

**10-144**

**DEPARTMENT OF HEALTH AND HUMAN SERVICE**

**OFFICE FOR FAMILY INDEPENDENCE**

**Chapter 330: HIGHER OPPORTUNITY FOR PATHWAYS TO EMPLOYMENT  
(HOPE) PROGRAM RULES**

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## SECTION 3: ELIGIBILITY

For an individual to be eligible for the HOPE Program, they must meet the eligibility requirements, or be granted Good Cause. Race, color, national origin, sex, gender orientation, religion, or disability are not eligibility factors. Participation in the HOPE Program is not limited to one individual per Family Unit. The eligibility requirements are described below.

### A. NON-FINANCIAL ELIGIBILITY

**(1) Parent/Specified Relative.** The Applicant or Participant must be a Parent, or Specified Relative, of a minor child. An individual will be considered a Parent, or Specified Relative, if they are living with the minor child and are a biological, adoptive, or step-parent of the minor child or are legally related and assuming parental responsibility of the child. When determining Parent/Specified Relative status the following conditions apply:

- a) A pregnant person, or spouse of a pregnant person, applying at the sixth month of pregnancy or after, is considered a parent; or
- b) A child who is temporarily absent from the home, for 45 days or longer, may qualify an individual as a Parent or Specified Relative only if the Parent/Specified Relative has full responsibility for the supervision and guidance of the child, maintains a home for the child during the absence, and any delegation of authority to another is temporary, voluntary and revocable. The child must return home unless the separation continues for a reason below, or another similar reason. Reasons for separation include:
  - i. The child needs to secure education when school facilities are not available in their area of residence, or when the existing facilities do not meet the child's educational and/or social needs.
  - ii. The child is residing in a private treatment center.
  - iii. The child is attending a vocational or technical school, college, or university until the child's 18<sup>th</sup> birthday.
  - iv. The child has left the home to obtain necessary medical care.
  - v. The child has been placed in an approved voluntary foster home by the Office of Child and Family Services and the plan is for the child to return to the Family Unit and when there is no foster care payment being made for that child.

**EXCEPTION:** A foster child, for whom assistance payments are received, will not qualify an individual as a Parent or Specified Relative.

**(2) Working Age.** Applicants or Participants in HOPE must be of Working Age

- (3) Maine Resident.** Applicants or Participants must have established Maine as a permanent home.
- (4) U.S. Citizenship and Alienage Status.** Each HOPE Applicant or Participant must be a U.S. Citizen, or a qualifying non-citizen as defined in Section 431 of the *Personal Responsibility and Work Opportunity Reconciliation Act* (PRWORA), as amended (codified at 8 U.S.C. §1641). Qualifying non-citizens must have one of the following alienage statuses:
- a) Veteran or active duty personnel or a spouse or an unmarried child of a veteran or active duty personnel.
    - i. The Veteran or active duty personnel must be lawfully residing in the U.S. and a veteran of the U.S. Armed Forces with an honorable discharge or on active duty, having completed basic training, in the U.S. Armed Forces; or
    - ii. Lawfully residing in the U.S. and a spouse of someone meeting the requirements of (i), above, or an unmarried child of someone meeting the requirements of (i), above, who is, or could be, claimed as a dependent on that person's tax return, and meets the definition of minor child.
  - b) Legal Permanent Resident (LPR) granted under the *Immigration and Naturalization Act* (INA), 8 U.S.C. §1101 *et seq.* A Legal Permanent Resident is not eligible for HOPE until five years after the date of obtaining the status. There is no five-year waiting period if any of the following conditions apply:
    - i. The individual's date of entry to the U.S. is prior to August 22, 1996.
    - ii. Prior to adjustment to legal resident status, regardless of the LPR status-granted date, the noncitizen's status was a Refugee under 8 U.S.C. §1157, an Asylee under 8 U.S.C. §1158, a Deportee (deportation withheld) under 8 U.S.C. §12453, an Amerasian immigrant, or a Cuban/Haitian entrant.
  - c) Refugee granted under §207 of the INA.
  - d) Asylee granted under §208 of the INA.
  - e) Deportee status (deportation withheld) granted under §243(h) of the INA as in effect prior to April 1, 1997; or §241(b)(3) of the INA, as amended.
  - f) Parolee status granted for at least a year under §212(d)(5) of the INA. Parolee status is subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status. There is no five-year waiting period if the individual's date of entry to the U.S. is prior to August 22, 1996.
  - g) Conditional Entrant status granted under §203(a)(7) of the INA in effect before April 1, 1980. A Conditional Entrant is not eligible for HOPE until five years

after the date the individual obtained that status. There is no five-year waiting period if the individual's date of entry to the U.S. is prior to August 22, 1996.

- h) Battered noncitizens and their minor child(ren), who meet the conditions set forth in §431(c) of PRWORA as amended (codified 8 U.S.C. §1641(c)) and:
    - i. Subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status unless the individual's date of entry to the U.S. is prior to August 22, 1996, and;
    - ii. While lawfully residing in the U.S. the non-citizen or the minor child was battered or subjected to extreme cruelty by a spouse, a parent, or a member of the spouse's or parent's family residing in the same household as the non-citizen; and
    - iii. The batterer no longer lives in the household.
  - i) Trafficking victim (TV) certified under Section 107(b)(1) of the *TV Protection Act of 2000* (P.L. 106-386).
  - j) Amerasian admitted to the U.S. pursuant to Section 584 of the *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988* (P.L. 100-202).
  - k) Cuban or Haitian Entrant as defined in Section 501(e) of the *Refugee Education Assistance Act of 1980* (P.L. 96-422).
  - l) American Indian with at least one-half American Indian blood, born in Canada.
  - m) American Indian who is a member of a federally recognized Indian Tribe under 25 U.S.C. §450b(e).
  - n) Iraqi Special Immigrant with the same status as refugee, under 2009 Department of Defense bill P.L. 111-118, §8120(a).
  - o) Afghani Special Immigrant with the same status as refugee, under 2009 Department of Defense Bill P.L. 111-118, §8120(b).
- (5) Social Security Number.** All Applicants must provide a Social Security Number (SSN) or proof of application for a SSN. All adult members of the Family Unit reporting income must also provide a SSN or proof of application for a SSN. The Applicant or Participant is not eligible when a required individual fails to apply for or furnish the SSN when received.
- (6) Receipt of TANF or PaS Benefits.** Applicants or Participants who are currently receiving a TANF or PaS cash payment are not eligible for the HOPE Program. Receipt of Alternative Aid, Emergency Assistance, Transitional Child Care, or

Transitional Transportation does not automatically disqualify an Applicant or Participant from the HOPE Program.

- (7) **TANF Disqualification.** An Applicant or Participant who is currently disqualified from receiving TANF or PaS benefits due to the reasons below are not eligible for the HOPE Program.
- a) Fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees (referred to as a “high misdemeanor” in New Jersey);
  - b) 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 under funds provided through the TANF Block Grant, Medicaid, the *Food Stamp Act of 1977*, or the Supplemental Security Income (SSI) program. These individuals are ineligible to receive TANF benefits for a period of ten years from the date of conviction;
  - c) Violating a condition of probation or parole imposed under Federal or state law.
- (8) **Aptitude.** Applicants or Participants must have the ability to complete their Training or Education Program and pursue employment in their identified career. Applicants will not be considered to have aptitude if they have failed a similar program three times in the past ten years or are unable to pursue employment in their identified career for reasons other than lacking training or education.
- (9) **Marketable Bachelor’s Degree Status.** The Applicant or Participant must lack a bachelor’s degree marketable in Maine as determined by the Department. A bachelor’s degree is not marketable if the credential: was obtained in another country or jurisdiction and is not recognized by the professional licensing body as a marketable degree in Maine; prepared the individual for a specific occupation in which they have not worked for the last fifteen (15) years; or equipped the individual for a specific occupation that they are no longer able to perform.
- (10) **Matriculation.** Participants must be accepted to, or matriculated at least half-time in, a Training or Education Program and institution that meets HOPE Program requirements as defined in this section.

**EXCEPTION:** Applicants matriculated less than half-time, as defined by their institution, may be approved by the Department on a case-by-case basis.

**a) Institution Requirements**

The Institution in which the Applicant or Participant is matriculated must meet a minimum of one of the following criteria:

- i. Be accredited by a regional or national accrediting body recognized by the U.S. Department of Education as providing quality education per standards equivalent to those that are most currently in effect, used by, and published on the website of the New England Commission of Higher Education (NECHE), (A link to these standards can be found at <https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify><sup>1</sup>); or
- ii. Offer degrees, licenses, industry-employer recognized certificates or credentials, or be recognized by trade or industry associations as preparing individuals to meet their professional licensing requirements; or
- iii. Be endorsed by a consortium of employers to address a skill gap.

**b) Training or Education Program Requirements**

The Training or Education Program in which the Applicant or Participant is matriculated must meet the following conditions:

- i. The postsecondary Training or Education Institution and Program must be chosen by the Applicant or Participant; and
- ii. The most cost-effective Training or Education Program for the Applicant's or Participant's vocational pursuit must be selected.
  - a. Cost of required supports for the Applicant or Participant to attend the selected Training or Education Program will be included in the determination of cost-effectiveness.
  - b. Public vocational schools, Maine Adult Education, community colleges, or public university programs are recognized by the U.S. Department of Education to be the lowest cost alternative.
  - c. Any education plan that includes an institution other than a public, nonprofit institution, in the state of Maine must be submitted to the Department for review and include evidence that demonstrates lower total costs to the Department and the individual.

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<sup>1</sup> Individuals unable to access this link may request the information from the HOPE Program by mailing a request to DHHS OFI-HOPE Program, 11 State House Station, Augusta, ME 04333; calling (207) 624-4170; faxing a request to (207) 287-3455; or e-mailing a request to [HOPE.DHHS@maine.gov](mailto:HOPE.DHHS@maine.gov)

- d. Evidence of cost-effectiveness must be documented and may include—
  1. scholarship/financial aid offers from an approved program;
  2. improved or increased access to required courses, clinical placements, internships, or necessary supports such as child care;
  3. employers in the individual’s geographic region regard the institution’s awarded credential at the same or higher level as those awarded by a local nonprofit institution;
  4. the number of credit hours that would need to be purchased at each institution taking into consideration those that have already been accumulated or can be transferred;
  5. the length of time it would take the individual to complete the program at each institution and subsequent adjustments to the costs of supports and income potential from the earlier to the later completion date.
- iii. Remedial, prerequisite, refresher, or English language courses are eligible programs when they fulfill a requirement of the approved postsecondary Training or Education Institution as necessary to matriculate in the approved postsecondary Training or Education Program. Liberal studies majors within associate degree programs are considered eligible remedial programs when tracking specific majors that require completion of prerequisite courses prior to full admission to the program.
- iv. The program must matriculate students, or result in matriculation for students, in instruction for a postsecondary undergraduate degree, industry-recognized certificate, or similar credential in a field, occupation, or Career Pathway that has an Adequate Job Outlook within the geographic region where the Applicant or Participant lives or plans to live;

**EXCEPTION:** Any Applicant or Participant who is pursuing training or education in Liberal Studies, General Studies, Career Studies, or University Studies majors that are not tracking a specific major, or in a program that does not have a well-defined Career Pathway, or leads to a universally recognized and accepted credential that is not considered to lead to a job with an Adequate Job Outlook, may petition the Department by letter to approve the program.

and

- v. If an Applicant or Participant has earned a credential while participating in the HOPE Program and is seeking to earn another credential, the Applicant or Participant’s new program must lead to a credential that meets the requirements above and is a Stackable Credential with the previously earned credential.



- vi. In addition to the criteria detailed above, programs exclusively online must first be determined eligible, by the Department, on a case-by-case basis. A non-degree, short-term, occupation program that has one hundred percent (100%) online coursework, other than one offered by a public, non-profit Maine institution, must have a local Maine academic support professional who shall provide course oversight and academic advising services to the student.

**c) Satisfactory Progress.**

Applicants who have already started their Training or Education Program must be making satisfactory progress.

Participants must make satisfactory progress in accordance with standards established by the organization or institution providing the Training or Education Program unless there is Good Cause.

Satisfactory progress includes:

- i. Classes are attended sufficiently, as dictated by the attendance policy of the institution's instructor(s); and
- ii. Progress in the program is satisfactory, based on the scoring or grading system devised by the institution's instructor(s). If an Applicant or Participant is placed on Academic Probation as determined by the Educational Institution for more than one academic term, the Applicant or Participant is not making satisfactory progress; and
- iii. Matriculation is maintained at least half-time unless otherwise approved by the Department; and
- iv. Completion of the Training or Education Program within the time allowed by the Training or Education Institution. An incomplete grade for any course must be finalized within the allotted time given by the Training or Education Institution; and
- v. Adherence to the student code of conduct so that there is no temporary exclusion or permanent dismissal from an instructor's classroom, no interruption to matriculation status, and no loss of academic credit or grade imposed on the student by the instructor or the institution; and
- vi. Maintenance of good financial standing with the Training or Education Institution and retaining the continued right to register and enroll in classes, having access to official transcripts, and receiving an official diploma or certificate.

## B. FINANCIAL ELIGIBILITY

(1) **Assets.** The Applicant or Participant must have countable assets equal to or below \$10,000. Asset determinations are made pursuant to 22 M.R.S. §3790-A(2)(F) as described in 10-144 C.M.R. Ch. 331 Maine Public Assistance Manual (TANF — Temporary Assistance for Needy Families) Chapter III(A) pursuant to 22 M.R.S. §§ 3762 - 3769-G. For asset purposes, each Applicant or Participant will be considered a Family Unit of one.

(2) **Income.** An Applicant or Participant is financially eligible for the HOPE Program when their Family Unit's countable income is at or below 225% of the Federal Poverty Level as issued annually by the U.S. Department of Health and Human Services and found at <https://aspe.hhs.gov/poverty-guidelines>. Individuals unable to access the online document may request one by writing to—

HOPE Program  
Maine DHHS, Office for Family Independence  
11 State House Station  
109 Capitol St.  
Augusta, ME 04333-0011

### a) Family Unit

The Family Unit must include the following individuals residing together:

- i. Minor children of whom the Applicant or Participant is the Parent or Specified Relative; and
- ii. Minor children who are biological, adoptive, or step-siblings of the Applicant or Participant's minor children; and
- iii. Biological, adoptive, and step-parents of the minor children; and
- iv. Individuals who are legally related to, and assuming parental responsibility of, the minor children; and
- v. A sponsor of the Family Unit who has signed an I-864 Affidavit under Section 231A of the Immigration and Nationality Act (INA), as well as, the sponsor's spouse, children under 21, dependents, and other aliens included in the I-864. Exceptions include: sponsors of immigrants or certain family members who are victims of domestic violence and indigent immigrants.

**EXCEPTION:** The Family Unit does not include foster children for whom the Family Unit is receiving foster care assistance payments.

### b) Income Types

- i. Earned Income is money earned in exchange for labor or services. Gross earnings are the amount of money earned prior to deductions. Gross income

includes income in cash or in-kind such as wages, salaries, commissions or profit from self-employment. Earned income in the Family Unit is calculated on a monthly average. This average is based on earned income received by members of the Family Unit in the four weeks preceding the date the application was received by the Department.

- ii. Unearned Income is money that is not produced by labor or services. It includes benefits such as Social Security, Veterans benefits, pensions, unemployment compensation, Worker's Compensation, dependent allotments, contributions, support payments, annuities, dividends, interest, and regular withdrawals from trust funds. Unearned income in the Family Unit is calculated on a monthly average. This average is based on unearned income received by members of the Family Unit in the four weeks preceding the date the application was received by the Department.
- iii. Self-Employment income includes earnings by individuals engaged in their own business enterprise, such as independent contractors, franchise holders, owners/operators, farmers, people who produce a product for purchase, and individuals who receive returns on rental property. Individuals with self-employment as their primary source of income will have their income calculated on an annual basis and averaged monthly. The Department will use gross revenues less allowable costs of doing business per IRS rules in determining the monthly average.
- iv. Contract Income includes money earned in exchange for labor or services in a pre-determined period and not paid on an hourly or piecework basis to workers.

Contract income is averaged over a 12-month period when the contract income is the primary source of income for the Family Unit. If the contract income is not the primary source of income for the Family Unit, it is averaged over the period the contract was intended.

- v. Seasonal Income includes money earned in exchange for labor or services not required year-round such as fishing, clamming, worm digging, logging, and harvesting. Seasonal income that is derived from employment is averaged and counted in the month it is received during the time in which the employee is actively working. Seasonal income that is derived from self-employment is averaged over a 12-month period when it is the primary source of income for the Family Unit. If the seasonal income is not the primary source of income, it is averaged over the period in which the individual is engaged in the activities that generate the income.
- vi. Anticipated Income is expected income that results from a change in income or a new income source where the amount is unknown or not readily

verifiable. The Department will estimate the anticipated income. The Department will use all sources necessary to determine the best estimate of income for the source. The estimate will be calculated on a monthly average.

**c) Excluded Income**

Excluded income is not considered in determining eligibility or the types and amounts of support service payments.

- i. Child Support and alimony payments paid to, or from, the Family Unit;
- ii. Foster care and adoption assistance payments;
- iii. General Assistance, Emergency Assistance, Housing and Urban Development (HUD), utility reimbursements and other supplemental assistance from public or private agencies to help the Family Unit meet their basic needs;
- iv. State Tax Refunds, including all tax credits, such as the Earned Income Tax Credit, are excluded for the twelve (12) months following receipt of the State Tax Refund;
- v. Income of minor children under the age of 18 included in the Family Unit;
- vi. Non-recurring lump-sum income;
- vii. Reimbursements for job related expenses to the extent they do not exceed actual expenses;
- viii. All educational grants, scholarships, and other awards from a recognized source to either graduates or undergraduates;
- ix. Monies received as a match on deposits an Applicant or Participant makes in their Family Development Account or Separate Identifiable Account set up as authorized by statute at 22 MRSA §3762, up to the \$10,000 cap. Accrued interest on these accounts is also excluded as income;
- x. A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of the Baxter school for the Deaf, who were found to have been physically or sexually abused before January 2001.
- xi. Income Excluded by Federal Statute includes but is not limited to:
  - a. Grants, loans and scholarships to undergraduate students made under any program administered by the U.S. Secretary of Education, such as a Federal Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Perkins Loan, Federal Stafford Loan, or Federal Supplemental Loan for Independent Students, or Work Study;

- b. Federal Tax Refunds, including refundable credits, such as Earned Income Tax Credit (EITC), are excluded for 12 months from the month of receipt. P.L. 111-312;
- c. Child Nutrition Act and National School Lunch Act - Value of supplemental food assistance;
- d. Title VII, Nutrition Program for the Elderly-Older American Act benefits;
- e. United States Department of Agriculture (USDA) Supplemental Nutrition (Women, Infants and Children (WIC)) Program and/or Donated Commodities benefits;
- f. Supplemental Nutrition Assistance Program (SNAP) benefits;
- g. Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;
- h. Payments made under Annual Contributions Contract under U.S. Housing Act;
- i. Relocation assistance or allowance under the Housing Act and payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;
- j. Workforce Innovation and Opportunity Act (WIOA), Job Corps, or AmeriCorps payments of all types;
- k. Payments resulting from Congressional action which specifically exclude such payment;
- l. Maine Indian Land Claims Settlement payments;
- m. Domestic Volunteer Services Act payments made to volunteers serving as foster grandparents, senior health aides or companions;
- n. Housing and Urban Development (HUD) community development block grant funds and escrow accounts in the Family Self Sufficiency Program;
- o. Home Energy Assistance Program (HEAP) benefits or any other federal program providing energy assistance;
- p. Title I payments to volunteers such as AmeriCorps Volunteers In Service To America (VISTA). Payments that exceed the minimum wage are not excluded;
- q. Nazi Persecution Victims Eligibility Benefits - Payments made to victims of Nazi persecution under P.L. 103-286.

Adopted:

January 1, 2020 (filing 2019-256), pursuant to Title 22 Chapter 1054-C §3790-A

Amended

October 25, 2023 (filing 2023-102) pursuant to 22 M.R.S. §3790-A(2)(E), Section 3

April 25, 2022 (filing 2022-062), Sections 1, 2, 3, 4, 5 and 7