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*Agency of Human Services*

**To: Sen. Kitchel, Chair of the Senate Committee on Appropriations  
Rep. Lanpher, Chair of the House Committee on Appropriations  
Sen. Lyons, Chair of the Senate Committee on Health and Welfare  
Rep. Wood, Chair of the House Committee on Human Services**

**CC: Legislative Committee on Administrative Rules (LCAR)**

**From: Heidi Moreau, Policy Advisor, Department for Children and Families (DCF)**

**Re: 23-E05, Pandemic-Era General Assistance Emergency Housing Transition**

**Date: September 28, 2023**

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In its August 10, 2023 memo regarding emergency rule 23-E05, LCAR requested that DCF provide a draft copy of the new emergency rule that will replace 23-E05 to the chairs of the committees of jurisdiction no later than September 28, 2023.

DCF intends to file two emergency rules by October 15, 2023 that will replace 23-E05. One emergency rule will include the amendments to General Assistance rules 2652.3 and 2652.4 originally adopted in 23-E05. This emergency rule will also amend General Assistance rule 2650.1 to include language authorizing DCF to withhold payment from motel or hotel that violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. DCF will also initiate permanent rulemaking to codify these changes.

The other emergency rule will create a new rule governing the Act 81 emergency housing transition benefit independent of the General Assistance rules. This emergency rule will maintain the emergency housing transition benefit eligibility criteria initially established in 23-E05, with the following changes:

- 1) new definition of misconduct;
- 2) language addressing hospital-level care and short-term alternative housing placements;
- 3) removing “upon expiration of the eligibility reassessment period” from rule 2652.5(D)(i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act;
- 4) language authorizing DCF to withhold payment from motel or hotel that violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid; and
- 5) language addressing notice and appeal rights.

Copies of both emergency rules are attached.

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2650 Benefit Issuance

During a 30-day period, benefits for emergency needs resulting from a non-catastrophic situation (rule 2610) cannot exceed the difference between the applicable income limit, as defined in rule 2610 B, and the net income for that household computed according to rule 2640. This provision is only applicable if the household has received general assistance or emergency assistance in the previous 60 days. Catastrophic benefits received in the previous 30 days are not counted as income in the net income calculation referred to above.

Benefits for needs in rules 2651 through 2657 may be issued to the applicant or to the provider of the service.

The eligibility worker determines the appropriate method of payment after assessing the preference of the applicant and provider and the applicant household's ability to use the money for the designated need.

2650.1 Vendor Payments

Vendor payments are defined as all payments made direct to a third party who has furnished goods or services to or on behalf of an applicant for or recipient of aid, benefits or services under Department programs. Vendor payments cover the following types of authorized General Assistance expenditures:

- A. Maintenance assistance authorized in lieu of direct money payment to the recipient.
- B. Medical care and services.
- C. Burial expenses.

D. Temporary housing expenses.

Vendor billing shall require prior written authorization by designated Department staff. In specified emergency situations, oral authorization may be given; in such instances, confirming written authorization or approval of a designated staff member shall be required for payment.

Itemized bills shall be submitted in duplicate to the appropriate district office, when so directed, for approval. All other bills, itemized, shall be submitted, in duplicate, accompanied by appropriate written authorization to the State Office. Payment shall be made through established Department and State disbursement channels.

Contracts with specified vendors to provide goods or services shall specify acceptable methods of authorization, billing and payment for items covered under the contract.

Persons who provide lodging to temporary housing assistance recipients must hold a lodging license issued by the Vermont Department of Health. These persons must comply with all applicable laws and rules, including but not limited to the Licensed Lodging Establishment Rule and the Vermont Fire and Building Safety Code. The Department may withhold full or partial payment to any person who violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. Specifically, the Department may withhold full or partial payment to persons to whom the Department of Health has issued a conditional license, abatement order, warning letter, or other notice of violation. Likewise, the Department may withhold full or partial payment to

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persons who have received notices from other government agencies that indicate that the person has violated a law or rule. Once the Department is satisfied that the person is complying with the law, the Department will begin or resume payments at the agreed-upon rate for lodging provided after the violation ended. The Department may provide all, some, or none of the payments withheld based on the nature and extent of the legal violations and the effects those violations had on temporary housing assistance recipients.

### 2650.2 Administrative Expenses

Administrative expense required to establish eligibility for assistance is currently limited to professional examination, evaluation and report on medical factors related to eligibility. Payment of reasonable charge for such examination and report shall be approved on receipt of the required written report and itemized bill.

Housing

2652.3 Temporary Housing for Vulnerable Populations

Temporary housing is intended to provide up to 28 days of shelter for vulnerable populations who are without housing and do not qualify for catastrophic temporary housing under rule 2652.2 or temporary continued hotel or motel housing through the Pandemic-Era General Assistance Emergency Housing Transition Program under 2652.5. Applicants shall qualify for temporary housing, if all other eligibility criteria are met, if the household has a member who is:

- A. 65 years of age or older;
- B. in receipt of SSI or SSDI;
- C. a child six-under 18 years of age or under 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training; or
- D. in the third trimester of pregnancy.

Applicants, without a member belonging to one of the above vulnerable populations, shall qualify for temporary housing, if all other eligibility criteria are met, if the household has a member belonging to a vulnerable population and has been assessed a total of 4 or more points according to the following point system:

<b>Vulnerable Population Category</b>	<b>Points</b>
Disabled Veteran (as defined in 38 U.S.C. § 4211)	1
Individual with an open case receiving services from the Family Services Division	1
SSI or SSDI applicant with medical documentation of disability	1
<del>Child(ren) between the ages of 7 and 17</del>	<del>2</del>
Individual discharged from a 48-hours or more inpatient hospital stay, within the past 30 days, who has an ongoing medical need related to the hospitalization	2
Individual over 18 years of age discharged from the custody of the department for children and families within the past 3 years	1
Reach Up recipient	1
Individual on probation or parole with the department of corrections who has been incarcerated for 12 consecutive months and released within the past 6 months	1

Applicant households shall be assigned points only once within any vulnerable population category.

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.

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;

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- 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 temporary housing for 30 days following the last date housing assistance was received.

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.

Authorization for temporary housing may be issued for periods up to 28 days, at the Department's discretion.

Temporary housing payments will be allowed for only 28 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 28-days need not be consecutive.

The 84-day housing maximum under rule 2652.2 is cumulative for assistance received under rules 2652.2 and 2652.3. An applicant who has received 84 days in temporary housing during a 12-month period is not eligible for any further temporary housing assistance for the same 12-month period. Temporary housing for vulnerable populations is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

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 need for temporary housing. Completion of the activities is a requirement for continued receipt of assistance. These activities shall be documented in the applicant's case record.

Housing

2652.4 Required Contribution Toward the Cost of Temporary Housing

Temporary housing applicant households with gross monthly household income equal to or less than the Reach Up basic need standard for a household of the same size shall not be required to contribute any income toward the cost of temporary housing.

Temporary housing applicant households with gross monthly household income greater than the Reach Up basic need standard for a household of the same size shall be required to contribute 30 percent of their gross household income toward the cost of temporary housing.

The following table contains the basic need standards by household size:

Household Size	1	2	3	4	5	6	7	8	9 or more
Basic Need	\$ <del>475</del> <u>644</u>	\$ <del>680</del> <u>942</u>	\$ <del>891</del> <u>1236</u>	\$ <del>1064</del> <u>1478</u>	\$ <del>1247</del> <u>1733</u>	\$ <del>1372</del> <u>1907</u>	\$ <del>1589</del> <u>2203</u>	\$ <del>1769</del> <u>2458</u>	Add \$ <del>170</del> <u>236</u> for each additional person

See rule 2602 for the definition of “applicant household.”

The Department will apply the following method in calculating the 30 percent income contribution:

- An applicant household with income received on the date of application will be required to house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of the household income received on that day divided by the average least expensive daily motel rate available in the district at that time. If a household is currently housed in a motel under rule 2652.2. or 2652.3, the household will be required to house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of the household income received on that day divided by the current daily rate at the motel in which they are staying.
- An applicant household with no income received on the date of application, but that will be receiving income within the next 14 days, will be required to house themselves starting on the day the income is received for the number of days, rounded down to the nearest whole number, equal to 30 percent of their gross income for that payment cycle divided by the average least expensive daily motel rate available in the district at that time. If a household is currently housed in a motel under rule 2652.2. or 2652.3, the household will be required to house themselves for the number of days, rounded down to the nearest whole number, equal to 30 percent of the household

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income received on that day divided by the current daily rate at the motel in which they are staying.

If 30 percent of gross household income divided by the least expensive daily motel rate is less than 1, the household will not be required to contribute any income toward the cost of temporary housing.

## Emergency Housing

### EH-100 Emergency Housing Transition Benefit

A. Pursuant to 2023 Acts and Resolves No. 81, § 6(a) (the “Act”), households that were housed in a hotel or motel through the Pandemic-Era General Assistance Emergency Housing Program as of June 30, 2023, under the criteria established in 2023 Acts and Resolves No. 3, § 45, shall be eligible for temporary, continued hotel or motel housing until the Agency of Human Services offers the household an alternative housing placement or the household secures its own housing placement, but in no event later than April 1, 2024 (the “Emergency Housing Transition Benefit”). The temporary continued hotel or motel housing benefit offered under the Act and this Rule while awaiting a housing placement shall not be considered an entitlement, is not available to new applicants, and is limited to households in the Pandemic-Era General Assistance Emergency Housing Program as of June 30, 2023.

### B. Eligibility Reassessment Period

- i. Authorization for the Emergency Housing Transition Benefit shall be issued for periods up to 28 days (the “eligibility reassessment period”).
- ii. Beginning July 1, 2023, a household’s Emergency Housing Transition Benefit will terminate at the end of the eligibility reassessment period unless the Department has determined the household to be eligible under the Act and this Rule.
- iii. When a household has accepted an offer of an alternative housing placement or secured its own housing placement and the housing placement becomes available for occupancy, the household shall continue to be eligible for the Emergency Housing Transition Benefit for the duration of the eligibility reassessment period or 14 days, whichever is more.

### C. Maintaining Eligibility (2023 Acts and Resolves No.81, § 6(a)(2))

To maintain eligibility for the Emergency Housing Transition Benefit, households must:

- i. participate in the coordinated entry and case management processes, including:
  1. cooperating with the Agency of Human Services and service providers on screening and care planning for transitioning off the Emergency Housing Transition Benefit, including completing a coordinated entry assessment and attending meetings with a case manager; and



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2. engaging in monthly eligibility reassessments to determine continued compliance with the eligibility requirements set forth in the Act.
  - ii. provide verification they have engaged in their own search for alternative housing options and notify their case manager, reentry team, or Agency of Human Services staff if they are successful in securing a housing placement; and
  - iii. provide verification of income and contribute 30 percent of their gross household income in accordance with General Assistance rule 2652.4 toward the cost of the hotel or motel housing.

D. Termination (2023 Acts and Resolves No.81, § 6(a)(2))

- i. Eligibility for the Emergency Housing Transition Benefit shall terminate if:
  1. the household receives a written offer of an alternative housing placement but does not accept the offer within 48 hours;
    - a. if a household notifies the Department within 24 hours of the offer that the alternative housing placement poses a previously unidentified health or safety risk to a member of the household, the Department shall determine within 48 hours of notification whether the household must accept the offer;
  2. the household secures its own housing placement;
  3. the household was exited from the hotel or motel for actions constituting misconduct as follows:
    - a. violent criminal behavior;
    - b. non-violent criminal behavior that jeopardizes the health or safety of other hotel or motel guests or staff (for example, the sale, distribution, or manufacturing of illegal substances or tampering with fire safety equipment); or
    - c. repeated non-violent criminal behavior (for example, theft or disorderly conduct); or
  4. the household does not comply with requirements set forth in Rule EH-100 subsection (C).

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- ii. If a household's Emergency Housing Transition Benefit is terminated for any of the reasons listed in subsections (i)(1)-(4), the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

### E. Housing Maximums

The Emergency Housing Transition Benefit shall not count toward the 28- and 84-day housing maximums under General Assistance rules 2652.2 and 2652.3.

### F. Loss of Housing Placement

If a household loses its alternative housing placement or housing placement secured on its own, the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

- i. A household or household member that enters hospital level of care for any reason (physical, mental health, substance use, etc.) for any amount of time is eligible for the Emergency Housing Transition Benefit upon leaving the hospital if no other alternative housing placement is available.
- ii. A household or household member that enters residential level of care for any reason (physical rehab, mental health, substance use) for 14 days or fewer is eligible for the Emergency Housing Transition Benefit upon leaving residential care if no other alternative housing placement is available. If they remain in residential care for more than 14 days, they will no longer be eligible for eligible for the Emergency Housing Transition Benefit

### G. Periods of Ineligibility

A household that applies for temporary housing assistance under rule 2652.2 or 2652.3 after losing eligibility for the Emergency Housing Transition Benefit shall not be subject to a period of ineligibility regardless of the reason the household is no longer eligible for the Emergency Housing Transition Benefit.

- H. "Alternative housing placement" or "housing placement" may include shelter beds and pods; placements with family or friends; permanent housing solutions, including tiny homes, manufactured homes, and apartments; residential treatment beds for physical health, long-term care, substance use, or mental health; nursing home beds; and recovery homes.

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### I. Lodging License Compliance

Persons who provide lodging to Emergency Housing Transition Benefit recipients must hold a lodging license issued by the Vermont Department of Health. These persons must comply with all applicable laws and rules, including but not limited to the Licensed Lodging Establishment Rule and the Vermont Fire and Building Safety Code. The Department may withhold full or partial payment to any person who violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. Specifically, the Department may withhold full or partial payment to persons to whom the Department of Health has issued a conditional license, abatement order, warning letter, or other notice of violation. Likewise, the Department may withhold full or partial payment to persons who have received notices from other government agencies that indicate that the person has violated a law or rule. Once the Department is satisfied that the person is complying with the law, the Department will begin or resume payments at the agreed-upon rate for lodging provided after the violation ended. The Department may provide all, some, or none of the payments withheld based on the nature and extent of the legal violations and the effects those violations had on Emergency Housing Transition Benefit recipients.

### J. Notice and Appeal

The Department shall provide notice to all Applicant Households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions. The notice will inform the Applicant Household of their rights and the procedures applicable to such appeals.