

NUMBER

#20-48-05

DATE

July 16, 2020

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Tribal Human Services Directors

Income Maintenance
Supervisors and Staff

ACTION/DUE DATE

Please read information and
prepare for implementation as
specified in the bulletin.

EXPIRATION DATE

July 16, 2022

2020 Legislative Changes Impacting Housing and Support Services

TOPIC

Summary of changes from the 2020 legislative session impacting housing and support services

PURPOSE

Provide information and instructions on changes pertaining to housing and support services passed by the 2020 Minnesota Legislature.

CONTACT

Submit questions to Policy Quest or dhs.dhs.grh@state.mn.us.

SIGNED

GERTRUDE MATEMBA-MUTASA
Assistant Commissioner
Community Supports Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

The 2020 Minnesota Legislature passed several policy changes impacting housing and support services, which include Housing Support, General Assistance, Minnesota Supplemental Aid, Social Security Benefits Advocacy, and the new Housing Stabilization Services Minnesota Medical Assistance benefit. The Legislature also passed extensions for two waivers that impact the Housing Support program. This bulletin informs agencies of the changes and note where action is required.

The changes described in this bulletin are found in Minnesota Session Laws, 2020, 1st Spec. Sess. chapter 2: <https://www.revisor.mn.gov/laws/2020/1/Session+Law/Chapter/2/> and [Laws of Minnesota 2020, 1st Spec. Sess. chapter 7.](#)

II. Policy Changes

The 2020 legislative session brought important policy changes to housing and support services, including:

- Modernizing the definition of “qualified professional” for public assistance programs
- Updating technical language in Housing Support statute
- Directing counties and tribes to **track** rather than **approve** absent days for Housing Support
- Clarifying Housing Support’s existing overpayment collection authority
- Clarifying that the commissioner shall conduct and recover the cost of background studies for Housing Stabilization Services through a fee of no more than \$20 per study.

These changes are detailed in the sections below.

A. Modernizing the definition of “qualified professional” in state law (effective August 1, 2020)

The definition of “qualified professional,” which is used by Housing Support, General Assistance, and the Minnesota Family Investment Program, for Professional Statement of Need and Medical Opinion Forms, was updated in state law (Minn. Stat. § 256P.01, subd. 6a). The change updates the types of health care professionals that can confirm eligibility information related to illness, injury, or incapacity on a person's behalf.

When the definition was originally written, a person’s primary care was often provided by a physician. Today, a person’s primary care is provided by a broader group of health care professionals. The updated definition addresses the challenges program recipients had when they were unable to have members of their care team sign documentation regarding their health.

Required action

Counties and tribes will use the new definition of “qualified professional” when determining who can sign an applicant’s Professional Statement of Need and Medical Opinion forms. A new version of the Professional Statement of Need form, will be effective August 2020 and will be found here:

<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7122-ENG>

B. Updating technical language in Housing Support law (effective August 1, 2020)

In 2017, the legislature changed the name of the state’s “Group Residential Housing” program to “Housing Support” with the intent of clarifying that Housing Support is not a place, but a benefit that is provided and received in a variety of settings. Technical updates completes the name changes throughout the Housing Support statute (MN Statute 256I).

Required action

No action is required for counties or tribes.

C. Direction for Housing Support’s absence day policy (effective August 1, 2020)

This change amends state law to require that counties **track**, rather than **approve** temporary absences for Housing Support recipients. This clarifies the intent of existing language for county financial workers who administer Housing Support benefits. This change will ensure greater consistency in program administration.

Required action

Effective August 1, 2020, county and tribal workers should **track** rather than **approve** temporary absences for Housing Support recipients. NOTE: There is a waiver to allow an extension of the temporary absence period for some Housing Support recipients who would be in quarantine due to the COVID-19 pandemic or hospitalized for any reason. This waiver is in effect until December 30, 2020. See Section III, Paragraph A on page 4 of this Bulletin for more information.

D. Overpayment authority clarification (effective August 1, 2020)

Existing Housing Support overpayment collection authority and practice has now been clarified by adding new language in state law stating that counties and the state have the authority to recover Housing Support overpayments from individuals and providers.

Required action

This changes clarifies, but does not change existing policy. Follow existing DHS training and guidance regarding overpayments.

E. Background studies for Housing Stabilization Services (*effective August 1, 2020*)

Housing Stabilization Services is a new Minnesota Medical Assistance benefit to help people with disabilities, including mental illness and substance use disorder, and seniors find and keep housing. The policy change that passed this session clarifies that the commissioner of human services shall conduct and recover the cost of background studies for Housing Stabilization Services through a fee of no more than \$20 per study.

Required action

No action required for counties or tribes.

III. COVID-19 Waiver Extensions

Under the Governor's Emergency Executive Order 20-12, the Minnesota Department of Human Services has temporary authority to waive or modify requirements so that Minnesotans can continue to access essential programs and services safely and without undue delay during the COVID-19 pandemic. A state law that took effect on June 24, 2020, specifies when waivers and modifications will expire. Some are subject to federal authority. Others remain in effect until certain dates as determined by state law (see [Laws of Minnesota 2020, 1st Spec. Sess. chapter 7](#)).

A. Allowing exemption for temporary absence policy in Housing Support (*effective until December 30, 2020*)

The commissioner waived certain requirements for Housing Support recipients who would be vulnerable to service interruptions due to COVID-19.

Under current law, Housing Support recipients are limited to 18 days of temporary absence from their residence, not to exceed 60 days in a calendar year. In order for people to safely follow federal and state guidance related to COVID-19, and to help people maintain their housing, the waiver allows the length of the temporary absence to be extended for people in quarantine due to the COVID-19 pandemic or hospitalized for any reason. Individuals are still responsible for paying their obligation during this time period.

This extension of payments is authorized in state law until Dec. 30, 2020.

Affects Minnesota Statutes, section [256I.05](#), subdivision 1c (d); [Laws of Minnesota 2020, 1st Spec. Sess. chapter 7](#).

Required action

Counties and tribes should allow an extension to the temporary absence period limits in current law if individuals meet the criteria allowed under the waiver.

B. Allowing flexibility in housing licensing requirements (*effective until June 30, 2021*)

The commissioner waived certain licensing requirements for Housing Support settings to provide needed flexibility in response to the COVID-19 pandemic. The change allows people to move to another setting, approved by the department, in order to isolate and keep people safe.

Housing Support recipients currently live in a variety of group and individual settings. Some of the existing living arrangements may not meet social distancing guidelines, or quarantine/isolation guidelines needed to keep people safe and healthy. In addition, it may not be possible for licensors and inspectors to complete inspections during this time. This change is effective April 20, 2020, and remains in effect under state law until June 30, 2021.

Affects Minnesota Statutes, section [256I.04 subdivisions 2a and 2b](#); and [Laws of Minnesota 2020, 1st Spec. Sess. chapter 7](#).

Required action

In order to comply with COVID-19 social distancing and quarantine/isolation guidelines, county or tribal staff may approve a waiver for the provision of Housing Support in an alternative location. In addition, if an existing physical plant license or in-person habitability inspection/re-inspection is unavailable or delayed due to COVID-19, county or tribal staff may approve a waiver for Housing Support payments to begin/continue.

County or tribal staff who oversee the Housing Support Agreement should document any changes approved under this waiver and notify DHS Housing Support staff at dhs.dhs.grh@state.mn.us.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4300 (voice) or toll free at (866) 267-7655 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.