

**§4309. Eligibility**

**1. Eligibility of applicant; duration of eligibility.** The overseer shall determine eligibility each time a person applies or reapplies for general assistance pursuant to this chapter and the ordinance adopted by the municipality in accordance with section 4305. The period of eligibility must not exceed one month. At the expiration of that period the person may reapply for assistance and the person's eligibility may be redetermined.

[PL 1989, c. 840, §4 (AMD).]

**1-A. Determination of eligibility; applicant's responsibilities.** Applicants for general assistance are responsible for providing to the overseer all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the overseer. When information required by the overseer is unavailable, the overseer must accept alternative available information, which is subject to verification.

[PL 1989, c. 840, §5 (NEW).]

**1-B. Determination of eligibility; overseer's responsibilities.** In order to determine an applicant's eligibility for general assistance, the overseer first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the overseer is responsible for determining eligibility. The overseer may seek verification necessary to determine eligibility. In order to determine eligibility, the overseer may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the overseer may examine public records without the applicant's knowledge and consent. Assistance may be denied or terminated if the applicant is unwilling to supply the overseer with necessary information, documentation, or permission to make collateral contacts, or if the overseer can not determine that eligibility exists based on information supplied by the applicant or others.

[PL 1989, c. 840, §5 (NEW).]

**2. Redetermination of eligibility.** The overseer may redetermine a person's eligibility at any time during the period that person is receiving assistance if the overseer is notified of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient with the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

[PL 1989, c. 840, §6 (AMD).]

**3. Eligibility of members of person's household.** Failure of an otherwise eligible person to comply with this chapter shall not affect the general assistance eligibility of any member of the person's household who is not capable of working, including at least:

A. A dependent minor child; [PL 1983, c. 577, §1 (NEW).]

B. An elderly, ill or disabled person; and [PL 1983, c. 577, §1 (NEW).]

C. A person whose presence is required in order to provide care for any child under the age of 6 years or for any ill or disabled member of the household. [PL 1983, c. 577, §1 (NEW).]

[PL 1983, c. 577, §1 (NEW).]

**4. Eligibility of minors who are parents.** An otherwise eligible person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible only if that person and child reside in a dwelling maintained by a parent or other adult relative as that parent's or relative's own home or in a foster home or other adult-supervised supportive living arrangement unless:

- A. The person has no living parent or the whereabouts of both parents are unknown; [PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. SS, §3 (NEW); PL 1991, c. 591, Pt. SS, §3 (NEW).]
- B. No parent will permit the person to live in the parent's home; [PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. SS, §3 (NEW); PL 1991, c. 591, Pt. SS, §3 (NEW).]
- C. The department determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent; [PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. SS, §3 (NEW); PL 1991, c. 591, Pt. SS, §3 (NEW).]
- D. The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child; or [PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. SS, §3 (NEW); PL 1991, c. 591, Pt. SS, §3 (NEW).]
- E. The department determines, in accordance with rules adopted pursuant to this section, which must be in accordance with federal regulations, that there is good cause to waive this requirement. [PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. SS, §3 (NEW); PL 1991, c. 591, Pt. SS, §3 (NEW).]

For the purposes of this subsection, "parent" includes legal guardian.  
[PL 2023, c. 405, Pt. A, §67 (AMD).]

**5. Presumptive eligibility.** The overseer in a municipality shall presume eligibility to receive general assistance of a person who is provided shelter in an emergency shelter for the homeless located in that municipality. After 30 days, that person's eligibility must be redetermined. When presumptive eligibility is determined under this subsection, no other municipality may be determined to be the municipality of responsibility during that 30-day period.  
[PL 2019, c. 515, §3 (NEW).]

**6. Eligibility; recovery residence; exception.** The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities. Upon request by a person residing in a certified recovery residence who has been determined eligible for housing assistance, a municipality shall issue a housing assistance payment to the operator of the certified recovery residence instead of to a landlord.  
[PL 2023, c. 133, §3 (AMD).]

#### SECTION HISTORY

PL 1983, c. 577, §1 (NEW). PL 1989, c. 840, §§4-6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §SS3 (AMD). PL 1991, c. 591, §SS3 (AMD). PL 2013, c. 368, Pt. OO, §8 (AMD). PL 2019, c. 515, §3 (AMD). PL 2021, c. 472, §3 (AMD). PL 2023, c. 133, §3 (AMD). PL 2023, c. 405, Pt. A, §67 (AMD).

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