

1
2
3
4
5
6
7
8
9
10
11

12
13
14
15
16
17
18
19

H.673

Introduced by Representatives Keefe of Manchester and Pugh of South

Burlington

Referred to Committee on

Date:

Subject: Human services; Temporary Assistance to Needy Families;

miscellaneous

Statement of purpose of bill as introduced: This bill proposes to amend the work requirements, education deferment, and motor vehicle asset limit in the Reach Up program. It also proposes to eliminate the 18-month and 36-month reviews.

An act relating to miscellaneous amendments to the Reach Up program

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~~

1 ~~entitled shall be determined with due regard to the income, resources, and~~
2 maintenance available to that person and, as far as funds are available, shall
3 provide that person a reasonable subsistence compatible with decency and
4 health. The Commissioner may fix by ~~regulation~~ rule maximum amounts of
5 financial assistance, and act to ensure that the expenditures for the programs
6 shall not exceed appropriations for them consistent with section 101 of this
7 title. In no case ~~may~~ shall the Department expend State funds in excess of the
8 appropriations for the programs under this chapter.

9 * * *

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

13 * * *

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

1 ~~SNAP and the Reach Up program are compatible.~~

2 * * *

3 * * * Case Management Reviews * * *

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

5 (a)(1) The Commissioner shall provide all Reach Up services to
6 participating families through a case management model informed by
7 knowledge of the family's home, community, employment, and available
8 resources. Services may be delivered in the district office, the family's home,
9 or the community in a way that facilitates progress toward accomplishment of
10 the family development plan. Case management may be provided to other
11 eligible families. The case manager, with the full involvement of the family,
12 shall recommend, and the Commissioner shall modify as necessary, a family
13 development plan established under the Reach First or Reach Up program for
14 each participating family, with a right of appeal as provided by section 1132 of
15 this title. A case manager shall be assigned to each participating family as
16 soon as the family begins to receive financial assistance. If administratively
17 feasible and appropriate, the case manager shall be the same case manager the
18 family was assigned in the Reach First program. The applicant for or recipient
19 of financial assistance under this chapter shall have the burden of
20 demonstrating the existence of his or her condition.

21 ~~(2) In addition to the services provided pursuant to subsection (b) of this~~

1 ~~section, the Commissioner shall provide for a mandatory case review for each~~
2 ~~participating family with a program director or the program director's designee~~
3 ~~when the family reaches 18 and 36 months of enrollment, respectively, in the~~
4 ~~Reach Up program to assess whether the participating family:~~

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

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

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

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

13 ~~(3) The case manager shall meet with each participating family~~
14 ~~following any statutory or rule changes affecting the amount of the earned~~
15 ~~income disregard, asset limitations, or other eligibility or benefit criteria in the~~
16 ~~Reach Up program to inform the family of the changes and advise the family~~
17 ~~about ways to maximize the opportunities to achieve earned income without a~~
18 ~~corresponding loss of benefits.~~

19 * * * Work Requirements * * *

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

21 ~~(c) The hours of the work requirement shall be as follows.~~

1 ~~(1) In two-parent families in which both parents are able to work~~
2 ~~neither parent receives Supplemental Security Income (SSI):~~

3 ~~(A) The parent who is not the primary caretaker of a dependent child,~~
4 ~~referred to in this subsection as the "principal-earner parent," shall work no~~
5 ~~less than full-time in unsubsidized employment or in one or more work~~
6 ~~activities and accept unsubsidized employment with scheduled hours up to 45~~
7 ~~If both parents are able to work or one parent is able to work and the other~~
8 ~~parent is able to work part-time or unable to work, the parent or parents shall~~
9 ~~participate in one or more work activities for a combined total of not fewer~~
10 ~~than 35 hours per week.~~

11 ~~(B) As used in this subdivision, "full-time" means 40 hours per~~
12 ~~week. A position requiring no fewer than 35 hours per week that the employer~~
13 ~~defines as full-time shall be deemed full-time employment. If both parents are~~
14 ~~able to work part-time or one parent is able to work part-time and the other~~
15 ~~parent is unable to work, the parents shall participate in one or more work~~
16 ~~activities for the number of hours they have been determined able to work, not~~
17 ~~to exceed 35 hours per week.~~

18 ~~(C) The requirements of this subdivision may shall be satisfied if~~
19 ~~both parents secure one parent secures employment or work activities with~~
20 ~~combined hours equal to or exceeding 40 35 hours per week.~~

21 ~~(2) The primary caretaker of a dependent child in a two-parent family in~~

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

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

17 ~~(A) if if the family includes two parents, and one parent is able to-~~
18 ~~work and the other parent is able to work part-time or unable to work, the~~
19 ~~able-to-work parent shall work in unsubsidized employment or participate in~~
20 ~~one or more work activities for no fewer than 30 hours per week, and shall~~
21 ~~accept unsubsidized employment with scheduled hours up to 35 hours per~~

1 ~~week; a child six years of age or older, the work-eligible parent shall~~
2 participate in one or more work activities for not fewer than 30 hours per week
3 or the number of hours the parent has been determined able-to-work, not to
4 exceed 30 hours per week.

5 (B) ~~if~~ ~~If the family includes two parents and both parents are able-to-~~
6 ~~work-part-time: a child under six years of age, the work-eligible parent shall~~
7 participate in one or more work activities for not fewer than 20 hours per week
8 or the number of hours the parent has been determined able-to-work, not to
9 exceed 20 hours per week.

10 (i) ~~if one participating parent has been determined able-to-work-~~
11 ~~part-time at least 30 hours per week, that parent shall work in unsubsidized~~
12 ~~employment or participate in one or more work activities for no fewer than~~
13 ~~30 hours per week and shall accept unsubsidized employment with scheduled~~
14 ~~hours up to 34 hours per week, provided that the scheduled hours do not~~
15 ~~exceed the number of hours the parent has been determined able-to-work-part-~~
16 ~~time;~~

17 (ii) ~~if neither participating parent has been determined able-to-~~
18 ~~work-part-time at least 30 hours per week but the parents, in combination,~~
19 ~~have been determined able-to-work-part-time 30 hours per week, both parents~~
20 ~~shall work in unsubsidized employment or participate in one or more work~~
21 ~~activities for which the sum of the hours is at least 30 hours per week and shall~~

1 ~~accept unsubsidized employment with scheduled hours up to 34 hours per~~
2 ~~week, provided that the scheduled hours do not exceed the number of hours~~
3 ~~the parents, in combination, have been determined able-to-work-part-time; or~~
4 ~~(iii) if the participating parents, in combination, have been~~
5 ~~determined able-to-work-part-time fewer than 30 hours per week, the parents~~
6 ~~shall work in unsubsidized employment or participate in one or more work~~
7 ~~activities for the number of hours that the two parents, in combination, have~~
8 ~~been determined able-to-work-part-time;~~
9 ~~(C) if the family includes two parents and one parent is able-to-work-~~
10 ~~part-time and the other parent is unable-to-work: As used in this subdivision~~
11 ~~(c)(2), "work-eligible parent" means a parent who is not receiving SSI.~~
12 ~~(i) if one participating parent has been determined able-to-work-~~
13 ~~part-time at least 30 hours per week, that parent shall work in unsubsidized~~
14 ~~employment or participate in one or more work activities for no fewer than~~
15 ~~30 hours per week and shall accept unsubsidized employment with scheduled~~
16 ~~hours up to 34 hours per week, provided that the scheduled hours do not~~
17 ~~exceed the number of hours that the parent has been determined able-to-work-~~
18 ~~part-time; or~~
19 ~~(ii) if one participating parent has been determined able-to-work-~~
20 ~~part-time fewer than 30 hours per week, that parent shall work in unsubsidized~~
21 ~~work or participate in one or more work activities for the number of hours that~~

1 ~~the parent has been determined able to work part-time;~~

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

3 ~~(A) if the family includes only one adult (parent, relative, or~~
4 ~~caretaker) who is able to work and no child is under the age of If the family's~~
5 ~~youngest child is six years of age or older, the participant shall work in~~
6 ~~unsubsidized employment or participate in one or more work activities for no~~
7 ~~not fewer than 30 hours per week, and shall accept unsubsidized employment~~
8 ~~with scheduled hours up to 35 hours per week; or the number of hours the~~
9 ~~parent has been determined able to work, not to exceed 30 hours per week.~~

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

13 ~~(i) if the participant has been determined able to work part-time at~~
14 ~~least 30 hours per week, the participant shall work in unsubsidized~~
15 ~~employment or participate in one or more work activities for no fewer than~~
16 ~~30 hours per week and shall accept unsubsidized employment with scheduled~~
17 ~~hours up to 34 hours per week, provided that the scheduled hours do not~~
18 ~~exceed the number of hours that the participant has been determined able to~~
19 ~~work part-time; or~~

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

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

4 ~~(F) (B) if the family includes only one adult (parent, relative, or~~
5 ~~caretaker) who is able to work and a If the family's youngest child is under the~~
6 ~~age of six years of age, the participant shall work in unsubsidized employment~~
7 ~~or participate in one or more work activities for ~~no~~ not fewer than 20 hours per~~
8 ~~week and shall accept unsubsidized employment with scheduled hours up to 24~~
9 ~~hours per week; and or the number of hours the parent has been determined~~
10 ~~able to work, not to exceed 20 hours per week~~

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

13 ~~(i) if the participant has been determined able to work part-time at~~
14 ~~least 20 hours per week, the participant shall work in unsubsidized~~
15 ~~employment or participate in one or more work activities for no fewer than~~
16 ~~20 hours per week, and shall accept unsubsidized employment with scheduled~~
17 ~~hours up to 24 hours per week, provided that the scheduled hours do not~~
18 ~~exceed the number of hours that the participant has been determined able to~~
19 ~~work part-time; or~~

20 ~~(ii) if the participant has been determined able to work part-time~~
21 ~~fewer than 20 hours per week, the participant shall work in unsubsidized work~~

1 ~~or participate in one or more work activities fewer than 20 hours per week for~~
2 ~~the number of hours that the participant has been determined able to work-~~
3 ~~part-time.~~

4 * * *

5 * * * Educational Deferment * * *

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

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

8 * * *

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

16 * * *

17 * * * Effective Date * * *

18 Sec. 5. EFFECTIVE DATE

19 ~~This act shall take effect on July 1, 2018.~~

** * * 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.

** * **

** * * 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 I 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.~~

* * *

* * * 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:

* * *

(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.

* * *

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.