

§4301. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 577, §1 (NEW).]

1. Basic necessities. "Basic necessities" means food, potable water, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons and any other commodity or service determined essential by the overseer in accordance with the municipality's ordinance and this chapter. "Basic necessities" do not include security deposits for rental property, except for emergency purposes. For the purposes of this subsection, "emergency purposes" means any situation in which no other permanent lodging is available unless a security deposit is paid. [PL 2019, c. 126, §2 (AMD).]

1-A. Direct costs. "Direct costs" means the total value of general assistance benefits paid out by a municipality that is in compliance with this chapter and the municipality's general assistance ordinance. [PL 1991, c. 9, Pt. U, §2 (NEW).]

2. Dwelling unit. "Dwelling unit" means a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. [PL 1983, c. 577, §1 (NEW).]

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. "Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4. Beginning July 1, 2015, in accordance with 8 United States Code, Section 1621(d), "eligible person" means a person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months. [PL 2015, c. 324, §1 (AMD).]

4. Emergency. "Emergency" means any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. [PL 1983, c. 577, §1 (NEW).]

5. General assistance program. "General assistance program" means a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person has need and is found to be otherwise eligible to receive general assistance. [PL 1983, c. 577, §1 (NEW).]

5-A. Homelessness. "Homelessness" means a situation in which a person or household is:

- A. Living in a place that is not fit for human habitation; [PL 2019, c. 515, §1 (NEW).]
- B. Living in an emergency shelter; [PL 2019, c. 515, §1 (NEW).]
- C. Living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; [PL 2019, c. 515, §1 (NEW).]
- D. Exiting a hospital or institution licensed under chapter 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency

shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; [PL 2019, c. 515, §1 (NEW).]

E. Losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or [PL 2019, c. 515, §1 (NEW).]

F. Fleeing or attempting to flee violence and has no other residence. [PL 2019, c. 515, §1 (NEW).]

[PL 2019, c. 515, §1 (NEW).]

6. Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable for supporting the household is considered available to the applicant only when there is a pooling of income.

[PL 2013, c. 368, Pt. OO, §5 (AMD).]

7. Income. "Income" means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, household income from any other source, including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907, Title 36, section 5219-II and Title 36, section 5219-KK, unless used for basic necessities as defined in section 4301, subsection 1.

The following items are not available within the meaning of this subsection and subsection 10:

A. Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law; [PL 1991, c. 9, Pt. U, §3 (AMD).]

B. Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or [PL 1983, c. 577, §1 (NEW).]

C. Earned income of children below the age of 18 years who are full-time students and who are not working full time. [PL 1991, c. 9, Pt. U, §3 (AMD).]

In determining need, the period of time used as a basis for the calculation is the 30-day period commencing on the date of the application. This prospective calculation does not disqualify an applicant who has exhausted income to purchase basic necessities if that income does not exceed the income standards established by the municipality. Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior or subsequent to applying for assistance, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as

having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all of the household's basic necessities. That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

[PL 2013, c. 551, §1 (AMD).]

8. Just cause. "Just cause" means a valid, verifiable reason that hinders an individual in complying with one or more conditions of eligibility.

[PL 1983, c. 577, §1 (NEW).]

8-A. Lump sum payment. "Lump sum payment" means a one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses.

[PL 2001, c. 571, §2 (AMD).]

9. Municipality of responsibility. "Municipality of responsibility" means the municipality which is liable for the support of any eligible person at the time of application.

[PL 1983, c. 577, §1 (NEW).]

10. Need. "Need" means the condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance established by the municipality.

[PL 1985, c. 489, §§2, 14 (AMD).]

11. Net general assistance costs. "Net general assistance costs" means those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers and does not include the administrative expenses of the general assistance program.

[PL 1983, c. 577, §1 (NEW).]

12. Overseer. "Overseer" means an official designated by a municipality to administer a general assistance program. The municipal officers shall serve as a board of overseers if no other persons are appointed or elected.

[PL 1983, c. 577, §1 (NEW).]

12-A. Pooling of income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any comingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumption of pooling income.

[PL 1991, c. 622, Pt. M, §22 (NEW).]

13. Real estate. "Real estate" means any land, buildings, homes, mobile homes and any other things affixed to that land.

[PL 1983, c. 577, §1 (NEW).]

14. Recovery residence. "Recovery residence" has the same meaning as in Title 5, section 20003, subsection 19-D.

[PL 2021, c. 472, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 577, §1 (NEW). PL 1985, c. 489, §§1,2,14 (AMD). PL 1989, c. 322, §1 (AMD). PL 1989, c. 840, §§1-3 (AMD). PL 1991, c. 9, §§U1-3 (AMD). PL 1991, c. 622, §§M20-22 (AMD). PL 1993, c. 410, §AAA1 (AMD). PL 2001, c. 571, §§1,2 (AMD). PL 2003, c. 510, §C6 (AMD). PL 2013, c. 368, Pt. OO, §§4-6 (AMD). PL 2013, c. 551, §1 (AMD). PL 2015, c. 324, §1 (AMD). PL 2019, c. 126, §2 (AMD). PL 2019, c. 515, §1 (AMD). PL 2021, c. 472, §2 (AMD).

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