

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 13-30P

FROM: 
Richard Giddings, Deputy Commissioner
Economic Services Division

DATE: August 1, 2013

SUBJECT: General Assistance Program Rules

CHANGES ADOPTED EFFECTIVE 12/1/13

INSTRUCTIONS

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

MANUAL REFERENCE(S):

2620	2820
2622	2822
2652	2852

This bulletin proposes changes to the General Assistance and Emergency Assistance programs pertaining to the catastrophic eligibility criteria for temporary housing. It proposes to clarify catastrophic eligibility criteria and align the rules with current department practice.

Specific Changes to Rule Sections

- 2620** Defines the time period in which the catastrophic event must have occurred, changes the requirement that an applicant must contribute all available income toward the emergency to 50% of gross monthly income, adds requirement that applicant and worker develop schedule of activities to be completed for continued receipt of assistance.
- 2622** Replaces “battering” with “domestic violence,” adds definition of domestic violence, relaxes documentation requirements for victims of domestic violence.
- 2652.2** Adds language clarifying that applicants for temporary housing must have lost their housing due to a catastrophic situation and that catastrophic eligibility criteria in rule 2621 apply, extends the authorization period from seven to 14 days, adds language allowing eligible applicants to make their own temporary housing arrangements—subject to spending limits—in the event that the department is unable to do so on their behalf, adds language allowing for up to four days of

conditional assistance pending verification of eligibility criteria, defines time period in which having caused one's own loss of housing renders applicants ineligible, adds language providing examples of having cause one's own loss of housing, defines time period in which having caused one's loss of shelter renders recipients ineligible, deletes obsolete references to town service officers, removes work search requirement.

2820 Defines the time period in which the catastrophic event must have occurred, changes the requirement that an applicant must contribute all available income toward the emergency to 50% of gross monthly income, adds requirement that applicant and worker develop schedule of activities to be completed for continued receipt of assistance.

2822 Replaces "battering" with "domestic violence," adds definition of domestic violence, relaxes documentation requirements for victims of domestic violence.

2852.2 Adds language clarifying that applicants for temporary housing must have lost their housing due to a catastrophic situation and that catastrophic eligibility criteria in rule 2621 apply, extends the authorization period from seven to 14 days, adds language allowing eligible applicants to make their own temporary housing arrangements— subject spending limits—in the event that the department is unable to do so on their behalf, adds language allowing for up to four days of conditional assistance pending verification of eligibility criteria, defines time period in which having caused one's own loss of housing renders applicants ineligible, adds language providing examples of having cause one's own loss of housing, defines time period in which having caused one's loss of shelter renders recipients ineligible, deletes obsolete references to town service officers, removes work search requirement.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule is expected to be filed with the Interagency Committee on Administrative Rules (ICAR) on August 1, 2013 and presented at its meeting on August 12, 2013.
2. The proposed rule is expected to be filed with the Secretary of State's Office and the Legislative Committee on Administrative Rules (LCAR) on August 16, 2013.
3. The Secretary of State will publish notice of rulemaking on their website on August 21, 2013.
4. The department will post the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notify advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. A public hearing will be held on Friday, September 20, 2013 at 11:00 a.m., at 109 South Main Street, Waterbury, Vermont 05671.
2. Written comments may be submitted no later than 4:30 p.m., on Friday, September 27, 2013 to Heidi Moreau, Esq., Policy Analyst, Economic Services Division, DCF; 103 South Main Street, Waterbury, Vermont 05671-1201, heidi.moreau@state.vt.us. Fax: (802) 769-2186.
3. On or before Tuesday, October 1, 2013 copies of the final proposed rule are expected to be filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR).
4. The department expects to present the rule to LCAR on Thursday, October 17, 2013.
5. The department expects to file the final rule no later than Friday, November 15, 2013.
6. The rule is expected to be effective on December 1, 2013.

The department will post the emergency rule on the Agency of Human Services website at <http://humanservices.vermont.gov/on-line-rules> and notify advocates and members of the public about the rule.

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

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

* * * * *

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing the content.

Manual Maintenance

General Assistance Rules

<u>Remove</u>		<u>Insert</u>	
2620	(4-21)	2620	(13-30)
2622	(2-10)	2622	(13-30)
2652.2	(3-01)	2652.2	(13-30)
2820	(5-13)	2820	(13-30)
2822	(3-01)	2822	(13-30)
2852.2	(3-01)	2852.2	(13-30)

Catastrophic Eligibility

2620 Catastrophic Eligibility (08/01/2004, 04-21)

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, that occurred within the past 12 months.
- B. They must have exhausted all available-resources and must contribute 50 percent of the household's gross income toward their emergency need.
- 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 the 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.

Constructive Eviction

2622 Constructive Eviction (07/01/2002, 02-10)

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.

Domestic violence qualifies as a constructive eviction. "Domestic violence" means any of the following acts, if committed by a family or household member:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse; or
- neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

Acceptable verification of domestic violence includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; or
- a determination of abuse by staff at a domestic violence shelter or organization.

Housing

2652.2 Temporary Housing (02/01/2004, 03-01)

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are without housing due to a catastrophic situation as defined in rule 2621 (A), (C) or (D).

Applicants must meet all catastrophic eligibility criteria in rule 2620.

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.

Authorization for temporary housing may be issued for periods of not more than 14 days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available. The department shall make temporary housing arrangements on the applicant's behalf (e.g. reserving a motel room); however, in the event that the department is unable to do so, the applicant shall make the temporary housing arrangements and the department shall authorize payment on the applicant's behalf in an amount not to exceed \$75 per night for applicants applying within Chittenden county or \$100 per night outside of Chittenden county. The department is under no obligation to make temporary housing arrangements accommodating an animal other than a registered service animal.

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.

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;
- 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 emergency housing for 30 days following the last date the department authorized emergency housing assistance. Recipient households include households currently receiving temporary housing assistance and households that are paying for their own temporary housing pursuant to an agreement with the department to contribute 50% of their gross income towards housing costs.

Temporary housing payments 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-days need not be consecutive.

Housing

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 is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

The 84-day temporary housing maximum is cumulative for assistance received under rules 2652.2 and 2652.3. Days for which the department has authorized assistance count against the 84-day housing maximum.

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

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

Catastrophic Eligibility

2820 Catastrophic Eligibility (04/01/2005, 05-13)

Applicants with an emergency need attributable to a catastrophic situation (rule 2821) may qualify for EA to address that need, provided that they meet the eligibility criteria in rules 2805, 2806, and 2820–2823 and payment conditions in rules 2851–2870. Applicants seeking help for an emergency medical need shall not be eligible for EA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (rule 2820 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 2821, that occurred within the past 12 months.
- B. They must have exhausted all available resources and must contribute 50 percent of the household's gross income toward their emergency need.
- 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 EA 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 department's 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 EA 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 EA. 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 the 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.

Constructive Eviction

2822 Constructive Eviction (02/01/2004, 03-01)

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.

Domestic violence qualifies as a constructive eviction. "Domestic violence" means any of the following acts, if committed by a family or household member:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse; or
- neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

Acceptable verification of domestic violence includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; ~~and~~ or
- a determination of abuse by staff at a domestic violence shelter or organization.

Housing

2852.2 Temporary Housing (02/01/2004, 03-01)

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are without housing due to a catastrophic situation as defined in rule 2621 (A), (C) or (D). Temporary housing is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

A family applying for temporary housing assistance shall not be denied solely because of prior receipt of EA assistance other than for temporary housing.

Applicants must meet all catastrophic eligibility criteria in rule 2820.

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.

Authorization for temporary housing may be issued for periods of not more than 14 days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available. The department shall make temporary housing arrangements on the applicant's behalf (e.g. reserving a motel room); however, in the event that the department is unable to do so, the applicant shall make the temporary housing arrangements and the department shall authorize payment on the applicant's behalf in an amount not to exceed \$75 per night for applicants applying within Chittenden county or \$100 per night outside of Chittenden county. The department is under no obligation to make temporary housing arrangements accommodating an animal other than a registered service animal.

Housing authorizations shall be reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

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.

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;
- 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 emergency

Housing

housing for 30 days following the last date the department authorized emergency housing assistance. Recipient households include households currently receiving temporary housing assistance and households that are paying for their own temporary housing pursuant to an agreement with the department to contribute 50% of their gross income towards housing costs.

The work search at rule 2830 is also required when it is a factor of eligibility for any member of the assistance household.

Catastrophic Eligibility

2620 Catastrophic Eligibility (08/01/2004, 04-21)

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-, that occurred within the past 12 months.
- B. They must have exhausted all available ~~income and resources~~ and must contribute 50 percent of the household's gross income toward their emergency need.
- 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 the activities is a requirement for continued receipt of assistance. ~~This explanation~~ 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.

Constructive Eviction

2622 Constructive Eviction (07/01/2002, 02-10)

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.

~~Verifiable battering~~ Domestic violence qualifies as a constructive eviction. “Domestic violence” means any of the following acts, if committed by a family or household member:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse; or
- neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

Acceptable verification of ~~battering~~ domestic violence includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; ~~and or~~
- a determination of abuse by staff at a ~~women's~~ domestic violence shelter or organization.

Housing

2652.2 Temporary Housing (02/01/2004, 03-01)

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 and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in rule 2621 (4), who are without housing due to a catastrophic situation as defined in rule 2621 (A), (C) or (D).

Applicants must meet all catastrophic eligibility criteria in rule 2620.

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.

Authorization for temporary housing may be issued for periods of not more than seven 14 days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time. The department shall make temporary housing arrangements on the applicant's behalf (e.g. reserving a motel room); however, in the event that the department is unable to do so, the applicant shall make the temporary housing arrangements and the department shall authorize payment on the applicant's behalf in an amount not to exceed \$75 per night for applicants applying within Chittenden county or \$100 per night outside of Chittenden county. The department is under no obligation to make temporary housing arrangements accommodating an animal other than a registered service animal.

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.

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;
- 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 emergency housing for 30 days following the last date the department authorized emergency housing assistance. Recipient households include households currently receiving temporary housing assistance and households that are paying for their own temporary housing pursuant to an agreement with the department to contribute 50% of their gross income towards housing costs.

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-days period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

Housing

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.

The 84-day temporary housing maximum is cumulative for assistance received under rules 2652.2 and 2652.3. Days for which the department has authorized assistance count against the 84-day housing maximum.

~~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.

~~Department staff and town service officers 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 housing accommodations deemed suitable by the District Manger or the Town Service Officer even if in a location other than where they are situated, continued GA payment for temporary housing shall be denied.~~

During the first 14 days, documentation of the housing search is discretionary. Thereafter, individuals must demonstrate they have spent 20 hours or made between 10-15 contacts per week or expended an equivalent combination of effort.

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

Catastrophic Eligibility

2820 Catastrophic Eligibility (04/01/2005, 05-13)

Applicants with an emergency need attributable to a catastrophic situation (rule 2821) may qualify for EA to address that need, provided that they meet the eligibility criteria in rules 2805, 2806, and 2820–2823 and payment conditions in rules 2851-2870. Applicants seeking help for an emergency medical need shall not be eligible for EA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (rule 2820 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 2821, that occurred within the past 12 months.
- B. They must have exhausted all available ~~income and resources~~ and must contribute 50 percent of the household's gross income toward their emergency need.
- 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 EA 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 EA 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 EA. 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 the activities is a requirement for continued receipt of assistance. This explanation 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.

Constructive Eviction

2822 Constructive Eviction (02/01/2004, 03-01)

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.

~~Verifiable battering~~ Domestic violence qualifies as a constructive eviction. “Domestic violence” means any of the following acts, if committed by a family or household member:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse; or
- neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

Acceptable verification of ~~battering~~ domestic violence includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; and or
- a determination of abuse by staff at a ~~women's~~ domestic violence shelter or organization.

Housing

2852.2 Temporary Housing (02/01/2004; 03-01)

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 and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in rule 2821 D. who are without housing due to a catastrophic situation as defined in rule 2621 (A), (C) or (D).~~ 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.

A family applying for temporary housing assistance shall not be denied solely because of prior receipt of EA assistance other than for temporary housing.

Applicants must meet all catastrophic eligibility criteria in rule 2820.

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.

Authorization for temporary housing may be issued for periods of not more than ~~seven~~ 14 days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available ~~to the applicant at that time.~~ The department shall make temporary housing arrangements on the applicant's behalf (e.g. reserving a motel room); however, in the event that the department is unable to do so, the applicant shall make the temporary housing arrangements and the department shall authorize payment on the applicant's behalf in an amount not to exceed \$75 per night for applicants applying within Chittenden county or \$100 per night outside of Chittenden county. The department is under no obligation to make temporary housing arrangements accommodating an animal other than a registered service animal.

Housing authorizations shall be reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

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.

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;
- 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 emergency

Housing

housing for 30 days following the last date the department authorized emergency housing assistance. Recipient households include households currently receiving temporary housing assistance and households that are paying for their own temporary housing pursuant to an agreement with the department to contribute 50% of their gross income towards housing costs.

~~Department staff and town service officers 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 active effort to locate permanent housing, or fail to accept housing accommodations deemed suitable by the District Manager or the Town Service Officer, even if in a location other than where they are situated, continued EA payment for temporary housing shall be denied.~~

~~During the first 14 days, documentation of the housing search is discretionary. Thereafter, individuals must demonstrate they have spent 20 hours or made between 10-15 contacts per week or expended an equivalent combination of effort.~~

~~The work search at rule 2830 is also required when it is a factor of eligibility for any member of the assistance household. Documentation of additional time spent in search of permanent housing may be substituted for the work search requirement on a contact for contact basis.~~