

No. 109. An act relating to miscellaneous amendments to the Reach Up program.

(H.673)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Program Eligibility * * *

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living, unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by ~~regulation~~ rule maximum amounts of financial assistance, and act to ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case ~~may~~ shall the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(7) The equity value of one operable motor vehicle ~~in a family with a single parent or caretaker and of two operable motor vehicles in a two-parent family~~ for each adult in the family and the equity value of one operable motor vehicle for any child of driving age who needs a vehicle to attend school or work shall be excluded for purposes of determining eligibility for the Reach Up program. The Commissioner shall take all steps necessary to retain current resource protections under the ~~Food Stamps program~~ Supplemental Nutrition Assistance Program (SNAP) so that the rules under ~~the Food Stamps program~~ SNAP and the Reach Up program are compatible.

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* * * Case Management Reviews * * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or the community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary, a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of

this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance under this chapter shall have the burden of demonstrating the existence of his or her condition.

~~(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:~~

~~(A) is in compliance with a family development plan or work requirement;~~

~~(B) is properly claiming a deferment, if applicable;~~

~~(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and~~

~~(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.~~

~~(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the~~

Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * * Work Requirements * * *

Sec. 3. 33 V.S.A. § 1113(c) is amended to read:

(c) ~~The hours of the work requirement shall be as follows~~ A participating family shall be deemed to meet the work requirement if:

(1) ~~In two-parent families in which both parents are able to work:~~ neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able-to-work by the Department is completed. One or both parents may contribute to the completion of the employment or work activities required by this subdivision.

~~(A) The parent who is not the primary caretaker of a dependent child, referred to in this subsection as the “principal-earner parent,” shall work no less than full time in unsubsidized employment or in one or more work activities and accept unsubsidized employment with scheduled hours up to 45 hours per week~~

~~(B) As used in this subdivision, “full time” means 40 hours per week. A position requiring no fewer than 35 hours per week that the employer defines as full time shall be deemed full time employment.~~

~~(C) The requirements of this subdivision may be satisfied if both parents secure employment or work activities with combined hours equal to or exceeding 40 hours per week.~~

~~(2) The primary caretaker of a dependent child in a two-parent family in which both parents are able to work shall have no work requirement, provided that the principal earner parent complies with the work requirement and is not sanctioned in accordance with section 1115 of this title. In the event that the principal earner parent in a two-parent family is sanctioned for failing to meet the work requirement, the primary caretaker shall be deemed work ready and subject to subdivision (1) of this subsection. Within 30 days of the effective date of the principal earner parent's sanction the primary caretaker shall report to the family's case manager, complete an assessment, modify the family's family development plan, and comply with the requirements of subdivision (1) of this subsection.~~

~~(3) All other able to work participants and able to work part-time participants who are not subject to the work requirement established by subdivision (1) of this subsection or who are exempted from the work requirement in accordance with subdivision (2) of this subsection shall comply with the following requirements In a two-parent family in which one parent receives SSI:~~

~~(A) if If the family includes two parents, and one parent is able to work and the other parent is able to work part time or unable to work, the~~

~~able to work parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able-to-work by the Department.~~

(B) ~~if~~ If the family includes ~~two parents and both parents are able to work part time;~~ a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able-to-work by the Department.

~~(i) if one participating parent has been determined able to work part time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parent has been determined able to work part time;~~

~~(ii) if neither participating parent has been determined able to work part time at least 30 hours per week but the parents, in combination, have been determined able to work part time 30 hours per week, both parents shall~~

~~work in unsubsidized employment or participate in one or more work activities for which the sum of the hours is at least 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parents, in combination, have been determined able to work part time; or~~

~~(iii) if the participating parents, in combination, have been determined able to work part time fewer than 30 hours per week, the parents shall work in unsubsidized employment or participate in one or more work activities for the number of hours that the two parents, in combination, have been determined able to work part time;~~

~~(C) if the family includes two parents and one parent is able to work part time and the other parent is unable to work: As used in this subdivision (c)(2), “work-eligible parent” means a parent who is not receiving SSI.~~

~~(i) if one participating parent has been determined able to work part time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the parent has been determined able to work part time; or~~

~~(ii) if one participating parent has been determined able to work part time fewer than 30 hours per week, that parent shall work in unsubsidized~~

~~work or participate in one or more work activities for the number of hours that the parent has been determined able to work part time;~~

~~(D)(3) In a single-parent family:~~

~~(A) if the family includes only one adult (parent, relative, or caretaker) who is able to work and no child is under the age of If the family's youngest child is six years of age or older, the participant shall ~~work in unsubsidized employment or participate in one or more work activities for no fewer than at least 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; or the number of hours the parent has been determined able-to-work by the Department.~~~~

~~(E) if the family includes only one adult (parent, relative, or caretaker) who is able to work part time and no child is under the age of six years:~~

~~(i) if the participant has been determined able to work part time at least 30 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able to work part time; or~~

~~(ii) if the participant has been determined able to work part time fewer than 30 hours per week, the participant shall work in unsubsidized work~~

~~or participate in one or more work activities fewer than 30 hours per week for the number of hours that the participant has been determined able to work part time;~~

~~(F)~~(B) ~~if the family includes only one adult (parent, relative, or caretaker) who is able to work and a~~ If the family's youngest child is under the age of six years of age, the participant shall ~~work in unsubsidized employment~~ ~~or participate in one or more work activities for no fewer than~~ at least 20 hours per week and shall accept unsubsidized employment with scheduled hours up to 24 hours per week; and or the number of hours the parent has been determined able-to-work by the Department.

~~(G) if the family includes only one adult (parent, relative, or caretaker) who is able to work part time and a child under the age of six years:~~

~~(i) if the participant has been determined able to work part time at least 20 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 20 hours per week, and shall accept unsubsidized employment with scheduled hours up to 24 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able to work part time; or~~

~~(ii) if the participant has been determined able to work part time fewer than 20 hours per week, the participant shall work in unsubsidized work or participate in one or more work activities fewer than 20 hours per week for~~

~~the number of hours that the participant has been determined able to work
part time.~~

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* * * Educational Deferment * * *

Sec. 4. 33 V.S.A. § 1114(b) is amended to read:

(b) The work requirements shall be either modified or deferred for:

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(7) A participant who has attained 20 years of age and who is engaged in at least ~~25~~ 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of ~~such~~ the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed ~~six~~ 18 months.

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* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Date Governor signed bill: April 25, 2018