



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matthew Hart, Town Manager *MWH*  
**Cc:** Maria Capriola, Assistant Town Manager; Curt Vincente, Parks and Recreation Director; Lynda Lambert, Administrative Services Specialist; Cherie Trahan, Finance Director; Pat Schneider, Human Services Director  
**Date:** April 15, 2014  
**Re:** Proposed Amendments to Fee Waiver Ordinance

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**Subject Matter/Background**

An ordinance review and development sub-committee (ODRS) chaired by Councilor Kochenberger has been meeting to review and to discuss potential amendments to the Fee Waiver Ordinance. Staff has assisted in the review and data analysis. Currently, Parks and Recreation is responsible for the day-to-day administration of the fee waiver program, with oversight provided by the Town Manager's Office.

The sub-committee has addressed the larger policy issue, recommending that the Council define the purpose of the fee waiver program to provide access to municipal services for residents of all ages with very low and extremely low incomes. At its March 21, 2014 meeting, the sub-committee voted to recommend the following amendments to the ordinance to the Town Council for its consideration:

- 122-5B/122-6 – To limit eligibility to the fee waiver program to residents who reside in Mansfield more than six months per year. (Please note this definition of residency is distinct from “domicile,” which is defined as a person’s permanent residence.) This section also includes language to strengthen the review of residency requirements as part of the application process.
- 122-5C – To utilize HUD criteria for “extremely low” and “very low” income in Mansfield to determine eligibility. This criteria takes into account income and household size.
- 122-5C – To eliminate the automatic eligibility qualification for individuals who are Medicaid eligible, since there are reasons other than income based that a person can qualify for Medicaid
- 122-5C – To change the 90% Fee Waiver level to a new 75% Fee Waiver level

- 122-5E – To change the 90% Fee Waiver level reference to the new 75% Fee Waiver level
- 122-5F – To implement an annual cap per eligible household based on household size. Annual caps would be established by Council resolution and adjusted as needed.
- 122-5F – To add language that the program can be suspended once the budgeted allocation has been exhausted. This would alleviate the substantial deficits the program has incurred over the past years.
- 122-6 – To strengthen the review of applications by requiring supporting documentation to verify income and household size
- 122-8 – To clarify that changes in income and household size that make participants ineligible will result in a change in status for the current program year
- 122-9 – To clarify confidentiality of documents based on both FOI and records retention statutes
- 122-10A, 122-10B, 122-10C, 122-10D, 122-10L – To modify language regarding program applicability
  - 122-10A – To remove the cap on two summer camp sessions per year per eligible participant.

### **Financial Impact**

The costs of the fee waiver program have consistently exceeded budget. For FY 2012/13, the Town budgeted \$125,000 and expended \$164,736 (excluding funds owed to the Solid Waste Fund), with an over-expenditure of \$39,736. Estimates for the current Fiscal Year indicate that program expenditures will total \$165,000 for all funds, exceeding budget by \$40,000. Unless the Town Council makes modifications the ordinance or appropriates additional funds, staff expects that the fee waiver program will continue to exceed budget.

### **Legal Review**

The Town Attorney has reviewed and approved the form and legality of the proposed amendments to the Fee Waiver Ordinance.

### **Recommendation:**

In keeping with our customary procedure, the subcommittee and the staff recommend that the Town Council schedule a public hearing to solicit public comment regarding the proposed amendments to the ordinance. The following motion is suggested:

*Move, to schedule a public hearing for 7:30PM at the Town Council's regular meeting on April 28, 2014, to solicit public comment on the proposed amendments to the Fee Waiver Ordinance.*

### **Attachments**

- 1) Proposed amendments to Fee Waiver Ordinance (black-line & clean copies)
- 2) Proposed income guidelines and annual cap for the Fee Waiver Program

### Article III: Fee Waivers

[Adopted 2-10-1997, effective 3-8-1997 *Editor's Note: This ordinance also superseded former Article III, Fee Waivers, adopted 1-28-1991, effective 2-26-1991*]

#### §122-3. Title

This article shall be known and may be cited as the "Town of Mansfield Fee Waivers Ordinance."

#### §122-4. Intent

It is the Town's intention to encourage participation in municipal programs and to provide services to all residents of the Town regardless of their financial status.

#### §122-5. Eligibility Criteria

[Amended 10-14-2003, effective 11-10-2003]

- A. This subsection shall apply to all of the services subject to this article and set forth in § 122-10, with the exception of the after school program listed in § 122-10A below. The eligibility criteria set forth in this subsection may be changed by resolution of the Town Council.
- B. Residency. The primary residence of Fee Waiver applicants must be located in the Town of Mansfield. Primary residence means that the applicant resides in Mansfield for more than six months during the course of a fiscal year.
- C. 75% Fee Waiver. Applicable fees not reimbursed by a third party will be reduced by 90/75% for residents of the Town of Mansfield who meet the U.S. Housing of Urban Development (HUD) definition of "extremely low income" for Mansfield residents based upon income and number of persons who reside in the household. Income is defined in §122-6. ~~present sufficient evidence that they are enrolled in the Medicaid (Title XIX) program, or that their current adjusted gross family or household income does not exceed 130% of the federally determined level of poverty. Fifty percent of fees will be waived for residents whose current adjusted gross family or household income does not exceed 185% of the federally determined level of poverty. Unreimbursed medical expenses exceeding 3% of adjusted gross income will be deducted in determining gross income for the purpose of this program.~~
- D. 50% Fee Waiver. Applicable fees not reimbursed by a third party will be reduced by 50% for residents of the Town of Mansfield who meet the U.S. Housing of Urban Development (HUD) definition of "very low income" for Mansfield residents based upon income and number of persons who reside in the household. Income is defined in §122-6.
- E. 100% Fee Waiver. For the ambulance fees listed in §122-10 below only, applicants who qualify for a fee reduction of 90/75% per §122-5C ~~the immediately preceding subsection of this article shall instead receive a fee reduction of 100%.~~
- F. Maximum Amounts. Maximum limits will be placed on the value of fee waivers granted to eligible households per fiscal year. Maximum limits based on household size will be set by resolution of the Town Council and may be adjusted from time to time. Once the fiscal year budgeted allocation for the Fee Waiver Program has been completely expended, the Town Manager is authorized to suspend the program. The program may be reinstated for the suspended fiscal year if additional funds are appropriated by the Town Council.

#### §122-6. Requests Applications

Any requests for a fee waiver must be made on a Town of Mansfield application form. Eligibility is determined on an annual basis. Annual basis is defined as a fiscal year basis, July 1- June 30. Applicants will be required to provide documentation demonstrating residency such as recent utility bills, a driver's license, or other documentation as requested by the Town.

Applicants must provide documentation showing all sources of income for all persons who reside in the household. Sources of income may include but are not limited to: wages; workers compensation payments; unemployment compensation; social security payments; pension payments; rental income; alimony payments; child support payments; disability benefits; veterans benefits; earnings from investments. To document sources of income, applicants will be required to submit federal income tax returns, and any other documentation as requested for all persons domiciled in the household.

The application shall be signed by the applicant under penalty of false statement as punishable by Connecticut General Statutes section 53a-157b, which shall be noted on the application adjacent to the space designated for the signature of the applicant.

#### **§122-7. Verification of Information**

The information on the application may be verified by Town officials at any time during the year. If it is determined that an applicant has provided false and/or misleading information and/or has purposely withheld information from their application, the applicant will be denied participation in the program for that fiscal year.

#### **§122-8. Review of waivers; changes to information**

Waivers need to be reinstated on a yearly basis unless circumstances warrant a more frequent review. Any changes in family size or household income must be reported immediately to the Town agency responsible for administering the Fee Waiver Ordinance. Changes in participant eligibility factors as set forth in §122-5 can affect eligibility for the Fee Waiver program, such as having eligibility status terminated until later application is approved.

#### **§122-9. Confidential Information**

The information provided will be treated confidentially and will be used only for eligibility determinations and verification of data. Certain documentation submitted by applicants may be subject to disclosure in accordance with the Freedom of Information Act. Only documents or information required to be disclosed by state or federal law will be released to the requesting individual, agency, or other entity.

Applications shall not be returned to the applicant, but will remain on file for at least two years following the close of the fiscal year (June 30<sup>th</sup>) in which the applicant applied, after which they may be destroyed once approval has been received from the State Records Administrator.

#### **§122-10. Applicability**

The following services are subject to this article:

- A. Parks and Recreation programs, including Community Center memberships.
  - i. Exclusions. The following exclusions apply: materials fees; bus/van trips; programs not directly provided by the Town such as but not limited to youth sports operated by non-profit organizations or other public agencies, excluding bus trips and more than two summer camp sessions per child.
- B. ~~Planning and Zoning fees~~
- C. ~~Inland Wetland fees~~
- D. ~~Zoning Board of Appeals fees~~
- E. (Reserved) *Editor's Note: Former Subsection E, Subsurface sewage disposal and water supply wells, was repealed 8-8-2005, effective 9-3-2005*
- F. (Reserved) *Editor's Note: Former Subsection F, Junk car disposal, was repealed 8-8-2005, effective 9-3-2005*

- G. ~~Solid waste disposal~~ Residential refuse collection fees. All Transfer Station fees are excluded from this provision except for the fee for the disposal of residential refuse in 35 gallon garbage bags.
- H. Recycling fees
- I. Ambulance fees
- J. ~~Community Center memberships and programs~~ [Added 10-14-2003, effective 11-10-2003]
- K. ~~Parks and Recreation after school program~~ [Added 12-8-2003, effective 1-3-2004]
- L. Senior Center fees [Added 2-28-2011, effective 3-29-2011] Human Services programs.
  - i. Exclusions. The following exclusions apply: bus/van trips; wellness and medical care services such as but not limited to podiatry, massage therapy, and health screenings that are offered at Town facilities but conducted by a third party that charges fees for service; programs and trips not directly provided by the Town such as but not limited to programs and trips operated by the Mansfield Senior Center Association, non-profit organizations, or other public agencies.

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- D. 50% Fee Waiver. Applicable fees not reimbursed by a third party will be reduced by 50% for residents of the Town of Mansfield who meet the U.S. Housing of Urban Development (HUD) definition of "very low income" for Mansfield residents based upon income and number of persons who reside in the household. Income is defined in §122-6.
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**RECOMMENDED INCOME LIMITS & ANNUAL CAP**

Household Size	Current Income Limits		Recommended Income Limits		Recommended Annual Cap Per Household
	50% Fee Waiver	90% Fee Waiver	50% Fee Waiver	75% Fee Waiver	
1	\$21,257	\$14,937	\$29,950	\$18,000	\$325
2	\$28,694	\$20,163	\$34,200	\$20,550	\$650
3	\$36,131	\$25,389	\$38,500	\$23,100	\$975
4	\$43,568	\$30,615	\$42,750	\$25,650	\$1,300
5	\$51,005	\$35,841	\$46,200	\$27,750	\$1,625
6	\$58,442	\$41,067	\$49,600	\$29,800	\$1,950
7	\$65,879	\$46,293	\$53,050	\$31,850	\$2,275
8 +	\$73,316	\$51,519	\$56,450	\$33,900	\$2,600

Notes:

"Extremely Low" is 30% of median income in Mansfield and is reflected in 75% "recommended" column  
 "Very Low" is 50% of median income in Mansfield and is reflected in 50% "recommended" column  
 Annual cap reflects the maximum value of fee waivers eligible households may use in one fiscal year.  
 The average household size of fee waiver participants in FY 12-13 was 3, median was 3.4  
 The median waiver per household was \$594, the average waiver per household was \$919.  
 40 households, or 24.1% of fee waiver participants exceeded the recommended household cap in FY 12-13.