

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 15-10


FROM: Sean Brown, Deputy Commissioner
Economic Services Division

DATE: November 13, 2014

SUBJECT: General Assistance Program Rules

CHANGES ADOPTED EFFECTIVE 11/28/14

INSTRUCTIONS

- Maintain Manual - See instructions below.**
- Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
- Information or Instructions - Retain until _____**

MANUAL REFERENCE(S):

2652.3

Section E.321.1 of Act 179 (2014), the fiscal year 2015 Appropriations Act, directs the Department to "implement the eligibility system for emergency housing to vulnerable populations that do not have a catastrophic need established by emergency rules adopted after July 1, 2013," and authorizes the Department to continue adopting emergency rules implementing the vulnerable populations eligibility system until a permanent rule is adopted.

On July 1, 2013, the Department adopted an emergency rule that established eligibility criteria for vulnerable populations in need of emergency housing in accordance with Section E.321.1 of Act 50 (2013), the fiscal year 2014 Appropriations Act. After receiving feedback from advocates and community partners, the Department filed another emergency rule on August 1, 2013, which revised the eligibility criteria for vulnerable populations in need of emergency housing. That rule was renewed through another emergency rule filing effective November 30, 2013, and again, effective March 31, 2014. The next emergency rule was adopted on July 30, 2014, and was identical to the previous emergency rule except that it incorporated a requirement from Act 133, *An Act Relating to Temporary Housing*, that General Assistance temporary housing recipients contribute no more than 30 percent of their income toward the cost of temporary housing. This bulletin establishes a new effective date for this emergency rule.

Emergency Rulemaking Process

The Department expects to file this emergency rule with the Legislative Committee on Administrative Rules (LCAR) and the Secretary of State's Office on or before November 28, 2014.

The Department will post the emergency rule on the DCF website at <http://dcf.vermont.gov/esd/rules> and notify advocates and members of the public about the rule.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/Committee01.cfm> or call 828-5760.

Manual Maintenance

General Assistance Rules

Remove

Insert

2652.3

(14-16)

2652.3

(15-10)

Housing

2652.3 Emergency Housing for Vulnerable Populations (11/28/14, 15-10)

Emergency housing is intended to provide up to 28 days of shelter for vulnerable populations who are without housing and do not qualify for temporary housing under rule 2652.2. Applicants may qualify for emergency housing if the household has a member who is:

- A. 65 years of age or older;
- B. in receipt of SSI or SSDI;
- C. a child six years of age or under; or
- D. in the third trimester of pregnancy.

Applicants, without a member belonging to one of the above vulnerable populations, may qualify for emergency housing if the household has a member belonging to a vulnerable population and has been assessed a total of 4 or more points according to the following point system:

| Vulnerable Population Category | Points |
|--|---------------|
| Disabled Veteran (as defined in 38 U.S.C. § 4211) | 1 |
| Individual with an open case receiving services from the Family Services Division | 1 |
| SSI or SSDI applicant with medical documentation of disability | 1 |
| Child(ren) between the ages of 7 and 17 | 2 |
| Individual discharged from a 48-hours or more inpatient hospital stay, within the past 30 days, who has an ongoing medical need related to the hospitalization | 2 |
| Individual over 18 years of age discharged from the custody of the department for children and families within the past 3 years | 1 |
| Reach Up recipient | 1 |
| Individual on probation or parole with the department of corrections who has been incarcerated for 12 consecutive months and released within the past 6 months | 1 |

Applicant households shall be assigned points only once within any vulnerable population category.

Assistance shall not be authorized when appropriate shelter space is available. Available shelter space shall be deemed appropriate absent documentation that the shelter poses health or safety risks to a member of the applicant household.

Applicant households that have caused their own loss of housing within the past 6 months shall not be eligible for emergency housing. Examples of causing one's own loss of housing include, but are not limited to:

- Court-ordered eviction, subject to the limitation set forth in rule 2621(D);
- Voluntarily leaving one's housing, excluding constructive eviction as defined in rule 2622;
- Denial of further accommodations at a shelter, motel, or similar establishment, for not following the rules of the establishment.

Housing

Recipient households who are denied further accommodations at a motel, or similar establishment, for not following the rules of the establishment shall be ineligible for emergency housing for 30 days following the last date the department authorized emergency housing assistance.

If verification of eligibility criteria cannot be obtained on the day of application, assistance may be authorized for no more than four days on a conditional basis pending verification. No more than four days of conditional assistance may be authorized within the 30-day period following the date of application.

Authorization for emergency housing may be issued for periods of not more than 14 days.

Emergency housing payments will be allowed for only 28 days in any consecutive 12-month period. The 12-month period is computed from the date of application to the same day of the month 12 months prior. The 28-days need not be consecutive.

The 84-day housing maximum under rule 2652.2 is cumulative for assistance received under rules 2652.2 and 2652.3. An applicant who has received 84 days in temporary housing during a 12-month period is not eligible for any further emergency housing assistance for the same 12-month period. Emergency housing for vulnerable populations is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Temporary housing applicant households with gross monthly household income equal to or less than the Reach Up basic need standard for a household of the same size shall not be required to contribute any income toward the cost of temporary housing.

Temporary housing applicant households with gross monthly household income greater than the Reach Up basic need standard for a household of the same size shall be required to contribute 30 percent of their gross household income toward the cost of temporary housing.

The following table contains the basic need standards by household size:

| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|----------------|-------|-------|-------|--------|--------|--------|--------|--------|--------------------------------------|
| Basic Need | \$475 | \$680 | \$891 | \$1064 | \$1247 | \$1372 | \$1589 | \$1769 | Add \$170 for each additional person |

See rule 2602 for the definition of "applicant household."

Housing

The Department will apply the following method in calculating the 30 percent income contribution:

- An applicant household with income received on the date of application will be required to house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of the household income received on that day divided by the least expensive daily motel rate available in the district at that time.
- An applicant household with no income received on the date of application, but that will be receiving income within the next 14 days, will be required to house themselves starting on the day the income is received for the number of days, rounded down to the nearest whole number, equal to 30 percent of their gross income for that payment cycle divided by the least expensive daily motel rate available in the district at that time.

If 30 percent of gross household income divided by the least expensive daily motel rate is less than 1, the household will not be required to contribute any income toward the cost of temporary housing.