

## Emergency Housing Waiver and Variance of Rules

As Vermont begins to reopen, June 1, 2021 through June 30, 2022 is an interim year to transition from the General/Emergency Temporary Housing COVID-19 non-congregate shelter policy to a more sustainable emergency housing system that will begin July 1, 2022. **Below is the Emergency Housing eligibility criteria that will exist for the period of September 3, 2021 through June 30, 2022.** These rules will remain in effect unless there is a need to respond to a public health emergency or other emergency and expand eligibility.

The authority to waive or vary the rules is in Act 6 Sec. 1 (2021). Act 74 extends the timeframe for these rules to remain in place until June 30, 2022. While the Department does not intend on making changes to these rules, please always look for the most current version posted on the Economic Services Division COVID-19 webpage at <https://dcf.vermont.gov/esd/covid19>.

### Rules Effective September 3, 2021

#### **EH-700      Emergency housing**

Emergency housing provides financial assistance in the form of a motel voucher for eligible applicant households whose emergency need, according to Department standards, cannot be met under any other assistance program administered by the Department and cannot be relieved without the Department's intervention. The Department will not approve an application for emergency housing if shelter space is available unless there are safety concerns regarding domestic violence. Specifically, these concerns are when an applicant is fleeing domestic violence, dating violence, sexual assault, stalking, human

trafficking, or other dangerous or life-threatening conditions related to violence against an individual and provided there is no domestic violence provider that administers shelter overflow at motels, in that district.

Your household may be eligible for up to a maximum of 84 days of emergency housing. If your household includes children, you may request additional housing beyond the 84 day maximum in 30 day extensions if you are actively working with a service provider to find permanent housing. The Department will issue a motel voucher for up to 30 days at a time. Payment may be authorized in an amount necessary to secure motel space at the least expensive rate available to the applicant at that time. General Assistance emergency housing is not an entitlement and may cease upon expenditure of the appropriation.

Emergency housing has no provision for ongoing assistance. Additional requests will be treated as new applications. If your household does not pursue all available resources to end the emergency housing need you will not be eligible for emergency housing.

**EH-701      Application, Interview, Verification and Decision**

Right to Apply: All persons interested in applying for emergency housing shall be granted the opportunity to do so.

Your Application and interview may be completed either in person or by phone.

To receive emergency housing, you must complete and sign the application. Your application must include income information for all members of your household including verification, and you must complete an interview with a representative of the Department. The Department will make a decision once we receive a completed and signed application with the necessary verification [see EH-701.1] and an interview has been completed.

Failure to submit a completed application promptly shall not be the sole reason for the Department to deny assistance unless it is established that you did not cooperate in gathering all the necessary information.

### **EH-701.1    Verification**

As the applicant, you are the primary source of information to establish eligibility. It is your responsibility to furnish the necessary information completely and accurately and to give the Department permission to obtain the information from other sources.

You have the right to refuse to give the Department information, to refuse to submit required proof, or to refuse to allow the Department to contact others. However, refusing to provide information or access to the information necessary to establish eligibility will result in denial of your application. In addition, if you willfully misrepresent your household's circumstances it will result in a denial and may result in legal action under fraud statutes, and termination of the benefit if learned after being granted a motel voucher. Department staff will make every effort to help you understand this provision and the potential consequences of refusing access to the information that is necessary to determine eligibility or willful misrepresentation of your household's circumstances.

You may provide verification and supporting documentation by:

- Dropping it off at a district office;
- Mailing it to the Department;
- Uploading it using the Department's uploader [find instructions to use the uploader at <https://dcf.vermont.gov/doc-uploader>] ; or
- Allowing the Department representative to confirm the information with a phone call.

### **EH-701.2    Action on Application**

The Department will decide whether you qualify for emergency housing once a completed, signed application with the necessary verification is submitted. Once the Department has this information it will:

- Review the information and make a decision; and,
- Let you know if your application was approved or denied.

- If your application is approved verbal notice will be given, and if requested, it can also be provided in writing. The notice will include:
  - Number of days approved;
  - The check in date and check out date at the motel; and
  - When to reapply.
- If your application is denied, the denial notice must be in writing and include the specific reason for the denial.

**EH-705      Definitions**

The following definitions apply to the terms used in these emergency housing rules.

1.    “Applicant” means an individual applying for emergency housing for their own need and for the needs of those dependents who live with them in Vermont and for whom they are legally responsible.

For married individuals or parties to a civil union who live together, the term applicant refers to both spouses or civil union partners. Either spouse or partner may complete the application.

For unmarried adults who live together and have a child-in-common, the term applicant refers to both adults. Either adult may complete the application.

Applicants must be age 18 or older, unless emancipated (see emancipated minor below).

2.    “Available resources” means cash on hand or in a bank or other financial institution that are not retirement accounts and can be converted into cash on demand within 24 hours when responding to an immediate emergency need for the first time.
3.    “Department” means the Department for Children and Families, Economic Services Division.
4.    “Dependent” means any of the following members of the applicant's immediate family: husband, wife, civil union partner, or children under age

18, unless the child is an emancipated minor, including biological, adopted, and stepchildren, or those who are 18 or 19 and are attending secondary education full-time or an equivalent level of vocational or technical training.

5. “Emancipated minor” means a minor emancipated by judicial decree under the laws of any state. A minor is also considered emancipated if married or in active military service.
6. “Emergency Housing” means General/Emergency Assistance for temporary housing (commonly known as the motel voucher program).
7. “Motel” means a motel or hotel.
8. “Net monthly income” means as calculated by the Reach Up Financial Assistance program in rules 2270 through 2276, as amended.
9. “Transient” means an individual who does not intend to establish a permanent residence in Vermont.

**EH-705.1    Calculation of Time**

Calculation of time periods shall include the date of application. When determining income for the last 30 days, however, the 30-day period ending on the day prior to the date of application is used.

**EH-715    Vermont Resident**

You must be living in Vermont voluntarily and not for a temporary purpose.

If you are transient or not planning on staying in Vermont, assistance will be limited to that which will get you to a state border. [See 33 V.S.A. 2103(d)].

**EH-720    Applicant Household Must Meet One of the Following**

To be eligible for a motel voucher your household must meet one of the following:

- a. Lost housing due to a natural disaster such as a flood, fire, or hurricane
- b. Fleeing domestic violence, dating violence, sexual assault, stalking, human

trafficking, or other dangerous or life-threatening conditions related to violence against a household member that causes you to reasonably believe that you or your household member are at risk of further harm if you remain in the unit, or if the relevant incident occurred within your home.

- c. A family with a child or children under the age of 18, or who are 18 or 19 and are attending secondary education full-time or an equivalent level of vocational or technical training *[You may ask for housing beyond the 84 nights, 30 days at a time, if actively working with a service provider to find permanent housing (See EH-700).];* or
- d. A household that includes a person with a disability. A person with a disability is:
  - 1. A person who receives SSI, SSDI, VA disability benefits, Medicaid for the Aged, Blind and Disabled (MABD); or
  - 2. A person whose health care professional or counselor from the Division of Vocational Rehabilitation provides documentation that the individual is unable to work more than an average of 20 hours a week over the next three months due to a disability; or
  - 3. A person whose health care professional or counselor from the Division of Vocational Rehabilitation provides documentation that the individual was unable to work more than an average of 20 hours a week over the past three months due to a disability.

*[You may request housing beyond the 84 nights, 30 days at a time when a disability significantly impairs activities of daily living (ADL), or you or a household member are enrolled in or likely eligible for Choices for Care, Developmental Services, CRT, Brain Injury program, Attendant services, if you are actively working with a service provider to find permanent housing (See EH-755)];* or

- e. A household that includes a person age 60 or older; or
- f. A household that includes a pregnant person; or
- g. A Town Health Officer, the Division of Fire Safety, or another governmental entity has declared your rental unit has safety violations that make it unsafe for you to live there. The report must be dated within the last two

weeks or the inspector must confirm that the unit is still unsafe for you to live there (examples of unsafe living conditions that might appear in a report are: no water, if water was provided; no heat, if heat was provided; an unvented heating system; failed septic system; or structural failure); or

- h. Your landlord has intentionally caused, directly or indirectly, the interruption of any utility service being supplied to your household for more than a temporary interruption for emergency repairs (this does not include telephone or internet service), or if your landlord directly or indirectly denies you access to or possession of your rented or leased premises, except through the proper court process.

#### EH-720.1 Variances

- a. Applicants, participants, and service providers may request a variance for an applicant or participant who is denied under the disability prong in Rule EH-720 if being unsheltered would be particularly dangerous to the applicant or participant's health and welfare.
- b. Such a variance request shall include:
  - 1. a description of the need; and
  - 2. a description of the unusual risk posed to the individual's health, safety, or welfare if GA emergency housing is not authorized.
- c. If the request for a variance is denied, the denial notice must be in writing. The notice shall include the right to request a fair hearing and contact information for Vermont Legal Aid, Inc. The applicant or participant may appeal a denial of a request for a variance to the Human Services Board, and the burden shall be on the applicant to show an abuse of discretion. The issuance of a variance shall have no precedential effect on any cases or rules.

#### **EH-725     Shelter Space**

The Department will not house you in a motel if space is available in a shelter. *The Department will let you know if shelter space is available when you apply.*

If you have a physical or mental disability:

- Your local shelter may be able to make special arrangements to help you stay there. This is called a *reasonable accommodation*.
- Your ESD worker can help you talk to your local shelter about your need for an accommodation.

If your local shelter can't make a reasonable accommodation so the shelter is accessible to you:

- Please ask the Department for a reasonable accommodation
- If approved and you meet other requirements, a motel voucher will be provided.

#### **EH-725.1 Refusal of Shelter Space or Asked to Leave a Shelter**

You will not be eligible for a motel voucher if in the last 30 days:

- You did not accept an available shelter space when offered; *OR*
- You were asked to leave a shelter for not following the rules of the shelter.

If your disability was a factor in being asked to leave the shelter, you may request a reasonable accommodation to not apply this rule. Otherwise, having a disability does not prevent the application of this rule.

If you request a reasonable accommodation, it will be reviewed by the General Assistance Team, and a written decision will be issued by the Deputy Commissioner of the Economic Services Division.

#### **EH-730 Causing One's Own Loss of Housing**

Emergency housing is intended to provide short term shelter for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided, and for whom permanent housing or alternative arrangements are not immediately available.

The Department will not house you in a hotel/motel if you caused your own loss of housing within the past 90 days – unless you left for health or safety reasons. Causing one's own loss of housing includes, but is not limited to, violent behavior,



or a Relief from Abuse (temporary or final) order that prevents you from returning to your home or leaving housing where you could have stayed.

If your disability was a factor in causing your loss of housing, you may request a reasonable accommodation to not apply this rule. Otherwise, having a disability does not prevent the application of this rule.

If you request a reasonable accommodation, it will be reviewed by the General Assistance Team, and a written decision will be issued by the Deputy Commissioner of the Economic Services Division.

**EH-735      Income Limit**

You must have gross monthly income at or below 185% of the Federal Poverty Level (FPL). This includes everyone’s income:

- From all sources, and
- Before things like taxes are subtracted (*gross income*).

<b>Number of People in Household</b>	<b>Maximum Gross Monthly Income (185% of FPL)</b>	<b>Number of People in Household</b>	<b>Maximum Gross Monthly Income (185% of FPL)</b>
1	\$1,969	6	\$5,421
2	\$2,659	7	\$6,113
3	\$3,349	8	\$6,803
4	\$4,041	9	\$7,495
5	\$4,731	10	\$8,187

**For each additional person add \$692.**

**EH-740      Income Contribution**

If you are otherwise eligible and have net monthly household income, as calculated by the Reach Up program in rules 2270 through 2276 (as amended), equal to or less than the Reach Up basic need standard for a household of the same size, you will not be required to contribute any of your income toward the cost of emergency housing.

If you are otherwise eligible and have net monthly household income greater than the Reach Up basic need standard for a household of the same size, you will be required to contribute 30 percent of your net household income toward the cost of emergency housing.

Number of People in Household	1	2	3	4	5	6	7	8	9 or more
Basic Needs	\$644	\$942	\$1236	\$1478	\$1733	\$1907	\$2203	\$2458	Add \$236 for each additional person

How your Income Contribution is determined:

- If you have income on the day you apply, the Department will not house you for the number of days, rounded down to the nearest whole number, equal to 30 percent of the net income received on that day, divided by the average motel cost available in the district at that time.
- If your household does not receive income on the day you apply, you will be housed for up to 14 days or until the next time your household has income.
- When you have income again, the Department will not house you for the number of days, rounded down to the nearest whole number, equal to 30 percent of the net income received on that day, divided by the average motel cost available in the district at that time.
- If 30 percent of your household’s net income divided by the average motel cost available in the district is less than the cost of two days at the average motel rate, the Department will continue to provide you with a motel voucher.

**Eh-745      Resource Limit**

You may not have more than \$2,250 in available resources [see EH 705(2)]. This includes everyone in the household.

- After the initial period of emergency housing, if you apply for additional emergency housing, you will need to have taken steps to access other resources such as cash value of life insurance, sale of stock, bonds, or mutual funds, or other reasonably accessible resources to meet your housing needs. This does not include any type of retirement accounts. Future emergency housing applications will be evaluated in relation to whether you have taken reasonable steps to access these resources. If you have not taken steps to access these resources, your application will be denied.
- The resource limit does not include any money contributed as part of the Vermont Match Savings Program, an ABLE Account or PASS plan.

**EH-750      Housing Case Management/Coordinated Entry**

For the Department to continue to house you in a motel you must work with a housing agency to find long term housing. *If you need help, the Department can connect you with the right person when you apply for emergency housing.*

**EH-755      Waiver Beyond 84 Days**

You may request a waiver of the 84-day maximum, if you or a household member has a disability that significantly impair activities of daily living (ADL). You may also request a waiver of the 84-day maximum if you or a household member is eligible for: Choices for Care; development services; CRT; brain injury program; or attendant services. Requests to waive the 84-day maximum for any of these reasons should be made to the Deputy Commissioner of the Economic Services Division. If approved by the Deputy Commissioner, your emergency housing will be extended up to 30 days at a time.

In cases where the individual is eligible for one of the above programs or has a disability that significantly impairs ADL, the housing case manager or legal representative should request a waiver from the Department, who will then coordinate with the nurse coordinator for that region of the state from the Department of Disabilities, Aging and Independent Living (DAIL).

## **EH-760      Housing Separate Applicants Together**

Individuals who are not members of the same applicant household [see EH-705(1)] may request to be housed together in the same motel room.

- The Department will house no more than two separate applicants together.
- You must each complete a separate application and be approved for a motel voucher individually. *Unless you have a reasonable accommodation to have a caretaker reside with you.*
- Each applicant must indicate at the time of the interview that they would like to be housed with the other individual. *If the Department has safety concerns it may choose, in its sole discretion, to house the applicants separately.*
- Each applicant must continue to meet all program requirements.
- The applicants' income will be considered together and calculated as one household for the purposes of determining the 30 percent income contribution (see EH-740) and amount of time both applicants need to house themselves.

## **EH-765      Period of Ineligibility**

*This rule does not apply to parent(s) or qualified caretaker(s), as defined in Reach Up rule 2230.1(as amended), if you have a child or children living with you who are under the age of 18, or who are age 18 or 19 attending secondary education full time or an equivalent level of vocational or technical training and who are included as part of the household in the current emergency housing grant.*

You will not be eligible to be placed in a motel by the Department for a period of time if you are asked to leave a motel for:

- Violent criminal behavior;
- Attempted violent criminal behavior;
- Theft of a \$75 or greater value from Hotel/motel or guests;

- Creating safety hazards (examples: disabling smoke detectors, placing tape over a smoke detector, using appliances or heaters which create a fire hazard, blocking exits, disabling any type of alarm);
- Threatening other guests or motel staff, or having guests that threaten others;
- Sale, distribution, or manufacturing of illegal substances; or
- Destruction of property (intentional damage or misuse)

*For other violations there is no period of ineligibility, however the hotel/motel may require you to leave and will no longer accept you as a guest. In these situations, the Department will try and book you at a new location, but the Department cannot guarantee that it will be able to secure a new reservation.*

If it is determined by the Department that you are not eligible for a period, the Department will not pay for you to stay in a hotel/motel during that time. This is called a Period of Ineligibility (POI).

- For a first violation, the POI is 15 days.
- For a second and any other violation, the POI is 30 days.

If you are placed on a period of ineligibility (POI) and you disagree with the decision, you may:

- Ask the Human Services Board for a fair hearing. *You'll get to tell your side of the story. And you can have a person you trust help you.*
- Ask to be housed in another motel while waiting for the recommendation from the fair hearing officer.
- Call 1-800-889-2047 to see if you qualify for free help from Vermont Legal Aid.

To request a fair hearing, call the Department at 1-800-479-6151. If you ask for a fair hearing, one will be scheduled usually within 10 days. Before the hearing, the Department will give you or your representative a copy of the evidence the Department will be presenting. If the hearing officer agrees with the Department's decision, the POI will begin right away. If you do not show up to the

hearing, the Department will not continue to house you, and your POI will begin right away.

If you ask to be rehoused and you do not ask for a fair hearing within three days, your POI will begin.

Please let the Department know if you have a physical, mental, or learning disability that:

- Makes it hard for you to follow the rules at the motel/hotel, or
- Makes it hard for you to participate at a fair hearing.

You may be entitled to ask for a reasonable accommodation. This could include changing how the program is administered to give you an equal opportunity to participate.

### **RIGHT TO A FAIR HEARING**

If you disagree with a decision the Department has made, you may ask for a fair hearing. The Human Services Board will:

- Hold a hearing within 10 days (usually).
- Listen to your side of the story.
- Review the facts fairly and objectively.
- Decide if the decision should be upheld or reversed.

You must ask for a fair hearing within 90 days of getting a notice. To do so, call the Department at 1-800-479-6151 or the Human Services Board at (802) 828-2536. You can get someone you trust to help you.

### **RIGHTS OF PEOPLE WITH DISABILITIES**

If you have a disability, you may be entitled to program modifications, and/or free aids & services to help you get benefits. This is called a *reasonable accommodation*. Examples include:

- Having someone write your answers down.
- Giving you documents in other formats. For example: large print, audio, or

Braille.

- Having a support person with you when you talk to us.
- Meeting in your home or by phone.
- Giving you more time to get the Department the necessary documents.

Call 1-800-479-6151 if you need this help.

### **NEED LEGAL HELP?**

Call 1-800-889-2047 to see if you qualify for free help from Vermont Legal Aid.

### **HAVE QUESTIONS?**

Ask your worker or call 1-800-479-6151.

### **LEARN MORE**

Go to <https://dcf.vermont.gov/esd/covid19>. You can also call 1-800-479- 6151 to learn more about temporary housing.

#### **If you need interpretation services...**

(Arabic) 1-855-247-3092 إذا أنت ترغب خدمات الترجمة الفورية اتصل برقم

Ako su Vam potrebne usluge tumačenja, pozovite 1-855-247-3092. (Bosnian)

စကားပြန် ဝန်ဆောင်မှုလုပ်ငန်းကိုအလိုရှိပါက 1-855-247-3092 သို့ဖုန်းဆက်ခေါ်ပါ။ (Burmese)

Si vous avez besoin de services d'interprétation, appelez le 1-855-247-3092. (French)

Mugihe woba ushaka impfashanyo yo gusigurirwa, hamagara uyu murongo 1-855-247-3092. (Kirundi)

यदि तपाईंलाई दोभाषे सेवाको जरुरत परेमा 1-855-247-3092 मा कल गर्नुहोस्। (Nepali)

Haddii aad u baahan tahay adeegyo turjumaan, wac 1-855-247-3092. (Somali)

Si usted necesita servicios de interpretación, llame al 1-855-247-3092. (Spanish)

Ikiwa unahitaji huduma za ukalimani, piga simu 1-855-247-3092. (Swahili)

Nếu quý vị cần dịch vụ thông ngôn, hãy gọi 1-855-247-3092. (Vietnamese)