

## CHAPTER 256D

### ECONOMIC ASSISTANCE AND FOOD SUPPORT

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**256D.001** MS 2006 [Renumbered 15.001]

#### **256D.01 DECLARATION OF POLICY; CITATION.**

Subdivision 1. **Policy.** The objectives of sections 256D.01 to 256D.21 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal money for public assistance purposes; to provide an integrated public assistance program for eligible households in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health; and to provide services to help employable and potentially employable persons prepare for and attain self-sufficiency and obtain permanent work.

It is the policy of this state that eligible households unable to provide for themselves and not otherwise provided for by law who meet the eligibility requirements of sections 256D.01 to 256D.21 are entitled to receive grants of general assistance necessary to maintain a subsistence reasonably compatible with decency and health. Providing this assistance is a matter of public concern and a necessity in promoting the public health and welfare.

Subd. 1a. **Standards.** (a) A principal objective in providing general assistance is to provide for single adults, childless couples, or children as defined in section 256D.02, subdivision 2b, ineligible for federal programs who are unable to provide for themselves. The minimum standard of assistance determines the total amount of the general assistance grant without separate standards for shelter, utilities, or other needs.

(b) The standard of assistance for an assistance unit consisting of a recipient who is childless and unmarried or living apart from children and spouse and who does not live with a parent or parents or a legal custodian, or consisting of a childless couple, is \$350 per month effective October 1, 2024, and must be

adjusted by a percentage equal to the change in the consumer price index as of January 1 every year, beginning October 1, 2025.

(c) For an assistance unit consisting of a single adult who lives with a parent or parents, the general assistance standard of assistance is \$350 per month effective October 1, 2024, and must be adjusted by a percentage equal to the change in the consumer price index as of January 1 every year, beginning October 1, 2025. Benefits received by a responsible relative of the assistance unit under the Supplemental Security Income program, a workers' compensation program, the Minnesota supplemental aid program, or any other program based on the responsible relative's disability, and any benefits received by a responsible relative of the assistance unit under the Social Security retirement program, may not be counted in the determination of eligibility or benefit level for the assistance unit. Except as provided below, the assistance unit is ineligible for general assistance if the available resources or the countable income of the assistance unit and the parent or parents with whom the assistance unit lives are such that a family consisting of the assistance unit's parent or parents, the parent or parents' other family members and the assistance unit as the only or additional minor child would be financially ineligible for general assistance. For the purposes of calculating the countable income of the assistance unit's parent or parents, the calculation methods must follow the provisions under section 256P.06.

Subd. 1b. **Rules.** The commissioner shall adopt rules to set standards of assistance and methods of calculating payment to conform with subdivision 1a. When a recipient is a resident of a licensed residential facility, except shelters for the homeless or shelters under section 611A.31, the recipient is not eligible for a full general assistance standard. The state standard of assistance for those recipients who have personal needs not otherwise provided for is the personal needs allowance authorized for medical assistance recipients under section 256B.35.

Subd. 1c. [Repealed, 1989 c 282 art 5 s 133]

Subd. 1d. [Repealed, 1988 c 411 s 9]

Subd. 1e. **Rules regarding emergency assistance.** The commissioner shall adopt rules under the terms of sections 256D.01 to 256D.21 for general assistance, to require use of the emergency program under MFIP as the primary financial resource when available. The commissioner shall adopt rules for eligibility for general assistance of persons with seasonal income and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. General assistance payments may not be made for foster care, community residential settings licensed under chapter 245D, child welfare services, or other social services. Vendor payments and vouchers may be issued only as authorized in sections 256D.05, subdivision 6, and 256D.09.

Subd. 2. **Citation.** Sections 256D.01 to 256D.21 may be cited as the "General Assistance Act."

**History:** 1973 c 650 art 21 s 1; 1974 c 297 s 1; 1980 c 536 s 1; 1981 c 360 art 2 s 31,54; 1Sp1981 c 4 art 4 s 22; 1983 c 312 art 1 s 27; art 8 s 3; 1984 c 640 s 32; 1984 c 654 art 5 s 26; 1Sp1985 c 9 art 2 s 55,56; 1986 c 444; 1987 c 197 s 5; 1987 c 333 s 18; 1987 c 403 art 3 s 27; 1988 c 689 art 2 s 185; 1989 c 282 art 5 s 42-45; 1990 c 426 art 2 s 1; 1990 c 568 art 4 s 20,21; 1Sp1993 c 1 art 6 s 26; 1995 c 178 art 2 s 17; art 6 s 27; 1995 c 233 art 2 s 56; 1996 c 305 art 2 s 54; 1997 c 85 art 3 s 23-25; 1997 c 107 s 13; 1999 c 159 s 56,57; 2000 c 260 s 97; 2009 c 175 art 3 s 1; 2014 c 291 art 8 s 12; 2015 c 71 art 5 s 5,35; 2023 c 70 art 10 s 18; art 17 s 62; 2024 c 127 art 62 s 43

**256D.02 DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 256D.01 to 256D.21, the terms defined in this section have the meanings given them unless otherwise provided or indicated by the context.

Subd. 1a. [Renumbered subd 1d]

Subd. 1b. [Renumbered subd 2a]

Subd. 1c. **Agency.** "Agency" has the meaning given in section 256P.01, subdivision 2.

Subd. 1d. **Assistance unit.** "Assistance unit" means an individual who is, or an eligible married couple who live together who are, applying for or receiving benefits under this chapter.

Subd. 2. [Renumbered subd 2d]

Subd. 2a. **Cash assistance benefit.** "Cash assistance benefit" means any payment received as a disability benefit, including veterans or workers' compensation; old age, survivors, and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, Supplemental Security Income, or other assistance program.

Subd. 2b. **Child.** "Child" means an adult child, a person who qualifies for assistance under section 256D.05, subdivision 1, paragraph (a), clause (9), or until March 31, 1998, the minor child of an individual.

Subd. 2c. **Childless couple.** "Childless couple" means two individuals who are married to each other, live in a place of residence maintained by them as their own home, and are either childless or living apart from their children.

Subd. 2d. **Commissioner.** "Commissioner" means the commissioner of human services or a designee.

Subd. 3. [Renumbered subd 3b]

Subd. 3a. **Date of application.** "Date of application" has the meaning given in section 256P.01, subdivision 2c.

Subd. 3b. **Department.** "Department" means the Department of Human Services.

Subd. 3c. **Full-time student.** "Full-time student" means a student at a postsecondary institution who attends training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice, or who registers for and attends a minimum of 12 semester hours per semester or 12 quarter hours per quarter.

Subd. 4. **General assistance.** "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States.

Subd. 4a. **Group health plan.** "Group health plan" means any plan of, or contributed to by, an employer, including a self-insured plan, which provides health care directly or otherwise to the employer's employees, former employees, or the families of the employees or former employees, and includes continuation coverage pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, or title VI of the Employee Retirement Income Security Act of 1974.

Subd. 5. [Repealed, 1997 c 85 art 3 s 56]

Subd. 6. [Renumbered subd 2b]

Subd. 7. [Renumbered subd 2c]

Subd. 8. **Income.** "Income" means earned income as defined under section 256P.01, subdivision 3, and unearned income as defined under section 256P.01, subdivision 8.

Subd. 8a. [Repealed, 1983 c 312 art 8 s 18; 1Sp1985 c 14 art 9 s 78 subd 1]

Subd. 9. [Repealed, 1981 c 360 art 2 s 52]

Subd. 10. [Repealed, 1981 c 360 art 2 s 52]

Subd. 11. [Renumbered subd 17a]

Subd. 11a. **Professional certification.** "Professional certification" means a statement about a person's illness, injury, or incapacity that is signed by a "qualified professional" as defined in section 256P.01, subdivision 6a.

Subd. 12. [Renumbered subd 1c]

Subd. 12a. **Resident.** (a) For purposes of eligibility for general assistance, a person must be a resident of this state.

(b) A "resident" is a person living in the state for at least 30 days with the intention of making the person's home here and not for any temporary purpose. Time spent in a shelter for battered women shall count toward satisfying the 30-day residency requirement. All applicants for these programs are required to demonstrate the requisite intent and can do so in any of the following ways:

(1) by showing that the applicant maintains a residence at a verified address, other than a place of public accommodation. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner; or

(2) by verifying residence according to Minnesota Rules, part 9500.1219, subpart 3, item C.

(c) For general assistance, a county shall waive the 30-day residency requirement where unusual hardship would result from denial of general assistance. For purposes of this subdivision, "unusual hardship" means the applicant is without shelter or is without available resources for food.

The county agency must report to the commissioner within 30 days on any waiver granted under this section. The county shall not deny an application solely because the applicant does not meet at least one of the criteria in this subdivision, but shall continue to process the application and leave the application pending until the residency requirement is met or until eligibility or ineligibility is established.

(d) For purposes of paragraph (c), the following definitions apply (1) "metropolitan statistical area" is as defined by the United States Census Bureau; (2) "shelter" includes any shelter that is located within the metropolitan statistical area containing the county and for which the applicant is eligible, provided the applicant does not have to travel more than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2) does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

(e) Migrant workers as defined in section 142G.02 are exempt from the residency requirements of this section, provided the migrant worker provides verification that the migrant family worked in this state within

the last 12 months and earned at least \$1,000 in gross wages during the time the migrant worker worked in this state.

(f) For purposes of eligibility for emergency general assistance, the 30-day residency requirement under this section shall not be waived.

(g) If any provision of this subdivision is enjoined from implementation or found unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain valid and shall be given full effect.

Subd. 13. [Renumbered subd 18a]

Subd. 14. [Repealed, 1983 c 312 art 8 s 17]

Subd. 15. [Renumbered subd 3c]

Subd. 16. **Single adult.** "Single adult" means an individual 18 years or older who is childless and unmarried or living apart from the individual's children and spouse.

Subd. 17. [Renumbered subd 11a]

Subd. 17a. **State aid.** "State aid" means state aid to county agencies for general assistance expenditures as provided for in section 256D.03, subdivision 2.

Subd. 18. [Renumbered subd 4a]

Subd. 18a. **Suitable employment.** "Suitable employment" means an appropriate income producing job including, but not limited to, all publicly subsidized jobs procured through the services administered by or coordinated with the commissioner of employment and economic development.

Subd. 19. [Repealed, 2014 c 262 art 1 s 12]

**History:** 1973 c 650 art 21 s 2; 1975 c 359 s 23; 1976 c 2 s 81; 1977 c 301 s 1,2; 1978 c 772 s 62; 1980 c 536 s 2-7; 1981 c 360 art 2 s 32,33; 1983 c 312 art 8 s 4,5; 1984 c 654 art 5 s 27-29,58; 1Sp1985 c 14 art 9 s 28; 1986 c 444; 1987 c 403 art 3 s 28,29; 1988 c 689 art 2 s 186,187; 1989 c 282 art 5 s 46-48; 1990 c 568 art 4 s 22-24,84; 1990 c 611 s 2; 1991 c 255 s 19; 1992 c 513 art 7 s 125,126; art 8 s 16; 1Sp1993 c 1 art 6 s 27; 1Sp1993 c 6 s 14; 1994 c 483 s 1; 1994 c 631 s 31; 1995 c 178 art 6 s 17; 1995 c 207 art 4 s 3; 1996 c 451 art 2 s 38; 1996 c 465 art 3 s 28; 1997 c 66 s 80; 1997 c 85 art 3 s 26,27; 1997 c 203 art 12 s 3; 1999 c 107 s 66; 2000 c 343 s 4; 2004 c 206 s 52; 2005 c 159 art 5 s 3; 2013 c 107 art 4 s 12; 2014 c 262 art 1 s 1,2; 2014 c 312 art 28 s 2,3; 2015 c 71 art 5 s 6-8,35; 2017 c 40 art 1 s 121; 1Sp2020 c 2 art 5 s 49; 2023 c 70 art 17 s 48,62; 2024 c 80 art 7 s 12

## **256D.024 PERSONS PROHIBITED FROM RECEIVING BENEFITS.**

Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been convicted of a felony-level drug offense during the previous ten years from the date of application or recertification may be subject to random drug testing. The county must provide information about substance use disorder treatment programs to a person who tests positive for an illegal controlled substance.

(b) For the purposes of this subdivision, "drug offense" means a conviction that occurred during the previous ten years from the date of application or recertification of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the conviction

occurred during the previous ten years from the date of application or recertification and the conviction is for a crime that would be a felony if committed in Minnesota.

(c) This subdivision does not apply for convictions or positive test results related to cannabis, marijuana, or tetrahydrocannabinols.

Subd. 2. **Parole violators.** An individual violating a condition of probation or parole or supervised release imposed under federal law or the law of any state is ineligible to receive benefits under this chapter.

Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime that would be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

Subd. 4. **Denial of assistance for fraud.** An individual who is convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states is ineligible to receive benefits under this chapter for ten years beginning on the date of the conviction.

**History:** 1997 c 85 art 3 s 28; 1997 c 203 art 12 s 15; 2005 c 136 art 7 s 21; 2023 c 63 art 6 s 46,47; 2023 c 70 art 10 s 19

### 256D.03 RESPONSIBILITY TO PROVIDE GENERAL ASSISTANCE.

Subdivision 1. **County administration.** Every county agency shall provide general assistance to persons residing within its jurisdiction who meet the need requirements of sections 256D.01 to 256D.21. General assistance shall be administered by the county agencies according to law and rules promulgated by the commissioner pursuant to sections 14.001 to 14.69.

Subd. 2. **Assistance standards.** State aid shall be paid for all general assistance and grants up to the standards of section 256D.01, subdivision 1a, and according to procedures established by the commissioner, except as provided for under section 256.017.

Subd. 2a. **County agency options.** Any county agency may, from its own resources, make payments of general assistance: (1) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or (2) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, but for whom the aid would further the purposes established in the general assistance program according to rules adopted by the commissioner according to the Administrative Procedure Act. The Minnesota Department of Human Services may maintain client records and issue these payments, providing the cost of benefits is paid by the counties to the Department of Human Services according to section 256.01.

Subd. 2b. **Budgeting and reporting.** Every county agency shall determine eligibility and calculate benefit amounts for general assistance according to chapter 256P.

*[See Note.]*

Subd. 3. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (a)]

Subd. 3a. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (a)]

Subd. 3b. **Cooperation.** General assistance applicants and recipients must cooperate with the state and local agency to identify potentially liable third-party payors and assist the state in obtaining third-party payments. Cooperation includes identifying any third party who may be liable for care and services provided

under this chapter to the applicant, recipient, or any other family member for whom application is made and providing relevant information to assist the state in pursuing a potentially liable third party.

Subd. 3c. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (b)]

Subd. 4. [Repealed, 2010 c 200 art 1 s 21]

Subd. 5. [Repealed, 2010 c 382 s 87; 1Sp2010 c 1 art 16 s 47]

Subd. 6. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (a)]

Subd. 7. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (a)]

Subd. 8. MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47 para (a)]

Subd. 9. [Repealed, 2010 c 200 art 1 s 21]

**History:** 1973 c 650 art 21 s 3; 1975 c 437 art 2 s 8; 1976 c 186 s 1; 1979 c 303 art 2 s 2; 1980 c 349 s 9; 1980 c 536 s 8-10; 1980 c 607 art 2 s 3; 1981 c 360 art 2 s 2 subd 4,34; 1Sp1981 c 2 s 16 subd 2; 1Sp1981 c 4 art 4 s 21; 1982 c 424 s 130; 1982 c 623 s 2; 1983 c 312 art 5 s 29-33; 1984 c 640 s 32; 1984 c 654 art 5 s 30,58; 1Sp1985 c 9 art 2 s 57,58; 1Sp1985 c 14 art 9 s 29; 1986 c 394 s 19; 1987 c 370 art 2 s 15; 1987 c 384 art 2 s 1; 1987 c 403 art 2 s 103-105; art 3 s 30; 1988 c 689 art 2 s 188,268; 1988 c 719 art 8 s 18,19; 1989 c 209 art 1 s 24; 1989 c 282 art 3 s 91,92; art 5 s 49; 1Sp1989 c 1 art 16 s 10,11; 1990 c 422 s 10; 1990 c 568 art 3 s 86-89; art 4 s 25,84; 1991 c 292 art 4 s 68,69; art 5 s 30,31; 1992 c 513 art 7 s 127,128; art 8 s 17; 1993 c 345 art 9 s 15; 1Sp1993 c 1 art 5 s 113,114; art 6 s 28; art 8 s 3; 1995 c 178 art 2 s 28; art 6 s 17; 1995 c 207 art 6 s 104-106; 1996 c 451 art 5 s 33; 1996 c 465 art 3 s 29-31; 1997 c 7 art 5 s 32; 1997 c 85 art 3 s 29; 1997 c 203 art 4 s 57; art 11 s 8-10; art 12 s 4; 1997 c 225 art 1 s 19; art 6 s 6,8; 1998 c 386 art 2 s 81; 1998 c 407 art 4 s 55,56; art 5 s 6; 1999 c 245 art 4 s 86-88; art 10 s 10; 2000 c 340 s 14; 2000 c 488 art 11 s 8; 2001 c 203 s 15; 1Sp2001 c 9 art 2 s 56; art 10 s 66; 2002 c 277 s 32; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 2 s 41; art 12 s 68,69; 1Sp2003 c 23 s 30; 2004 c 228 art 1 s 43; 2004 c 288 art 6 s 23,24; 2005 c 98 art 2 s 14; 2005 c 164 s 29; 1Sp2005 c 4 art 2 s 15; art 8 s 52,53; 1Sp2005 c 7 s 28; 2006 c 280 s 46; 2006 c 282 art 16 s 11; 2007 c 13 art 1 s 25; 2007 c 147 art 5 s 16,17; art 8 s 28; 2008 c 286 art 1 s 9; 2008 c 326 art 1 s 40; 2009 c 79 art 5 s 53; 2009 c 173 art 1 s 33; art 3 s 17; 2010 c 200 art 1 s 11,18; 2010 c 310 art 16 s 2; 1Sp2010 c 1 art 16 s 30,31,47; 2011 c 76 art 1 s 80; 2017 c 40 art 1 s 81; 2023 c 70 art 10 s 20

**NOTE:** Subdivision 2b, as added by Laws 2023, chapter 70, article 10, section 20, is effective March 1, 2025. Laws 2023, chapter 70, article 10, section 20, the effective date.

**256D.031** MS 2010 [Repealed, 1Sp2010 c 1 art 16 s 47]

## **256D.04 DUTIES OF THE COMMISSIONER.**

In addition to any other duties imposed by law, the commissioner shall:

(1) supervise according to section 256.01 the administration of general assistance by county agencies as provided in sections 256D.01 to 256D.21;

(2) promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all county agencies and other interested persons; in promulgating rules, the provisions of sections 14.001 to 14.69, shall apply;

(3) allocate money appropriated for general assistance to county agencies as provided in section 256D.03, subdivision 2;

(4) accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance;

(5) cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;

(7) gather and study current information and report at least annually to the governor on the nature and need for general assistance, the amounts expended under the supervision of each county agency, and the activities of each county agency and publish such reports for the information of the public;

(8) specify requirements for general assistance reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (p); and

(9) ensure that every notice of eligibility for general assistance includes a notice that women who are pregnant may be eligible for medical assistance benefits.

**History:** 1973 c 650 art 21 s 4; 1977 c 301 s 3; 1980 c 536 s 11; 1981 c 360 art 2 s 35; 1982 c 424 s 130; 1987 c 384 art 2 s 1; 1988 c 719 art 8 s 20; 1989 c 89 s 12; 1990 c 422 s 10; 1990 c 568 art 4 s 84; 1991 c 272 s 1; 1Sp1993 c 1 art 6 s 29; 1995 c 178 art 6 s 17; 1997 c 7 art 2 s 45; 2014 c 262 art 1 s 3; 2015 c 78 art 4 s 61; 2017 c 40 art 1 s 82

#### **256D.045 SOCIAL SECURITY NUMBER REQUIRED.**

To be eligible for general assistance under sections 256D.01 to 256D.21, an individual must provide the individual's Social Security number to the county agency or submit proof that an application has been made. The provisions of this section do not apply to the determination of eligibility for emergency general assistance under section 256D.06, subdivision 2. This provision applies to eligible children under the age of 18 effective July 1, 1997.

**History:** 1995 c 178 art 2 s 29; 1996 c 451 art 2 s 39; 1Sp2005 c 4 art 8 s 54; 2009 c 173 art 3 s 21; 2014 c 262 art 1 s 4

#### **256D.05 ELIGIBILITY FOR GENERAL ASSISTANCE.**

Subdivision 1. **Eligibility.** (a) Each assistance unit with income and resources less than the standard of assistance established by the commissioner and with a member who is a resident of the state shall be eligible for and entitled to general assistance if the assistance unit is:

(1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 45 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved substance use disorder domiciliary facility, if

the placement is based on illness or incapacity and is according to a plan developed or approved by the county agency through its director or designated representative;

(4) a person not described in clause (1) or (3) who is diagnosed by a licensed physician, psychological practitioner, or other qualified professional, as developmentally disabled or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(5) a person who has an application pending for, or is appealing termination of benefits from, the Social Security disability program or the program of Supplemental Security Income for the aged, blind, and disabled, provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(6) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(7) a person who has been assessed by a vocational specialist and, in consultation with the county agency, has been determined to be unemployable for purposes of this clause; a person is considered employable if there exist positions of employment in the local labor market, regardless of the current availability of openings for those positions, that the person is capable of performing. The person's eligibility under this category must be reassessed at least annually. The county agency must provide notice to the person not later than 30 days before annual eligibility under this item ends, informing the person of the date annual eligibility will end and the need for vocational assessment if the person wishes to continue eligibility under this clause. For purposes of establishing eligibility under this clause, it is the applicant's or recipient's duty to obtain any needed vocational assessment;

(8) a person who is determined by the county agency, according to permanent rules adopted by the commissioner, to have a condition that qualifies under Minnesota's special education rules as a specific learning disability, provided that a rehabilitation plan for the person is developed or approved by the county agency, and the person is following the plan;

(9) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, and only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the county agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the county agency. For purposes of this clause, "legally emancipated" means a person under the age of 18 years who: (i) has been married; (ii) is on active duty in the uniformed services of the United States; (iii) has been emancipated by a court of competent jurisdiction; or (iv) is otherwise considered emancipated under Minnesota law, and for whom county social services has not determined that a social services case plan is necessary, for reasons other than the child has failed or refuses to cooperate with the county agency in developing the plan;

(10) a person who is eligible for displaced homemaker services, programs, or assistance under section 116L.96, but only if that person is enrolled as a full-time student;

(11) a person who is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day;

(12) a person over age 18 whose primary language is not English and who is attending high school at least half time; or

(13) a person whose alcohol and drug addiction is a material factor that contributes to the person's disability; applicants who assert this clause as a basis for eligibility must be assessed by the county agency to determine if they are amenable to treatment; if the applicant is determined to be not amenable to treatment, but is otherwise eligible for benefits, then general assistance must be paid in vendor form, for the individual's shelter costs up to the limit of the grant amount, with the residual, if any, paid according to section 256D.09, subdivision 2a; if the applicant is determined to be amenable to treatment, then in order to receive benefits, the applicant must be in a treatment program or on a waiting list and the benefits must be paid in vendor form, for the individual's shelter costs, up to the limit of the grant amount, with the residual, if any, paid according to section 256D.09, subdivision 2a.

(b) As a condition of eligibility under paragraph (a), clauses (1), (3), (4), (7), and (8), the recipient must complete an interim assistance agreement and must apply for other maintenance benefits as specified in section 256D.06, subdivision 5, and must comply with efforts to determine the recipient's eligibility for those other maintenance benefits.

(c) The burden of providing documentation for a county agency to use to verify eligibility for general assistance or for exemption from the Supplemental Nutrition Assistance Program (SNAP) employment and training program is upon the applicant or recipient. The county agency shall use documents already in its possession to verify eligibility, and shall help the applicant or recipient obtain other existing verification necessary to determine eligibility which the applicant or recipient does not have and is unable to obtain.

Subd. 1a. [Repealed, 1983 c 312 art 8 s 17]

Subd. 2. **Use of federal funds.** Effective March 31, 1998, notwithstanding any law to the contrary, if a single adult or childless couple otherwise eligible for general assistance would, but for state statutory restriction or limitation, be eligible for a federally aided assistance program providing benefits equal to or greater than those of general assistance, the single adult or childless couple shall be eligible for that federally aided program and ineligible for general assistance; provided, however, that (1) nothing in this section shall be construed to extend eligibility for federally aided programs to persons not otherwise eligible for general assistance; (2) this section shall not be effective to the extent that federal law or regulation require new eligibility for federal programs to persons not otherwise eligible for general assistance; and (3) nothing in this section shall deny general assistance to a person otherwise eligible who is determined ineligible for a substitute federally aided program.

Subd. 3. [Repealed, 1999 c 216 art 6 s 26]

Subd. 3a. [Repealed, 1999 c 216 art 6 s 26]

Subd. 4. [Repealed, 2014 c 262 art 1 s 12]

Subd. 5. **Transfers of property.** The equity value of real and personal property transferred without reasonable compensation within 12 months preceding the date of application for general assistance must be included in determining the resources of an assistance unit as described in section 256P.02, subdivision 1, paragraph (c).

Subd. 6. **Assistance for persons without a verified residence.** (a) For applicants or recipients of general assistance or emergency general assistance who do not have a verified residence address, the county agency may provide assistance using one or more of the following methods:

(1) the county agency may provide assistance in the form of vouchers or vendor payments and provide separate vouchers or vendor payments for food, shelter, and other needs;

(2) the county agency may divide the monthly assistance standard into weekly payments, whether in cash or by voucher or vendor payment. Nothing in this clause prevents the county agency from issuing voucher or vendor payments for emergency general assistance in an amount less than the standards of assistance;

(3) the county agency may determine eligibility and provide assistance on a weekly basis. Weekly assistance can be issued in cash or by voucher or vendor payment and can be determined either on the basis of actual need or by prorating the monthly assistance standard; and

(4) for the purposes of clauses (2) and (3), the county agency may divide the monthly assistance standard as follows: \$50 per week for each of the first three weeks, and the remainder for the fourth week.

(b) An individual may verify a residence address by providing a driver's license; a state identification card; a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address; or other written documentation approved by the commissioner.

(c) Notwithstanding the provisions of section 256D.06, subdivision 1, if the county agency elects to provide assistance on a weekly payment basis, the agency may not provide assistance for a period during which no need is claimed by the individual unless the individual has good cause for failing to claim need. The individual must be notified, each time weekly assistance is provided, that subsequent weekly assistance will not be issued unless the individual claims need. The advance notice required under section 256D.10 does not apply to weekly assistance that is withheld because the individual failed to claim need without good cause.

(d) The county agency may not issue assistance on a weekly basis to an applicant or recipient who has a professionally certified mental illness or developmental disability, or to an assistance unit that includes minor children, unless requested by the assistance unit.

**Subd. 7. Ineligibility for general assistance.** No single adult or childless couple shall be eligible for general assistance during a period of disqualification because of sanctions.

**Subd. 8. Citizenship.** (a) Effective July 1, 1997, citizenship requirements for applicants and recipients under sections 256D.01 to 256D.03, subdivision 2, and 256D.04 to 256D.21 shall be determined the same as under section 142G.11. The income and assets of sponsors of noncitizens shall be deemed available to general assistance applicants and recipients according to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, title IV, sections 421 and 422, and subsequently set out in federal rules.

(b) As a condition of eligibility, each legal adult noncitizen in the assistance unit who has resided in the country for four years or more and who is under 70 years of age must:

(1) be enrolled in a literacy class, English as a second language class, or a citizen class;

(2) be applying for admission to a literacy class, English as a second language class, and is on a waiting list;

(3) be in the process of applying for a waiver from the United States Citizenship and Immigration Services of the English language or civics requirements of the citizenship test;

(4) have submitted an application for citizenship to the United States Citizenship and Immigration Services and is waiting for a testing date or a subsequent swearing in ceremony; or

(5) have been denied citizenship due to a failure to pass the test after two attempts or because of an inability to understand the rights and responsibilities of becoming a United States citizen, as documented by the United States Citizenship and Immigration Services or the county.

If the county social service agency determines that a legal noncitizen subject to the requirements of this subdivision will require more than one year of English language training, then the requirements of clause (1) or (2) shall be imposed after the legal noncitizen has resided in the country for three years. Individuals who reside in a facility licensed under chapter 144A, 144G, 245A, or 256I are exempt from the requirements of this section.

**Subd. 9. Personal statement.** If a county agency determines that an applicant is ineligible due to not meeting eligibility requirements of this chapter, a county agency may accept a signed personal statement from the applicant in lieu of documentation verifying ineligibility.

**History:** 1973 c 650 art 21 s 5; 1974 c 297 s 2; 1977 c 428 s 7; 1980 c 349 s 10; 1980 c 544 s 1; 1981 c 360 art 2 s 36,54; 1Sp1981 c 4 art 4 s 22,23; 1982 c 633 s 8,9; 1983 c 312 art 1 s 27; 1984 c 654 art 5 s 58; 1Sp1985 c 9 art 2 s 59; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1987 c 270 s 2; 1987 c 384 art 3 s 5; 1987 c 403 art 2 s 106; art 3 s 31; 1989 c 282 art 5 s 50,51; 1990 c 568 art 4 s 84; 1990 c 611 s 3; 1991 c 255 s 19; 1991 c 292 art 5 s 32-35; 1992 c 513 art 8 s 18; 1Sp1993 c 1 art 6 s 30; 1995 c 178 art 2 s 30; art 6 s 1,17; 1995 c 207 art 5 s 7; 1996 c 465 art 3 s 32; 1997 c 85 art 3 s 30-34; 1997 c 203 art 12 s 5,6; 1998 c 407 art 6 s 14; 1999 c 159 s 58-60; 2004 c 206 s 52; 2005 c 56 s 1; 2007 c 13 art 1 s 25; 1Sp2011 c 9 art 1 s 11; 2014 c 291 art 11 s 5; 2014 c 312 art 28 s 4; 2017 c 40 art 1 s 83; 1Sp2019 c 9 art 1 s 42; 7Sp2020 c 1 art 6 s 25; 2022 c 98 art 4 s 51; 2024 c 80 art 7 s 12

**256D.051** Subdivision 1. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 1a. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 1b. [Repealed, 1991 c 292 art 5 s 82]

Subd. 2. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 2a. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 3. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 3a. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 3b. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 3c. [Repealed, 1991 c 292 art 5 s 82]

Subd. 4. [Repealed, 1987 c 403 art 2 s 164]

Subd. 5. [Repealed, 1987 c 403 art 2 s 164]

Subd. 6. [Repealed, 1999 c 245 art 6 s 89]

Subd. 6a. [Repealed, 1Sp1989 c 1 art 16 s 20 subd 3]

Subd. 6b. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 6c. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 7. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 8. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 9. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 10. [Repealed, 1995 c 178 art 6 s 18]

Subd. 11. [Repealed, 1987 c 403 art 2 s 164]

Subd. 12. [Repealed, 1987 c 403 art 2 s 164]

Subd. 13. [Repealed, 1995 c 178 art 6 s 18]

Subd. 14. [Repealed, 1995 c 178 art 6 s 18]

Subd. 15. [Repealed, 1995 c 178 art 6 s 18]

Subd. 16. [Repealed, 1991 c 292 art 5 s 82]

Subd. 17. [Repealed, 2004 c 288 art 4 s 62]

Subd. 18. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 19. [Repealed, 1999 c 245 art 6 s 89]

Subd. 20. MS 2020 [Renumbered 256D.60, subdivision 1]

Subd. 21. MS 2020 [Renumbered 256D.60, subd. 2]

Subd. 22. MS 2020 [Renumbered 256D.60, subd. 3]

Subd. 23. MS 2020 [Renumbered 256D.60, subd. 4]

Subd. 24. MS 2020 [Renumbered 256D.60, subd. 5]

**256D.0511** [Repealed, 1997 c 85 art 3 s 56]

**256D.0512** MS 2020 [Renumbered 256D.61]

**256D.0513** [Repealed, 2015 c 71 art 5 s 34]

**256D.0515** MS 2020 [Renumbered 256D.62]

**256D.0516** MS 2020 [Renumbered 256D.63]

**256D.052** Subdivision 1. [Repealed, 1995 c 178 art 6 s 18]

Subd. 2. [Repealed, 1995 c 178 art 6 s 18]

Subd. 3. MS 2020 [Repealed, 1Sp2021 c 7 art 7 s 30]

Subd. 4. [Repealed, 1995 c 178 art 6 s 18]

Subd. 5. [Repealed, 1989 c 282 art 5 s 133 subd 3; 1Sp1989 c 1 art 16 s 20]

Subd. 6. [Repealed, 1989 c 282 art 5 s 133 subd 3; 1Sp1989 c 1 art 16 s 20]

Subd. 7. [Repealed, 1989 c 282 art 5 s 133 subd 3; 1Sp1989 c 1 art 16 s 20]

**256D.053** MS 2020 [Renumbered 256D.64]

**256D.055** MS 2020 [Repealed, 2022 c 98 art 9 s 8]

**256D.057** [Repealed, 3Sp1997 c 1 s 3]

**256D.06 AMOUNT OF ASSISTANCE.**

Subdivision 1. **Eligibility; amount of assistance.** General assistance shall be granted in an amount that when added to the countable income as determined to be actually available to the assistance unit under section 256P.06, the total amount equals the applicable standard of assistance for general assistance. In determining eligibility for and the amount of assistance for an individual or married couple, the agency shall apply the earned income disregard as determined in section 256P.03.

Subd. 1a. [Repealed, 1983 c 312 art 8 s 17]

Subd. 1b. [Repealed, 2014 c 312 art 28 s 37]

Subd. 1c. [Repealed, 1990 c 568 art 4 s 85]

Subd. 2. **Emergency need.** (a) Notwithstanding the provisions of subdivision 1, a grant of emergency general assistance shall, to the extent funds are available, be made to an eligible single adult, married couple, or family for an emergency need where the recipient requests temporary assistance not exceeding 30 days if an emergency situation appears to exist under written criteria adopted by the county agency. If an applicant or recipient relates facts to the county agency which may be sufficient to constitute an emergency situation, the county agency shall, to the extent funds are available, advise the person of the procedure for applying for assistance according to this subdivision.

(b) The applicant must be ineligible for assistance under chapter 142G, must have annual net income no greater than 200 percent of the federal poverty guidelines for the previous calendar year, and may receive an emergency assistance grant not more than once in any 12-month period.

(c) Funding for an emergency general assistance program is limited to the appropriation. Each fiscal year, the commissioner shall allocate to counties the money appropriated for emergency general assistance grants based on each county agency's average share of state's emergency general expenditures for the immediate past three fiscal years as determined by the commissioner, and may reallocate any unspent amounts to other counties. No county shall be allocated less than \$1,000 for a fiscal year.

(d) Any emergency general assistance expenditures by a county above the amount of the commissioner's allocation to the county must be made from county funds.

Subd. 3. [Repealed, 1989 c 282 art 5 s 133; 1Sp1989 c 1 art 16 s 20]

Subd. 4. [Repealed, 1989 c 282 art 5 s 133; 1Sp1989 c 1 art 16 s 20]

Subd. 5. **Eligibility; requirements.** (a) Any applicant, otherwise eligible for general assistance and possibly eligible for maintenance benefits from any other source shall (1) make application for those benefits within 90 days of the general assistance application; and (2) execute an interim assistance agreement on a form as directed by the commissioner.

(b) The commissioner shall review a denial of an application for other maintenance benefits and may require a recipient of general assistance to file an appeal of the denial if appropriate. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which general assistance was also being received, the recipient shall be required to reimburse the county agency for the interim assistance paid. Reimbursement shall not exceed the amount of general assistance paid during

the time period to which the other maintenance benefits apply and shall not exceed the state standard applicable to that time period.

(c) The commissioner may contract with the county agencies, qualified agencies, organizations, or persons to provide advocacy and support services to process claims for federal disability benefits for applicants or recipients of services or benefits supervised by the commissioner using money retained under this section.

(d) The commissioner may provide methods by which county agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for people with a disability.

(e) The total amount of interim assistance recoveries retained under this section for advocacy, support, and claim processing services shall not exceed 35 percent of the interim assistance recoveries in the prior fiscal year.

Subd. 6. [Repealed, 1989 c 282 art 5 s 133; 1Sp1989 c 1 art 16 s 20]

Subd. 7. **SSI conversions and back claims.** (a) The commissioner of human services shall contract with agencies or organizations capable of ensuring that clients who are presently receiving assistance under sections 256D.01 to 256D.21, and who may be eligible for benefits under the federal Supplemental Security Income program, apply and, when eligible, are converted to the federal income assistance program and made eligible for health care benefits under the medical assistance program. The commissioner shall ensure that money owing to the state under interim assistance agreements is collected.

(b) The commissioner shall also directly or through contract implement procedures for collecting federal Medicare and medical assistance funds for which clients converted to SSI are retroactively eligible.

(c) The commissioner shall contract with agencies to ensure implementation of this section. County contracts with providers for residential services shall include the requirement that providers screen residents who may be eligible for federal benefits and provide that information to the local agency. The commissioner shall modify the MAXIS computer system to provide information on clients who have been on general assistance for two years or longer. The list of clients shall be provided to local services for screening under this section.

Subd. 8. [Repealed, 2015 c 71 art 5 s 34]

**History:** 1973 c 650 art 21 s 6; 1977 c 301 s 4; 1980 c 536 s 12,13; 1980 c 614 s 131; 1981 c 360 art 2 s 37,38; 1983 c 312 art 8 s 7; 1984 c 640 s 32; 1984 c 641 s 25; 1984 c 654 art 5 s 31; 1985 c 252 s 25; 1987 c 403 art 3 s 38-40; 1988 c 689 art 2 s 189-191; 1990 c 568 art 4 s 32,84; 1991 c 292 art 4 s 70; 1992 c 406 s 1; 1992 c 513 art 8 s 21,22; 1994 c 465 art 1 s 30; 1995 c 233 art 2 s 56; 1996 c 465 art 3 s 36; 1997 c 85 art 3 s 43; 1999 c 245 art 6 s 4; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 3; 1Sp2005 c 4 art 3 s 11,12; 1Sp2011 c 9 art 1 s 12; 2012 c 247 art 3 s 10; 2014 c 312 art 28 s 5; 2015 c 71 art 5 s 9,35; 2017 c 40 art 1 s 121; 2023 c 70 art 10 s 21; 2024 c 80 art 7 s 12

**256D.065** [Repealed, 1997 c 85 art 3 s 56]

**256D.066** [Repealed, 1Sp2001 c 9 art 10 s 67]

## **256D.07 TIME OF PAYMENT OF ASSISTANCE.**

An applicant for general assistance shall be deemed eligible if the application and the verification of the statement on that application demonstrate that the applicant is within the eligibility criteria established by sections 256D.01 to 256D.21 and any applicable rules of the commissioner. Any person requesting general assistance shall be permitted by the county agency to make an application for assistance as soon as

administratively possible and in no event later than the fourth day following the date on which assistance is first requested, and no county agency shall require that a person requesting assistance appear at the offices of the county agency more than once prior to the date on which the person is permitted to make the application. Applications must be submitted according to section 256P.04, subdivision 1a. On the date that general assistance is first requested, the county agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 256D.06, subdivision 2. A person in need of emergency assistance shall be granted emergency assistance immediately, and necessary emergency assistance shall continue for up to 30 days following the date of application. A determination of an applicant's eligibility for general assistance shall be made by the county agency as soon as the required verifications are received by the county agency and in no event later than 30 days following the date that the application is made. Any verifications required of the applicant shall be reasonable, and the commissioner shall by rule establish reasonable verifications. General assistance shall be granted to an eligible applicant without the necessity of first securing action by the board of the county agency. The first month's grant must be computed to cover the time period starting with the date of application or from the date that the applicant meets all eligibility factors, whichever occurs later.

If upon verification and due investigation it appears that the applicant provided false information and the false information materially affected the applicant's eligibility for general assistance or the amount of the applicant's general assistance grant, the county agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.

**History:** 1973 c 650 art 21 s 7; 1979 c 237 s 1; 1980 c 536 s 14; 1981 c 40 s 1; 1986 c 444; 1988 c 689 art 2 s 192; 1990 c 568 art 4 s 84; 1991 c 292 art 5 s 46; 2014 c 262 art 1 s 5; 2023 c 70 art 17 s 49

## **256D.08 EXCLUSION FROM RESOURCES.**

Subdivision 1. **Eligibility.** To establish eligibility for general assistance under this chapter, an agency must use the procedures established in section 256P.02.

Subd. 2. [Repealed, 2014 c 312 art 28 s 37]

Subd. 3. **Verification.** To verify eligibility for general assistance under this chapter, an agency must use the procedures established in section 256P.04.

**History:** 1973 c 650 art 21 s 8; 1979 c 250 s 2; 1980 c 536 s 15,16; 1987 c 403 art 3 s 41; 1997 c 85 art 3 s 45,46; 2014 c 312 art 28 s 6,7

## **256D.09 PAYMENT; ASSESSMENT; OVERPAYMENT.**

Subdivision 1. **Presumptive eligibility; payments.** Until the county agency has determined the initial eligibility of the applicant in accordance with section 256D.07, grants for emergency general assistance must be in the form of vouchers or vendor payments unless the county agency determines that a cash grant will best resolve the applicant's need for emergency assistance. Thereafter, grants of general assistance must be paid in cash, by electronic benefit transfer, or by direct deposit into the recipient's account in a financial institution, on the first day of the month, except as allowed in this section.

Subd. 2. **Voucher or vendor payments.** Notwithstanding the provisions of subdivision 1, the commissioner shall provide by rule for situations in which vouchers or vendor payments may be issued by county agencies because of the inability of the recipient to manage a general assistance grant for personal or family benefit.

Subd. 2a. **Vendor payments for drug dependent persons.** If, at the time of application or at any other time, there is a reasonable basis for questioning whether a person applying for or receiving financial assistance is drug dependent, as defined in section 254A.02, subdivision 5, the person shall be referred for a chemical health assessment, and only emergency assistance payments or general assistance vendor payments may be provided until the assessment is complete and the results of the assessment made available to the county agency. A reasonable basis for referring an individual for an assessment exists when:

- (1) the person has required detoxification two or more times in the past 12 months;
  - (2) the person appears intoxicated at the county agency as indicated by two or more of the following:
    - (i) the odor of alcohol;
    - (ii) slurred speech;
    - (iii) disconjugate gaze;
    - (iv) impaired balance;
    - (v) difficulty remaining awake;
    - (vi) consumption of alcohol;
    - (vii) responding to sights or sounds that are not actually present;
    - (viii) extreme restlessness, fast speech, or unusual belligerence;
  - (3) the person has been involuntarily committed for drug dependency at least once in the past 12 months;
- or
- (4) the person has received treatment, including domiciliary care, for drug abuse or dependency at least twice in the past 12 months.

The assessment and determination of drug dependency, if any, must be made by an assessor qualified under section 245G.11, subdivisions 1 and 5, to perform an assessment of chemical use. The county shall only provide emergency general assistance or vendor payments to an otherwise eligible applicant or recipient who is determined to be drug dependent, except up to 15 percent of the grant amount the person would otherwise receive may be paid in cash. Notwithstanding subdivision 1, the commissioner of human services shall also require county agencies to provide assistance only in the form of vendor payments to all eligible recipients who assert substance use disorder as a basis for eligibility under section 256D.05, subdivision 1, paragraph (a), clauses (1) and (5).

The determination of drug dependency shall be reviewed at least every 12 months. If the county determines a recipient is no longer drug dependent, the county may cease vendor payments and provide the recipient payments in cash.

Subd. 2b. **Disability verification; substance use disorder.** If at any time there is verification that the client's disability is dependent upon the client's continued drug addiction or alcoholism, general assistance for rent and utilities must be made in the form of vendor payments.

Verification of drug addiction or alcoholism can be received from:

- (1) denial of Social Security benefits based on drug addiction or alcoholism;

(2) a statement from the state medical review team that the person's disability is dependent upon continued drug addiction or alcoholism; or

(3) a doctor's statement that the person's disability is dependent upon continued drug addiction or alcoholism.

Subd. 3. [Repealed, 1992 c 513 art 8 s 59]

Subd. 4. [Repealed, 1991 c 292 art 5 s 82]

Subd. 5. **Vendor payments to landlords.** The affected county may require that assistance paid under the emergency general assistance program in the form of a rental unit damage deposit, less any amount retained by the landlord to remedy a tenant's default in payment of rent or other funds due to the landlord pursuant to a rental agreement, or to restore the premises to the condition at the commencement of the tenancy, ordinary wear and tear excepted, be returned to the county when the individual vacates the premises or paid to the recipient's new landlord as a vendor payment. The vendor payment of returned funds shall not be considered a new use of emergency assistance.

Subd. 6. [Repealed, 2015 c 71 art 5 s 34]

**History:** 1973 c 650 art 21 s 9; 1980 c 536 s 17; 1981 c 40 s 2; 1983 c 312 art 8 s 8,9; 1984 c 640 s 32; 1Sp1985 c 9 art 2 s 61,62; 1Sp1985 c 14 art 9 s 30; 1986 c 444; 1988 c 506 s 1; 1990 c 568 art 4 s 33,84; 1995 c 178 art 2 s 33-35; art 6 s 17; 1995 c 233 art 2 s 56; 1996 c 465 art 3 s 37; 1997 c 85 art 3 s 47; art 5 s 23; 1Sp2011 c 9 art 9 s 3; 2017 c 40 art 1 s 121; 2022 c 98 art 4 s 51; 2023 c 50 art 2 s 54

**256D.091** [Repealed, 1995 c 178 art 6 s 18]

## **256D.10 ADMINISTRATIVE HEARING PRIOR TO ADVERSE ACTION.**

No grant of general assistance except one made pursuant to section 256D.06, subdivision 2, shall be reduced, terminated, or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the county agency.

Nothing herein shall deprive a recipient of the right to full administrative and judicial review of an order or determination of a county agency as provided for in section 256.045 subsequent to any action taken by a county agency after a prior hearing.

**History:** 1973 c 650 art 21 s 10; 1980 c 509 s 103; 1980 c 536 s 18; 1986 c 444; 1990 c 568 art 4 s 84; 1991 c 292 art 5 s 47; 1996 c 465 art 3 s 38; 2014 c 312 art 28 s 8

**256D.101** [Repealed, 1995 c 178 art 6 s 18]

**256D.11** [Repealed, 1981 c 360 art 2 s 52]

**256D.111** [Repealed, 1995 c 178 art 6 s 18]

**256D.112** [Repealed, 1983 c 312 art 8 s 18; 1Sp1985 c 14 art 9 s 78 subd 1]

**256D.113** [Repealed, 1995 c 178 art 6 s 18]

**256D.12** [Repealed, 1976 c 131 s 2]

**256D.13 MANDAMUS TO COMPEL PAYMENT OF GENERAL ASSISTANCE.**

Subdivision 1. **District court.** Notwithstanding the provisions of section 256.045 providing for administrative and judicial review of county agency determinations, a person denied general assistance by the county agency may apply to the district court of the county in which the person's application was filed and the district court shall order the payment of general assistance if the person establishes:

- (1) the substantial likelihood of eligibility for and entitlement to general assistance; and
- (2) the person or family will suffer irreparable injury if general assistance is not granted without delay.

Subd. 2. **Administrative or judicial review.** The denial by a district court of a writ of mandamus shall not affect the right or scope of administrative or judicial review as set forth in section 256.045.

**History:** 1973 c 650 art 21 s 13; 1980 c 509 s 104; 1980 c 536 s 27; 1986 c 444; 1990 c 568 art 4 s 84

**256D.14 VIOLATIONS.**

Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or by the intentional withholding or concealment of a material fact, or by impersonation, or other fraudulent device:

- (1) assistance to which the person is not entitled; or
- (2) assistance greater than that to which the person is reasonably entitled;

shall be considered to have violated section 256.98, and shall be subject to both the criminal and civil penalties provided therein.

**History:** 1973 c 650 art 21 s 14; 1981 c 360 art 2 s 39; 1986 c 444

**256D.15 RELATIVE'S RESPONSIBILITY.**

The financial responsibility of a relative for an applicant for or recipient of general assistance shall not extend beyond the relationship of a spouse or a parent of an adult child who resides with the parent, or the parent of a minor child regardless of where the minor child resides, or a family member who resides with the applicant or recipient.

**History:** 1973 c 650 art 21 s 15; 1984 c 654 art 5 s 37; 1987 c 403 art 3 s 43; 1995 c 178 art 6 s 17

**256D.16 GENERAL ASSISTANCE TO BE ALLOWED AS CLAIM IN COURT.**

On the death of any person who received any general assistance under sections 256D.01 to 256D.21, or on the death of the survivor of a married couple, either or both of whom received general assistance, the total amount paid as general assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate.

**History:** 1973 c 650 art 21 s 16; 1980 c 536 s 28

**256D.17 DATA PROCESSING PROCEDURES.**

The county agency shall, to the extent permitted by federal law or regulation, in addition to any other necessary records and procedures, provide for the inclusion of all general assistance records in any data

processing system established for the medical assistance program, in accordance with procedures established by the commissioner.

**History:** *1973 c 650 art 21 s 17; 1990 c 568 art 4 s 84*

**256D.18** [Repealed, 1987 c 363 s 14]

**256D.19** Subdivision 1. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 2. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

**256D.20** Subdivision 1. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 2. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 3. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 4. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

**256D.21** [Renumbered 261.004]

**256D.22** [Repealed, 1988 c 719 art 8 s 33]

**256D.23** Subdivision 1. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 2. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

Subd. 3. MS 2022 [Repealed, 2024 c 127 art 62 s 53]

## MINNESOTA SUPPLEMENTAL AID ACT

### **256D.33 CITATION.**

Sections 256D.33 to 256D.54 may be cited as the "Minnesota Supplemental Aid Act."

**History:** *1989 c 282 art 5 s 72*

### **256D.34 POLICY.**

The purpose of sections 256D.33 to 256D.54 is to (1) provide a sound administrative structure for public assistance programs; (2) maximize the use of federal funds for public assistance purposes; and (3) provide an integrated public assistance program for all Minnesota residents who are recipients of Supplemental Security Income or who, except for excess income, would be receiving Supplemental Security Income and who are found to have maintenance needs as determined by application of state standards of assistance according to section 256D.44.

**History:** *1989 c 282 art 5 s 73*

### **256D.35 DEFINITIONS.**

Subdivision 1. **Scope.** The terms defined in this section shall have the meanings given them. The definitions in this section apply to sections 256D.33 to 256D.54.

Subd. 2. [Repealed, 1989 c 282 art 5 s 133]

Subd. 2a. **Aged.** "Aged" means having reached age 65 or reaching the age of 65 during the month of application.

Subd. 3. [Repealed, 1989 c 282 art 5 s 133]

Subd. 3a. **Assistance unit.** "Assistance unit" means the individual applicant or recipient or an eligible applicant married couple or recipient married couple who live together.

Subd. 4. [Repealed, 1989 c 282 art 5 s 133]

Subd. 4a. **Blind.** "Blind" means the condition of a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or, if visual acuity is greater than 20/200, the condition is accompanied by limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. A person who receives Supplemental Security Income based on other visual disabilities may also be eligible for the Minnesota supplemental aid program.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of human services or a designee.

Subd. 6. **Department.** "Department" means the Department of Human Services.

Subd. 7. **County agency.** "County agency" means the local social services agencies in the several counties of the state except that it may also include any multicounty local social services agencies where those have been established in accordance with law.

Subd. 8. [Repealed, 1989 c 282 art 5 s 133]

Subd. 8a. **Disability.** "Disability" means disability as determined under the criteria used by the Title II program of the Social Security Act.

Subd. 8b. **Emergency.** "Emergency" means circumstances that demand immediate action to safeguard against threats to health or safety of an individual.

Subd. 8c. **Financially responsible relative.** "Financially responsible relative" means a spouse or a parent of a minor child.

Subd. 8d. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of surrounding circumstances.

Subd. 9. **Homestead.** "Homestead" means a shelter in which the individual or the spouse with whom the individual lives has an ownership interest, and that is the principal residence of the individual, spouse, or the individual's minor child or child with a disability. The home may be either real or personal property, fixed or mobile, and located on land or water. The home includes all the land that appertains to it and buildings located on that land.

Subd. 10. **Gross income.** "Gross income" means the total amount of earned and unearned money received in a month before any deductions or disregards are applied.

Subd. 11. **In-kind income.** "In-kind income" means income, benefits, or payments that are provided in a form other than money or liquid asset. In-kind income includes goods, produce, services, privileges, or payments on behalf of a person by a third party; except benefits of the recipient, such as those administered by the Social Security Administration, that are paid to a representative payee, and are spent on behalf of the applicant or recipient, are not in-kind income, but are considered available income of the applicant or recipient.

Subd. 11a. **Institution.** "Institution" means a hospital, consistent with Code of Federal Regulations, title 42, section 440.10; regional treatment center inpatient services, consistent with section 246C.12; a nursing facility; and an intermediate care facility for persons with developmental disabilities.

Subd. 12. **Lump sum.** "Lump sum" means money received on an irregular or unexpected basis.

Subd. 13. **Maintenance benefit.** "Maintenance benefit" means cash payments, other than Minnesota supplemental aid, provided under law or rule. Maintenance benefit includes workers' compensation, unemployment benefits, railroad retirement, veterans benefits, Supplemental Security Income, Social Security disability insurance, or other benefits identified by the county agency that provide periodic benefits that can be used to meet the basic needs of the assistance unit.

Subd. 14. [Repealed, 1995 c 207 art 5 s 40]

Subd. 15. **Net income.** "Net income" means monthly income remaining after allowable deductions and disregards are subtracted from gross income.

Subd. 16. **Overpayment.** "Overpayment" means an amount of Minnesota supplemental aid paid to a recipient that exceeds the amount to which the recipient is entitled for that month.

Subd. 17. **Potential eligibility.** "Potential eligibility" means a determination by a county agency that an assistance unit or a financially responsible relative appears to meet the eligibility requirements of another maintenance benefit program.

Subd. 18. **Retirement, survivors, and disability insurance.** "Retirement, survivors, and disability insurance" means benefits paid under the federal program for retired, disabled, and surviving spouses of retired or disabled individuals under Title II of the Social Security Act.

Subd. 18a. **Shelter costs.** "Shelter costs" means rent, manufactured home lot rentals; monthly principal, interest, insurance premiums, and property taxes due for mortgages or contract for deed costs; costs for utilities, including heating, cooling, electricity, water, and sewerage; garbage collection fees; and the basic service fee for one telephone.

Subd. 19. [Repealed, 1995 c 207 art 5 s 40]

Subd. 20. **Supplemental Security Income.** "Supplemental Security Income" means benefits paid under the federal program of Supplemental Security Income for the aged, blind, and disabled under Title XVI of the Social Security Act.

**History:** 1974 c 487 s 1; 1984 c 654 art 5 s 58; 1985 c 248 s 70; 1986 c 444; 1988 c 689 art 2 s 193; 1989 c 282 art 5 s 74-93; 1990 c 426 art 2 s 1; 1992 c 513 art 8 s 24; 1Sp1993 c 1 art 8 s 4; 1994 c 488 s 8; 1994 c 631 s 31; 1999 c 107 s 66; 2000 c 343 s 4; 1Sp2001 c 9 art 3 s 68,69; 2002 c 379 art 1 s 113; 2005 c 56 s 1; 2017 c 40 art 1 s 121; 2024 c 79 art 10 s 2

## 256D.36 STATE PARTICIPATION.

Subdivision 1. **State participation.** The state share of aid paid shall be 100 percent.

Subd. 1a. [Repealed, 1995 c 207 art 5 s 40]

Subd. 2. [Repealed, 1989 c 282 art 5 s 133]

**History:** 1974 c 487 s 2; 1979 c 303 art 2 s 3; 1980 c 607 art 2 s 4; 1986 c 444; 1988 c 719 art 8 s 21; 1989 c 282 art 5 s 94,95; 1Sp1989 c 1 art 16 s 13; 1990 c 426 art 2 s 1; 1990 c 568 art 4 s 84; 1991 c 292 art 5 s 51; 1995 c 207 art 5 s 8; 1997 c 203 art 11 s 11

**256D.37** [Repealed, 1995 c 207 art 5 s 40]

**256D.38** [Repealed, 1989 c 282 art 5 s 133]

#### **256D.385 RESIDENCE.**

To be eligible for Minnesota supplemental aid, a person must be a resident of Minnesota and (1) a citizen of the United States, or (2) an alien eligible to receive benefits from the Supplemental Security Income program.

**History:** 1989 c 282 art 5 s 97; 1995 c 207 art 5 s 9

**256D.39** [Repealed, 1989 c 282 art 5 s 133]

#### **256D.395 APPLICATION PROCEDURES.**

Subdivision 1. **Information.** The county agency shall provide information about the program and application procedures to a person who inquires about Minnesota supplemental aid.

Subd. 2. **Filing of application.** The county agency must immediately provide an application form to any person requesting Minnesota supplemental aid. Application for Minnesota supplemental aid must be in writing on a form prescribed by the commissioner. The county agency must determine an applicant's eligibility for Minnesota supplemental aid as soon as the required verifications are received by the county agency and within 30 days after a signed application is received by the county agency for the aged or blind or within 60 days for people with a disability. The amount of the first grant of Minnesota supplemental aid awarded to an applicant must be computed to cover the time period starting with the first day of the month in which the county agency received the signed and dated application or the first day of the month in which all eligibility factors were met, whichever is later.

**History:** 1989 c 282 art 5 s 98; 2017 c 40 art 1 s 121

**256D.40** [Repealed, 1976 c 131 s 2]

#### **256D.405 VERIFICATION AND REPORTING REQUIREMENTS.**

Subdivision 1. **Verification of information.** (a) An agency must apply section 256P.04 when documenting, verifying, and recertifying eligibility under this chapter. An agency must only require verification of information necessary to determine eligibility under this chapter and the amount of the assistance payment.

(b) If a county agency determines that an applicant is ineligible due to not meeting eligibility requirements of this chapter, a county agency may accept a signed personal statement from the applicant in lieu of documentation verifying ineligibility.

Subd. 1a. [Repealed, 2014 c 312 art 28 s 37]

Subd. 2. [Repealed, 2014 c 312 art 28 s 37]

Subd. 3. **Reports.** Participants must report changes in circumstances according to section 256P.07 that affect eligibility or assistance payment amounts within ten days of the change. Participants who do not receive SSI because of excess income must complete a monthly report form if they have earned income, if they have income deemed to them from a financially responsible relative with whom the participant resides, or if they have income deemed to them by a sponsor. If the report form is not received before the end of the month in which it is due, the county agency must terminate assistance. The termination shall be effective on the first day of the month following the month in which the report was due. If a complete report is received within the month the assistance was terminated, the assistance unit is considered to have continued its application for assistance, effective the first day of the month the assistance was terminated.

**History:** 1989 c 282 art 5 s 99; 1995 c 207 art 5 s 10; 1995 c 248 art 17 s 5; 2014 c 291 art 11 s 6; 2014 c 312 art 28 s 9,10; 2015 c 71 art 5 s 10,35

**256D.41** [Repealed, 1989 c 282 art 5 s 133]

#### **256D.415 RESIDENCE; COUNTY OF FINANCIAL RESPONSIBILITY.**

The county of financial responsibility is the county specified in section 256G.02, subdivision 4.

**History:** 1989 c 282 art 5 s 100

**256D.42** [Repealed, 1989 c 282 art 5 s 133]

#### **256D.425 ELIGIBILITY CRITERIA.**

Subdivision 1. **Persons entitled to receive aid.** A person who is aged, blind, or 18 years of age or older and disabled and who is receiving supplemental security benefits under Title XVI on the basis of age, blindness, or disability (or would be eligible for such benefits except for excess income) is eligible for a payment under the Minnesota supplemental aid program, if the person's net income is less than the standards in section 256D.44. A person who is receiving benefits under the Minnesota supplemental aid program in the month prior to becoming eligible under section 1619(b) of the Social Security Act is eligible for a payment under the Minnesota supplemental aid program while they remain in section 1619(b) status. Persons who are not receiving Supplemental Security Income benefits under Title XVI of the Social Security Act or disability insurance benefits under Title II of the Social Security Act due to exhausting time limited benefits are not eligible to receive benefits under the MSA program. Persons who are not receiving Social Security or other maintenance benefits for failure to meet or comply with the Social Security or other maintenance program requirements are not eligible to receive benefits under the MSA program. Persons who are found ineligible for Supplemental Security Income because of excess income, but whose income is within the limits of the Minnesota supplemental aid program, must have blindness or disability determined by the state medical review team.

Subd. 2. **Resource standards.** (a) For persons receiving Supplemental Security Income benefits, the resource standards and restrictions for supplemental aid under this section shall be those used to determine eligibility for individuals with a disability in the Supplemental Security Income program.

(b) For persons not receiving Supplemental Security Income benefits due to excess income or resources, but whose income and resources are within the limits of the Minnesota supplemental aid program, the resource standards shall be those in section 256P.02.

Subd. 3. [Repealed, 1995 c 207 art 5 s 40; 1995 c 248 art 17 s 7]

Subd. 4. **Cooperation.** To be eligible for the Minnesota supplemental aid program, applicants and recipients must cooperate with the state and local agency to identify potentially liable third-party payors and assist the state in obtaining third-party payments. Cooperation includes identifying any third party who may be liable for benefits provided under this chapter to the applicant, recipient, or any other family member for whom application is made, and providing relevant information to assist the state in pursuing a potentially liable third party.

**History:** 1989 c 282 art 5 s 101; 1990 c 568 art 3 s 90; 1995 c 207 art 5 s 11; art 6 s 107; 1Sp2001 c 9 art 10 s 4; 2002 c 379 art 1 s 113; 2014 c 312 art 28 s 11; 2017 c 40 art 1 s 121; 2023 c 61 art 1 s 56

**256D.43** [Repealed, 1989 c 282 art 5 s 133]

## **256D.435 INCOME.**

Subdivision 1. **Income.** For persons receiving Supplemental Security Income benefits, the countable income used to determine eligibility and benefits for Minnesota supplemental aid is the gross amount of the Federal Benefit Rate (FBR) after allowing for the general income disregard in subdivision 5. For persons who have been denied a Supplemental Security Income benefit due to excess income, and have had their blindness or disability determined through the state medical review team, the countable income is the gross amount of earned and unearned income, minus the exclusions and disregards listed in subdivisions 4a, 5, and 6.

Subd. 2. [Repealed, 1995 c 207 art 5 s 40]

Subd. 3. **Application for federally funded benefits.** Persons who live with the applicant or recipient, who have unmet needs and for whom the applicant or recipient has financial responsibility, must apply for and, if eligible, accept the Minnesota family investment program and any other federally funded benefits.

Subd. 4. **Allocation and deeming of income.** The county agency shall apply the Supplemental Security Income rules regarding financial responsibility when determining the amount of income to allocate or deem.

Subd. 4a. **Exclusions.** The income exclusions used to determine eligibility for Minnesota supplemental aid are those used to determine benefits for Supplemental Security Income.

Subd. 5. **General income disregard.** The county agency shall disregard the first \$20 of the assistance unit's unearned or earned income.

Subd. 6. **Earned income disregards.** The earned income disregards used to determine eligibility for Minnesota supplemental aid are those used to determine benefits for Supplemental Security Income.

Subd. 7. [Repealed, 1995 c 207 art 5 s 40]

Subd. 8. [Repealed, 1995 c 207 art 5 s 40]

Subd. 9. [Repealed, 1995 c 207 art 5 s 40]

Subd. 10. [Repealed, 1995 c 207 art 5 s 40]

**History:** 1989 c 282 art 5 s 102; 1990 c 568 art 4 s 84; 1995 c 207 art 5 s 12-17; 1997 c 85 art 3 s 48; 1999 c 159 s 64

**256D.44 STANDARDS OF ASSISTANCE.**

Subdivision 1. **Use of standards; increases.** The state standards of assistance for basic needs, plus special need items establish the total amount of need for an applicant for or recipient of Minnesota supplemental aid, used to determine the assistance unit's eligibility for Minnesota supplemental aid. The state standards of assistance for basic needs must increase by an amount equal to the dollar value, rounded up to the nearest dollar, of any cost of living increases in the Supplemental Security Income program.

Subd. 2. **Standard of assistance for certain persons.** The state standard of assistance for a person who: (1) is eligible for a medical assistance home and community-based services waiver; (2) has been determined by the local agency to meet the plan requirements for placement in a setting authorized to provide housing support under section 256I.04, subdivision 1a; or (3) is eligible for a shelter needy payment under subdivision 5, paragraph (g), is the standard established in subdivision 3, paragraph (a) or (b).

Subd. 3. **Standard of assistance for basic needs.** Except as provided in subdivision 4, the monthly state standard of assistance for basic needs is as follows:

(a) If an applicant or recipient does not reside with another person or persons, the state standard of assistance is \$519.

(b) If an applicant married couple or recipient married couple who live together, does not reside with others, the state standard of assistance is \$778.

(c) If an applicant or recipient resides with another person or persons, the state standard of assistance is \$395.

(d) If an applicant married couple or recipient married couple who live together, resides with others, the state standard of assistance is \$519.

(e) Married couples, living together who do not reside with others and were receiving MSA prior to January 1, 1994, and whose eligibility has not been terminated a full calendar month, the state standard of assistance is \$793.

(f) Married couples living together who reside with others and were receiving MSA prior to January 1, 1994, and whose eligibility has not been terminated a full calendar month, the state standard of assistance is \$782.

(g) For an individual who (1) receives Supplemental Security Income under federal living arrangement D or (2) is a resident of a licensed residential facility and has unmet personal needs, the state standard of assistance is the personal needs allowance for medical assistance recipients under section 256B.35.

Subd. 4. **Temporary absence due to illness.** For the purposes of this subdivision, "home" means a residence owned or rented by a recipient or the recipient's spouse. Assistance payments for recipients who are temporarily absent from their home due to hospitalization for illness must continue at the same level of payment during their absence if the following criteria are met:

(1) a physician, advanced practice registered nurse, or physician assistant certifies that the absence is not expected to continue for more than three months;

(2) a physician, advanced practice registered nurse, or physician assistant certifies that the recipient will be able to return to independent living; and

(3) the recipient has expenses associated with maintaining a residence in the community.

Subd. 5. **Special needs.** (a) In addition to the state standards of assistance established in subdivisions 1 to 4, payments are allowed for the following special needs of recipients of Minnesota supplemental aid who are not residents of a nursing home, a regional treatment center, or a setting authorized to receive housing support payments under chapter 256I.

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

- (1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;
- (2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent of thrifty food plan;
- (3) controlled protein diet, less than 40 grams and requires special products, 125 percent of thrifty food plan;
- (4) low cholesterol diet, 25 percent of thrifty food plan;
- (5) high residue diet, 20 percent of thrifty food plan;
- (6) pregnancy and lactation diet, 35 percent of thrifty food plan;
- (7) gluten-free diet, 25 percent of thrifty food plan;
- (8) lactose-free diet, 25 percent of thrifty food plan;
- (9) antidumping diet, 15 percent of thrifty food plan;
- (10) hypoglycemic diet, 15 percent of thrifty food plan; or
- (11) ketogenic diet, 25 percent of thrifty food plan.

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

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

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

(f) A fee equal to the maximum monthly amount allowed by the Social Security Administration is allowed for representative payee services provided by an agency that meets the requirements under SSI

regulations to charge a fee for representative payee services. This special need is available to all recipients of Minnesota supplemental aid regardless of their living arrangement.

(g)(1) Notwithstanding the language in this subdivision, an amount equal to one-half of the maximum federal Supplemental Security Income payment amount for a single individual which is in effect on the first day of July of each year will be added to the standards of assistance established in subdivisions 1 to 4 for adults under the age of 65 who qualify as in need of housing assistance and are:

(i) relocating from an institution, a setting authorized to receive housing support under chapter 256I, or an adult mental health residential treatment program under section 256B.0622;

(ii) eligible for personal care assistance under section 256B.0659; or

(iii) home and community-based waiver recipients living in their own home or rented or leased apartment.

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

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

Subd. 6. **County agency standards of assistance.** The county agency may establish standards of assistance for basic needs, special needs, and clothing and personal needs that exceed the corresponding state standards of assistance. State aid is not available for costs above state standards.

Subd. 7. [Repealed, 1995 c 207 art 5 s 40]

**History:** 1989 c 282 art 5 s 103; 1990 c 568 art 4 s 84; 1991 c 292 art 7 s 21; 1Sp1993 c 1 art 8 s 5,6; 1994 c 465 art 1 s 31; 1995 c 207 art 5 s 18-23; 1995 c 263 s 4; 1997 c 85 art 3 s 49; 1999 c 159 s 65; 1Sp2001 c 9 art 3 s 70; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 4; 1Sp2005 c 4 art 2 s 16; 2008 c 363 art 15 s 15,16; 2009 c 79 art 8 s 73; 2009 c 142 art 2 s 41; 2009 c 173 art 1 s 45; 2009 c 175 art 3 s 2; 2010 c 301 art 1 s 3; 2010 c 352 art 1 s 21; 2012 c 247 art 4 s 40; 2013 c 108 art 7 s 50; 2014 c 262 art 5 s 6; 2014 c 291 art 8 s 13; 2017 c 40 art 1 s 84; 2017 c 59 s 12,13; 1Sp2017 c 6 art 2 s 19,20,39; 2018 c 182 art 1 s 57; 2023 c 70 art 10 s 22

## 256D.45 PAYMENT PERIOD.

Subdivision 1. **Budgeting.** The payment period and budgeting cycle for Minnesota supplemental aid are those of the Supplemental Security Income program.

Subd. 2. **Gross income test.** The county agency shall apply a gross income test prospectively for each month of program eligibility. An assistance unit is ineligible when nonexcluded income, before applying any disregards or deductions, exceeds 300 percent of the Supplemental Security Income standard for an individual.

Subd. 3. **Amount of assistance.** The amount of assistance is the difference between the recipient's net income and the applicable standards of assistance in section 256D.44, subdivisions 2 to 4, for persons living independently.

**History:** 1989 c 282 art 5 s 104; 1990 c 568 art 4 s 84; 1995 c 207 art 5 s 24

**256D.46** [Repealed, 2014 c 262 art 1 s 12]

#### **256D.47 PAYMENT METHODS.**

Minnesota supplemental aid payments must be issued to the recipient, a protective payee, or a conservator or guardian of the recipient's estate in the form of county warrants immediately redeemable in cash, electronic benefits transfer, or by direct deposit into the recipient's account in a financial institution. Minnesota supplemental aid payments must be issued regularly on the first day of the month. The supplemental aid warrants must be mailed only to the address at which the recipient resides, unless another address has been approved in advance by the county agency. Vendor payments must not be issued by the county agency except for nonrecurring emergency need payments; at the request of the recipient; for special needs, other than special diets; or when the agency determines the need for protective payments exist.

**History:** 1989 c 282 art 5 s 106; 1990 c 568 art 4 s 84

#### **256D.48 PROTECTIVE PAYMENTS.**

Subdivision 1. **Need for protective payee.** The county agency shall determine whether a recipient needs a protective payee when a physical or mental condition renders the recipient unable to manage funds and when payments to the recipient would be contrary to the recipient's welfare. Protective payments must be issued when there is evidence of: (1) repeated inability to plan the use of income to meet necessary expenditures; (2) repeated observation that the recipient is not properly fed or clothed; (3) repeated failure to meet obligations for rent, utilities, food, and other essentials; (4) evictions or a repeated incurrence of debts; or (5) lost or stolen checks. The determination of representative payment by the Social Security Administration for the recipient is sufficient reason for protective payment of Minnesota supplemental aid payments.

Subd. 2. **Establishing protective payment.** When the county agency determines that a recipient needs a protective payee, the county agency shall appoint a payee according to the procedures in paragraphs (a) and (b).

(a) The county agency shall consider the recipient's preference of protective payee. The protective payee must have an interest in or concern for the welfare of the recipient. The protective payee must be capable of and willing to provide the required assistance. A vendor of goods or services, including the recipient's landlord, shall not serve as protective payee.

(b) The county agency shall reconsider the need for a protective payee at least annually. The criteria used to determine a person's continuing need for a protective payee are the criteria used in the Supplemental Security Income program to determine if a person is incapable of managing or directing the management of the person's money. If the need for protective payment is likely to continue beyond two years, the county agency shall seek judicial appointment of a guardian or other legal representative.

Subd. 3. **Protective payee for payments made by the Social Security Administration.** If the assistance unit receives benefits from the Social Security Administration, the county agency shall also petition the Social Security Administration to establish a representative payee for those benefits.

**History:** 1989 c 282 art 5 s 107; 1995 c 207 art 5 s 27; 1Sp2003 c 14 art 1 s 7

**256D.49** [Repealed, 2015 c 71 art 5 s 34]

#### **256D.50 NOTICE.**

Subdivision 1. **Ten-day notice.** The county agency shall give recipients ten days' advance notice when the agency intends to terminate, suspend, or reduce a grant. The ten-day notice must be in writing on a form prescribed by the commissioner. The notice must be mailed or given to the recipient not later than ten days before the effective date of the action. The notice must clearly state the action the county agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued while an appeal is pending.

Subd. 2. **Five-day notice.** Five days' advance notice is sufficient when the county agency has verified and documented that the case facts require termination, suspension, or reduction of the grant for probable fraud by a recipient. If the last day of the five-day period falls on a weekend or holiday, the effective date of the action is the next working day.

Subd. 3. **Adequate notice.** Notice must be given no later than the effective date of the action when: (1) the county agency has factual information confirming the death of a person included in the grant; (2) the county agency receives a clear written statement, signed by a recipient, that the recipient no longer wishes assistance; (3) the county agency receives a clear statement, signed by a recipient, reporting information that the recipient acknowledges will require termination of or a reduction in the grant; (4) a recipient has been placed in a skilled nursing home, intermediate care, or a long-term hospitalization facility; (5) a recipient has been admitted to or committed to an institution; or (6) a recipient's whereabouts are unknown and the county agency mail to the recipient has been returned by the post office showing no forwarding address.

**History:** 1989 c 282 art 5 s 109

#### **256D.51 APPEALS.**

Subdivision 1. **Right to appeal.** Applicants and recipients may appeal under section 256.045 if they are aggrieved by an action or by inaction of the county agency.

Subd. 2. **Continuation of payment pending appeal decision.** When assistance is reduced, suspended, or terminated, the client has the right to choose to have the grant continued while an appeal is pending if the appellant files the appeal within ten days after the date the notice is mailed or before the effective date of the proposed action, whichever is later.

**History:** 1989 c 282 art 5 s 110

#### **256D.52 FRAUD.**

A person who obtains or tries to obtain, or aids or abets any person in obtaining assistance to which the person is not entitled by a willfully false statement or representation, or by the intentional withholding or concealment of a material fact, or by impersonation, or other fraudulent device, violates section 256.98 and is subject to both the criminal and civil penalties in that section.

**History:** 1989 c 282 art 5 s 111

**256D.53 DUTIES OF THE COMMISSIONER.**

In addition to other duties imposed by law, the commissioner shall:

(1) supervise the administration of Minnesota supplemental aid by county agencies as provided in sections 256D.33 to 256D.54;

(2) adopt permanent rules consistent with law for carrying out and enforcing the provisions of sections 256D.33 to 256D.54, so that Minnesota supplemental aid may be administered as uniformly as possible throughout the state;

(3) immediately upon adoption, give rules to all county agencies and other interested persons;

(4) establish necessary administrative and fiscal procedures; and

(5) allocate money appropriated for Minnesota supplemental aid to county agencies.

**History:** 1989 c 282 art 5 s 112

**256D.54 APPLICATION FOR OTHER BENEFITS.**

Subdivision 1. **Potential eligibility.** An applicant or recipient who is otherwise eligible for supplemental aid and who is potentially eligible for maintenance benefits from any other source shall (1) apply for those benefits within 30 days of the county's determination of potential eligibility for those benefits; and (2) execute an interim assistance authorization agreement on a form as directed by the commissioner.

Subd. 2. **Recovery of supplemental aid under an interim assistance agreement.** If a recipient is eligible for benefits from other sources, and receives a payment from another source for a period during which supplemental aid was also issued, the recipient shall reimburse the county agency for the interim assistance paid. Reimbursement shall not exceed the amount of supplemental aid paid during the time period to which the other maintenance benefits apply. Reimbursement shall not exceed the state standard that applies to that time period. Reimbursement may be sought directly from the other source of maintenance income but remains the primary obligation of the recipient when an interim assistance agreement has been executed.

Subd. 3. [Repealed, 1Sp2005 c 4 art 3 s 20]

**History:** 1989 c 282 art 5 s 113; 1992 c 513 art 8 s 25

**256D.60** [Renumbered 142F.10]

**256D.61** [Renumbered 142F.11]

**256D.62** [Renumbered 142F.101]

**256D.63** Subdivision 1. MS 2022 [Repealed, 2023 c 70 art 10 s 98; art 17 s 63]

Subd. 2. [Renumbered 142F.102]

**256D.64** Subdivision 1. [Renumbered 142F.13, subdivision 1]

Subd. 2. [Renumbered 142F.13, subd 2]

Subd. 3. [Renumbered 142F.13, subd 3]

Subd. 4. [Repealed, 1999 c 245 art 6 s 89]

**256D.65** [Renumbered 142F.12]