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Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.03 Family Investment Program

Authority: Human Services Article, §5-207 and Title 5, Subtitle 3, Annotated Code of Maryland
Ch. 469, Acts of 2009

Notice of Proposed Action

[14-023-P]

The Secretary of Human Resources proposes to amend Regulations .01—.05, .07-1, and .17—.19 under **COMAR 07.03.03 Family Investment Program**.

Statement of Purpose

The purpose of this action is to reflect the designation of the Office of Home Energy Programs as a Family Investment Program, provide consistency and clarify requirements related to other Family Investment Programs, update the Temporary Cash Assistance (TCA) schedule and add new requirements as a result of changes to associated programs that affect TCA. In addition, the action revises definitions to reflect a change in name of the Food Stamp Program to the Food Supplement Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St., room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through February 25, 2014. A public hearing has not been scheduled.

.01 Purpose and Scope.

A. Family Investment Programs.

(1) The Family Investment [Program] Programs (FIP) [provides] *provide* assistance to *individuals and families* with children [while preparing program participants for independence. The FIP assistance consists of services and cash assistance to eligible individuals]. The assistance program components under FIP include Welfare Avoidance Grants, Temporary Cash Assistance, *Office of Home Energy Programs* and alternative programs.

(2) *The scope of the following programs are as follows:*

(a) *Temporary Cash Assistance provides cash assistance while preparing program participants for independence.*

(b) *Office of Home Energy Programs includes:*

(i) *Maryland Energy Assistance Program (MEAP); and*

(ii) *Electric User Service Provider (EUSP).*

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Alternative program" means an optional program which may be implemented upon approval by the Secretary of Human Resources and which is designed and developed by a local department to achieve the goals of the [Family Investment Program (FIP)] *Temporary Cash Assistance (TCA) Program*, within a local department's allocated cash assistance funds.

(4) "Applicant" means an individual who has submitted an application to the local department for [cash] assistance directly or through an authorized representative or, if incompetent or incapacitated, through someone acting responsibly for the individual, and whose application is pending.

(5)—(25) (text unchanged)

(26) "Intentional program violation (IPV)" means an intentional false or misleading statement or misrepresentation, concealment, or withholding of facts for the purpose of:

(a) Establishing or maintaining the assistance unit's eligibility for [TCA] *Family Investment Programs*; or

(b) Increasing or preventing a reduction of the amount of [TCA] *Family Investment Programs benefits*.

(27) (text unchanged)

(28) "Local department" means [a department]:

(a) *The department of social services in a county or Baltimore City [and];*

(b) *In Montgomery County, the Montgomery County Department of Health and Human Services; and*

(c) *In the instance of Office of Home Energy Programs, the local administering agency.*

(29) "Local plans" means the plans developed by local departments of social services to operate the [FIP] *TCA program* within State guidelines and federal requirements.

(30)—(41) (text unchanged)

(42) "Transitional assistance" means assistance that may be provided to a [FIP] *Temporary Cash Assistance* recipient whose temporary cash assistance is terminated for noncompliance with work requirements.

(43)—(44) (text unchanged)

[(45)] "Universal Engagement (UE)" means Maryland's work program requiring participation by all adult TCA applicants and recipients in federally or State defined work activities on a continuous basis.]

[(46)] (45)—[(47)] (46) (text unchanged)

.03 Family Investment Program Components.

A. (text unchanged)

B. Welfare Avoidance Grant (WAG).

(1) *Individuals may not apply for a WAG.*

[(1)] (2)—[(6)] (7) (text unchanged)

C. Temporary Cash Assistance (TCA).

(1)—(2) (text unchanged)

(3) If the assistance unit becomes ineligible because of a member's earnings and the assistance unit received TCA in 3 of the last 6 months, the assistance unit is eligible for:

(a) (text unchanged)

(b) *Transitional Medical Assistance for 4 months, without consideration of the assistance unit's income.*

(4) After the termination of TCA, the local department shall provide transitional food [stamp] *supplement* benefits as described in COMAR 07.03.17.49H.

D.—E. (text unchanged)

F. *Office of Home Energy Programs.*

(1) *Customers may apply and have their eligibility determined for the programs of assistance that are within the Office of Home Energy Programs as described in COMAR 07.03.21, and 07.03.22.*

(2) *The programs within Office of Home Energy Programs are:*

(a) *Maryland Energy Assistance Program; and*

(b) *Electric Universal Service Program.*

.04 Application Process.

A.—D. (text unchanged)

E. Verification.

(1)—(2) (text unchanged)

(3) *Questionable information includes information that contradicts:*

(a) *Statements made by the customer in writing, verbally or on the application; or*

(b) *Information available to the Department from other sources.*

[(3)] (4)—[(4)] (5) (text unchanged)

F. (text unchanged)

.05 Decision on Application.

A.—E. (text unchanged)

F. The local department shall dispose of an application by a finding of eligibility or ineligibility unless:

(1) (text unchanged)

(2) There is an entry in the case record that the application has been disposed of because the [applicant] *head of household* died or could not be located.

G. (text unchanged)

.07-1 Employment and Education Requirements.

A. Each adult in the assistance unit, and each child age 16 years old or older in the assistance unit who is not enrolled full-time in school or pursuing a diploma or the equivalent, shall participate in a [UE] work activity which is:

(1)—(3) (text unchanged)

B. Failure of an adult to cooperate in a [UE] work requirement without good cause, including failure to accept offered employment or quitting a job, shall result in ineligibility of the entire assistance unit as described in Regulation .19A(1) of this chapter.

C. Failure of a child 16 years of age or older not in school to cooperate in a [UE] work requirement without good cause, including failure to accept employment or quitting a job, shall result in deduction of the child's incremental portion of the grant from the family's TCA grant as described in Regulation .19A(2) of this chapter.

D. The following individuals are exempt from the [UE] work activity requirements:

(1)—(6) (text unchanged)

E.—G. (text unchanged)

H. Voluntary Quit and Reduction in Work Hours.

(1)—(3) (text unchanged)

(4) The local department shall follow the good cause reasons listed in §§I and J of this regulation to determine acceptable good cause for:

(a) Refusing or failing to cooperate with [UE] work requirements;

(b)—(c) (text unchanged)

I. Good cause for refusing or failing to cooperate with [UE] work requirements or for refusing or quitting a job includes one or more of the following:

(1) Illness or incapacity of the individual required to be in a [UE] work activity or job, with documentation specifying the:

(a)—(d) (text unchanged)

(2)—(8) (text unchanged)

J. (text unchanged)

K. Participation in a [UE] work activity includes, but is not limited to:

(1)—(8) (text unchanged)

L. The local department shall follow conciliation and sanction procedures as described in Regulation .19 of this chapter for all individuals who are not in compliance with [UE] work activity requirements.

M. If resources are available, a noncustodial parent or a stepparent may be included in [UE] work activities but are not subject to conciliation and sanction procedures as described in Regulation .19 of this chapter.

.17 [FIP] Temporary Cash Assistance Schedule.

(existing table proposed for repeal)

Monthly Allowable Amounts to be Paid Effective November 1, 2013. Column B is based on household having zero income.

<i>A. Number of Individuals in the Assistance Unit</i>	<i>B. Allowable Amount to be Paid</i>	<i>C. Allowable Amount for Determining Stepparent Eligibility (50 percent of Poverty Level)</i>
1	\$ 282	\$ 478
2	559	646
3	624	813
4	755	981
5	875	1,148
6	962	1,316
7	1,081	1,483
8	1,191	1,651
9	1,285	1,818
10	1,389	1,986

11	1,516	2,153
12	1586	2,321
13	1,683	2,488
14	1,782	2,656
15	1,884	2,823
16	2,006	2,991
Each individual over 16	Add \$118	Add \$167

.18 Reapplication, Changes, Timely and Adequate Notice.

A. (text unchanged)

B. Interim Change.

(1)—(2) (text unchanged)

(3) A recipient shall report:

(a) [any] Any change in circumstance that may affect the amount of payment to the local department within 10 days of the change; and

(b) New employment within 10 days of receipt of the first pay.

(4) The effective date of a grant change shall be made as follows:

(a) [Unless] Except as provided in paragraph (b) of this section, unless TCA is continued pending disposition of an appeal, the effective date of the grant change is:

[(a)] (i)— [(b)] (ii) (text unchanged)

(b) Unless TCA is continued pending disposition of an appeal, if the change in circumstance involves new employment, the effective date of the grant change shall be no later than 10 days following the receipt of the first pay upon the participant obtaining employment.

(5) (text unchanged)

(6) If the assistance unit becomes ineligible because of a parent's earnings and the assistance unit has received TCA in 3 of the last 6 months, the assistance unit is eligible to receive[:

(a) Medical Assistance for an additional 12 months; and

(b) Child] child care for an additional 12 months, based on the caretaker relative's income.

(7) After the termination of TCA the local department shall provide transitional food [stamp] supplement benefits as described in COMAR 07.03.17.49H.

(8)—(9) (text unchanged)

C.—D. (text unchanged)

.19 Conciliation, Sanctions, and Other Penalties.

A.—B. (text unchanged)

C. Sanctions for Fraud and IPV. An assistance unit is ineligible for TCA benefits [for the following periods of time] upon a finding of fraud or an IPV by a court of law, through an administrative disqualification hearing, or through the waiver of an administrative disqualification hearing in accordance with the requirements in COMAR 07.03.10.

[(1) For a period of 6 months after the first finding or until full repayment of any overpayment of TCA benefits;

(2) For a period of 12 months after the second finding or until full repayment of any overpayment of TCA benefits; and

(3) Permanently after the third finding.]

D. Fraudulent Misrepresentation of Residence.

(1)—(2) (text unchanged)

(3) All of the income [and assets] of the convicted individual is counted as available to the remaining assistance unit members.

E. (text unchanged)

TED DALLAS
Secretary of Human Resources