manner:

9 (i) for the first instance of noncompliance, temporary cash
10 assistance shall resume immediately on compliance;

11 (ii) for the second instance of noncompliance, temporary cash
12 assistance shall resume after 10 days of compliance with the work activity; and

13 (iii) for each subsequent instance of noncompliance, temporary cash
14 assistance shall resume after 30 days of compliance with a work activity.]

15 (6) If temporary cash assistance is reduced or terminated under this
16 subsection, a recipient shall retain eligibility for medical assistance and food stamps, as
17 long as the recipient meets the medical assistance and food stamp program requirements.

18 (f) (1) After termination of temporary cash assistance under this section, a
19 recipient may receive transitional assistance.

20 (2) If a caseworker determines that transitional assistance is appropriate,
21 the FIP benefit that would have been paid to the recipient shall be paid instead to a third
22 party payee on behalf of the recipient for a period of up to 3 months.

23 (3) The caseworker of a recipient, in conjunction with the recipient and
24 subject to the approval of the Secretary, shall select a third party payee described in
25 paragraph (2) of this subsection.

26 (4) The third party payee shall provide transitional assistance to the
27 recipient in one or more of the following forms:

28 (i) counseling;

29 (ii) housing;

30 (iii) child care;

31 (iv) household supplies and equipment;

32 (v) direct assistance other than a cash payment; and

1 (vi) any other noncash assistance that may be necessary to assist the
2 recipient to make the transition from welfare.

3 (5) A local department may pay an administrative fee to a third party
4 payee to cover the administrative costs of the third party payee for providing the services
5 described in paragraph (4) of this subsection.

6 (6) The funds provided through transitional assistance may not be used to
7 further sectarian religious instruction.

8 (7) The Secretary shall adopt regulations specifying the selection criteria
9 for third party payees under this subsection.

10 (8) A recipient who has received transitional assistance may reapply for
11 the FIP benefit and the benefit shall be furnished with reasonable promptness to all eligible
12 individuals.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 ~~October 1, 2020~~ July 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.