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INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2600 Date of this Memo 06/07/1982 Page 1 of 1

This Memo: is New Replaces one dated 05/21/1981

QUESTION: We are concerned about the fact that we are receiving many decisions of incapacity via the form 210A based on alcoholism. This has created a situation where a large number of young people are now eligible for GA for an indefinite period of time, since subsequent form 210A's completed by the same doctors return the same incapacity decision.

ANSWER: Anytime a worker questions an incapacity decision made by a particular doctor or feels that a doctor may not realize the full impact of his or her decision, the worker may request that the applicant get a second medical opinion.

Also, it is certainly permissible, and even advisable in certain situations, to attach to the form 210A a cover letter explaining to the doctor the significance of his decision.

QUESTION: If on the basis of the information on a form 210A received from one doctor, we decide that we want a second opinion, may we require that the applicant see a particular doctor or do we have to allow him to choose one himself? If a form 210A is returned with the recommendation that the applicant see a psychologist or psychiatrist, may we insist that he do so and deny him if he refuses?

ANSWER: A worker may designate from which doctor a second opinion must come, but whenever possible should offer the applicant a choice of two or three doctors. If a form 210A recommends that the applicant see a psychologist or psychiatrist, the worker may require that he do so for the purpose of determining eligibility. Once eligibility is established, however, a worker may not require that the applicant follow a particular treatment plan.

General Assistance

2600 General Assistance (10/01/2008, 08-20)

General Assistance (GA) is an emergency financial assistance program for eligible applicant households whose emergency needs, 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. Receipt of 3SquaresVT, however, shall not be a factor in determination of emergency need since this is a diet supplement program and may not be considered in determining eligibility for or level of benefits in any other assistance program.

A household may qualify for GA in two ways, by meeting either the non-catastrophic or the catastrophic rules. All households must meet the citizenship and residence criteria in rule 2604 and furnish required information as specified in rule 2605.

Households with emergency needs not caused by a catastrophic situation must include a minor dependent or meet other criteria of age or ability to work (rule 2610) to be determined eligible, and must have income below the applicable income test (rule 2610 B). Households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits are ineligible for non-catastrophic GA because they are considered to be over income for this program.

Households with emergency needs caused by a catastrophic situation must meet the eligibility criteria in rule 2620. Emergency medical needs are considered catastrophic. All households applying for GA for an emergency medical need must meet the catastrophic GA criteria at rule 2620 to have the emergency medical need covered by GA.

General Assistance, a program to meet emergency needs, has no provision for ongoing assistance. Subsequent requests will be treated as new applications.

Application

2601 Application (10/01/2008, 08-20)

To have their eligibility for GA considered, all applicants (rule 2603) or their authorized representatives must:

- A. submit a complete, signed application each time they request assistance; and
- B. have a face-to-face interview with an ESD representative, unless waived by the district manager.

Action on applications shall be taken upon receipt and review of a signed application. The action shall be considered complete when:

- A. A decision on the application has been made.
- B. Written notice of such decision has been made available to the applicant. A written grant notice is not required but will be provided upon request. A written denial notice is required if the entire application or any part of it is denied.

Oral notice of assistance granted shall include the following specific information:

- A. Items and amount authorized.
- B. Effective dates of authorization.
- C. Method of payment.

Written notice of assistance denied shall include the specific reason for denial.

Failure to complete action on an application promptly shall not constitute the sole reason for denial of assistance unless it can be established and documented in the case record that such failure is the result of noncooperation on the part of the applicant.

Methods of Investigation (01/01/2009, 08-20)

The applicant is the primary source of information about his need and eligibility for aid or benefits. Information furnished on the signed application and through interviews may be subject to verification, through documentary or collateral sources.

Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to furnish necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere. Department responsibility to assist an applicant to establish eligibility requires careful explanation and interpretation of program eligibility criteria and information needed to assess the applicant's circumstances against such eligibility criteria.

An applicant has a right to refuse to give information, to submit required proof, or to give consent to a collateral contact. Such refusal of information or action necessary to establish eligibility will result in denial or closure of aid or benefits. Wilful misrepresentation of applicant circumstances will also result in legal action under fraud statutes. Department staff shall make every effort to assure full applicant understanding of the consequences of refusal to take necessary action to establish eligibility or misrepresentation of individual circumstances.

Application

An individual may apply for aid or benefits through another person; for example: an authorized representative; a person acting responsibly for an incompetent or incapacitated individual. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities and consequences for the applicant as an applicant acting directly for himself.

2601.2 Interviews (01/01/2009, 08-20)

Face to face interviews are required for General Assistance applications. Such interviews may be conducted in the applicant's home or another mutually convenient location when individual circumstances of health, or unusual transportation problems preclude office interviews.

Personal interviews are conducted privately with the applicant, who may have one representative of his choice to assist in oral presentation of his needs.

2601.3 Verification (01/01/2009, 08-20)

Verification, defined as a written entry in the case record of third party or documentary confirmation of facts stated by an applicant, shall be required for the following:

- A. All income (including deductions), resources, and shelter expense.
- B. Positive means of personal identification (e.g., Social Security card, driver's license, birth certificate, marriage certificate).
- C. Whenever necessary to obtain complete, clear, and consistent information with regard to any other eligibility factor.

Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including but not limited to a description of method used, dates, sources, summary of information obtained, and any computations required.

Refusal to submit necessary verification or to consent to verification of any eligibility factor or to cooperate in investigation necessary to support an affirmative decision of eligibility shall result in denial of the application.

2601.4 Collateral Sources (01/01/2009, 08-20)

Contact with sources other than the applicant concerning his eligibility for aid or benefits is limited to interviews, telephone calls, or correspondence necessary to obtain information required to make a decision on eligibility when the applicant is unable to furnish the necessary information. Information requested from collateral sources is limited to the specific eligibility factors in question.

Common collateral sources are relatives, town officials, town service officers, public records, doctors, and medical facilities. Other agencies that have worked with the applicant are generally the best source of collateral information.

Application

No collateral contact is made without the applicant's knowledge and consent, based on his clear understanding of the need for and purpose of each contact. Department policies regarding confidentiality will be respected.

An applicant may on occasion be reluctant to consent to contact with collateral sources. If, with full understanding of the possible alternative of denial, the applicant refuses to permit a necessary contact, the application shall be denied.

Applicant Household

2602 Applicant Household (02/01/2004, 03-01)

A GA household shall consist of an individual applying for GA and all dependents living with the applicant in Vermont for whom the applicant is legally responsible, i.e., spouse, civil union partner, and dependent children under the age of 18. The following individuals must be considered members of the applicant household when they live together:

- dependent children under the age of 18;
- their siblings, half-siblings, and step-siblings under the age of 18;
- their parents, step-parents, or other legally responsible relatives.

The members of the GA household shall have their needs, income, and resources considered together to determine eligibility.

Individuals age 18 or over who live with their parents are considered a separate family and must complete a separate application.

Definitions

2603 Definitions (02/01/2004, 03-01)

The following definitions apply to the terms used in the GA rules.

- A. "Able-bodied" means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the GA applicant a Medicaid recipient. The department shall pay the reasonable expense of required medical examinations and may require and pay for a second opinion.

Individuals whose SSI/AABD eligibility has been terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability shall be considered able-bodied with respect to their drug or alcohol impairment.

- B. "Applicants" means individuals applying for GA for their own needs and for the needs of those dependents with whom they live 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).

- C. "Available resources" means cash on hand or in a bank or other financial institution, including Christmas clubs and U. S. savings bonds or other negotiable instruments that can be converted into cash on demand within 24 hours when responding to an immediate emergency need for the first time. The applicant shall be advised to take steps to access other resources such as cash value of life insurance, sale of stock, bonds, or mutual funds, cashing of an IRA or other reasonably accessible resource to meet future needs. Future GA applications will be evaluated in relation to whether the applicant has taken reasonable steps to access these resources. If not, the application will be denied because no effort was made to access resources that could have been currently available to meet the emergency need.
- D. "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.
- E. "Dependent" means any of the following members of the applicant's immediate family: husband, wife, civil union partner, and children under age 18, unless they are emancipated minors, including biological, adopted, and stepchildren. A pregnant woman having no children in her household shall not be considered to have a minor dependent.
- F. "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.
- G. "Gainful employment" means individuals:
- work at least 35 hours per week at no less than the applicable minimum hourly wage;
 - have gross weekly income that, when divided by 35, equals or exceeds the applicable minimum hourly wage, regardless of the actual number of hours worked; or

Definitions

- if self-employed, work at least 35 hours per week and the balance of income remaining after deducting allowable self-employment deductions equals or exceeds the minimum wage. An individual shall be considered self-employed if the Internal Revenue Service requirements for classification as self-employed are met.

H. “Minimum wage” means the state or federal minimum wage, whichever is the higher.

I. “Relative” means one of the following individuals:

- Any blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
- Stepparent, stepbrother, stepsister;
- Any adoptive relative of corresponding degree, upon whom Vermont law (15A V. S. A. § 1-104) confers the same rights, duties, and obligations as natural relatives;
- Any spouse or civil union partner of an individual included in the above groups, even if the marriage or civil union has been terminated by death, divorce, or dissolution.

J. “Suitable employment” means that:

- The wages (monetary and in-kind) are equal to or exceed the minimum wage. The value of in-kind income shall be established by the employer.
- The individual is physically and mentally fit to perform the employment offered.
- The work offered is not at a site subject to a strike or a lockout at the time of the offer.

The eligibility worker shall establish when medical documentation is required to determine suitability of employment. The department shall pay the reasonable charge for medical examination and report.

K. “Transient” means an individual who does not intend to establish a permanent residence in Vermont.

Citizenship and Residence

2604 Citizenship and Residence (07/01/2002, 02-10)

To be eligible for GA, an applicant must be a U. S. citizen or a legal alien.

When a town service officer or district director has reason to believe that an applicant came into Vermont for the purpose of receiving GA or, in the case of applications for payment of medical services, receiving medical care, the town service officer or district director may find the applicant ineligible. (33 V. S. A. §2107) Such applicants, however, may be granted GA for transportation to the place they were living before coming to Vermont. (33 V. S. A. §2107)

Applicant's Responsibility

2605 Applicant's Responsibility (07/01/2002, 02-10)

Applicants are the primary source of information about their circumstances. Respect for their rights to privacy place responsibility on applicants to furnish complete and accurate information.

Pursuant to 33 VSA Section 2104 and 2105, all GA applications require investigation and recording of the circumstances of the person alleged to need GA to determine eligibility. Applicants must furnish information required as to physical condition, earnings or other income, ability of all members of their families to be employed, the cause of the person's condition, the ability and willingness of persons legally liable for their support to assist and other relevant data.

The Department retains the right to verify any or all information provided by applicants. To be eligible for consideration for assistance, applicants must agree to the requisite investigation of their circumstances.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2606 **Date of this Memo** 07/01/1986 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

Notice — Expedited Fair Hearing

An expedited fair hearing process is available to denied applicants, but it must be preceded by review and approval of the denial by the District Director, or designee in the event of the District Director's absence. Workers will advise applicants that they may request review of a denial by the District Director. The District Director may consult with the Income Maintenance Director concerning the denial.

If the District Director informs the applicant that the application is denied, the applicant is to be furnished with written notice of appeal rights for an expedited fair hearing. The applicant should be made aware of the availability of Human Services Board rules concerning fair hearing and that a copy will be made for him or her upon requests.

If a hearing is requested, the District Director shall, that same day, contact the Human Services Board and advise the Board of the request. The Board will schedule a hearing as soon as possible, usually within 10 days.

Because the hearing may be scheduled as soon as a few days from the date of request, it will be necessary to contact the Assistant Attorneys General by phone to advise them of the facts involved in the case. The hearing will be conducted under regular fair hearing rules by one of the Hearing Officers. The Hearing Officer will advise the Department, either orally or in writing, of the recommendation and the Department will put the recommendation into effect in the same manner as an Order of the Human Services Board. In the event the Board subsequently rejects the Hearing Officer's recommendation, the Department will consider any benefits paid overpayment subject to recoupment.

District Director's Responsibility

2606 District Director's Responsibility (08/01/1982, 82-1)

District Directors shall furnish necessary assistance, according to Department standards and regulations to meet immediate maintenance need (food, clothing, shelter, etc.) as it arises. Eligibility for such aid under any other Department program is explored prior to authorizing use of General Assistance funds.

District Directors shall assure exploration of the applicant's eligibility for medical or other assistance through a legally responsible relative or Department categorical program prior to issuing GA funds.

Services to help individuals with emergency admission to state institutions (other than penal) shall be handled by the District Director in the absence of the Town Service Officer, but only when no family member or other interested person is available to take this responsibility. Payment of necessary expenses is discretionary with District Directors according to Department policy.

Arrangements for burial, in the absence of the Town Service Officer and when no family member or other interested person is available to take this responsibility shall be handled by District Directors. Authorization to grant permission to bill the Department for burial expenses of a recipient of AABD, Reach Up or Medicaid (nursing home cases only), other needy individuals, or a committed child, shall be vested in the District Directors.

District Directors shall take positive action under the applicable paragraph of rule 2610 C to recover GA funds.

District Directors may delegate authority to subordinate staff members to carry out the functions of the GA program.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2610 Date of this Memo 10/7/1985 Page 1 of 2

This Memo: is New Replaces one dated 08/06/1985

QUESTION: Is an applicant under age 18 eligible to receive GA on his or her own?

ANSWER: No, with the exception of emancipated minors and some other exceptions, (see below).

GA applications from minor who are neither emancipated (as defined below) nor found eligible under “Other” (see below) are to be processed as follows:

In accordance with 33 VSA §3006, the eligibility worker shall investigate the ability and willingness of the child’s parents to provide support for the child. Other persons legally charged with support, such as guardian, trustee, etc., should also be contacted. In cases where the parent or others are willing and able to provide support, the minor applicant should be denied on the basis of no emergency need.

In cases where the parents and others refuse to provide support for the child, the eligibility worker should complete an immediate telephone referral of the child to SRS followed by a written referral (using forms DSW/SRS 1 and SRS 305). The child (GA applicant) and parents should be informed that this referral is being made. In addition, the child’s GA application should be denied because, in accordance with 33 VSA §681 (3)(c), you have grounds to suspect that the child is “unmanageable” or “neglected child” and, as such, is the responsibility of the Department of Social and Rehabilitation Services.

Emancipated Minors

The department does not have the authority to declare a child emancipated as there are legal rights of both the child and the parents involved. Most states, including Vermont, have not legislated “emancipation of minor” status and consequently common law still controls. The common law provides three methods by which a minor is emancipated which the department recognizes. They are:

- A. Marriage (parental consent to marriage is required)
- B. Military service, active (parent consent to enlistment is required)
- C. Judicial Decree (these may be granted partial or conditional emancipation and must be examined on an individual bases.)

Other

Exceptions may be made in the case of 17 year old GA applicants who meet the following conditions:

- A. Meet all eligibility criteria in 2600.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2610 **Date of this Memo** 10/7/1985 **Page** 2 of 2

This Memo: **is New** **Replaces one dated** 08/06/1985

- B. Have been independently self supporting in a domicile totally separate from the parents or other adult relatives (grandparents, aunts, uncles, older siblings) for a period of at least 6 months immediately preceding application.
- C. Have maintained during the past six months a domicile and pattern of behavior which is conducive to good health, growth and social adjustment and demonstrate the capacity and inclination to conduct themselves similarly in the future.

INTERPRETIVE MEMO

GA 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 2610 **Effective date of this memo** 8/27/2014 **Page** 1 of 1

This memo: **is new** **Replaces one dated** _____

QUESTION: What effect does the two-month break in Reach Up benefits have on GA eligibility?

ANSWER: Rule 2610(B)(3) requires continuing cooperation in meeting the requirements to maintain income such as Reach Up, SSI, and 3SquaresVT. An individual, who is subject to a two-month break in Reach Up benefits for non-compliance with Reach Up program requirements, is ineligible for non-catastrophic GA. The two-month break in benefits has no impact on eligibility for catastrophic GA.

Non-Catastrophic Eligibility

2610 Non-Catastrophic Eligibility (02/01/2004, 03-01)

Applicant households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits, do not qualify for GA in non-catastrophic situations. All other households applying for emergency needs that are not attributable to a catastrophic situation may qualify for GA to address that need, provided they meet one of the two criteria of subsection A, all of the criteria of subsection B, the citizenship and residence criteria in rule 2604, and the applicant's responsibility criteria in 2605.

- A. The household applying for non-catastrophic GA must meet either criterion 1 or 2.
1. The household must include a dependent child under the age of 18 (rule 2603).
 2. The applicant and the applicant's spouse or civil union partner, if living in the home, must each meet one of the following four criteria:
 - a. is age 65 or older;
 - b. is younger than 65 and not able-bodied (rule 2603);
 - c. is younger than 65, able-bodied, and the spouse or civil union partner of an SSI/AABD recipient or an SSI/AABD applicant who meets criterion a or b above; or
 - d. is younger than 65, able-bodied, and has two or more of the following employment barriers:

Employment Barriers

- a. Age 55 or over. Eligibility based on this barrier shall be contingent upon enrollment and active participation in employment-related activities under the Older Americans Act, or similar programs, as available.
- b. Unable to read or write or has no more than an eighth-grade education. Eligibility based on this barrier shall be contingent upon enrollment and active participation in an Adult Basic Education or other approved/recognized educational program, as available. Eighth-grade education means completion of eighth grade, but not completion of ninth grade.
- c. Employed or self-employed fewer than six months in the last five years and a full-time student fewer than six months in the last five years.
- d. Released from a mental health institution or mental health hospital unit within the last six months.
- e. Participating in a state or federally funded drug or alcohol treatment program. Participating means following an established treatment plan measured by the individual making progress toward the treatment goals as established by the treatment provider. Eligibility under this barrier shall be limited to 36 cumulative months, beginning on the day eligibility is based on this barrier. An individual whose SSI/AABD eligibility has terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability cannot base eligibility on this barrier. If the individual's SSI/AABD terminated prior to the 36-month time limit, the barrier may apply up to 36 months including of the period of SSI/AABD receipt.

Non-Catastrophic Eligibility

- B. The household applying for non-catastrophic GA must meet all of the following six criteria:
1. During the 30-day period immediately prior to application, the applicant household has received net income, computed according to rule 2640, less than the applicable income limit. The applicable income limits are as follows:
 - a. For a household with members participating in the Reach Up Program, the income limit is the Reach Up payment standard used to determine the amount of the family's Reach Up financial assistance grant.
 - b. For a household with a parent participating in the PSE program and receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine the amount of the family's PSE stipend.
 - c. For a household with a parent participating in the Postsecondary Education Program (PSE) but not receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine a stipend payment for a family of the same size with the same housing costs.
 - d. For a household with no members participating in either Reach Up or PSE, the income limit is the Reach Up payment standard for a family of the same size with the same housing costs.

The Reach Up payment standard is the need standard ratably reduced before consideration of any income (rule 2252).

2. No household members are sanctioned under the Reach Up program because of their refusal to comply with a program eligibility or participation requirement. The disqualification period for GA will be the same as the Reach Up sanction period.
3. The household is actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to, Reach Up, SSI, AABD, Medicaid, 3SquaresVT, fuel assistance, unemployment or worker's compensation, veterans benefits, insurance payments, railroad retirement, pensions, social security, wages, and child support. Pursuit of potential income means initiating an application, request or complaint as appropriate prior to a subsequent GA grant, cooperating with requirements for a timely decision, and continuing to cooperate in meeting requirements to maintain such income on an ongoing basis thereafter.
4. There is an emergency need. If the emergency need is a need for medical services or items, the department shall determine eligibility according to the rules for catastrophic situations at rule 2620, even if the applicant meets the non-catastrophic income test at rule 2600.
5. The household has exhausted all available income and resources except that:
 - a. Applicants who have available resources (rule 2603) less than their need shall have the amount of the resources deducted from the GA grant.
 - b. Single individuals age 62 or over, or in receipt of SSI/AABD or social security based on blindness or disability, may have up to \$1,500 of available resources disregarded. Up to \$2,250 of the households available resources may be disregarded if the individual lives with a spouse or civil union partner. With the exception of special resource treatment related to burial expenses (rule 2670-2677), only resources in excess of these amounts will be counted as available in determining eligibility or benefits for such persons.

Non-Catastrophic Eligibility

- c. Resources set aside in an escrow account for the purpose of paying property taxes or homeowner's insurance shall be disregarded up to the amount of these projected expenses.
- 6. The household has complied with the employment requirements in rule 2631, if applicable.
- C. General Assistance shall be furnished with the understanding that when a recipient subsequently acquires benefits or resources in any amount from an inheritance; cash prize; sale of property; retroactive lump sum social security, veterans, or railroad retirement benefits; or court awards or settlements; the recipient shall be required to make reimbursement for the amount of aid furnished during the previous two years.

SSI/AABD Applicants

The GA applicant or GA household member who has a pending SSI/AABD application, or who is being referred by the department to the Social Security Administration (SSA) to apply for SSI/AABD, must sign a Recovery of General Assistance Agreement authorizing SSA to send the initial SSI/AABD payment to this department so the amount of GA received can be deducted. Regardless of the amount of the initial SSI/AABD payment, the deduction shall be made for GA issued during the period from the first day of eligibility for SSI/AABD, or the day the Recovery of General Assistance Agreement is signed, if later, to the date the initial SSI/AABD payment is received by the department.

When the SSI/AABD grant does not include all members of the GA household, the deduction shall be for a prorated portion of GA granted, to reflect only those included in the SSI/AABD grant.

The department shall send any remainder due to the SSI/AABD recipient within 10 days. An exception to this provision applies to individuals whose SSI/AABD is based on drug addiction or alcoholism. After SSI/AABD is granted and SSA has reimbursed Vermont for GA received, SSA will pay the remainder of the initial SSI/AABD payment to the recipients representative payee.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2620 **Date of this Memo** 07/03/1985 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: When is a court ordered eviction considered a catastrophic situation, at the time the order is signed by the judge or only have the applicant has actually been removed from the dwelling?

ANSWER: When an order has actually been signed by a judge and the time remaining for evacuation is less than 30 days, assistance may be granted to obtain permanent housing if the eviction was due to circumstances over which the applicant had no control. Assistance for temporary housing can not be considered until the applicant is actually and involuntarily without housing.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2620 Date of this Memo 12/13/1978 Page 1 of 1

This Memo: is New Replaces one dated 12/05/1978

QUESTION: Is a work search required of people whose eligibility is based on a catastrophic situation?

ANSWER: Exemption from eligibility criteria in rule 2600 applies only to meeting the specific emergency need caused by catastrophic situations. All eligibility criteria including the work search must be met to fulfill requests for any other emergency need items. The degree to which exemptions are to be granted is also dependent upon the length of time that has transpired since the catastrophe, a factor requiring considerable judgment in determining whether the emergency need is indeed caused by the catastrophe or is now due to some other cause.

Thus, the cost of emergency medical care in response to an emergency medical need would be paid without regard to the work search requirement but if the same individual requested payment of fuel and shelter for the same period, the work search requirement would be applicable giving credit as due under rule 2633 for days of illness. On the other hand, a person requesting assistance for shelter due to a court ordered eviction would be eligible at the time of eviction but in subsequent weeks, if the work search requirement were refused, the question of which is the cause of the emergency need becomes pertinent and based on the workers judgment in the situation, assistance could be denied.

Catastrophic Eligibility

2620 Catastrophic Eligibility (3/28/2015, 15-06)

Applicants with an emergency need attributable to a catastrophic situation (rule 2621) may qualify for GA to address that need, provided that they meet the eligibility criteria in rules 2604 – 2605 and 2620–2623 and payment conditions in rules 2651-2667. Applicants seeking help for an emergency medical need shall not be eligible for GA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (rule 2620 D).

To qualify for such assistance, applicants must meet all of the following eligibility criteria:

- A. They must have an emergency need attributable to a catastrophic situation, as defined in rule 2621.
- B. They must have exhausted all available income and resources. The exhaustion of all available income does not apply to catastrophic temporary housing assistance provided under rule 2652.2 (see rule 2652.4).
- C. They must explore and pursue or have explored and pursued all alternatives for addressing the need, such as family, credit or loans, private or community resources, and private or government-sponsored health insurance. Before the department will determine eligibility for GA payment for vision services or items, the applicant must pursue or have pursued assistance from the Vermont Association for the Blind, the Lions Club and other service organizations, school-related health programs, and other child development programs, if applicable.
- D. If seeking assistance for a medical need, at the departments most recent eligibility determination they must not have been denied or lost government-sponsored health insurance that would have covered the current need because of either or both of the following reasons:
 - they failed to pay a premium for the government-sponsored health insurance, or
 - they failed to comply with any administrative eligibility requirement necessary to be covered by the government-sponsored health insurance.

For purposes of GA rules, premium is defined as it is defined in Vermont Medicaid rules. Premium means a nonrefundable charge that must be paid by an applicant or beneficiary as a condition of initial and ongoing enrollment for health insurance.

Eligibility workers shall explain to applicants that they are expected to take steps to avoid or resolve emergencies in the future without GA. Except for applicants who are receiving their final grant of assistance within a 12-month period, applicants and eligibility workers shall work together to develop a schedule of activities addressing the applicant's emergency need. Completion of these activities is a requirement for continued receipt of assistance. These activities shall be documented in the applicant's case record.

Subsequent applications must be evaluated in relation to the individual applicant's potential for having resolved the need within the time which has elapsed since the catastrophe to determine whether the need is now caused by the catastrophe or is a result of failure on the part of the applicant to explore potential resolution of the problem.

The department shall not apply an income test or resource exclusions in determining eligibility due to a catastrophic situation.

Catastrophic Situation

2621 Catastrophic Situation (3/28/2015, 15-06)

For the purposes of this section, catastrophic situations are limited to the following situations:

- A. Death of a spouse or minor dependent child.
- B. The presence of an emergency medical need, as defined at rule 2623.

The department shall determine the eligibility of an applicant for payment of medical services or items using the criteria for eligibility due to a catastrophic situation at rule 2620, even if the applicant meets the non-catastrophic income test at rule 2610 B.

- C. A natural disaster such as a flood, fire, or hurricane.
- D. A court-ordered eviction or constructive eviction, as defined at rule 2622, due to circumstances over which the applicant had no control.

A court-ordered eviction resulting from intentional, serious property damage caused by the applicant, other household members, or their guests; repeated instances of raucous and illegal behavior that seriously infringed on the rights of the landlord or other tenants of the landlord; or intentional and serious violation of a tenant agreement is not considered a catastrophic situation. Violation of a tenant agreement shall include nonpayment of rent if the tenant had sufficient income to pay the rent and did not use that income to cover other basic necessities or withhold the rent pursuant to efforts to correct substandard housing.

- E. Domestic violence, dating violence, sexual assault, stalking, human trafficking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence.

Acceptable verification of domestic violence includes:

- a relief-from-abuse restraining order or order against stalking or sexual assault;
- observable physical evidence of abuse;

Catastrophic Situation

- corroboration of domestic violence, sexual violence, human trafficking, or stalking from police, hospitals, court officials, physicians, nurses, or any other credible sources;
- a determination of abuse by staff at a domestic violence shelter or organization;
- a waiver of the Reach Up requirement to cooperate in pursuing child support (see rule 2235.2); or
- a deferment or modification of the Reach Up work requirement due to the effects of domestic violence (see rule 2363.1).

INTERPRETIVE MEMO

General Assistance 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 2622 Effective date of this memo 11/07/2019 Page 1 of 3

This memo: is new Replaces one dated 9/18/2017

UPDATE:

In June 2017, the Vermont Supreme Court issued a decision in a case involving General Assistance. This case involved a termination of tenancy for no cause. In response to this decision, ESD has changed its policy as outlined below. If you are interested in reading about the case, this is a link to the Court's opinion <https://www.vermontjudiciary.org/sites/default/files/documents/op16-019.pdf>.

Constructive Eviction will now include written notice of a termination of tenancy for no cause from the landlord to the tenant. This written notice must be signed and dated by the landlord and comply with the termination of tenancy requirements at 9 V.S.A. 4467. A termination letter is often called a Notice to Quit. A no cause termination means, the tenancy is being terminated and it is not the fault of the tenant. The notice may use the words no cause or no fault and it might use other terms indicating the tenant was not at fault, e.g. sale of the property, renovations, no longer want to rent the property. Sometimes a termination letter will include additional grounds other than no cause, however, as long as the letter states that the tenancy is being terminated and one of the reasons is not the fault of the tenant, the fact that there are other grounds in the letter does not change the determination that ESD will grant temporary housing under constructive eviction.

This policy only applies in situations where there is a formal landlord-tenant relationship as described in 9

V.S.A. 4451 et seq. and the applicant has remained in the rental unit until the last day allowed by the notice. A formal landlord-tenant relationship means the landlord is the owner, lessor, or sublessor of a residential dwelling unit or building and the tenant has the right to exclude anyone else from the rental unit including the landlord if the landlord has not given proper notice. This includes the rental of a room as long as the tenant has the right to lock anyone out of the room, including the landlord.

Example A: Sally has been staying with her friend Rebecca for several months and has been paying Rebecca \$100 per month to sleep on her couch in the living room. Sally arrives at an ESD district office with a letter from Rebecca which states that Sally can no longer stay at her apartment and she includes a statement that this is a "termination of tenancy for no cause." However, because Sally did not have the right to lock Rebecca out of her living room this situation does not qualify as constructive eviction.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedural Instruction

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Please file in your manual facing the page indicated below.

Facing page 2622 **Effective date of this memo** 11/07/2019 **Page** 2 of 3

This memo: is new **Replaces one dated** 9/18/2017

- Example B: Emily rented an apartment from Brian. She had a verbal agreement to lease the apartment and paid rent each month. On April 30, 2017, Brian provided Emily with a written letter that her tenancy was being terminated because he was selling the building. The letter stated that she needed to be out of the apartment no later than June 30, 2017. If Emily applies for General Assistance on July 1, 2017, she is eligible under constructive eviction for temporary housing as it is not her fault that the property is being sold and she remained in her apartment until the last day allowed under the notice.
- Example C: Sam rented an apartment from Chris on a yearly basis. Sam received a letter from Chris stating that his tenancy was being terminated effective May 5, 2017. The letter stated that the termination was due to nonpayment of rent, condition of the property, and for no cause. Because the letter stated, among other reasons, that it was a termination for no cause, this will be approved as constructive eviction as long as Sam occupied the apartment until May 5, 2017.
- Example D: Karl rented a room by the week from Sylvia. Karl had a key to his room and kept it locked when he was not there. Karl arrived at an ESD district office and said that his landlord told him that he needed to move out because she wanted to renovate his room. This does not qualify as a termination of tenancy for no cause because the notice given was not in writing. If Sylvia had given Karl written notice that he would need to move out at the end of the month because she wanted to renovate his room this would meet the requirement of a termination of tenancy for no cause, and as long as Karl had stayed until the last day of the tenancy he would be eligible for temporary housing under constructive eviction.
- Example E: On August 15, 2019, Jeff arrived at the ESD district office to apply for temporary housing. He brought with him a letter that stated, “I have asked Jeff to move out of my house as my health is declining and I need room for a caretaker.” The letter was signed by the person that Jeff said was his landlord and dated August 15, 2019. This is not a valid termination of tenancy for no cause. The letter is not addressed to Jeff and it does not provide the notice of the timeframe to end the tenancy. For example, if Jeff rented a room from this landlord by the month, the letter should have been addressed to Jeff and let him know the landlord was terminating his tenancy

INTERPRETIVE MEMO

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Procedural Instruction

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This memo: **is new** **Replaces one dated** 9/18/2017

because he could no longer rent his extra room and given Jeff at least 15-days notice stating that Jeff needed to move out by August 31, 2019. See 9 V.S.A. 4467(h).

Constructive Eviction

2622 Constructive Eviction (3/28/2015, 15-06)

Constructive eviction is defined as any disturbance caused by a landlord, or someone acting on the landlords behalf, that makes the premises unfit for occupation The motive for the disturbance, which may be inferred from the act, is the eviction of the occupant.

A situation in which the landlord has not provided heat, utilities, or water within a reasonable period of time and there is an agreement to furnish these items shall be considered a constructive eviction when the applicant is pursuing legal resolution of these offenses through the Vermont Department of Health or appropriate local officials, such as the local housing inspector or town health officer. The department shall not deny benefits to an individual in a constructive eviction situation because the individual chooses not to pursue legal action such as withholding rent, obtaining a court order, suing the landlord, or terminating the rental agreement.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2623 **Date of this Memo** 08/15/2002 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

When an applicant is denied a prescribed drug because it is on the GA not-covered list and the individual asserts to the GA worker that the drug is needed to address an emergency medical need, the district worker will contact the clinical staff from the Office of Vermont Health Access (OVHA). OVHA clinical staff will consult with the prescribing physician to determine whether the drug is in fact needed to meet an emergency medical need. If the drug is needed for an emergency medical need it will be approved and the pharmacy will fill the prescription.

During off hours and when OVHA cannot consult with the prescribing physician because the doctor is not available, the applicant's pharmacy will be authorized to provide the applicant with up to a 72-hour supply of the prescribed drug.

Applicant's who are denied the drug after OVHA consults with the prescribing physician may request an expedited hearing.

Emergency Medical Need

2623 Emergency Medical Need (07/01/2002, 02-10)

The general definition of emergency medical need in subsection A applies to all items and services except those related to vision, dental, and prescription drugs. The definitions of emergency medical need as applied to vision, dental, and prescription drugs are specified in subsections B through D.

A. Emergency Medical Need – General

An emergency medical need is defined as a need for a medical service or item attributable to a medical condition characterized by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson, with an average knowledge of health and medicine, could reasonably expect the absence of medical attention to result in the following:

- serious jeopardy to the health of the participant;
- serious impairment to bodily functions; or
- serious dysfunction of the bodily organ or part.

Prior to issuing a vendor authorization for covered physician services, vision services and items, medical supplies, durable medical equipment, or ambulance services, eligibility workers shall obtain a determination from the Department of Vermont Health Access (DVHA) that such services or items address an emergency medical need (as defined in subsection A or B) or addressed such a need at the time the services or items were provided.

B. Emergency Medical Need – Vision

An emergency medical need is deemed to exist if and only if vision services or items for which GA payment is requested are covered by GA (rule 2663) and necessary to:

- aid convalescence from eye surgery;
- prevent blindness or further deterioration of eyesight;
- avert risk of physical injury from normal living hazards, such as stairs and stoves; or
- allow an individual to continue education or employment.

C. Emergency Medical Need – Dental

An emergency medical need is deemed to exist if and only if dental services for which GA payment is requested are covered by GA (rule 2662) and necessary to relieve pain, bleeding, or infection. The Division of Dental Services at the Vermont Department of Health shall determine whether dental services for which GA payment is requested addressed an emergency medical need at the time the dental services were provided.

D. Emergency Medical Need – Prescription Drugs

An emergency medical need is deemed to exist if and only if a prescribed drug for which GA payment is requested complies with the requirements of the pharmacy best practices and cost control program, and is not included in a classification on the departments list of noncovered drug classifications (rule 2664).

Employment

2630 Employment (09/01/1995, 95-5)

Each applicant is required to explain the employment requirements to non-exempt individuals who are not present at the initial interview and to supply them with employment verification forms. Whenever possible, a non-exempt individual shall appear in person at the District Office at the time of each subsequent application.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2631 Date of this Memo 11/05/1982 Page 1 of 2

This Memo: is New Replaces one dated _____

QUESTION: Can a person having one of the first six employment barriers listed under rule 2631 simply sign up with a drug or alcohol treatment program and then come right in for GA using #7 as the 2nd barrier to exempt them from the work search requirement?

ANSWER: No, that is not the intent of the regulation as evidenced by the wording, “participating” rather than “registered with”.

Participating means they were registered or signed up with or enrolled in the program prior to the 7 day work search period in question and cooperating with the treatment program during that period. Participating means showing up for appointments. Even though the persons in charge of the program may be quite forgiving, the Department’s intent in using the wording participating does not mean that this criterion is met by simply signing up. On the other hand, it is not intended to deny a “participant” during any week in which no activity was scheduled due to program staff being otherwise occupied; i.e. holidays, vacation, attending conferences, vacancies, etc.

As with any other factor of eligibility, this factor may be verified if the worker finds it questionable.

QUESTION: Does participation in any one of the following programs qualify an applicant for employment barrier #7?

- CRASH
- SRS/ADAD Counseling
- Mental health Counseling

Are there any others which qualify?

ANSWER: Most of the actual treatment programs in Vermont receive some funding from the Family Services Division (FSD), and some examples are:

- FSD Counseling through Mental Health Centers
- Champlain Valley Drug and Alcohol Services Program in Burlington
- Alcohol Information and Referral Center in Rutland
- Counseling through the local SFSD Offices in White River Junction and St. Albans

There are others, so if you have a question about a particular program, you could contact FSD to verify whether or not it is an actual treatment program.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2631 **Date of this Memo** 11/05/1982 **Page** 1 of 2

This Memo: **is New** **Replaces one dated** _____

Participation in CRASH does not constitute an employment barrier, since CRASH is considered an intervention and education program, not a treatment program.

Work Requirements

2631 Work Requirements (09/01/1995, 95-5)

Any individual who is included in the application and is not exempted under rule 2632 shall:

- A. Be present whenever possible at the time of each application.
- B. Submit evidence of an active effort (rule 2633) to seek gainful employment consisting of at least three job contacts with different employers per week. This requirement does not apply to the first GA application.
- C. Not restrict employment search to his/her major field of experience or to limited types of occupations. The applicant shall accept any suitable job referrals and/or offers within his/her ability. The applicant shall be required to substantiate why a particular job cannot be performed.
- D. Submit evidence of contact within the past 24 hours or previous workday with the Department of Labor for the purpose of obtaining employment opportunity information.
- E. Not have refused within the 30 days prior to application to report to the local Department of Labor if requested by either the Department of Labor or the Department for Children and Families.
- F. Not have refused within the 30 days prior to application date to report for an employment interview for suitable employment when referred by the Department of Labor or the Department for Children and Families.
- G. Not have refused within the 30 days prior to application to accept a bona fide offer of full or part-time employment.
- H. Not have quit suitable employment in the 30 days prior to application.

If any person not exempted from the employment requirements (rule 2632) fails to meet any one of the above requirements, he/she and all individuals included in the application shall be ineligible.

Work Exemptions

2632 Work Exemptions (09/01/1995, 95-5)

Any individual included in the application shall be exempt from the employment requirements (rule 2631) if such individual meets at least one of the following five exemption criteria:

- A. Is under age 16, is age 65 or over, or is age 16 or 17 and a full-time student.
- B. Is gainfully employed (rule 2603 G).
- C. Is personally providing the majority of care for a child who is born, under age three, and living in the home or for another household member who is unable to care for him/herself due to illness or injury.

When more than one individual in the GA household claims such responsibility, the determination as to whom shall be exempt will be made by the Department;

A pregnant woman with no other children is not exempt simply because of her pregnancy.

An individual who is pregnant or who has responsibility for care of a child who is age 3 or older but under age 18 may be exempt from the work requirement if that individual has not received General Assistance or Emergency Assistance in the previous sixty days.

- D. Is currently unable to work due to physical or emotional problems that have or may be presumed to last at least 30 days. Documentation of incapacity must be entered in the record to demonstrate that it is obvious, or to indicate that medical verification will be required within a worker-specified time period that may not be fewer than 3 days or more than 3 weeks.
- E. Has a verified written statement from a potential employer indicating that he/she will start working within 7 days from the date of the GA application. All individuals so exempted shall be advised to continue to attempt to seek temporary employment during the time they are waiting to start permanent work.

Any individual claiming an exemption has the burden of proving such. The Department shall pay the reasonable expense of required medical examinations.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2633 **Date of this Memo** 08/02/1979 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: RE: rule 2633 #5 Active Effort

It has been suggested by our eligibility staff that this section should read “second consecutive application” and not “third consecutive application” as it is felt that the latter would give an advantage to the UF (UP?) who is not responsibly looking for work.

ANSWER: The Department does not want to create a situation in which we are spending more money on medical verification than on assistance, thus even the “third consecutive” may be avoided with documented indication that the illness is obvious.

At the same time, this rule does not preclude verification being required even with the first claim when necessary to obtain “consistent information”, if the claim of illness is not consistent with the workers observation or other information available. (rule 2122.3 #6)

The workers judgment is very important in terms of identifying questionable information, verification of which we always require.

Active Job Search Effort

2633 Active Job Search Effort (09/01/1995, 95-5)

Active effort to seek employment pursuant to rule 2631 (b) is limited to the following:

- A. Personal contacts with a potential employer or company representative knowledgeable about the possibility of employment; and
- B. Time spent in actual registration or interviews at the Department of Labor to maintain an active registration and time spent at the Department of Labor inquiring as to immediate job referrals for as long as the individual is maintaining an active registration would count in lieu of one job contact. Visits which are merely to have forms signed at the Department of Labor shall not be counted; and
- C. Time spent in an employment counseling program recognized by the Department as enhancing employment opportunities would equal one job contact.

A GA recipient to whom the work search applies and who is a mandatory Reach Up participant must cooperate with the requirements of any Reach Up program service, such as an individual or group job search activity, which Reach Up program staff deem appropriate for that participant.

Telephone contacts, reading newspaper ads, resume writing, contacts with friends and acquaintances, etc., although recognized as legitimate sources of leads toward employment, shall not be counted unless part of an employment counseling program recognized by the Department as enhancing employment opportunities. Out-of-state contacts with potential employers are not counted unless the potential employment is within commuting distance of the person's home.

A GA applicant who fails to meet an "active effort" criterion will be ineligible only until he/she fulfills the requirement.

The eligibility worker shall verify as necessary the contacts specified by each applicant subject to the work search requirement. The application shall be denied for a 30-day period even when three job contacts are shown on the employment verification form, when the eligibility worker has been notified by Reach Up Program staff that a mandatory Reach Up participant is not cooperating, or when, in the judgment of the eligibility worker, the evidence of active effort to seek employment shows:

- A. There has been a substantial number of contacts with the same employers during consecutive weekly periods without a corresponding effort to seek out new potential employers.
- B. Contacts are limited to the applicant's primary occupation or in limited fields of employment in consecutive seven-day periods.

INTERPRETIVE MEMO

General Assistance Rule Interpretation **General Assistance Procedure Interpretation**

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

Reference 2640 **Date of this Memo** 06/27/1991 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: Are we still allowed to count lump sum income received more than 30 days ago as “income received” throughout the period of Reach Up closure?

ANSWER: No. The Vermont GA statute does not allow this. Count the lump sum income only if received in the 30 days prior to the GA application.

QUESTION: Does this mean the lump sum is not considered in any way?

ANSWER: No. Unspent lump sum money is considered a resource. Rule 2640 allows you to investigate how much of the money has been spent and whether any is available to meet the person’s current needs.

Income

2640 Income (02/01/2004, 03-01)

Income means the total gross sum of all monetary remunerations received from any source for any reason. See rules 2641 through 2646 for deductions and excluded income. The following list identifies some kinds and sources of income:

- A. Reach Up financial assistance payments. Reach Up financial assistance prior to deductions to recover overpayments shall count as income received.
- B. GA and EA payments. Such payments, however, shall not be considered income if they:
 - constitute the only income received in the last 30 days;
 - are based on a catastrophic situation (rules 2621 or 2820); or
 - are issued for temporary housing (rules 2652.2 or 2852.2) or rental or mortgage arrearage (rule 2853).
- C. Wages or compensation for services performed as an employee.
- D. Gross receipts from self-employment.

Gross receipts shall include all monies received from the following:

 - sale of goods or commodities produced by the self-employment enterprise;
 - services performed in connection with and attributable to the enterprise; and
 - gross proceeds from the sale or transfer of capital assets used in or held as an investment by the enterprise (e.g., real estate, personal property, and securities).
- E. Room or board payments received.
- F. Day care payments received.
- G. The amount actually received in annuities, pensions, compensation or benefits (e.g., social security retirement or disability benefits, veterans benefits, railroad retirement, SSI/AABD).
- H. Government-sponsored payments.
- I. Cash gifts, child or spousal support.
- J. Rent, dividends, interest, royalties.
- K. Regularly or irregularly received cash from any source.

All income received by all persons included in the applicant household shall be verified and shall be computed to arrive at the total gross income received during the 30-day period prior to the date of the application. The total allowable deductions (rules 2641 through 2646) shall be computed and subtracted from the total gross income to arrive at the total net income received during the 30-day period prior to the date of application. If total net income equals or exceeds the applicable income limit (rule 2610 B), the application shall be denied unless the household is eligible because it has experienced a catastrophic situation (rule 2621).

The applicant may be required to substantiate that income and resources have actually been spent. Amounts not accounted for shall be considered cash-on-hand.

Work Expense Deduction

2641 Work Expense Deduction (02/01/2004, 03-01)

To compute earned income used in determining eligibility for general assistance, an employment expense standard consisting of the first \$90 of earned income shall be deducted from the 30-day gross earned income of each employed individual in lieu of actual employment expenses such as taxes, insurance, dues, clothing, and transportation.

In addition, deductions for garnishments against income, although mandatory on the employer, shall be limited to garnishments:

- by the Internal Revenue Service for federal taxes;
- by the state of Vermont for state taxes; and
- for child and spousal support (rule 2643).

Self-Employment Deductions

2642 Self-Employment Deductions (09/01/1987, 87-26)

Identifiable costs of self-employment, including self-employed farming, shall be deducted from gross receipts received in the 30-day period prior to the date of application. Identifiable costs of self-employment include but are not limited to the following:

- A. Wages and payments for employee labor;
- B. Cost of materials used to produce commodities for sale (e.g., raw materials, stock, seed, fertilizer, inventory, livestock for resale, etc.)
- C. Taxes and interest paid on an installment contract to purchase income-producing real property, except that no portion of taxes, mortgage payment or interest attributable to investment in the home in which the household lives may be counted as a business cost;
- D. Interest on installment payments for purchase of capital assets, equipment, machinery, tools, etc.

The following items shall not be allowed as business expenses:

- A. Payments on the principal of real estate mortgages on income producing property;
- B. Monies paid to purchase capital assets; such as equipment, machinery, tools, livestock for dairying purposes;
- C. Any amount claimed as depreciation for Federal income tax or other purposes;
- D. Any amount claimed as a net loss sustained in any prior period.

Child Support Deductions

2643 Child Support Deductions (09/01/1987, 87-26)

- A. Child support paid by a household member — The amount actually paid in the last 30 days for mandatory child support payments shall be deducted from the gross income received during that period. The child support payments shall be considered mandatory if they are made under the terms of a legal court order, or the amount of child support payments have been voluntarily agreed to between the individual and the Department, or executed through attachment of wages.

The applicant must provide positive proof of the child support payments. Check stub notations are not acceptable verification. In questionable situations contact with a knowledgeable third party, deemed reliable by the worker, may be necessary. If the payment cannot be verified the child support deduction shall not be allowed.

- B. Child support received by a household member — For purposes of determining eligibility, the first \$50 of child support received in the previous 30 days shall be deducted.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2644 Date of this Memo 10/27/1993 Page 1 of 1

This Memo: is New Replaces one dated 11/12/1992

QUESTION: An SSI recipient sets aside money for the fulfillment of a Plan to Achieve Self-Support (PASS plan). How is this money treated?

ANSWER: It is totally disregarded as income, as a resource, and when evaluating whether there is an emergency need (including catastrophic situation).

QUESTION: Do adoption assistance subsidies count as income for GA purposes?

ANSWER: No. These subsidies do not count as income in the income eligibility computation for GA. However, receipt of this income must be counted when evaluating whether an emergency need exists. These subsidies are provided in the adoption of children with special needs. If some of the subsidy is not needed to meet specific needs of the adopted child in any given month, the remainder may be available to meet the emergency need in question.

(See the interpretive memo at rule 2276 dated 12/1/86 for additional information.)

Room and Board Deductions

2644 Room and Board Deductions (02/01/2004, 03-01)

The cost of providing room and board shall be deducted from the gross income received in the last 30 days in the following amounts:

Room and Board Deductions

Service Provided	Deduction Per Person Per Day
room only	\$1.00
board only	\$2.00
room and board	\$3.00

The deduction shall not exceed the amount of room and board payment received.

An applicant who provides room or board to three or more adult individuals unrelated to the applicant shall be considered to be operating a commercial enterprise and have deductions computed according to rule 2642.

Dependent Care Deduction

2645 Dependent Care Deduction (02/01/2004, 03-01)

Except as specified below, dependent care expenses necessary to enable individuals to retain their employment shall be deducted as paid in the previous 30 days up to the following maximum amounts per adult or child:

Dependent Care Deduction

Dependent Needing Care	Maximum Deduction Per Dependent
child under age 2	\$200
child age 2-12	\$175
child age 13-17 who meets the criteria in Reach Up rule 2352	\$175
incapacitated adult	\$175

Dependent care deductions will be allowed on the basis of a signed statement by the provider of services. If a recipient's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense at the mileage rate published in Reach Up procedures.

As long as funding for child care subsidies through the Child Development Division (CDD) is available, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses because they qualify for the child care subsidy.

Excluded Income

2646 Excluded Income (02/01/2004, 03-01)

Certain kinds of income are excluded from consideration when determining income eligibility for general assistance. They are considered, however, in evaluating whether an emergency need exists.

These kinds of income include:

- senior companion stipend,
- fuel assistance benefits,
- foster care payments from CDD, and
- adoption assistance subsidies.

Other kinds of income are totally excluded, even in the consideration of an emergency need, including catastrophic situations. These include:

- 3SquaresVT and 3SquaresVT cashout payments, as their use is dedicated exclusively to improvement of dietary standards; and
- money that an SSI/AABD recipient sets aside for the fulfillment of a plan to achieve self-support (PASS plan).

Benefit Issuance

2650 Benefit Issuance (02/01/2004, 03-01)

During a 30-day period, benefits for emergency needs resulting from a non-catastrophic situation (rule 2610) cannot exceed the difference between the applicable income limit, as defined in rule 2610 B, and the net income for that household computed according to rule 2640. This provision is only applicable if the household has received general assistance or emergency assistance in the previous 60 days. Catastrophic benefits received in the previous 30 days are not counted as income in the net income calculation referred to above.

Benefits for needs in rules 2651 through 2657 may be issued to the applicant or to the provider of the service.

The eligibility worker determines the appropriate method of payment after assessing the preference of the applicant and provider and the applicant household's ability to use the money for the designated need.

2650.1 Vendor Payments (01/01/2009, 08-20)

Vendor payments are defined as all payments made direct to a third party who has furnished goods or services to or on behalf of an applicant for or recipient of aid, benefits or services under Department programs. Vendor payments cover the following types of authorized General Assistance expenditures:

- A. Maintenance assistance authorized in lieu of direct money payment to the recipient.
- B. Medical care and services.
- C. Burial expenses.

Vendor billing shall require prior written authorization by designated Department staff. In specified emergency situations, oral authorization may be given; in such instances, confirming written authorization or approval of a designated staff member shall be required for payment.

Itemized bills shall be submitted in duplicate to the appropriate district office, when so directed, for approval. All other bills, itemized, shall be submitted, in duplicate, accompanied by appropriate written authorization to the State Office. Payment shall be made through established Department and State disbursement channels.

Contracts with specified vendors to provide goods or services shall specify acceptable methods of authorization, billing and payment for items covered under the contract.

Administrative Expenses (01/01/2009, 08-20)

Administrative expense required to establish eligibility for assistance is currently limited to professional examination, evaluation and report on medical factors related to eligibility. Payment of reasonable charge for such examination and report shall be approved on receipt of the required written report and itemized bill.

2651 - Groceries and Personal Needs

2651 Groceries and Personal Needs (07/01/1998, 98-21)

Groceries and personal needs include food and essential items for household and personal care, such as soap, toothpaste and such items as are normally purchased at a grocery outlet. General Assistance payment levels are based on current Reach Up basic need standards reduced by a percentage necessary to avoid exceeding current

GA funding. The following payment standard shall be used by District Directors and Town Service Officers to determine the amount of aid to be given for groceries and personal needs (see also rule 2654 - Room and Board-Restaurant Meals). Grocery and personal need allowances shall be issued, as needed from one to seven days. For applicant households exempt from the employment requirements allowances may be issued for up to 28 days as needed. Do not issue an allowance for any period covered by a previous issuance except when a condition exists as defined in rule 2620 (b) and (c).

Groceries and Personal Needs Allowance

Groceries and personal needs allowance in dollars														
No. in family	1 day	2 days	3 days	4 days	5 days	6 days	7 days	8 days	9 days	10 days	11 days	12 days	13 days	14 days
1	4.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00	28.00
2	6.50	6.50	10.00	13.50	16.50	20.00	23.50	26.50	30.00	33.50	36.50	40.00	43.50	47.00
3	9.50	9.50	14.00	18.50	23.50	28.00	32.50	37.50	42.00	46.50	51.50	56.00	60.50	65.00
4	9.50	10.50	16.00	21.50	26.50	32.00	37.50	42.50	48.00	53.50	58.50	64.00	69.50	75.00
5	9.50	13.50	20.00	26.50	33.50	40.00	46.50	53.50	60.00	66.50	73.50	80.00	86.50	93.00
6	10.50	14.50	22.00	29.50	36.50	44.00	51.50	58.50	66.00	73.50	80.50	88.00	95.50	103.00
7	12.00	17.50	26.00	34.50	43.50	52.00	60.50	69.50	78.00	86.50	95.50	104.00	112.50	121.00
8	13.50	20.00	30.00	40.00	50.00	60.00	70.00	80.00	90.00	100.00	110.00	120.00	130.00	140.00
9	13.50	21.50	32.00	42.50	53.50	64.00	74.50	85.50	96.00	106.50	117.50	128.00	138.50	149.00
10	13.50	24.00	36.00	48.00	60.00	72.00	84.00	96.00	108.00	120.00	132.00	144.00	156.00	168.00
For each add'l person	1.50	2.50	4.00	5.50	6.50	8.00	9.50	10.50	12.00	13.50	14.50	16.00	17.50	19.00

INTERPRETIVE MEMO

GA 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 Effective date of this memo 7/30/2014 Page 1 of 2

This memo: is new Replaces one dated _____

Act 133 of the 2014 legislative session, “An act relating to temporary housing,” requires that “[a]n eligible participant for temporary housing shall not be required to furnish more than 30 percent of his or her income toward the cost of temporary housing.”

A. The Department will apply the following income limits in determining the income contribution for households applying for temporary housing assistance under rule 2652.2 or 2652.3:

- 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.”

B. 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.

INTERPRETIVE MEMO

GA 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 Effective date of this memo 7/30/2014 Page 2 of 2

This memo: is new Replaces one dated _____

- 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 motel rate available in the district at that time.

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

Example: A household of two applies for temporary housing assistance on June 25. Their only form of income is \$750 per month in SSI, which they receive on the first of each month. The least expensive motel rate available in the district is \$50. The Department will grant the household's application for temporary housing through June 30, with no required contribution. The household will then be required to house themselves for four days (30 percent of \$750 divided by \$50); the Department will not grant the next temporary housing application until July 5, provided all other eligibility criteria are met.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2652.1 Date of this Memo 11/16/1989 Page 1 of 1

This Memo: is New Replaces one dated 03/24/1988

QUESTION: If a GA Applicant lives in public housing, how do we budget the rent amount?

ANSWER: According to an agreement between DCF and Vermont Housing Authority, VHA will set the gross family contribution for all tenants receiving GA at the GA maximum. However, the tenant only pays the difference between the maximum and the housing authority's fuel and utility subsidy specific to that apartment.

Example: A single woman who regularly receives GA lives in public housing with no heat or utilities provided. VHA sets her gross rent at the GA maximum, deducts her HUD fuel and utility subsidy from this, and expects her to pay the difference.

If this woman applies for GA and is found eligible for rental assistance, this difference is the amount that would be authorized. She may also be eligible for assistance in purchasing fuel and utilities, but must apply when a need exists and must meet the requirements under rule 2657.

Housing

2652 Housing (02/01/2004, 03-01)

Housing includes accommodations to provide permanent or temporary shelter for eligible applicants. Housing may include furnishings, fuel, and utilities. Applicants are required to furnish verification of housing expenses. Housing payments may be authorized only when the applicant cannot obtain housing without cost to the applicant, for example, housing supplied by relatives, friends, or community groups. Payment may be provided for rent, lot rent, mortgage, condo and association fees, water and sewer charges, fuel and utilities when included in the rent, but not taxes. A household in crisis requiring general assistance should be considered for tax abatement before a housing crisis would occur. An exception to this policy, relative to taxes, is that payment may be made on behalf of an otherwise eligible applicant, when foreclosure proceedings have been filed by the municipality to which the taxes are owed, and the proceedings are scheduled to take place within 30 calendar days. Payment shall be for the minimum amount necessary to prevent tax foreclosure.

2652.1 Permanent Housing (02/01/2004, 03-01)

Permanent housing is defined as housing accommodations intended to provide shelter on a continuing basis.

Payment shall not exceed the housing payment maximum or the actual payment, whichever is less.

When more than one individual or family unit occupy the same housing unit, the payment per applicant household shall not exceed the housing payment maximum or the pro-rata share of the total rent or mortgage payment, whichever is less. The total rent or mortgage payment used to compute the pro-rata share shall not exceed three times the applicable housing payment maximum. Any amount exceeding this shall be disregarded in the computation.

The pro-rata share is computed by dividing the total, up to three times the maximum, by the number of individual or family units sharing the housing unit.

When a housing allowance for the period to be covered has been or will be included in the applicants Reach Up financial assistance grant or Postsecondary Education Program living expense stipend, that allowance, after ratable reduction, shall be deducted from the applicant's general assistance grant.

Payment may be authorized for the current mortgage or rental period only and shall not be authorized or issued prior to the due date for that period. "Current period" is defined as the period extending from the most recent date that rent was due through the day prior to the next date that rent is due. For example, if an applicant applies for rental assistance on January 10 and his rent is due monthly on the first of the month, the current period is January 1 through January 31. No payment may be authorized for a period other than the current period. Payment may be made only if the applicant is financially and otherwise eligible on the date of application.

When both a rental arrearage and a continuing rental obligation exist, a rental payment made (or a failure to make a payment) during a given month will be considered for GA purposes as a payment (or failure to pay) for that month. Example: A GA applicant makes a \$150 rent payment on January 1, which his landlord applies to his \$450 arrearage. On January 5 the applicant requests GA for his January rent. His rent payment on January 1 is considered for GA purposes as payment toward the January rent due, regardless of the fact that his landlord chose to apply the payment to arrearages.

Housing

Room rent is paid according to different maximums depending on whether the applicant pays this rent to a relative or to a non-relative. The relative or non-relative status of the person or persons to whom the applicant pays room rent shall be determined according to definitions used in the Reach Up Program. The following individuals shall meet the definition of "relative":

- A. Any blood relative, including those of half-blood, up to and including first cousins, nephews, nieces; and preceding generations, as denoted by the prefixes "grand-", and "great-grand-";
- B. Stepparent, stepbrother, stepsister;
- C. Any adoptive relative of corresponding degree, upon whom are conferred under Vermont law the same rights, duties and obligations as natural relatives;
- D. Any spouse of an individual included in one of the above groups, whether or not the marriage has been terminated by death or divorce.

General Assistance payment levels are based on basic need standards updated to recognize cost of living increases but then ratably reduced by a percentage necessary to avoid exceeding current GA funding.

Shelter payment in the General Assistance Program is allowed as incurred up to, but not in excess of, the maximums precomputed as shown below.

Housing Payment Maximums

Housing Type	Weekly	Payment Maximums		
		Bi Weekly	Semi Monthly	Monthly
Home Ownership or Rental				
<u>Chittenden County Only</u>	\$54.00	\$108.00	\$116.00	\$232.00
<u>All Other Counties</u>	\$46.00	\$92.00	\$99.00	\$198.00
Room Rent - paid to non-relative		\$40.00 (meals not supplied)		
Room Rent - paid to relative		\$30.00 (meals not supplied)		

Living space shall not qualify as home ownership or rental unless it consists of at least two rooms, a private toilet facility, private entrance either from outside or a public hallway, and has or is equipped to accept cooking facilities. (The G. A. Supervisor may make written exception when the space has clearly been designed as an apartment but does not meet specific criteria as listed.)

A rented mobile home shall qualify as home rental. A mortgaged or owned mobile home shall qualify as home ownership. Lot rental, water, and sewer charges are included in the payment maximums.

Amounts paid for temporary housing shall not be added into amounts paid for permanent housing to arrive at the above maximums.

Room rent may be authorized for a period not to exceed one week, except that, when applicants are exempt from the employment requirements, it may be authorized for a two-week period.

Deposits or security payments shall not be authorized.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2652.2 **Date of this Memo** 07/27/2007 **Page** 1 of 1

This Memo: is New Replaces one dated 10/28/2005

UPDATE:

For purposes of this section, temporary housing assistance includes assistance that meets the immediate need and ends the ongoing need for temporary housing. It includes payments for permanent housing if it meets the immediate need and the applicant can afford to maintain the housing.

These payments may be made only if their sum is equal to or less than the total cost of maintaining temporary housing for the applicant at the averaged highest daily rate (as provided by central office) for the maximum number of days for which the applicant remains eligible at the time the payments would be issued. When such payments are made they will be the last payments for this occurrence of temporary housing.

When the payments are less than the equivalent of an applicant's remaining days in temporary housing, the applicant may receive assistance for another occurrence of temporary housing up to the difference between 84 days and the equivalent number of days used for the original occurrence in a 12 consecutive month period.

INTERPRETIVE MEMO

GA 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 11/9/2015 Page 1 of 2

This memo: is new Replaces one dated 8/27/2014

QUESTION: Rule 2652.3 specifically states that a vulnerable populations temporary housing assistance *recipient* who is denied further accommodations at a motel, or similar establishment, due to not following the motel's rules is ineligible for additional assistance for 30 days. What is the penalty for a vulnerable populations temporary housing *applicant* who is denied further accommodations at a shelter, motel, or similar establishment for not following the rules of the establishment?

ANSWER: A vulnerable populations temporary housing *applicant* is ineligible for assistance for a period of six months.

Example: Sue is staying in a shelter and is kicked out of the shelter on November 1 for not following the rules of the shelter. Sue then applies for GA temporary housing. Sue has caused her own loss of housing at the shelter and is ineligible for GA temporary housing for a period of 6 months. The first date that Sue would be eligible for GA housing is May 1, provided she meets all other eligibility criteria.

QUESTION: Catastrophic temporary housing rule 2652.2 states that assistance is available for “applicants who are involuntarily without housing through circumstances they could not reasonably have avoided,” but the rule does not specify how long an individual remains ineligible after being ejected from a motel, shelter, or similar establishment, for not following the rules of the establishment. If an individual's behavior results in the individual being denied further accommodations at the motel, shelter, or similar, establishment the department has housed them in, how long will they remain ineligible for catastrophic temporary housing assistance?

ANSWER: An applicant or recipient of catastrophic housing assistance, who is denied further accommodations at a motel, shelter, or similar establishment, for not following the rules of the establishment is ineligible for a period of 30 days beginning with the date of ejection from the shelter, motel, or similar establishment.

Example: Mary is kicked out of a motel on July 1 for having too many guests in her room. Mary applies for catastrophic temporary housing assistance on July 15. Mary's July 15 application will be denied. July 31 is the first date Mary will be eligible for assistance, provided that she meets all other eligibility criteria.

INTERPRETIVE MEMO

GA Rule Interpretation

Procedural Instruction

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Please file in your manual facing the page indicated below.

Facing page 2652.2, 2652.3 **Effective date of this memo** 11/9/2015 **Page** 2 of 2

This memo: **is new** **Replaces one dated** 8/27/2014

QUESTION: What is the period of ineligibility for a catastrophic or vulnerable populations temporary housing applicant who outright refuses available shelter space or who does not show up at the shelter in time to accept available shelter space?

ANSWER: An applicant for either catastrophic or vulnerable populations temporary housing assistance will be ineligible to receive assistance for a period of 30 days beginning with the date the applicant refused available shelter space or did not show up at the shelter in time to accept available shelter space.

Example: John applies for temporary housing assistance on July 1. There is space available for him at a shelter. John states that he will stay at the shelter. The shelter holds a space for John, but John never checks in. John re-applies for temporary housing assistance on July 15. His July 15 application will be denied. July 31 is the first date John will be eligible for assistance, provided that he meets all other eligibility criteria.

INTERPRETIVE MEMO

GA Rule Interpretation

Procedural Instruction

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Please file in your manual facing the page indicated below.

Facing page 2652.2, 2652.3 Effective date of this memo 11/9/2015 Page 1 of 1

This memo: is new Replaces one dated _____

This interpretive memo establishes the department’s policy for determining how many days of temporary housing assistance may be authorized for households in which the household members have received assistance for a different number of days, or the household members are not eligible for the same type of assistance.

Households members with different number of days

In an applicant household in which the household members have received assistance for a different number of days, the remaining number of days for which the household may be authorized to receive assistance is based on the household member who has received the greatest number of days within the 12-month period.

Example: Pat and Sam are married, and are eligible for catastrophic temporary housing assistance. Pat has received 70 days of assistance within the past 12 months. Sam has received 30 days of assistance within the past 12 months. Together, Pat and Sam are eligible for an additional 14 days of assistance.

Household members with different eligibility criteria

In an applicant household in which the household members are eligible for different types of temporary housing assistance (catastrophic or vulnerable populations), or in which one household member, alone, is not eligible for any assistance, the maximum number of days for which the household may be authorized is based on the household member who is eligible for the type of temporary housing assistance which offers the greatest number of days. The remaining number of days for which the household may be authorized is based on the household member who has received the greatest number of days within the 12-month period.

Example: John and Mary have a five-year old child. They have been separated until recently. Six months ago, John lost his house in a fire. Mary has been couch surfing, and is only eligible for temporary housing assistance as a vulnerable population. They apply for temporary housing assistance as a family. John has never received temporary housing assistance. Mary has received 28 days of assistance within the past 12 months. The household is eligible for 56 days of catastrophic temporary housing assistance.

INTERPRETIVE MEMO

General Assistance 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** 1/23/2018 **Page** 1 of 2

This memo: **is new** **Replaces one dated** _____

The purpose of this interpretive memo is to establish the Department's policy for housing individuals in separate applicant households together.

Individuals who are not considered members of the same applicant household under rule 2603 may be housed in the same motel room if they each request to be housed together.

The Department will house no more than two separate applicant households together.

Separate applicant households who wish to be housed together must apply for temporary housing assistance at the same time and complete separate applications. Each household must be eligible for temporary housing assistance in their own right (unless an individual is being housed with a client as a caretaker pursuant to a reasonable accommodation). Each household will be responsible for completing required activities (e.g., meeting with a housing case manager).

Applicants will be interviewed together, and each applicant must indicate, in writing, at the time of the interview that they want to be housed with the other applicant.

The applicants' income will be considered together and calculated as one household for the purposes of determining the 30 percent income contribution (see GA Rule 2652.4).

The periods of ineligibility set forth in the Interpretive Memo facing rule rules 2652.2 and 2652.3 dated 11/9/2015 shall apply to each household.

The number of nights an eligible individual is housed with another household will count toward the total number of nights that individual is eligible to receive temporary housing assistance, regardless of whether the payment is authorized under the individual's name. To determine the maximum number of nights the two households may be housed together, use the total for the household with the least number of nights (see examples below).

INTERPRETIVE MEMO

General Assistance 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** 1/23/2018 **Page** 2 of 2

This memo: **is new** **Replaces one dated** _____

EXAMPLE A: Mary and her 30-year old daughter, Jen, apply for temporary housing assistance and would like to be housed in the same motel room. Mary lost her home in a fire, and Jen receives SSI and has been asked by the friend she was staying with to move out (there is no landlord/tenant relationship). Mary has no income, and Jen received \$700 in SSI on the day of application. Because Jen is only eligible for 28 days of temporary housing assistance under rule 2652.3, Jen and Mary can only be housed together for up to 28 days. Before the Department will house them, they must house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of Jen's SSI payment divided by the least expensive daily motel rate available in the district at that time. Mary can choose to be housed by herself until Jen is eligible.

EXAMPLE B: Emily and Floyd are in the district office applying for temporary housing and they are requesting to be housed together. Emily's apartment building burned down so she is eligible under catastrophic for up to 84-nights. Floyd is applying because he has no place to stay tonight and the Adverse Weather Conditions (AWC) is in effect. Emily and Floyd may be housed together tonight only. If they each want to continue to be housed together, they will need to re-apply daily if AWC is in effect. If Emily wishes to be granted for more than one night at a time, she can request to be housed alone.

INTERPRETIVE MEMO

GA 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 1/31/2018 Page 1 of 2

This memo: is new Replaces one dated 10/18/2014

UPDATE:

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act of 1990, as amended and the Vermont Public Accommodations requirement found at 9 V.S.A. 4502 the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. To maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility (up to a maximum of 28 days under rule 2652.3 or 84 days under rule 2652.2). During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.

"Accessible motel room" means a room that complies with ADA standards for accessible design and Vermont's Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility).

Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability triggered by secondhand smoke may request to be housed in a smoke-free motel. As required, the Department will make

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedural Instruction

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Please file in your manual facing the page indicated below.

Facing page 2652.2, 2652.3 Effective date of this memo 11/07/2019 Page 1 of 2

This memo: is new Replaces one dated 9/18/2017

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 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.

INTERPRETIVE MEMO

General Assistance 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 11/07/2019 Page 2 of 2

This memo: is new Replaces one dated 9/18/2017

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 written letter from the landlord to the tenant. For more detailed information about requirements for a valid termination of tenancy letter, see Interpretive Memorandum rule facing 2622 dated 11/07/2019.

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.

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.

Housing

2652.2 Temporary Housing in Catastrophic Situations (3/28/2015, 15-06)

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided, pursuant to rule 2621, and for whom permanent housing or alternative arrangements are not immediately available.

Authorization for temporary housing may be issued for periods of up to 28 days, at the Department's discretion. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

Temporary housing payments above the GA payment maximums will be allowed for only 84 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 84-day period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

The 84-day temporary housing maximum is cumulative for the Emergency Assistance and General Assistance Programs. An applicant who has received 84 days in temporary housing under EA during a 12-month period is not eligible for any further temporary housing assistance under GA for the same 12-month period. Temporary housing beyond 28 cumulative days in any consecutive 12-month period is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Housing authorizations in amounts above the GA payment maximums shall be discontinued as soon as permanent housing is located, or reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

Deposits or security payments of any type shall not be authorized.

The Department shall make all possible effort to assist in the location of permanent housing for recipients located in temporary housing. The department shall inform recipients that they are primarily responsible, however, for locating permanent housing, and that if they do not make an active effort to locate permanent housing, or fail to accept suitable housing accommodations, even if in a location other than where they are situated, continued GA payment for temporary housing shall be denied.

The work search at rule 2630 is also required when it is a factor of eligibility for any member of the assistance household.

INTERPRETIVE MEMO

GA 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 11/9/2015 Page 1 of 2

This memo: is new Replaces one dated 8/27/2014

QUESTION: Rule 2652.3 specifically states that a vulnerable populations temporary housing assistance *recipient* who is denied further accommodations at a motel, or similar establishment, due to not following the motel's rules is ineligible for additional assistance for 30 days. What is the penalty for a vulnerable populations temporary housing *applicant* who is denied further accommodations at a shelter, motel, or similar establishment for not following the rules of the establishment?

ANSWER: A vulnerable populations temporary housing *applicant* is ineligible for assistance for a period of six months.

Example: Sue is staying in a shelter and is kicked out of the shelter on November 1 for not following the rules of the shelter. Sue then applies for GA temporary housing. Sue has caused her own loss of housing at the shelter and is ineligible for GA temporary housing for a period of 6 months. The first date that Sue would be eligible for GA housing is May 1, provided she meets all other eligibility criteria.

QUESTION: Catastrophic temporary housing rule 2652.2 states that assistance is available for “applicants who are involuntarily without housing through circumstances they could not reasonably have avoided,” but the rule does not specify how long an individual remains ineligible after being ejected from a motel, shelter, or similar establishment, for not following the rules of the establishment. If an individual's behavior results in the individual being denied further accommodations at the motel, shelter, or similar, establishment the department has housed them in, how long will they remain ineligible for catastrophic temporary housing assistance?

ANSWER: An applicant or recipient of catastrophic housing assistance, who is denied further accommodations at a motel, shelter, or similar establishment, for not following the rules of the establishment is ineligible for a period of 30 days beginning with the date of ejection from the shelter, motel, or similar establishment.

Example: Mary is kicked out of a motel on July 1 for having too many guests in her room. Mary applies for catastrophic temporary housing assistance on July 15. Mary's July 15 application will be denied. July 31 is the first date Mary will be eligible for assistance, provided that she meets all other eligibility criteria.

INTERPRETIVE MEMO

GA 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** 11/9/2015 **Page** 2 of 2

This memo: **is new** **Replaces one dated** 8/27/2014

QUESTION: What is the period of ineligibility for a catastrophic or vulnerable populations temporary housing applicant who outright refuses available shelter space or who does not show up at the shelter in time to accept available shelter space?

ANSWER: An applicant for either catastrophic or vulnerable populations temporary housing assistance will be ineligible to receive assistance for a period of 30 days beginning with the date the applicant refused available shelter space or did not show up at the shelter in time to accept available shelter space.

Example: John applies for temporary housing assistance on July 1. There is space available for him at a shelter. John states that he will stay at the shelter. The shelter holds a space for John, but John never checks in. John re-applies for temporary housing assistance on July 15. His July 15 application will be denied. July 31 is the first date John will be eligible for assistance, provided that he meets all other eligibility criteria.

INTERPRETIVE MEMO

GA Rule Interpretation

Procedural Instruction

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Please file in your manual facing the page indicated below.

Facing page 2652.2, 2652.3 Effective date of this memo 11/9/2015 Page 1 of 1

This memo: is new Replaces one dated _____

This interpretive memo establishes the department’s policy for determining how many days of temporary housing assistance may be authorized for households in which the household members have received assistance for a different number of days, or the household members are not eligible for the same type of assistance.

Households members with different number of days

In an applicant household in which the household members have received assistance for a different number of days, the remaining number of days for which the household may be authorized to receive assistance is based on the household member who has received the greatest number of days within the 12-month period.

Example: Pat and Sam are married, and are eligible for catastrophic temporary housing assistance. Pat has received 70 days of assistance within the past 12 months. Sam has received 30 days of assistance within the past 12 months. Together, Pat and Sam are eligible for an additional 14 days of assistance.

Household members with different eligibility criteria

In an applicant household in which the household members are eligible for different types of temporary housing assistance (catastrophic or vulnerable populations), or in which one household member, alone, is not eligible for any assistance, the maximum number of days for which the household may be authorized is based on the household member who is eligible for the type of temporary housing assistance which offers the greatest number of days. The remaining number of days for which the household may be authorized is based on the household member who has received the greatest number of days within the 12-month period.

Example: John and Mary have a five-year old child. They have been separated until recently. Six months ago, John lost his house in a fire. Mary has been couch surfing, and is only eligible for temporary housing assistance as a vulnerable population. They apply for temporary housing assistance as a family. John has never received temporary housing assistance. Mary has received 28 days of assistance within the past 12 months. The household is eligible for 56 days of catastrophic temporary housing assistance.

INTERPRETIVE MEMO

General Assistance 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** 1/23/2018 **Page** 1 of 2

This memo: **is new** **Replaces one dated** _____

The purpose of this interpretive memo is to establish the Department's policy for housing individuals in separate applicant households together.

Individuals who are not considered members of the same applicant household under rule 2603 may be housed in the same motel room if they each request to be housed together.

The Department will house no more than two separate applicant households together.

Separate applicant households who wish to be housed together must apply for temporary housing assistance at the same time and complete separate applications. Each household must be eligible for temporary housing assistance in their own right (unless an individual is being housed with a client as a caretaker pursuant to a reasonable accommodation). Each household will be responsible for completing required activities (e.g., meeting with a housing case manager).

Applicants will be interviewed together, and each applicant must indicate, in writing, at the time of the interview that they want to be housed with the other applicant.

The applicants' income will be considered together and calculated as one household for the purposes of determining the 30 percent income contribution (see GA Rule 2652.4).

The periods of ineligibility set forth in the Interpretive Memo facing rule rules 2652.2 and 2652.3 dated 11/9/2015 shall apply to each household.

The number of nights an eligible individual is housed with another household will count toward the total number of nights that individual is eligible to receive temporary housing assistance, regardless of whether the payment is authorized under the individual's name. To determine the maximum number of nights the two households may be housed together, use the total for the household with the least number of nights (see examples below).

INTERPRETIVE MEMO

General Assistance 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** 1/23/2018 **Page** 2 of 2

This memo: **is new** **Replaces one dated** _____

EXAMPLE A: Mary and her 30-year old daughter, Jen, apply for temporary housing assistance and would like to be housed in the same motel room. Mary lost her home in a fire, and Jen receives SSI and has been asked by the friend she was staying with to move out (there is no landlord/tenant relationship). Mary has no income, and Jen received \$700 in SSI on the day of application. Because Jen is only eligible for 28 days of temporary housing assistance under rule 2652.3, Jen and Mary can only be housed together for up to 28 days. Before the Department will house them, they must house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of Jen’s SSI payment divided by the least expensive daily motel rate available in the district at that time. Mary can choose to be housed by herself until Jen is eligible.

EXAMPLE B: Emily and Floyd are in the district office applying for temporary housing and they are requesting to be housed together. Emily’s apartment building burned down so she is eligible under catastrophic for up to 84-nights. Floyd is applying because he has no place to stay tonight and the Adverse Weather Conditions (AWC) is in effect. Emily and Floyd may be housed together tonight only. If they each want to continue to be housed together, they will need to re-apply daily if AWC is in effect. If Emily wishes to be granted for more than one night at a time, she can request to be housed alone.

INTERPRETIVE MEMO

GA 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 1/31/2018 Page 1 of 2

This memo: is new Replaces one dated 10/18/2014

UPDATE:

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act of 1990, as amended and the Vermont Public Accommodations requirement found at 9 V.S.A. 4502 the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. To maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility (up to a maximum of 28 days under rule 2652.3 or 84 days under rule 2652.2). During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.

"Accessible motel room" means a room that complies with ADA standards for accessible design and Vermont's Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility).

Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability triggered by secondhand smoke may request to be housed in a smoke-free motel. As required, the Department will make

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedural Instruction

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Facing page 2652.2, 2652.3 Effective date of this memo 11/07/2019 Page 1 of 2

This memo: is new Replaces one dated 9/18/2017

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 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.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedural Instruction

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Facing page 2652.2, 2652.3 Effective date of this memo 11/07/2019 Page 2 of 2

This memo: is new Replaces one dated 9/18/2017

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 written letter from the landlord to the tenant. For more detailed information about requirements for a valid termination of tenancy letter, see Interpretive Memorandum rule facing 2622 dated 11/07/2019.

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.

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.

Housing

2652.3 Temporary Housing for Vulnerable Populations (3/28/2015, 15-06)

Temporary housing is intended to provide up to 28 days of shelter for vulnerable populations who are without housing and do not qualify for catastrophic temporary housing under rule 2652.2. Applicants shall qualify for temporary housing, if all other eligibility criteria are met, 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, shall qualify for temporary housing, if all other eligibility criteria are met, 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 temporary 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;

Housing

- Denial of further accommodations at a shelter, motel, or similar establishment, for not following the rules of the establishment.

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 temporary housing for 30 days following the last date housing assistance was received.

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 temporary housing may be issued for periods up to 28 days, at the Department's discretion.

Temporary 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 temporary housing assistance for the same 12-month period. Temporary housing for vulnerable populations is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Eligibility workers shall explain to applicants that they are expected to take steps to avoid or resolve emergencies in the future without GA. Except for applicants who are receiving their final grant of assistance within a 12-month period, applicants and eligibility workers shall work together to develop a schedule of activities addressing the applicant's need for temporary housing. Completion of the activities is a requirement for continued receipt of assistance. These activities shall be documented in the applicant's case record.

Housing

2652.4 Required Contribution Toward the Cost of Temporary Housing (3/28/2015, 15-06)

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.”

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.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2653 Date of this Memo 06/30/1986 Page 1 of 1

This Memo: is New Replaces one dated _____

QUESTION: Now that constructive evictions have been added to court-ordered evictions under rule 2620, Catastrophic Eligibility, can we authorize moving expenses for these also?

ANSWER: Yes. Moving expenses may be covered in any catastrophic situation when the move “is indeed caused by the catastrophe.” This would include moving costs in situations such as:

- A. furniture and possessions salvaged from a fire, flood, hurricane or other natural disaster which made the home uninhabitable
- B. personal property when a family must vacate its present home due to the death of the family member who owned the dwelling,
- C. a move necessitated by a medical emergency, though this would be rare since we do not normally assist with a temporary move; condemnation of an area for the protection of the public health could be included in this category; and
- D. constructive evictions, as well as court-ordered evictions, including the possessions of a battered spouse when it is necessary to move furniture or possessions from the battered spouse’s home.

As usual in General Assistance, all potential alternatives and resources will be explored and the least expensive resolution of the problem will be utilized. This exploration would include disaster relief; help from friends, relatives or the community; expedited payment of other benefits; etc.

Moving Expense

2653 Moving Expense (02/01/2004, 03-01)

District managers or their designees and town service officers shall authorize payment of reasonable costs of moving household furniture to a new location provided the need to move said furniture is the direct result of a catastrophic event. This includes moving costs in situations such as:

- A. furniture and possessions salvaged from a fire, flood, hurricane or other natural disaster which made the home uninhabitable;
- B. personal property when a family must vacate its present home due to the death of the family member who owned the dwelling;
- C. a move necessitated by a medical emergency, though this would be rare since we would not normally assist with a temporary move; condemnation of an area for the protection of the public health could be included in this category; and
- D. constructive evictions, as well as court-ordered evictions, including the possessions of a battered spouse when it is necessary to move furniture or possessions from the battering spouse's home.

All potential alternatives and resources will be explored and the least expensive resolution of the problem will be utilized. This exploration would include disaster relief; help from friends, relatives or the community; and expedited payment of other program benefits.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2654 **Date of this Memo** 01/01/1989 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: Under what conditions may we use funds from General Assistance for services provided to pregnant women at the Elizabeth Lund Home in Burlington?

ANSWER: Effective January 1, 1989, the Department will reimburse the Lund Home for services provided to pregnant women, including minors, who reside at the Lund Home and are ineligible for Reach Up benefits solely because they are not expected to deliver their child within the three calendar months immediately following the current month of residence. Any GA eligibility requirements which these pregnant women fail to fulfill shall be waived in determining eligibility for Lund Home residence and services.

To be eligible for this reimbursement, these applicants must:

- A. meet all Reach Up eligibility requirements except those excluded above, and
- B. agree to apply for Reach Up at a time, as determined by a DCF employee, which enables them to receive Reach Up benefits on the earliest possible date, and
- C. apply for Medicaid, if they have not already applied.

All pregnant women not yet eligible for Reach Up are to be advised of the availability of GA coverage of Lund Home residence and services. If they wish to take advantage of them, the worker should contact the Department’s Lund Home worker at the Burlington District Office. All payments to the Lund Home will be authorized by the Burlington District Office.

In the case of a pregnant minor seeking GA on her own, the worker should inform her that she will not be accepted for residence at the Lund Home without the written consent of her parent(s) or legal guardian (if not the same as her parents).

The Lund Home worker is responsible for ensuring that these pregnant women apply for Reach up at a time which results in receipt of Reach Up benefits on the earliest possible date.

Room and Board

2654 Room and Board (09/01/1995, 95-5F)

A room and board allowance shall be authorized from one to seven days. For applicant households exempt from the employment requirements, allowances may be issued for up to 14 days as needed.

Room & Board Allowance:

\$60.00 per week per person (if paid to non-relatives)

\$40.00 per week per person (if paid to relatives)

For the definition of "relative" see rule 2603.

When an eligible recipient receives a room and board allowance, he/she shall also receive the following personal needs allowance based on the number of General Assistance recipients included in the allowance:

Personal Needs Allowance

<u>No. of GA Recipients</u>	<u>PNI Per Week</u>
1	\$2.00
2 or more	\$3.00 maximum

Heating Equipment

2655 Heating Equipment (07/01/1995, 95-24)

Purchase of heating equipment shall be authorized by the district director when such equipment cannot be obtained otherwise (for example, from donations from individuals or community groups, temporary loan pending insurance settlement). Purchase shall be limited to the most serviceable and appropriate used item, if available, or new item (if a used item is not available) at the lowest cost.

Transportation

2656 Transportation (07/01/1995, 95-24)

Authorization of transportation shall be limited to transients determined eligible who need help to continue to their destination. Payment for the lowest cost public transportation to the applicant's destination shall be authorized as paid, as follows:

- A. to any point within the state;
- B. after an attempt by the district director to obtain funding from the transient's state of residence and, if successful, to any point outside of the state to be authorized by district directors only.

Necessary automobile expense to enable the applicant to continue his journey may be authorized as follows:

- A. gasoline and oil, as paid;
- B. tires, essential repairs, if the cost is lower in relation to the price of the lowest cost public transportation.

Fuel and Utilities

2657 Fuel and Utilities (03/01/1997, 97-9)

Fuel and utilities are such things as water, electricity, oil, gas, coal, wood, kerosene, etc., which provide space heating, hot water, refrigeration, cooking fuel and light for the home. Sewage disposal provided as a utility service and billed on a regular basis shall be considered a utility. For purposes of the General Assistance Program, fuel and utilities are classified according to two customary methods of delivery:

- A. Metered Delivery (i.e., electricity, gas) provides service as needed and consumption is measured by an on-the-premises meter. The customer is billed at routine billing periods.
- B. Bulk Delivery (i.e., oil, bottled gas, kerosene, wood) provides a specific volume in advance of need and the customer is billed on delivery.

The amount of GA payment to applicants who are on a budget plan payment system for either metered or bulk delivery, shall equal the amount of the budget payment, even though the actual charge for service during that period is more than or less than the budget payment. A budget plan is an arrangement whereby a customer agrees in writing to pay a fixed amount for future consumption for a specified time period.

Payment for fuel and utilities may be authorized only when the conditions specified in the appropriate subsection are met.

Each recipient of GA emergency fuel or utility assistance shall be given the opportunity to have his name and address made available to the Weatherization Assistance Program as a potential recipient of a home energy audit and subsequent referral for weatherization service.

2657.1 Metered Delivery (03/01/1997, 97-9)

Payment for the "current billing period" portion of a bill may be authorized only when:

- A. The billing period specified on the bill is the most current period for which a bill has been rendered by the company; and
- B. A "due date" specified on the bill has been reached (the date of receipt is considered the "due date" if no "due date" is specified); and
- C. The billing period is the standard billing period used by the company for all customers; and
- D. The bill is issued in the name of the applicant or the applicant's spouse or in the name of another individual living with the applicant; and
- E. The applicant meets regular General Assistance eligibility criteria or qualifies for exception under catastrophic situation criteria (rule 2620).

Companies usually bill customers for a billing period which corresponds to a monthly period or a bi-monthly period. In unusual circumstances it may be necessary to contact a company representative to ascertain the portion of a bill which is equivalent to the company's normal billing period.

In areas where quarter meters (25cm) are utilized it will be necessary to contact a company representative to determine anticipated consumption. Payment may be authorized in an amount necessary to continue quarter meter service for up to seven days.

Fuel and Utilities

A deposit may be paid provided a deposit is legally collectible under Public Service Board rules and the amount does not exceed two-twelfths of the reasonable estimated charge for service for the ensuing twelve months. The company must be advised that the deposit is to be credited and refunded to the department in accordance with the company's usual refund policy and that deposit refunds inadvertently made to the recipient will not constitute settlement of the refund obligation to the Department.

A reconnection charge may be paid provided service has been interrupted and the amount charged is the same for all customers.

A new account charge may be paid provided the company is authorized by Public Service Board rules to collect a new account charge. A new account is generally defined as a request for service for the first time, a name change on a meter or a new meter as a result of a change location.

Some companies are authorized under Public Service Board rules to collect "deferred charges", "purchased energy charges", "temporary charges" and similar charges. Some of these "charges" may appear as credits on the bill during the period such "charge" is incurred. Even though these charges may appear as credits (and are not technically due) they must be included in the GA payment if they were incurred during the period being approved.

Charges for either purchase or rental of equipment, appliances, space or water heaters, outdoor lighting, or installation, service, and repair charges shall not be paid by General Assistance except as authorized specifically in other sections of the manual.

2657.2 Bulk Delivery (08/01/1980, 80-28)

Payment may be authorized only when:

- A. There is less than a 72 hour supply on hand; or less than 1 weeks supply when in the workers judgment authorization would eliminate extra delivery costs, conform with the regular delivery schedule for the area, or prevent fuel from running out on a weekend or holiday; or when the applicant's primary heating fuel is wood, less than 2 weeks supply on hand if in the workers judgment the applicant will not have means to replenish the supply before it is exhausted; or such other expansions of these limits as the Commissioner may order on a case by case, area by area, or individual fuel type basis in the event of local shortage or extended delivery period requirements; and
- B. The provider will not deliver unless payment for the delivery is received in full; and
- C. The amount to be authorized does not exceed a normal one-week supply or the minimum amount the provider will deliver; and
- D. Delivery is made in the name of the applicant or applicant's spouse, or in the name of another individual living with the applicant; and
- E. The applicant meets regular General Assistance eligibility criteria or qualifies for exception under catastrophic situation criteria (rule 2620).

Payment shall not be authorized for charges for: previous deliveries; deposits for any item or reason; a new account charge; purchase or rental of storage tanks or containers, space or water heaters, furnaces, equipment or appliance, or installation, service, cleaning and repair charges except as specifically authorized under other sections of this manual.

Fuel and Utilities

Except in unusual circumstances, the volume and amount charged, and delivery time and date, must be established through the provider in advance of the transaction. Charges for off-hour or off-schedule delivery are allowable only when permitted under Vermont law and applicable PSB regulations and the amount charged is the same for all customers. Every effort should be made to avoid these charges whenever possible.

Medical Care

2660 Medical Care (08/01/2004, 04-21)

The types of medical care covered for applicants meeting the eligibility criteria in rules 2620, 2621, and 2623 for eligibility due to a catastrophic situation and the general eligibility criteria in rules 2604 and 2605 are limited to:

- physician services (as further limited in rule 2661),
- dental services, (as further limited in rule 2662),
- vision services and items (as further limited in rule 2663),
- prescription drugs (as specified in rule 2664),
- medical supplies (as defined and further limited in rule 2665),
- durable medical equipment (as defined and further limited in rule 2666), and
- ambulance transportation (as further limited in rule 2667).

Other types of medical care (e.g., hospital services, other transportation, visiting nurses) and payment of premiums for private or government-sponsored health insurance are not covered. For purposes of GA rules, premium is defined as it is defined in Vermont Medicaid rules. Premium means a nonrefundable charge that must be paid by an applicant or beneficiary as a condition of initial and ongoing enrollment for health insurance. Routine examinations and treatment are not covered by GA because they do not address emergency medical needs.

For applicants who are beneficiaries under Medicaid, VHAP or another government-sponsored health care coverage program, the prior authorization requirements for that program, if any, apply equally to coverage for medical care under GA. GA payment is limited to providers enrolled in the Medicaid program.

The department shall pay for medical care with GA only if application is made within the following time frames:

- before receipt of the care,
- up to 30 days after the original billing date for care received, or
- within 30 days from the notice date on denial of eligibility by Medicaid, VHAP, or other government-sponsored health care coverage for reasons other than those specified in rule 2620 (D).

When application is made within 30 days from the notice date on denial of eligibility by Medicaid, VHAP, or other government-sponsored health care coverage for reasons other than those specified in rule 2620 (D), the application date for health care coverage shall be considered the application date for GA, and the GA application shall cover the full period during which the application for health care coverage was pending.

The department shall determine the applicants eligibility for GA payment of medical care based on the applicants circumstances on the date of application, not on the date the care is received.

Requests for payment from providers of medical care shall not be considered applications for GA.

Medical Care

Payment for Medical Care

(07/01/2002, 02-10F)

Eligibility workers shall issue vendor authorizations to eligible applicants. Vendor authorizations issued by the department must accompany provider bills for medical services other than prescription drugs. No GA payments shall be made, however, unless the requirements set forth in rules 2660-2667 are also met.

Payment to providers may not exceed the amount set forth in the fee schedule used in the Vermont Medicaid Program. Vermont law (33 V. S. A. §6501-6508) prohibits balance billing, which is charging or collecting from the recipient any amount in excess of the reasonable charge for the service, defined as the amount in the fee schedule.

Physician Services

2661 Physician Services (07/01/2002, 02-10F)

The following physician services are not covered by GA:

- cosmetic surgery,
- experimental surgery,
- sterilization,
- fertility services,
- acupuncture, and
- massage therapy.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2662 **Date of this Memo** 03/26/1979 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: The paragraph in the center of the page seems to imply that we cannot authorize payment of a bill under general assistance unless the head of household requests payment within 30 days of the “billing date.” A qualified applicant recently brought us a bill which had an entry titled “Billing date”, however, the date indicated was a full 8 months later than the date of service. Is it GA policy to pay bills that old?

ANSWER: Billing date, as used in this section and generally throughout the manual system, refers to the original billing.

Some new billing systems reflect the date of the current statement as the billing date and don’t indicate which part of the total reflects a “balance forward” from the previous statement. This is particularly true of those systems which simply duplicate an account card which goes unchanged until another charge or payment is entered. Original billing thus becomes difficult to identify. Therefore, unless a provider is known to bill other than monthly and this billing practice is exercised consistently for all similar accounts, you may assume that any bill dated more than 35 days after date of services does not bear the “billing date” referenced in rule 2662 on which the 30 day eligibility time limit is based.

Dental Services

2662 Dental Services (07/01/2002, 02-10F)

Covered dental services to relieve pain, bleeding, and infection are limited to:

- examinations;
- diagnostic radiographs of the symptomatic area;
- sedative fillings;
- therapeutic pulpotomy;
- extraction of infected and symptomatic teeth;
- incision and drainage of abscess; and
- minor procedures for the emergency palliative treatment of dental pain.

No payment shall be made for replacement of missing teeth or dentures.

Vision Services and Items

2663 Vision Services and Items (07/01/2002, 02-10)

Eyeglass frames or lenses meeting an emergency medical need are covered only if purchased through the department's authorized supplier.

Prescription Drugs

2664 Prescription Drugs (07/01/2002, 02-10F)

To receive GA payment for prescription drugs, including over-the-counter drugs prescribed by a physician, providers are required to comply with the requirements of the departments pharmacy best practices and cost control program, as implemented through its pharmacy benefit manager. The program, designed to reduce the cost of providing prescription drugs while maintaining high quality in prescription drug therapies, includes a preferred list of covered prescription drugs identifying preferred choices within therapeutic classes for particular diseases and conditions and utilization review procedures.

No payment shall be made for drugs in drug classifications not covered by GA. Such drug classifications are not covered because none of the drugs in those classifications is ever appropriately prescribed to address an emergency medical need (rule 2623), in the departments judgment. GA payment shall be made for drugs in classifications other than those on the not-covered list, as long as they comply with the requirements of the pharmacy best practices and cost control program. These payments shall be made even if the likelihood of an emergency is small or the drug has not been prescribed to address an emergency need.

The department's list of drug classifications not covered by GA will be made available at the website for the Office of Vermont Health Access or in paper form upon request.

Payment shall not be authorized for items to be used in a hospital or nursing home.

Medical Supplies

2665 Medical Supplies (07/01/2002, 02-10F)

Medical supplies are nondurable items customarily used in conjunction with the care or treatment of a specific illness, injury, or disability.

Durable Medical Equipment

2666 Durable Medical Equipment (07/01/2002, 02-10F)

Durable medical equipment is equipment that arrests, alleviates, or retards a medical condition and is:

- used primarily and customarily to serve a medical purpose;
- able to withstand repeated use;
- generally not useful to a person in the absence of an illness, injury, or disability; and
- suitable for use in the home and in the community.

The following durable medical equipment is not covered by G-A because it does not address emergency medical needs:

- air cleaners
- dehumidifiers
- patient lifts
- exercise equipment
- message devices
- speech teaching machines

The following durable items are not covered by GA to address an emergency medical need because they do not meet the definition of durable medical equipment:

- air conditioners
- heating plants
- elevators
- saunas
- bathroom scales
- car seats not designed specifically for medical purposes
- equipment prescribed for education or vocational purposes
- toys
- whirlpool pumps

Ambulance Services

2667 Ambulance Services (07/01/2002, 02-10F)

Ambulance services that meet the definition of a medical emergency need may be covered. Transportation of a hospital inpatient to another facility for outpatient services is never a covered ambulance service because it is not an emergency medical need.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2670 **Date of this Memo** 12/01/2008 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

UPDATE: The criterion at 2670 A that a deceased individual was a recipient of assistance under Title IV of the Social Security Act includes individuals in Reach First, Postsecondary Education, Reach Ahead and Reach Up programs, regardless of the funding source.

Burial Responsibility

2670 Burial Responsibility (02/01/2004, 03-01)

When a person dies without sufficient known assets to pay for burial, a state institution, a town of domicile, or the department may be responsible for paying burial expenses.

A. Burials Paid by the Department

The department is responsible for paying the burial expenses of a person when the person:

1. died in Vermont or was a Vermont resident at the time of death regardless of the place of death,
2. died without sufficient known assets to pay for burial, and meets one of the following criteria:
 - a. was an honorably discharged veteran of any branch of the U. S. military forces;
 - b. was a recipient of assistance under one or more of the following programs:
 - Titles IV or XVI of the Social Security Act,
 - nursing home care under Title XIX of the Social Security Act,
 - state aid to the aged, blind or disabled; or
 - c. was a person who did not die in a state institution (B below).

All payments made by the department for burial expenses are subject to the limitations specified in rule 2674 and 2676.

B. Burials Paid by State Institutions

The state institution is responsible for the burial of a person who is without sufficient known assets to pay for burial and dies while an inmate of the state institution.

C. Burials Paid by Town of Domicile

The town is responsible for the burial of persons who die in their town of domicile, are without sufficient known assets, and do not qualify for burial paid by the department (see A 3 above). The department shall reimburse a town up to \$250.00 for burial expenses incurred.

Burial Arrangements

2671 Burial Arrangements (10/28/10, 10-08)

For purposes of rules 2670 through 2677, “burial” means the final disposition of human remains, including, interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite. “Funeral” means the ceremonies prior to burial by interment, cremation, or other method.

The department shall make the decision on eligibility and level of payment; and shall be responsible for making the burial arrangements in situations where no relative, friend, or interested person is available. Unless the decedent or the decedent’s family has expressly requested an alternative arrangement, the decedent’s body shall be cremated. It is not the policy of the department to make bodies available for the advancement of anatomical science in those instances when no family or friends are known. Autopsies are performed only under regulations of the State pathologist, who pays related expenses.

Application for Burial

2672 Application for Burial (10/28/2010, 10-08)

The department will cooperate with the funeral director, other agencies and persons to obtain information to determine in a specific instance whether or not the department will be responsible for all or part of the payment of burial expenses.

Burial Eligibility

2673 Burial Eligibility (10/28/2010, 10-08)

Eligibility for department financial participation in burial expenses shall be approved when all of the following requirements are met:

- A. The Department for Children and Families is responsible under the provision of 33 VSA § 2301; and
- B. Available resources of the deceased and the surviving spouse (rule 2675) are less than the maximum payment for burial expenses.

Payment of burial expenses shall not be issued until a full accounting of burial expenses and resources has been completed and the department has determined that the burial fulfills the provisions at rule 2676, Payment for Burial, and payments made will not exceed the maximum prescribed in procedures section P-2690.

Maximum Payment for Burial Expenses

2674 Maximum Payment for Burial Expenses (10/28/2010, 10-08)

The department will pay no more than the maximum specified in Procedures at P-2690 for burial expenses for an eligible individual. If available resources of the deceased and the surviving spouse (rule 2675) equal or exceed the maximum payment, the department will not pay any burial expenses. This provision does not preclude the funeral director from accepting contributions from other individuals toward burial and funeral expenses.

Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents an increase relative to the dollar amount that immediately precedes the change shall be carried out via a procedures change. Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents a decrease relative to the dollar amount that immediately precedes the change shall be accomplished only by following the Administrative Procedures Act process for regulatory changes.

Resources, Burial

2675 Resources, Burial (10/28/2010, 10-08)

Payment will be denied if the available resources of the deceased and surviving spouse equal or exceed the maximum payment for burial expenses. "Available resources" are "total resources" less a \$255 disregard.

The department representative will explore the existence and availability of all resources. Since many death benefits are negotiable by a surviving spouse or other individual, it is essential that a clear understanding exists that such benefits shall be deducted from the allowable expenses in accordance with the provisions for payment.

Liquid or available resources include, but are not limited to, the following: stocks, bonds, cash on hand or in a bank or other financial institution, lump sum death benefits, proceeds of life insurance policies, and employee death benefits. Such resources are available to pay burial expenses and must be treated in accordance with the section on provisions for payment. Available resources shall not include contributions that family, other than the deceased's spouse, or friends provide to the funeral director.

When the deceased individually owns real or personal property (other than the above), the value of which exceeds the total cost of burial, the request for burial payment shall be denied if there was no surviving spouse or dependent children residing with the deceased at the time of his or her death. If the value of such real or personal property does not exceed the total cost of burial, it shall be disregarded.

INTERPRETIVE MEMO

General Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2676 **Date of this Memo** 07/03/2003 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

GA pays only for:

- the least expensive urn or container provided by the crematory (rule 2674.2)
- a concrete grave liner or minimum outer enclosure required by the cemetery if grave liners are not available (rule 2674.2)

If friends or relative other than the surviving spouse want to contribute to purchase an urn or grave liner costing more than the amounts allowed at rule 2674.2, they must pay the full cost of the urn or grave liner.

Payment for Burial

2676 Payment for Burial (10/28/2010, 10-08)

Contributions from friends or relatives may be used to pay burial expenses not paid by the department, the deceased, or the surviving spouse.

Available resources of the deceased and surviving spouse shall be applied against those expenses for which the department would be responsible for the purpose of reducing the maximum payment for burial expenses. If the surviving spouse contributes all or some of the \$255 in excluded resources to burial expenses, the contribution shall not be applied against those expenses for which the department would be responsible.

Towns and funeral directors requesting reimbursement for burial expenses under Vermont law must do so on the appropriate departmental billing form. Reimbursement to a town is made on an "as paid" basis up to a maximum of \$250.00 for total burial expenses.

Payment Process, Burial

2677 Payment Process, Burial (10/28/2010, 10-08)

Payment shall be authorized only when an itemized accounting of specific burial expenses that are to be provided at public expense is received at State Office on the appropriate billing form that includes the signatures of the funeral director and the party making the funeral arrangements.

Town Service Officer (TSO)

2680 Town Service Officer (TSO) (07/01/1975, 75-64)

"On or before April 15 of each year the selection shall appoint a town service officer and notify the commissioner of their appointment. A town service officer may be appointed to serve more than one town. A selectman may be a town service officer. The commissioner shall give him a certificate of appointment and contract for his compensation. If the selectmen fail to appoint a town service officer any selectman may act in his behalf" (VSA § 3002.)

TSO Duties

2681 TSO Duties (07/01/1975, 75-64)

The duties of town service officers are to receive applications for emergency General Assistance when the district welfare office is closed or when an immediate visit to the district office is impossible for the applicant. The town service officer may perform other duties under the welfare code as the commissioner may direct. The town service officers work under the direction of the District Director who will provide necessary training, forms, procedure material, and approval of compensation.

TSO Decisions

2682 TSO Decisions (07/01/1975, 75-64)

Town service officers shall determine the eligibility of applicants by determining the applicants's available income and resources and establishing the applicant's need.

The applicant must furnish necessary information to determine eligibility and supply, or permit, appropriate verification. Applicants who have available income and/or resources equal to the amount of the emergency need are not eligible for payment.

An applicant does not have available income and/or resources may be granted payment for food, housing, fuel and utilities, emergency medical care, and other items, according to the limits set forth in the following subsections.

Town Service Officers are authorized to issue payments for up to 4 days. If the applicant will have needs beyond 4 days, the applicant should be advised to visit the district office. If it is impossible for such applicant to visit the district office within 4 days, the town service officer should contact the District Director so that satisfactory arrangements may be completed.

Town Service Officers may provide assistance only on a vendor authorization form (form 292). Town Service Officers will not be reimbursed for cash given to applicants.

2682.1 Groceries or Meals, TSO (07/01/1995, 95-24)

If the applicant does not have available income and resources, and has a need for groceries, payment may be issued on a vendor authorization form (form 292) for the number of days until the district office is open, in the following amounts (payment for groceries may not be issued for more than 4 days):

Groceries

Groceries Allowance

No. of Days	1	2	3	4	5	6	7	8	9	10	For each add'l person
1	3.00	5.00	6.00	7.00	7.00	8.00	9.00	10.00	10.00	10.00	1.00
2	3.00	5.00	7.00	8.00	10.00	11.00	13.00	15.00	16.00	18.00	2.00
3	4.50	7.50	10.50	12.00	15.00	16.50	19.50	22.50	24.00	27.00	3.00
4	6.00	10.00	14.00	16.00	20.00	22.00	26.00	30.00	32.00	36.00	4.00

2682.2 Housing, TSO (07/01/1995, 95-24)

The town service officer shall not issue payment for housing if the applicant has housing accommodations which can be maintained until the district office is open, even if payment for such an accommodation is due.

TSO Decisions

If, however, the applicant does not have available income and resources, and is actually without a housing accommodation, payment may be authorized on a vendor authorization form (form 292) in an amount necessary to secure housing until the district office is open. Payment shall not be issued for housing for more than 4 days.

2682.3 Fuel and Utilities, TSO (07/01/1995, 95-24)

The town service officer shall not issue payment for fuel or utilities if the applicant has a sufficient supply to last until the district office is open.

Payment may be issued if the applicant does not have available income and resources or credit, and:

- is without fuel or utilities,
- does not have sufficient supply on hand to last until the district office is open,
- has or will have metered service disconnected while the district office is closed.

The amount to be issued should be sufficient to last until applicant can visit the district office, or the minimum necessary to maintain continued metered service. Payment shall not be authorized if the provider will extend credit to the applicant.

Payment may be authorized on a vendor authorization form (form 292) in the necessary amount.

Emergency Medical Care, TSO (07/01/1995, 95-24)

If the applicant does not have available income and resources or credit, payment may be issued for emergency medical care or for a prescription which must be filled immediately.

Payment may be made on a vendor authorization form (form 292) in the amount necessary. If the amount cannot be determined, write "According to Medicaid Fee Schedule" on Vendor authorization form (form 292).

2682.5 Other Items, TSO (07/01/1995, 95-24)

From time to time, applicants may request other items such as transient transportation, etc. "Other items" may be approved only if, in the judgement of the town service officer, such item needed is required immediately and a decision must be made before the district office will be open. If a town service officer approves "other items", payment should be made at the lowest available cost on a vendor authorization form (form 292), and a notation made on the issuance report (form 291G) specifying the reason(s) for the decision.

TSO Compensation

2683 TSO Compensation (08/10/1979, 79-2F)

A. Time

Town Service Officers will be compensated for time and personal expenses as contracted with the Commissioner under authorization of 33 VSA § 3002.2