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H.672

Introduced by Representatives Small of Winooski, Anthony of Barre City,
Bluemle of Burlington, Brumsted of Shelburne, Burke of
Brattleboro, Christie of Hartford, Cina of Burlington, Colburn
of Burlington, Donnally of Hyde Park, Kornheiser of
Brattleboro, Mulvaney-Stanak of Burlington, Pajala of
Londonderry, Surprenant of Barnard, Troiano of Stannard,
Vyhovsky of Essex, Whitman of Bennington, and Wood of
Waterbury

Referred to Committee on

Date:

Subject: Human services; TANF; Reach Up

Statement of purpose of bill as introduced: This bill proposes to increase
benefits and create greater housing stability for families participating in the
Reach Up program.

An act relating to miscellaneous amendments to the Reach Up program

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

Sec. 1. 33 V.S.A. chapter 11 is amended to read:

CHAPTER 11. REACH UP

Subchapter 1. General Provisions; Eligibility, Aid, and Services

1 § 1101. DEFINITIONS

2 As used in this chapter:

3 * * *

4 (10) “Dependent child” means a child who is a resident of this State and:

5 (A) is under 18 years of age; or

6 (B) is 18 years of age or older who is a full-time student in a
7 secondary school, or attending an equivalent level of vocational or technical
8 training, and is reasonably expected to complete the educational program
9 before reaching ~~19~~ 22 years of age or is not expected to complete the
10 educational program before reaching ~~19~~ 22 years of age solely due to a
11 documented disability.

12 * * *

13 § 1103. ELIGIBILITY AND BENEFIT LEVELS

14 (a) Financial assistance shall be given for the benefit of a dependent child to
15 the relative or caretaker with whom the child is living, unless otherwise
16 provided. The amount of financial assistance to which an eligible person is
17 entitled shall be determined with due regard to the income, resources, and
18 maintenance available to that person and, ~~as far as funds are available,~~ shall
19 provide that person a reasonable subsistence compatible with decency and
20 health. The Commissioner ~~may~~ shall fix by rule, on an annual basis, maximum
21 amounts of financial assistance ~~and act to ensure that the expenditures for the~~

1 ~~programs shall not exceed appropriations for them consistent with section 101~~
2 ~~of this title. In no case shall the Department expend State funds in excess of the~~
3 ~~appropriations for the programs under this chapter, including a personal needs~~
4 ~~allowance sufficient to provide for the basic needs of families and children and~~
5 ~~a housing allowance commensurate with fair market rents as defined by~~
6 ~~24 C.F.R. § 888.113. Housing allowances may be increased up to 120 percent~~
7 ~~of fair market rents for families that include an individual with a disability, if~~
8 ~~required as a reasonable accommodation. Where a family lives in or is moving~~
9 ~~into federally subsidized housing where rents are set at or about 30 percent of~~
10 ~~household income, or where a family has tenant-based federal rental~~
11 ~~assistance, their shelter expenses shall be budgeted at a fixed rate set in~~
12 ~~accordance with rules adopted by the Commissioner pursuant to 3 V.S.A.~~
13 ~~chapter 25.~~

14 * * *

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

18 (1) ~~Not~~ not less than the first \$250.00 per month of earnings from an
19 unsubsidized job and ~~25~~ 50 percent of the remaining unsubsidized earnings
20 shall be disregarded in determining the amount of the family's financial
21 assistance grant. The family shall receive the difference between countable

1 income and the Reach Up payment standard in a partial financial assistance
2 grant.

3 (2) ~~No~~ not less than the first ~~\$90.00~~ \$250.00 per month of earnings from
4 a subsidized job and 50 percent of the remaining subsidized earnings shall be
5 disregarded in determining the amount of the family's financial assistance
6 grant. The family shall receive the difference between countable income and
7 the Reach Up payment standard in a partial financial assistance grant.
8 Earnings from subsidized jobs shall qualify for federal and State earned
9 income credit if the family is otherwise eligible for such credit.

10 * * *

11 (f) The Commissioner shall disregard ~~no~~ not less than ~~\$50.00~~ \$250.00 per
12 month of child support payments in determining eligibility and benefit levels
13 for participating families.

14 * * *

15 § 1105. CHILD SUPPORT PAYMENTS

16 (a) A financial assistance case shall not be closed until child support
17 payments, minus the first ~~\$50.00~~ \$250.00 per month in such payments received
18 on behalf of the family, in combination with other countable income, have
19 exceeded the financial assistance payment standard in 12 consecutive calendar
20 months.

1 (b) Notwithstanding any other provision of law, if financial assistance to a
2 participating family is terminated due to receipt of child support, minus the
3 first ~~\$50.00~~ \$250.00 per month in such payments, that in combination with
4 other countable income is in excess of the financial assistance cash payment
5 standard, and the family again becomes eligible for financial assistance within
6 the following 12 calendar months solely because the family no longer receives
7 excess child support, financial assistance shall be paid as of the date of the
8 family's reapplication.

9 § 1106. REQUIRED SERVICES TO PARTICIPATING FAMILIES

10 (a) The Commissioner shall provide participating families case
11 management services, periodic reassessment of service needs and the family
12 development plan, and referral to any agencies or programs that provide the
13 services needed by participating families to improve the family's prospects for
14 job placement and job retention, including the following:

15 * * *

16 (6) Homelessness prevention and housing assistance. ~~For homeless~~
17 ~~families, housing search is a "job-readiness assistance activity" as long as~~
18 ~~consistent with the Department's rules.~~

19 (A) All participating families who are without safe and adequate
20 housing or shelter shall be entitled to emergency housing.

1 (B) The Commissioner shall set forth rules pursuant to 3 V.S.A.
2 chapter 25 for emergency housing assistance for families participating in the
3 Reach Up program. Eligibility shall not be limited based on fault of the
4 family. Where a family has demonstrated difficulty in complying with
5 emergency housing program rules, the family shall be provided with additional
6 services and supports but shall not be subjected to any period of ineligibility.
7 A family shall not be required to contribute toward its emergency housing
8 costs nor subjected to durational limits for emergency housing benefits. A
9 family shall be entitled to housing assistance in its district of origin.

10 (C) If a participating family is at imminent risk of loss of housing due
11 to nonpayment of rent, mortgage, utilities, or property taxes, and the family
12 likely to be eligible for emergency housing assistance is subjected to loss of
13 housing, the Department shall furnish the full amount of assistance needed to
14 achieve housing stability. Such assistance shall only be provided if it will
15 prevent, not merely postpone, homelessness.

16 * * *

17 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;
18 COORDINATED SERVICES

19 (a)(1) The Commissioner shall provide all Reach Up services to
20 participating families through a case management model informed by
21 knowledge of the family's home, community, employment, and available

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

14 * * *

15 (b) The case manager shall establish a schedule for periodic review of the
16 family development plan. ~~In addition, the~~ tailored to the needs of the family.
17 The case manager shall review, and modify if necessary, the plan ~~in the~~
18 following circumstances to address new or changed educational or vocational
19 components, work preparation, search, or retention components, and new or
20 changed barriers, including housing instability

1 ~~(1) there is a lack of satisfactory progress in achieving the goals of the~~
2 ~~plan;~~

3 ~~(2) the parent or caretaker has lost unsubsidized or subsidized~~
4 ~~employment;~~

5 ~~(3) a family member has failed to comply with a family development~~
6 ~~plan requirement or a work requirement;~~

7 ~~(4) services required by the plan are unavailable;~~

8 ~~(5) at least 30 days prior to when the parent or caretaker would become~~
9 ~~work ready or would otherwise be deemed work ready on the basis of 12-~~
10 ~~cumulative month receipt of financial assistance;~~

11 ~~(6) a deferment or modification of the work requirements imposed by~~
12 ~~section 1113 of this title has been requested or is due for review;~~

13 ~~(7) within 30 days of when the parent or caretaker has started an~~
14 ~~unsubsidized or subsidized job; or~~

15 ~~(8) changes to the plan are needed to protect the well-being of the~~
16 ~~children.~~

17 * * *

18 § 1108. LIMITS ON FAMILY FINANCIAL ASSISTANCE

19 ~~(a) Except for grants to children in the care of persons other than their~~
20 ~~parents, only participating families who have received fewer than 60~~
21 ~~cumulative months of financial assistance, including those months in which~~

1 ~~any type of cash assistance funded by a TANF block grant was received in~~
2 ~~other states or territories of the United States, shall be eligible for benefits~~
3 ~~under the Reach Up program.~~

4 ~~(b) Deferment granted for the following reasons shall not count toward the~~
5 ~~Reach Up program's cumulative 60-month lifetime eligibility period:~~

6 ~~(1) the participant is not able to work;~~

7 ~~(2) the participant is a parent or caretaker who is caring for a child~~
8 ~~during the first year of a possible two-year deferment pursuant to subdivision~~
9 ~~1114(b)(3) of this chapter;~~

10 ~~(3) the participant is affected by domestic violence pursuant to~~
11 ~~subdivision 1114(b)(9) of this chapter; and~~

12 ~~(4) the participant is needed in the home on a full-time basis to care for~~
13 ~~an ill or disabled parent, spouse, or child pursuant to subdivision 1114(b)(5) of~~
14 ~~this chapter.~~

15 ~~(e) The cumulative 60-month lifetime eligibility period shall not begin to~~
16 ~~toll until the parent or parents of a participating family have reached the age of~~
17 ~~18.~~

18 ~~(d) Notwithstanding subsection (a) of this section, a participating family~~
19 ~~that does not have a qualifying deferment under section 1114 of this title and~~
20 ~~that has exceeded the cumulative 60-month lifetime eligibility period set forth~~

1 ~~in subsection (a) of this section shall qualify for a hardship exemption that~~
2 ~~allows the adult member of the participating family to receive:~~

3 ~~(1) a wage equivalent to that of the participating family's cash benefit~~
4 ~~under the Reach Up program for participation in any of the work activities~~
5 ~~listed in subdivision 1101(28) of this title, with the exception of subdivision~~
6 ~~(28)(L); or~~

7 ~~(2) supplemental benefits to the wages of the adult member of the~~
8 ~~participating family if the work requirement is otherwise being met.~~

9 [Repealed.]

10 Subchapter 2. Reach Up Program Family Development Plan and Work

11 Requirements

12 § 1112. FAMILY DEVELOPMENT PLAN REQUIREMENTS

13 (a) ~~Each~~ The case manager, using a collaborative model with full
14 involvement of the family, shall recommend a family development plan for
15 each participating adult in a family applying for or receiving financial
16 assistance ~~shall comply with each Reach Up family development plan~~
17 ~~requirement provided for in the family development plan, unless good cause~~
18 ~~exists for such noncompliance as defined by the Commissioner by rule. The~~
19 plan shall acknowledge and address the family's strengths, barriers, housing
20 status, health, and behavioral health conditions, history of domestic violence,
21 and provision of caregiving services. The plan may include educational and

1 occupational training components and barrier remediation, using targeted case
2 management. The Department shall adopt rules pursuant to 3 V.S.A.
3 chapter 25 to incentivize achievement of the goals in each Reach Up family
4 development plan and provide incentives and bonuses to individuals or
5 families as they achieve their goals.

6 (b) The family's receipt of the full financial assistance amount allowable
7 and avoidance of fiscal sanctions are contingent on the participating adult
8 assisting in the development of ~~his or her~~ the family development plan and
9 ~~engaging~~ not completely disengaging in the family development plan activities
10 ~~for the number of hours per week that the activities are scheduled and~~
11 ~~available~~, unless good cause exists for not doing so as defined by the
12 Commissioner by rule.

13 (c) The family development plan is not an "individual responsibility plan"
14 as defined by 45 C.F.R. § 261.12.

15 § 1113. WORK REQUIREMENTS

16 ~~(a) Each participating adult in a family receiving a financial assistance~~
17 ~~grant shall fulfill a work requirement in accordance with this section. Subject~~
18 ~~to the provisions of this chapter, and provided that all services required by this~~
19 ~~chapter are offered when appropriate and are available when needed to support~~
20 ~~fulfillment of the work requirement, an adult having a work requirement shall~~
21 ~~obtain employment or participate in one or more work activities, and shall~~

1 ~~work in accordance with the requirements of this section, in order to maintain~~
2 ~~continued eligibility for financial assistance and to avoid fiscal sanctions.~~

3 ~~(b)(1) The work requirement shall become effective as soon as the~~
4 ~~participating adult is work ready, or upon the family's receipt of 12 cumulative~~
5 ~~months of financial assistance, whichever is sooner, unless at the end of the 12-~~
6 ~~cumulative month period the participant's case manager concludes that the~~
7 ~~participant is unable to meet the hours of the applicable unmodified work~~
8 ~~requirement, as established in subsection (c) of this section. In such cases, the~~
9 ~~case manager shall prepare a written request on behalf of the participant for an~~
10 ~~extension of up to six months. The request shall identify the particular reasons~~
11 ~~why the participant is unable to meet the work requirement and the remedial~~
12 ~~actions and services to be provided to the recipient to enable fulfillment of the~~
13 ~~requirement. The request shall be submitted to the Commissioner or the~~
14 ~~Commissioner's designee for approval. The request shall be approved unless~~
15 ~~the participant is able to meet the work requirement or a modified work~~
16 ~~requirement established in accordance with section 1114 of this title.~~

17 ~~(2) A participant may meet the work requirement through a combination~~
18 ~~of work activities until the participant has received 24 months of financial~~
19 ~~assistance. After that time, the participant shall meet the work requirement~~
20 ~~through employment.~~

21 ~~(c) A participating family shall be deemed to meet the work requirement if:~~

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

7 ~~(2) In a two-parent family in which one parent receives SSI:~~

8 ~~(A) If the family includes a child six years of age or older, the work-~~
9 ~~eligible parent shall participate in one or more work activities for at least 30~~
10 ~~hours per week or the number of hours the parent has been determined able to~~
11 ~~work by the Department.~~

12 ~~(B) If the family includes a child under six years of age, the work-~~
13 ~~eligible parent shall participate in one or more work activities for at least 20~~
14 ~~hours per week or the number of hours the parent has been determined able to~~
15 ~~work by the Department.~~

16 ~~(C) As used in this subdivision (c)(2), “work-eligible parent” means a~~
17 ~~parent who is not receiving SSI.~~

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

19 ~~(A) If the family’s youngest child is six years of age or older, the~~
20 ~~participant shall participate in one or more work activities for at least 30 hours~~

1 ~~per week or the number of hours the parent has been determined able to work~~
2 ~~by the Department.~~

3 ~~(B) If the family's youngest child is under six years of age, the~~
4 ~~participant shall participate in one or more work activities for at least 20 hours~~
5 ~~per week or the number of hours the parent has been determined able to work~~
6 ~~by the Department.~~

7 ~~(4) A pregnant individual who is employed shall continue such~~
8 ~~employment unless there has been a medical determination that the individual~~
9 ~~is unable to work, or the individual is exempt from the work requirement~~
10 ~~based on other criteria established by the Commissioner by rule. A pregnant~~
11 ~~individual shall not be required to begin new employment.~~

12 ~~(d)(1) A participant required to fulfill a work requirement shall accept any~~
13 ~~unsubsidized job he or she is capable of performing, even if it pays wages that~~
14 ~~are less than the financial assistance grant. In cases in which monthly wages~~
15 ~~are less than the financial assistance grant and the family is otherwise eligible,~~
16 ~~the wages shall be supplemented with a partial financial assistance grant. The~~
17 ~~Commissioner shall establish by rule criteria for jobs that must be accepted if~~
18 ~~offered, including the criterion that each job must pay at least minimum wage.~~

19 ~~(2) A participating adult who had wages in the three months prior to his~~
20 ~~or her application for financial assistance that, when annualized, equal or~~
21 ~~exceed 150 percent of the federal poverty level applicable to the participating~~

1 ~~adult's family shall not be required to accept employment with annualized~~
2 ~~earnings of less than 150 percent of the federal poverty level applicable to the~~
3 ~~participating adult's family for the three month period after being deemed~~
4 ~~eligible for financial assistance, provided that the participant:~~

5 ~~(A) has not been disqualified within the prior six months from~~
6 ~~receiving unemployment compensation benefits for failing, without good~~
7 ~~cause, either to apply for available, suitable work when so directed by the~~
8 ~~employment office or the Commissioner of Labor, or to accept suitable work~~
9 ~~when offered;~~

10 ~~(B) is not sanctioned within the three month period immediately~~
11 ~~following being deemed eligible for financial assistance;~~

12 ~~(C) does not leave an unsubsidized job without good cause within the~~
13 ~~three month period immediately following being deemed eligible for financial~~
14 ~~assistance;~~

15 ~~(D) follows through in a satisfactory manner on all referrals to~~
16 ~~employment opportunities;~~

17 ~~(E) is engaged in acceptable work activities in accordance with this~~
18 ~~section; and~~

19 ~~(F) agrees to accept any unsubsidized job if still unemployed after~~
20 ~~completion of the three month period immediately following the determination~~
21 ~~of eligibility to receive financial assistance.~~

1 ~~(3) A postsecondary education program participant who has received a~~
2 ~~degree and any Reach Up participant who has recently completed specialized~~
3 ~~vocational training shall not be required to accept an unsubsidized job that is~~
4 ~~unrelated to his or her training or degree for the three-month period~~
5 ~~immediately following completion of such education or training, provided that~~
6 ~~the participant:~~

7 ~~(A) is not sanctioned within that three-month period;~~

8 ~~(B) does not leave an unsubsidized job related to his or her training~~
9 ~~or degree without good cause within that three-month period;~~

10 ~~(C) follows through in a satisfactory manner on all referrals to~~
11 ~~employment opportunities related to his or her training or degree;~~

12 ~~(D) is engaged in acceptable work activities in accordance with this~~
13 ~~section; and~~

14 ~~(E) agrees to accept any unsubsidized job if still unemployed after~~
15 ~~such three-month period.~~

16 ~~(e) The Commissioner may require a participant to participate in a job~~
17 ~~search, coordinated by the Commissioner, for the number of hours per week~~
18 ~~that corresponds to the participant's work requirement hours under subsection~~
19 ~~(e) of this section, or a lesser amount that in combination with the participant's~~
20 ~~unsubsidized employment equals the participant's work requirement hours~~
21 ~~under subsection (e) of this section.~~

1 ~~(f) Notwithstanding any other provision of this chapter, a participant's~~
2 ~~hours of unpaid work activities that are not primarily education, job search, job~~
3 ~~readiness, or training activities shall not exceed the levels established by the~~
4 ~~Fair Labor Standards Act. Adjustments required to conform with the Fair~~
5 ~~Labor Standards Act shall be made pursuant to calculation standards~~
6 ~~established by the Commissioner by rule.~~

7 A family that does not include a work-eligible individual is not subject to
8 the work participation rate calculation. A family engaged in programs funded
9 through Vermont's maintenance of effort funds are included in the work
10 participation rate calculation, and Vermont need only include a pro rata share
11 of caseloads receiving assistance required to meet basic maintenance of effort
12 requirements when Vermont spends State maintenance of effort funds in
13 excess of required amounts. The required work participation shall be
14 recalculated annually.

15 § 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

16 (a) The Commissioner shall establish by rule criteria, standards, and
17 procedures for ~~granting deferments from or modifications to the work~~
18 ~~requirements established in section 1113 of this title, in accordance with the~~
19 ~~provisions of this section~~ determining work-eligible individuals for the purpose
20 of federal reporting requirements and for referring individuals with disabilities
21 to the Office of Vocational Rehabilitation.

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§ 1116. SANCTIONS

(a) The financial assistance grant of a participating family shall be reduced, in accordance with the provisions of this section, if a participating adult ~~fails,~~ without good cause ~~to fully comply or continue to comply in full with the family development plan or work requirements in sections 1112 and 1113 of this title,~~ refuses to participate in the formation of their family development plan or refuses to work toward the goals outlined in the family development plan.

* * *

(c)(1) For a ~~first, second, and third~~ month in which a participating adult is ~~not in compliance with~~ refuses to participate in the formation of a family development plan or refuses to work requirement toward the goals outlined in the family development plan and has not demonstrated good cause for such noncompliance, the family's financial assistance grant shall be reduced by the amount of ~~\$75.00~~ \$20.00 for each adult sanctioned.

(2) ~~For the fourth and any subsequent month not subject to the reduction required by subsection (e) of this section in which a participating adult is not in compliance with a family development plan or work requirement and has not demonstrated good cause for such noncompliance, the family's financial~~

1 ~~assistance grant shall be reduced by the amount of \$150.00 for each adult~~
2 ~~sanctioned.~~

3 (d) A participant may cure a sanction by coming into compliance in
4 accordance with the Department's rules. ~~During the first 60 months of the~~
5 ~~family's receipt of financial assistance, a participating adult may have all~~
6 ~~previous sanctions forgiven by demonstrating 12 consecutive months of~~
7 ~~compliance with family development plan requirements or work requirements~~
8 ~~or any combination of the two. Subsequent acts of noncompliance after a~~
9 ~~sanctioned adult has completed a successful 12-month sanction forgiveness~~
10 ~~period will be treated in accordance with subdivisions (c)(1) and (2) of this~~
11 ~~section without consideration of the sanctions that have been forgiven.~~

12 * * *

13 Sec. 2. 33 V.S.A. § 2103 is amended to read:

14 § 2103. ELIGIBILITY

15 * * *

16 (f) A pregnant woman and a family with a child or children under 18 years
17 of age, or a child less than 22 years of age who is participating in a secondary
18 education or a technical or vocational program, shall be entitled to General
19 Assistance under this chapter. The Commissioner shall adopt rules pursuant to
20 3 V.S.A. chapter 25 for emergency housing assistance for pregnant women and
21 families with children. Eligibility shall not be limited based on fault of the

1 family. Where a family has demonstrated difficulty in complying with
2 emergency housing program rules, the family shall be provided with additional
3 services and supports but shall not be subjected to any period of ineligibility.
4 A family shall not be required to contribute toward their emergency housing
5 benefits and shall be entitled to emergency housing assistance in its district of
6 origin.

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on July 1, 2022.