

INTERPRETIVE MEMO

Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2652.2, 2652.3 Effective date of this memo 9/18/2017
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This memo: [] is new [X] Replaces one dated 1/26/2015

UPDATE:

The purpose of this interpretive memo is to clarify the Department's policy for verifying a temporary housing applicant's lack of housing.

Pursuant to rule 2601.1, the applicant is the primary source of information about the lack of housing. In addition to the applicant's statement, it is necessary for eligibility staff to verify the applicant's lack of housing. The steps eligibility staff should take to verify lack of housing are described below.

A. Catastrophic Eligibility (Rule 2652.2)

1. Natural Disaster

When the applicant's lack of housing is due to a natural disaster, such as a flood, fire, or hurricane, eligibility staff shall verify the natural disaster through news media, letters from the Red Cross, or any other relevant documentary or collateral source. For the first application, the applicant shall be granted temporary housing for up to four nights while such verification is pending, if all other eligibility criteria are met.

2. Court-Ordered Eviction

When the applicant's lack of housing is due to a court-ordered eviction resulting from circumstances over which the applicant had no control, the applicant must provide a copy of the court order at the time of application. Please see the interpretive memo facing rule 2620, dated July 3, 1985, for additional information.

3. Constructive Eviction

When the applicant's lack of housing is due to the landlord's failure to provide heat, water, or utilities, as required by the lease agreement, or any other violation by the landlord of the

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warranty of habitability, the applicant must provide a copy of the report from the housing inspector, the Vermont Department of Health, or other appropriate authority citing the violation. The report need not explicitly state that the unit is uninhabitable; it is sufficient if the report states that the unit has no heat, water, or other necessary utility or that the unit has some other condition (e.g. mold) in violation of relevant housing codes. Eligibility staff shall send the report to ESD's central office for review before making an eligibility determination. If the date of the report is more than one week before the date of application, eligibility staff shall attempt to confirm with the agency responsible for issuing the report that the violation still exists. For the first application, the applicant shall be granted temporary housing for up to four nights while such verification is pending, if all other eligibility criteria are met.

When there is a termination of tenancy for no cause ESD must have a copy of the letter. For more detailed information about these letters, see Interpretive Memorandum rule facing 2622 dated September 18, 2017.

4. Domestic Violence

When the applicant's lack of housing is due to domestic violence, the applicant must provide the verification listed in rule 2621 at the time of application.

5. Alternative Arrangements Not Immediately Available

In order to qualify for temporary housing assistance, rule 2652.2 requires that alternative arrangements are not immediately available to the applicant. When an applicant has indicated that alternative arrangements are available, the applicant must provide verification that these housing arrangements are no longer available, through either documentary or collateral sources, at the time of application.

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B. Vulnerable Populations (Rule 2652.3)

1. **Causing One’s Own Loss of Housing**

Rule 2652.3 disqualifies applicants who have caused their own loss of housing from receiving temporary housing assistance for a period of six months. Eligibility staff shall attempt to verify whether an applicant has caused their own loss of housing through either documentary or collateral sources. The applicant shall be granted up to four nights of temporary housing, pursuant to rule 2652.3, while such verification is pending, for providing such verification, if all other eligibility criteria are met.