

FILED
Court Administrator

JUL 05 2011

STATE OF MINNESOTA
SECOND JUDICIAL DISTRICT COURT.

COUNTY OF RAMSEY
CIVIL DIVISION

By J Deputy

IN RE TEMPORARY FUNDING OF)
CORE FUNCTIONS OF THE EXECUTIVE)
BRANCH OF THE STATE OF MINNESOTA)
)

File No. 62-CV-11-5203
ARGUMENT FOR DESIGNATION
OF CORE FUNCTIONS

This is a request that the Special Master recommend that the following be recognized as core functions to be continued under the Court's Order dated June 29, 2011:

- (1) Payments to individuals for short-term shelter and utility needs under county Emergency Assistance (EA) programs through the Minnesota Family Investment Program (MFIP) Consolidated Fund, Minn. Stat. § 256J.626, subd. 2(a)(1);
- (2) Payments to individuals under the Emergency General Assistance (EGA) program, Minn. R. § 9500.1261, and Emergency Minnesota Supplemental Aid (EMSA), Minn. Stat. § 256D.46; and
- (3) State support necessary to issue benefit payments of unspent EA, EGA and EMSA funds from counties' 2010-2011 allocations.

Our office brings this request on behalf of Ramsey County residents Q.O., a single parent facing eviction and resulting loss of her Section 8 voucher; C.S., a single parent facing both eviction and shutoff of her utilities; and A.S., a childless adult facing eviction. Q.O. and C.S. meet all qualifications for EA; A.S. meets all requirements for EGA. Ramsey County has unspent EA funds for 2011 as its fiscal year runs from January 1 to December 31, and also has unspent EGA funds from its 2010-2011 allocation. The state has barred Ramsey County from issuing payments to eligible households out of these funds because the Department of Human Services (DHS) does not have the operational staff in place to process the overnight payments.


The June 29 Order continues funding for "[p]rovision of benefit payments * * * to

individuals” and “necessary administration and support services, including b[ut] not limited to * * * issuance of payments.” Findings ¶ 27. It explicitly continues programs funded through the federal TANF program under the Supremacy Clause. Findings ¶ 25. Exhibit A, incorporated by reference, specifically prioritizes “Emergency and disaster response or assistance,” Exh. A at 1. The Order explicitly continues payments under the MFIP, General Assistance (GA) and Minnesota Supplemental Aid (MSA) programs including related vendor payments and “operational support for critical services” related to those programs. Petitioner’s App. at 140.

Payments under EA, EGA and EMSA are vendor paid to landlords and utilities on behalf of individuals. All the programs require, by definition, an emergency threatening the health or safety of the applicant; EA is restricted to households with children. EA is primarily TANF-funded; MSA funding is federally mandated. EA is funded through the budget allocation for MFIP, via the same fund as MFIP administrative and child care services, which are explicitly continued by the Order. EGA and EMSA are funded through the budget allocation for GA and MSA, which are also continued. The Order to provide operational support for issuance of payments to individuals and the protection of health and safety amply authorizes the DHS support necessary to issue the counties’ duly allocated but unspent funds.

We therefore request a recommendation to clarify that the Order directs the continuation of EA, EGA, EMSA, and DHS operational support to issue payments under these programs.

Dated: 7/1/11


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