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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 866

02/06/2017 Authored by McDonald; Dean, M.; Hamilton; Murphy, E.; Halverson and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying Minnesota supplemental aid; amending
1.3 Minnesota Statutes 2016, section 256D.44, subdivision 5.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 256D.44, subdivision 5, is amended to read:

1.6 Subd. 5. Special needs. In addition to the state standards of assistance established in
1.7 subdivisions 1 to 4, payments are allowed for the following special needs of recipients of
1.8 Minnesota supplemental aid who are not residents of a nursing home, a regional treatment
1.9 center, or a group residential housing facility.

1.10 (a) The county agency shall pay a monthly allowance for medically prescribed diets if
1.11 the cost of those additional dietary needs cannot be met through some other maintenance
1.12 benefit. The need for special diets or dietary items must be prescribed by a licensed physician.
1.13 Costs for special diets shall be determined as percentages of the allotment for a one-person
1.14 household under the thrifty food plan as defined by the United States Department of
1.15 Agriculture. The types of diets and the percentages of the thrifty food plan that are covered
1.16 are as follows:

- 1.17 (1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;
1.18 (2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent of
1.19 thrifty food plan;
1.20 (3) controlled protein diet, less than 40 grams and requires special products, 125 percent
1.21 of thrifty food plan;
1.22 (4) low cholesterol diet, 25 percent of thrifty food plan;

- 2.1 (5) high residue diet, 20 percent of thrifty food plan;
- 2.2 (6) pregnancy and lactation diet, 35 percent of thrifty food plan;
- 2.3 (7) gluten-free diet, 25 percent of thrifty food plan;
- 2.4 (8) lactose-free diet, 25 percent of thrifty food plan;
- 2.5 (9) antidumping diet, 15 percent of thrifty food plan;
- 2.6 (10) hypoglycemic diet, 15 percent of thrifty food plan; or
- 2.7 (11) ketogenic diet, 25 percent of thrifty food plan.

2.8 (b) Payment for nonrecurring special needs must be allowed for necessary home repairs  
2.9 or necessary repairs or replacement of household furniture and appliances using the payment  
2.10 standard of the AFDC program in effect on July 16, 1996, for these expenses, as long as  
2.11 other funding sources are not available.

2.12 (c) A fee for guardian or conservator service is allowed at a reasonable rate negotiated  
2.13 by the county or approved by the court. This rate shall not exceed five percent of the  
2.14 assistance unit's gross monthly income up to a maximum of \$100 per month. If the guardian  
2.15 or conservator is a member of the county agency staff, no fee is allowed.

2.16 (d) The county agency shall continue to pay a monthly allowance of \$68 for restaurant  
2.17 meals for a person who was receiving a restaurant meal allowance on June 1, 1990, and  
2.18 who eats two or more meals in a restaurant daily. The allowance must continue until the  
2.19 person has not received Minnesota supplemental aid for one full calendar month or until  
2.20 the person's living arrangement changes and the person no longer meets the criteria for the  
2.21 restaurant meal allowance, whichever occurs first.

2.22 (e) A fee of ten percent of the recipient's gross income or \$25, whichever is less, is  
2.23 allowed for representative payee services provided by an agency that meets the requirements  
2.24 under SSI regulations to charge a fee for representative payee services. This special need  
2.25 is available to all recipients of Minnesota supplemental aid regardless of their living  
2.26 arrangement.

2.27 (f)(1) Notwithstanding the language in this subdivision, an amount equal to one-half of  
2.28 the maximum allotment authorized by the federal Food Stamp Program federal Supplemental  
2.29 Security Income payment amount for a single individual which is in effect on the first day  
2.30 of July of each year will be added to the standards of assistance established in subdivisions  
2.31 1 to 4 for adults under the age of 65 who qualify as shelter needy and are: (i) relocating  
2.32 from an institution, group residential housing, or an adult mental health residential treatment

3.1 program under section 256B.0622; or (ii) home and community-based waiver recipients  
3.2 living in their own home or rented or leased apartment ~~which is not owned, operated, or~~  
3.3 ~~controlled by a provider of service not related by blood or marriage, unless allowed under~~  
3.4 ~~paragraph (g).~~

3.5 (2) Notwithstanding subdivision 3, paragraph (c), an individual eligible for the shelter  
3.6 needy benefit under this paragraph is considered a household of one. An eligible individual  
3.7 who receives this benefit prior to age 65 may continue to receive the benefit after the age  
3.8 of 65.

3.9 (3) "Shelter needy" means that the assistance unit incurs monthly shelter costs that exceed  
3.10 40 percent of the assistance unit's gross income before the application of this special needs  
3.11 standard. "Gross income" for the purposes of this section is the applicant's or recipient's  
3.12 income as defined in section 256D.35, subdivision 10, or the standard specified in subdivision  
3.13 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or state housing subsidy,  
3.14 that limits shelter costs to a percentage of gross income, shall not be considered shelter  
3.15 needy for purposes of this paragraph.

3.16 ~~(g) Notwithstanding this subdivision, to access housing and services as provided in~~  
3.17 ~~paragraph (f), the recipient may choose housing that may be owned, operated, or controlled~~  
3.18 ~~by the recipient's service provider. When housing is controlled by the service provider, the~~  
3.19 ~~individual may choose the individual's own service provider as provided in section 256B.49,~~  
3.20 ~~subdivision 23, clause (3). When the housing is controlled by the service provider, the~~  
3.21 ~~service provider shall implement a plan with the recipient to transition the lease to the~~  
3.22 ~~recipient's name. Within two years of signing the initial lease, the service provider shall~~  
3.23 ~~transfer the lease entered into under this subdivision to the recipient. In the event the landlord~~  
3.24 ~~denies this transfer, the commissioner may approve an exception within sufficient time to~~  
3.25 ~~ensure the continued occupancy by the recipient. This paragraph expires June 30, 2016.~~