

SENATE BILL NO. 267

INTRODUCED BY T. SCHMIDT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LOW-INCOME HOUSING SUPPORT;
5 PROVIDING A SHELTER COST ALLOWANCE FOR DETERMINING INCOME FOR TEMPORARY
6 ASSISTANCE FOR NEEDY FAMILIES; PROVIDING FOR A GRANT PROGRAM FOR HOMELESS
7 PREVENTION AND FAMILY STABILIZATION WITHIN THE TEMPORARY ASSISTANCE FOR NEEDY
8 FAMILIES PROGRAM; AMENDING SECTIONS 53-4-201 AND 53-4-212, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **NEW SECTION. Section 1. Shelter allowance.** (1) The department shall subtract a \$50 shelter
14 allowance for shelter expenses of rent, manufactured home lot rental, mortgage or similar payments,
15 homeowner insurance premiums, and property taxes that exceed 75% of the monthly income when testing
16 countable monthly income and determining the amount of the financial assistance payment to families eligible
17 for temporary assistance for needy families.

18 (2) The shelter allowance provided for in subsection (1) must be subtracted after any standard income
19 disregard or excluded earned income, and the amounts of a standard income disregard or excluded earned
20 income may not be reduced to provide for the shelter allowance.

21 (3) "Monthly income", as used in this section, means the total of the temporary assistance for needy
22 families monthly benefit and all income countable under the temporary assistance for needy families program,
23 plus child support received by the family, excluding any child support pass-through payment.

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25 **NEW SECTION. Section 2. Homeless prevention and family stabilization program.** The department
26 shall establish a homeless prevention and family stabilization program to stabilize families in their existing
27 homes, to shorten the amount of time that families stay in emergency shelters, and to assist families with
28 securing affordable transitional or permanent housing. The homeless prevention and family stabilization program
29 may provide assistance in coordination with the emergency assistance program. The department shall make
30 grants to private, nonprofit organizations to develop and implement homeless prevention and family stabilization

1 programs that include administration and assistance. The department shall apply any state funding for these
2 programs toward the state's maintenance of effort under the temporary assistance for needy families program.

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4 **NEW SECTION. Section 3. Grant eligibility.** (1) The department shall award grants to applicants that
5 agree to focus their emergency response systems on homeless prevention and securing permanent or
6 transitional housing for homeless households. The department shall consider the extent to which the proposed
7 project activities demonstrate ways in which existing resources in a service may be more effectively coordinated.

8 (2) Grantees may offer assistance to households in their service area when:

9 (a) the household meets categorical eligibility or is eligible for temporary assistance for needy families,
10 as provided in 53-4-231, or has exceeded the 60-month time limit for temporary assistance for needy families,
11 or includes a needy pregnant woman;

12 (b) the household is in imminent danger of becoming homeless, is in imminent danger of eviction or
13 foreclosure, or is currently homeless;

14 (c) the household documents a temporary economic crisis beyond the household's control, evidenced
15 by at least one of the following conditions:

16 (i) loss of employment or a condition exists that may lead to loss of employment, such as loss of
17 transportation;

18 (ii) medical disability or emergency;

19 (iii) loss or delay of some form of public benefits;

20 (iv) natural disaster;

21 (v) substantial change in household composition;

22 (vi) victimization by criminal activity, including a situation involving domestic violence;

23 (vii) illegal action by a landlord;

24 (viii) displacement by government or private action; or

25 (ix) some other condition that constitutes a hardship comparable to the conditions enumerated in
26 subsections (2)(c)(i) through (2)(c)(viii);

27 (d) other federal, state, or local housing or utility subsidies have been exhausted or denied or are
28 otherwise unavailable; or

29 (e) the applicant demonstrates an ability to meet the prospective rental obligation after the assistance
30 has been granted based on current or anticipated income.

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2 **NEW SECTION. Section 4. Forms of assistance -- payment.** (1) Assistance offered to households
3 by grantees must include but not be limited to the following:

4 (a) payment of a rent arrearage in an amount established as necessary to defeat the eviction, but the
5 amount may not be greater than 3 months of rental arrears;

6 (b) payment of a rent deposit or security deposit and payment of not more than 2 months' rent;

7 (c) payment of utility bills and arrearages; or

8 (d) support services and referrals when appropriate to prevent homelessness or repeated episodes of
9 homelessness. Services may include counseling; advocacy; substance abuse, mental illness, and co-occurring
10 disorders treatment; transportation; housing location; employment services; children's services; health care; and
11 assistance for loss of system support from other public programs, such as foster care, corrections, or treatment
12 for mental illness or substance abuse.

13 (2) Assistance provided by this program may be paid only to a landlord, utility company, or other vendor
14 that provides housing or other services to an applicant for assistance.

15
16 **NEW SECTION. Section 5. Grantee qualifications -- training -- consultation.** (1) The department
17 may grant funds to a local government, a tribal government, a housing authority, or a not-for-profit organization
18 that provides housing and supportive services to low-income persons.

19 (2) An applicant for a homeless prevention and family stabilization grant shall demonstrate training and
20 experience in identification of federal, state, tribal, and local agencies and services that are relevant to the
21 program and the clients, in dissemination of information, and in public outreach relating to the program, intake,
22 screening, and referral procedures. If the department contracts with a private entity for the operation of the
23 program, the department shall require training as specified in this section in the contract.

24 (3) Grantees shall consult on a regular basis with the locally established continuum of care in preparing
25 the project proposal and in the design, implementation, and evaluation of the project.

26 (4) Grantees must be required to assist clients with application and referral to programs for which the
27 clients may be eligible, including public assistance and other relevant programs to assist in the stabilization of
28 the household.

29

30 **Section 6.** Section 53-4-201, MCA, is amended to read:

1 **"53-4-201. Definitions.** As used in part 6, sections 1 through 5, and this part, the following definitions
2 apply:

3 (1) "Assessment" means the process of evaluating a recipient's skills, education, job readiness, and
4 barriers to employment. The term may include further in-depth examination to identify and access services and
5 resources to assist the recipient in eliminating barriers to employment if barriers are identified during the initial
6 assessment.

7 (2) "Department" means the department of public health and human services provided for in 2-15-2201.

8 (3) (a) "Dependent child", for public assistance purposes, means:

9 (i) a child under 18 years of age; or

10 (ii) a person under 19 years of age who is a student, as defined by the department by rule.

11 (b) The person described in subsection (3)(a)(i) or (3)(a)(ii) must be living with a specified caretaker
12 relative, as defined by the department by rule.

13 (4) "FAIM project" means the families achieving independence in Montana project as established in
14 53-4-601.

15 (5) "Family" means a group of people who live with a dependent child, each of whom is related to the
16 dependent child by blood, marriage, or adoption or by law, such as:

17 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law to be
18 a parent in the case of a child conceived by artificial insemination; or

19 (b) a sibling.

20 (6) "Federal poverty level" means the measure of indigence established annually by the U.S. office of
21 management and budget.

22 (7) "Financial assistance" means the programs funded, in part, with temporary assistance for needy
23 families, as provided in 45 CFR 260.31(a).

24 (8) "Nonfinancial assistance" means the programs funded, in part, with temporary assistance for needy
25 families, as provided in 45 CFR 260.31(b).

26 (9) "Public assistance" or "assistance" means a type of monetary or other assistance furnished under
27 this title to a person by a state or county agency, regardless of the original source of the assistance.

28 (10) "Specified caretaker relative" means a person within a degree of kinship to the dependent child,
29 as specified by department rule, who lives with the child and exercises care and control over the child.

30 (11) "State plan" means the policies and procedures governing the state of Montana's FAIM project and

1 other programs funded by temporary assistance for needy families. It is prepared by the department and certified
2 by the federal agency that provides funding for those programs.

3 (12) "Temporary assistance for needy families" means the federal block grant established pursuant to
4 42 U.S.C. 601, et seq."

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6 **Section 7.** Section 53-4-212, MCA, is amended to read:

7 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
8 necessary or desirable for the administration of public assistance programs.

9 (2) The department shall adopt rules that may include but are not limited to rules concerning:

10 (a) eligibility requirements, including gross and net income limitations, resource limitations, and income
11 and resource exclusions;

12 (b) amounts of assistance, methods for computing benefit amounts, and the length of time for which
13 benefits may be granted;

14 (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be
15 eligible for assistance;

16 (d) procedures and policies for employment and training programs, requirements for participation in
17 employment and training programs, and exemptions, if any, from participation requirements;

18 (e) requirements for specified caretaker relatives, including cooperation with assessments, the number
19 of hours of participation required for each month, specific activities required to address employment barriers,
20 and other terms of performance;

21 (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients,
22 including maximum amounts of assistance payable and amounts of copayments required by specified caretaker
23 relatives;

24 (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;

25 (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who
26 fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's
27 obligations under the agreement, including the length of the period of ineligibility, if any;

28 (i) requirements, if any, for participation in the employment and training demonstration project;

29 (j) eligibility for and terms and conditions of extended medical assistance benefits;

30 (k) reporting requirements;

- 1 (l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or
2 requirements of a public assistance program;
- 3 (m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship
4 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined in
5 section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608,
6 including but not limited to the duration of the exemption;
- 7 (n) individuals who must be included as members of an assistance unit;
- 8 (o) categories of aliens who may receive assistance, if any;
- 9 (p) requirements relating to the assignment of child and medical support rights and cooperation in
10 establishing paternity and obtaining child and medical support;
- 11 (q) requirements for eligibility and other terms and conditions of other programs to strengthen and
12 preserve families;
- 13 (r) special eligibility or participation requirements applicable to teenage parents, if any; ~~and~~
- 14 (s) conditions under which assistance may be continued when an adult or a dependent child is
15 temporarily absent from the home and the length of time for which assistance may be continued;
- 16 (t) administration of the shelter allowance as provided in [section 1]; and
- 17 (u) requirements for eligibility and for grantees of the homeless prevention and family stabilization
18 program provided for in [sections 2 through 5] for training and demonstration of the ability to perform the referral
19 and support functions necessary for the program."

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21 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 5] are intended to be
22 codified as an integral part of Title 53, chapter 4, and the provisions of Title 53, chapter 4, apply to [sections 1
23 through 5].

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25 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2005.

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