

# Tri-Committee Hearing on General Assistance Temporary Housing

Testimony of Christopher J. Curtis, Staff Attorney, Vermont Legal Aid  
January 8, 2014

Thank you for inviting testimony on the General Assistance (“GA”) temporary housing program. Vermont Legal Aid represents low-income Vermonters in a wide variety of civil legal matters including administrative appeals involving certain public benefits program before the Human Services Board. We routinely assist clients seeking to access the General Assistance temporary housing program.

At the outset, it is important to share with you that **Vermont Legal Aid supports the Shumlin Administration’s request for additional funding for the GA program for temporary shelter through budget adjustment.** In the absence of sound alternatives and/or a comprehensive strategy for demand reduction we view the temporary shelter program as an essential programmatic safety net of last resort for homeless Vermonters.

We also **support the Administration’s recent poverty reduction initiative** which emphasizes long-term affordable housing solutions and expands the capacity of existing shelters.<sup>1</sup> In sum, we support more investment in long-term affordable housing solutions.

**Vermont Legal Aid opposes major policy revisions further restricting eligibility.** The new rules went into effect in August. There is not even a year of data to determine their effectiveness. Although, according to at least one Department data set, the number of denials is up from 36% to 53%, yet total applications are up only 7%. Clearly the legislative intent to further restrict the program is having the desired effect.<sup>5</sup> We support giving the new rules time to work, and assess the impacts of the new rules, before making any further restrictions to access.

1. **Additional restrictions may adversely affect “vulnerable Vermonters” – clarification of existing definitions of people with disabilities and children are warranted.**

Additional restrictions would harm some of the very populations the legislature identified as “vulnerable.” In fact, taken to its logical conclusion there are questions about the existing criteria and their adequacy. For example, disabled Vermonters are, in fact, considered vulnerable under the statute and the rules. But, the statute limits access to Vermonters with disabilities who receive, or have applied for SSI or SSDI designations. We are concerned that characterization of qualifying disability is too narrow as many Vermonters may present with a disability, or have a medically recognized disability, but simply have not yet applied for lack of assistance or some other reason. Similarly, children of 7, 8, or 9 (or minors of any age, for that matter) in a household should be given consideration as “vulnerable” when rendered homeless – not only those under the age of 6. In fact, according to one data set, we know that **620 children applying for this**

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<sup>1</sup>Governor Shumlin recently announced \$2.5 million in poverty reduction measures, including doubling of the Vermont Rental Subsidy program (from \$500,000 to \$1 million), increased funding for emergency shelter grants (\$300,000), and new money for family supportive housing grants (\$200,000), among other commitments.

<sup>5</sup>See AHS-DCF Summary Handout, 12/3/13.

**benefit were denied in one month alone.**<sup>7</sup> What happened to them? We do not know. That should be of concern to all Vermonters.

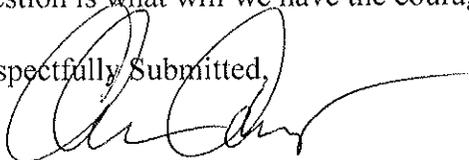
We appreciate the desire of the legislature to set limits. At the same time, once a determination of “vulnerable” is made it makes sense to think about whether, or if, some limits may be arbitrary and not fully effectuating the intent of the legislature to protect certain populations. If the legislature plans to make additional changes to the program this year, **we support including changes to clarify the definitions of vulnerable Vermonters with respect to children and people with disabilities to be more inclusive.**

2. **Eliminate the 50% rule, or restrict it to first time application.** Vermont Legal Aid commented on emergency rules filed by the Secretary of the Agency of Human Services in August. We generally supported changes made by the Agency to track the categorical eligibility set out in statute by the legislature. However, we objected to inclusion of the so-called “50% Rule” requiring participants to spend half their income on motels. That policy leads to negative outcomes for participants and taxpayers in the form of longer stays and exhaustion of the benefit. Any income participants manage to save should go to securing long-term housing as soon as possible. We submitted public comment on the emergency rules to that effect. If the Agency fails to rescind that aspect of the rule, **we support regulatory or legislative action to eliminate the unnecessary and counterproductive requirement that families pay half their income to motels.**

Last year the legislature made several changes to the Reach Up program which we opposed. However, the legislature also created a work group to examine the program and generate additional recommendations. Vermont Legal Aid participated in that process. The result is a set of recommendations designed to help families succeed. It’s a good work product resulting from months of data collection, input from state, local, and even national experts, and countless meetings of the work group and its subcommittees on the topic. Perhaps the Reach Up work group is a model to be emulated before changes are made in order that experts from across the spectrum may participate and provide input. **If there is cause for a more thorough review of the General Assistance program we would recommend a work group approach.**

In conclusion, Vermont Legal Aid believes that temporary housing through the use of motels is not a long-term solution or strategy to prevent or solve the problem of homelessness. However, it is an emergency measure of last resort that no doubt has saved lives. There is no question there are many things we can do as a state (see attached). But, as we contemplate 50 years of successes and failures in the “War on Poverty” the question isn’t “what can we do?” The question is what will we have the courage to do together? Thank you for your consideration.

Respectfully Submitted,



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<sup>7</sup>DCF Economic Services, GA/EA Temp Housing Data 8/13 - 9/13.

## General Assistance Temporary Housing Basics

The term “General Assistance” is defined in statute. It means: “financial aid to provide *the necessities of life* including food, clothing, shelter, fuel, electricity, medical care, and other items as the Commissioner may prescribe by regulation *when a need is found to exist* and the applicant is otherwise found eligible (emphasis added). 33 V.S.A. § 2101(4). The rules also expound on the meaning of the GA program as designed to aid “eligible applicant households whose emergency needs... cannot be met under any other assistance program administered by the Department and cannot be relieved without the department’s intervention.” W.A.M. § 2600.

While General Assistance may include access to benefits for emergency needs related to everything from food, clothing, fuel, medical care, personal needs, or temporary housing. Generally, applicants for emergency shelter under the GA program qualify for either “catastrophic” or “non-catastrophic” eligibility for temporary housing.

Families in catastrophic circumstances may access temporary housing for up to 84 days. A “catastrophic situation” is limited by rule to the following:

- A) Death of spouse or minor dependent child;
- B) the presence of an emergency medical need (as defined by rule);
- C) a natural disaster such as flood, fire, or hurricane;
- D) a court ordered eviction or constructive eviction... due to circumstances over which the applicant had no control.”

W.A.M. § 2621.

A “non-catastrophic” situation is limited by rule to the following circumstances: (A)(1) “the household must include a minor dependent under the age of 18”; or (2) the applicant and applicant’s spouse or civil union partner, if living in the home, must each meet one of the following four criteria:

- a) is 65 or older;
- b) is younger than 65, but not able-bodied;
- c) is younger than 65, able-bodied, and the spouse or civil union partner of an SSI/AABD recipient applicant who meets the criterion of a) or b) above; or
- d) is younger than 65, able-bodied, and has two or more...”employment barriers as defined in rule.

The Vermont legislature made substantial revisions to the GA program last year. In particular, the legislature restricted access to temporary shelter to certain “vulnerable populations” in non-catastrophic situations. For those families access to the program was also restricted to 28 days. The legislature defined “vulnerable populations” to mean households with a member who is:

- 65 years of age or older;
- In receipt of or an applicant for either Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) ;
- a child under the age of 6; or
- in the third trimester of pregnancy.

The legislature also expressly reserved access to the program for homeless Vermonters who may not qualify under ordinary circumstances, but who could qualify pursuant to a “cold weather exception” to the rules.

The criteria for the cold weather exception is defined by the Department for Children and Families (“DCF”) as follows: Eligibility for temporary shelter will be relaxed when any of the following conditions exist – or are anticipated to exist within the next 12 hours – in the Vermont zip code where the homeless applicant is applying: 1) Temperatures or wind chill less than 20 degrees Fahrenheit; or 2) Temperatures less than 32 degrees Fahrenheit with snow and/or freezing rain.

## Key Facts and Figures

- Housing Costs Continue to Rise in Vermont – a modest two-bedroom unit costs almost \$1000/month. In order to afford that fair market rent, a family would need to earn almost \$20/hour to keep housing costs at 30% of income. Rock and a Hard Place Report (2011). Available at: <http://www.vhfa.org/documents/housing-wages-2011.pdf>
- 62% of Vermont households have one or less than one full-time worker. *Id.*
- Wages Continue to Stagnate – 53% of Vermont’s non-farm workers have incomes below this housing wage. *Id.*
- Vermont Reach Up families have experienced a 27% decrease in inflation-adjusted value since 1996. CBPP 2013 TANF Report. Available at: <http://www.cbpp.org/cms/?fa=view&id=4034>
- Reach Up benefit levels as a percentage of Fair Market rents are down to just 66% (from 100% in 2000). *Id.*
- Vermont’s poorest families are highly transient – almost 40% of all Reach Up families have moved, 2, 3, or 4 times in the last year alone. Reach Up Work Group Report, 2013. Available at: <http://www.cbpp.org/cms/?fa=view&id=4034>

## Additional Suggestions for Action

- **Eliminate the “50% Rule” Requiring Households to Pay Half Their Income to Motels**
- **Support Expansion of the Vermont Rental Subsidy Increase Proposed by the Governor**
- **Eliminate Asset Tests and Increase the Earned Income Disregard for Reach Up Households**
- **Simplify and Expand Access to the Renter’s Rebate – Vermont’s “Housing EITC” – by Aligning it With Individuals Rather Than Households**
- **Support Initiatives Like the Shelter/Case Management CHT Model**
- **Repeal the No-Cause Eviction Statute**
- **Raise the Minimum Wage**
- **Inject “Income Sensitivity” to regressive taxes. For example, establish a “Commuter Rebate” returning a portion of the gas tax to working Vermonters annually to help offset their transportation costs (tourists, businesses and high income individuals would not receive rebates).**
- **Purchase low-cost motels and/or multi-unit homes in foreclosure. Why shouldn’t the state acts as a business would and take advantage of historically low interest rates and reduced cost housing markets?**