

Emergency Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" (CVR 04-000-001) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). This emergency rule is necessary to continue providing temporary housing assistance to families with children under 18 or 19 years old and calculating the income contribution based on average or current daily motel rate.

I approve the contents of this filing entitled:

Eligibility Criteria for Temporary Housing Assistance

/s/ Jenney Samuelson _____, on 4/1/24
(signature) (date)

Printed Name and Title:

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

Emergency Filing – Coversheet

Jenney Samuelson, Secretary
Agency of Human Services

1. TITLE OF RULE FILING:
Eligibility Criteria for Temporary Housing Assistance

2. ADOPTING AGENCY:
Agency of Human Services

3. PRIMARY CONTACT PERSON:
(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Heidi Moreau

Agency: Agency of Human Services, Department for
Children and Families

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,
VT 05671

Telephone: 802-595-9639 Fax:

E-Mail: heidi.moreau@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:
<https://dcf.vermont.gov/esd/laws-rules/current>

4. SECONDARY CONTACT PERSON:
(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Amanda Beliveau

Agency: Agency of Human Services, Department for
Children and Families

Mailing Address: 280 State Drive, HC 1 South, Waterbury,
VT 05671

Telephone: 8022410641 Fax:

E-Mail: amanda.beliveau@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:
(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

33 V.S.A. 105(b)(2) states that the Commissioner has the authority to "fix standards and issue regulations necessary to administer" the laws assigned to the Department. Under 33 V.S.A. § 104(b)(1), the Department is responsible for administering the General Assistance program. Temporary housing assistance is provided through the General Assistance program.

8. CONCISE SUMMARY (150 WORDS OR LESS):

This emergency rule maintains categorical eligibility for families with children under 18 years of age or who are 18 or 19 years of age and attending school as adopted under Secretary of State emergency rule filing number 23-E11. This rule also maintains the language in rule 2650.1 authorizing the Department to withhold payment from motels for lodging licensing violations, along with the updates to the basic needs standard chart in rule 2652.4 and the methodology for calculating the 30 percent income contribution in rule 2652.4.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

This emergency rule is necessary to continue the expanded eligibility criteria for families with children, the revised income contribution methodology, and authority to withhold payments for lodging license violations.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

The emergency rule is not arbitrary, as that term is defined 8 V.S.A. § 801(b)(13)(A), because there is a factual basis for the decision to amend the General

Assistance rules governing temporary housing assistance to expand eligibility for the program. The emergency rule is rationally connected to this factual basis, and the decision herein would make sense to the reasonable person. The eligibility criteria in this emergency rule were originally developed based on the directive in Executive Order No. 02-23 to "expand[] the definition of families in General Assistance emergency housing program to include children aged seven years-old up to age 18 or 19 if the child is still in school" and feedback from legislators and community partners regarding the calculation of the income contribution and lodging license violations. Section 89 of the fiscal year 2024 budget adjustment act directs the Department to continue providing housing subject to the eligibility criteria in the General Assistance rules as amended by Secretary of State emergency rule filing number 23-E11 or any future identical emergency rule adopted by the Department. Adoption of this emergency rule is rationally connected to implementation of section 89 of the fiscal year 2024 budget adjustment act because 23-E11 expires March 31, 2024. The emergency rule would make sense to a reasonable person because it is necessary to continue providing housing in accordance with the fiscal year 2024 budget adjustment act. Therefore, the emergency rule is not arbitrary as that term is defined in Vermont's statutes.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Households with children applying for General Assistance temporary housing assistance; the Department for Children and Families; motels/hotels serving General Assistance clients; and shelters and organizations serving unhoused populations.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The Department estimates that the cost of expanding eligibility to families with children up to age 18 or 19 will be \$402,220 from April 1 to June 30. The Department anticipates a positive economic impact to: (1) households eligible for temporary housing assistance under the criteria established

in the emergency rule; (2) motel/hotels serving these households; and (3) shelters and organizations serving unhoused populations.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. EMERGENCY RULE EFFECTIVE: 04/01/2024

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL

(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE):

06/30/2024

18. NOTICE OF THIS EMERGENCY RULE SHOULD BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

General Assistance

Emergency Housing
Temporary Housing
Motel Voucher Program

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Eligibility Criteria for Temporary Housing Assistance

2. ADOPTING AGENCY:

Agency of Human Services

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

SOS Log # 15-010, General/Emergency Assistance
Temporary Housing Rules, March 28, 2015

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

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2. ADOPTING AGENCY:

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3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Households with children applying for General Assistance temporary housing assistance: While the Department is unable to quantify the economic impact to these households, the Department anticipates a positive economic impact due to these households receiving additional days of temporary housing assistance they

would not have otherwise been eligible for. The Department anticipates that 26 new households per month will apply for temporary housing assistance under this category.

Households with income eligible for temporary housing assistance: While the Department is unable to quantify the economic impact to these households, the Department anticipates a positive economic impact. The methodology for calculating income contribution based on the average or current daily motel rate will reduce the number of days a household must self-pay for housing before receiving temporary housing assistance.

Department for Children and Families: The Department estimates that the cost of expanding eligibility to families with children aged 18 or 19 will be \$402,220 from April 1 to June 30.

Motels/hotels serving General Assistance clients: The fiscal year 2024 budget adjustment act caps the daily rate paid to motels/hotels housing General Assistance clients at \$80 a day per room. The fiscal year 2024 budget adjustment act authorized the Department to contract with motels/hotels at a rate not to exceed \$80 per room and include provisions to address access to services or related needs. The average weighted rate across the state is \$85 per a day per room.

Shelters and organizations serving unhoused populations: While the Department is unable to quantify the economic impact on these entities, the Department anticipates a positive economic impact due to reducing the burden on their capacity and resources.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impact.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Not applicable.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

While the Department is unable to quantify the impact on motels that are small businesses, the Department anticipates a positive economic impact resulting from an increase in payments to these motels for households that would have otherwise been ineligible to receive assistance.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The Department has determined that there will be no cost to small businesses associated with the proposed rule.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The emergency rule allows the Department to continue providing temporary housing assistance pursuant to the criteria established in 23-E11. Having no emergency rule would result in: (1) families with children over the age of six no longer being categorically eligible for assistance; (2) households contributing more of their income toward the cost of housing; and (3) the loss of the Department's regulatory authority to withhold payments from motels for lodging license violations.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department used knowledge of the system, data, as well as its experiences implementing the current General Assistance program to inform this economic impact analysis. The Department's process was sufficient because of the depth and breadth of the process and analysis.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

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3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
No impact.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
None.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
The emergency rule relates to providing temporary housing assistance and has no impact on any of the above areas. Therefore, this analysis sufficiently captures that there will be no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Eligibility Criteria for Temporary Housing Assistance

2. ADOPTING AGENCY:

Agency of Human Services

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Department will publish the emergency rule on its website and notify community partners and subscribers of the Department's electronic rules notifications. The Department will notify current recipients of General Assistance temporary housing assistance.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

General Assistance program staff and Department for Children and Families general counsel and policy advisors.

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General Assistance

2600 General Assistance (10/01/2008, 08-20)

General Assistance (GA) is an emergency financial assistance program for eligible applicant households whose emergency needs, according to department standards, cannot be met under any other assistance program administered by the department and cannot be relieved without the department's intervention. Receipt of 3SquaresVT, however, shall not be a factor in determination of emergency need since this is a diet supplement program and may not be considered in determining eligibility for or level of benefits in any other assistance program.

A household may qualify for GA in two ways, by meeting either the non-catastrophic or the catastrophic rules. All households must meet the citizenship and residence criteria in rule 2604 and furnish required information as specified in rule 2605.

Households with emergency needs not caused by a catastrophic situation must include a minor dependent or meet other criteria of age or ability to work (rule 2610) to be determined eligible, and must have income below the applicable income test (rule 2610 B). Households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits are ineligible for non-catastrophic GA because they are considered to be over income for this program.

Households with emergency needs caused by a catastrophic situation must meet the eligibility criteria in rule 2620. Emergency medical needs are considered catastrophic. All households applying for GA for an emergency medical need must meet the catastrophic GA criteria at rule 2620 to have the emergency medical need covered by GA.

General Assistance, a program to meet emergency needs, has no provision for ongoing assistance. Subsequent requests will be treated as new applications.

Application

2601 Application (10/01/2008, 08-20)

To have their eligibility for GA considered, all applicants (rule 2603) or their authorized representatives must:

- A. submit a complete, signed application each time they request assistance; and
- B. have a face-to-face interview with an ESD representative, unless waived by the district manager.

Action on applications shall be taken upon receipt and review of a signed application. The action shall be considered complete when:

- A. A decision on the application has been made.
- B. Written notice of such decision has been made available to the applicant. A written grant notice is not required but will be provided upon request. A written denial notice is required if the entire application or any part of it is denied.

Oral notice of assistance granted shall include the following specific information:

- A. Items and amount authorized.
- B. Effective dates of authorization.
- C. Method of payment.

Written notice of assistance denied shall include the specific reason for denial.

Failure to complete action on an application promptly shall not constitute the sole reason for denial of assistance unless it can be established and documented in the case record that such failure is the result of noncooperation on the part of the applicant.

Methods of Investigation (01/01/2009, 08-20)

The applicant is the primary source of information about his need and eligibility for aid or benefits. Information furnished on the signed application and through interviews may be subject to verification, through documentary or collateral sources.

Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to furnish necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere. Department responsibility to assist an applicant to establish eligibility requires careful explanation and interpretation of program eligibility criteria and information needed to assess the applicant's circumstances against such eligibility criteria.

An applicant has a right to refuse to give information, to submit required proof, or to give consent to a collateral contact. Such refusal of information or action necessary to establish eligibility will result in denial or closure of aid or benefits. Wilful misrepresentation of applicant circumstances will also result in legal action under fraud statutes. Department staff shall make every effort to assure full applicant understanding of the consequences of refusal to take necessary action to establish eligibility or misrepresentation of individual circumstances.

Application

An individual may apply for aid or benefits through another person; for example: an authorized representative; a person acting responsibly for an incompetent or incapacitated individual. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities and consequences for the applicant as an applicant acting directly for himself.

2601.2 Interviews (01/01/2009, 08-20)

Face to face interviews are required for General Assistance applications. Such interviews may be conducted in the applicant's home or another mutually convenient location when individual circumstances of health, or unusual transportation problems preclude office interviews.

Personal interviews are conducted privately with the applicant, who may have one representative of his choice to assist in oral presentation of his needs.

2601.3 Verification (01/01/2009, 08-20)

Verification, defined as a written entry in the case record of third party or documentary confirmation of facts stated by an applicant, shall be required for the following:

- A. All income (including deductions), resources, and shelter expense.
- B. Positive means of personal identification (e.g., Social Security card, driver's license, birth certificate, marriage certificate).
- C. Whenever necessary to obtain complete, clear, and consistent information with regard to any other eligibility factor.

Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including but not limited to a description of method used, dates, sources, summary of information obtained, and any computations required.

Refusal to submit necessary verification or to consent to verification of any eligibility factor or to cooperate in investigation necessary to support an affirmative decision of eligibility shall result in denial of the application.

2601.4 Collateral Sources (01/01/2009, 08-20)

Contact with sources other than the applicant concerning his eligibility for aid or benefits is limited to interviews, telephone calls, or correspondence necessary to obtain information required to make a decision on eligibility when the applicant is unable to furnish the necessary information. Information requested from collateral sources is limited to the specific eligibility factors in question.

Common collateral sources are relatives, town officials, town service officers, public records, doctors, and medical facilities. Other agencies that have worked with the applicant are generally the best source of collateral information.

Application

No collateral contact is made without the applicant's knowledge and consent, based on his clear understanding of the need for and purpose of each contact. Department policies regarding confidentiality will be respected.

An applicant may on occasion be reluctant to consent to contact with collateral sources. If, with full understanding of the possible alternative of denial, the applicant refuses to permit a necessary contact, the application shall be denied.

Applicant Household

2602 Applicant Household (02/01/2004, 03-01)

A GA household shall consist of an individual applying for GA and all dependents living with the applicant in Vermont for whom the applicant is legally responsible, i.e., spouse, civil union partner, and dependent children under the age of 18. The following individuals must be considered members of the applicant household when they live together:

- dependent children under the age of 18;
- their siblings, half-siblings, and step-siblings under the age of 18;
- their parents, step-parents, or other legally responsible relatives.

The members of the GA household shall have their needs, income, and resources considered together to determine eligibility.

Individuals age 18 or over who live with their parents are considered a separate family and must complete a separate application.

Definitions

2603 Definitions (02/01/2004, 03-01)

The following definitions apply to the terms used in the GA rules.

- A. "Able-bodied" means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the GA applicant a Medicaid recipient. The department shall pay the reasonable expense of required medical examinations and may require and pay for a second opinion.

Individuals whose SSI/AABD eligibility has been terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability shall be considered able-bodied with respect to their drug or alcohol impairment.

- B. "Applicants" means individuals applying for GA for their own needs and for the needs of those dependents with whom they live in Vermont and for whom they are legally responsible.

For married individuals or parties to a civil union who live together, the term applicant refers to both spouses or civil union partners. Either spouse or partner may complete the application.

For unmarried adults who live together and have a child-in-common, the term applicant refers to both adults. Either adult may complete the application.

Applicants must be age 18 or older, unless emancipated (see emancipated minor below).

- C. "Available resources" means cash on hand or in a bank or other financial institution, including Christmas clubs and U. S. savings bonds or other negotiable instruments that can be converted into cash on demand within 24 hours when responding to an immediate emergency need for the first time. The applicant shall be advised to take steps to access other resources such as cash value of life insurance, sale of stock, bonds, or mutual funds, cashing of an IRA or other reasonably accessible resource to meet future needs. Future GA applications will be evaluated in relation to whether the applicant has taken reasonable steps to access these resources. If not, the application will be denied because no effort was made to access resources that could have been currently available to meet the emergency need.
- D. "Calculation of time periods" shall include the date of application. When determining income for the last 30 days, however, the 30-day period ending on the day prior to the date of application is used.
- E. "Dependent" means any of the following members of the applicant's immediate family: husband, wife, civil union partner, and children under age 18, unless they are emancipated minors, including biological, adopted, and stepchildren. A pregnant woman having no children in her household shall not be considered to have a minor dependent.
- F. "Emancipated minor" means a minor emancipated by judicial decree under the laws of any state. A minor is also considered emancipated if married or in active military service.
- G. "Gainful employment" means individuals:
- work at least 35 hours per week at no less than the applicable minimum hourly wage;
 - have gross weekly income that, when divided by 35, equals or exceeds the applicable minimum hourly wage, regardless of the actual number of hours worked; or

Definitions

- if self-employed, work at least 35 hours per week and the balance of income remaining after deducting allowable self-employment deductions equals or exceeds the minimum wage. An individual shall be considered self-employed if the Internal Revenue Service requirements for classification as self-employed are met.

H. "Minimum wage" means the state or federal minimum wage, whichever is the higher.

I. "Relative" means one of the following individuals:

- Any blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
- Stepparent, stepbrother, stepsister;
- Any adoptive relative of corresponding degree, upon whom Vermont law (15A V. S. A. § 1-104) confers the same rights, duties, and obligations as natural relatives;
- Any spouse or civil union partner of an individual included in the above groups, even if the marriage or civil union has been terminated by death, divorce, or dissolution.

J. "Suitable employment" means that:

- The wages (monetary and in-kind) are equal to or exceed the minimum wage. The value of in-kind income shall be established by the employer.
- The individual is physically and mentally fit to perform the employment offered.
- The work offered is not at a site subject to a strike or a lockout at the time of the offer.

The eligibility worker shall establish when medical documentation is required to determine suitability of employment. The department shall pay the reasonable charge for medical examination and report.

K. "Transient" means an individual who does not intend to establish a permanent residence in Vermont.

Citizenship and Residence

2604 Citizenship and Residence (07/01/2002, 02-10)

To be eligible for GA, an applicant must be a U. S. citizen or a legal alien.

When a town service officer or district director has reason to believe that an applicant came into Vermont for the purpose of receiving GA or, in the case of applications for payment of medical services, receiving medical care, the town service officer or district director may find the applicant ineligible. (33 V. S. A. §2107) Such applicants, however, may be granted GA for transportation to the place they were living before coming to Vermont. (33 V. S. A. §2107)

Applicant's Responsibility

2605 Applicant's Responsibility (07/01/2002, 02-10)

Applicants are the primary source of information about their circumstances. Respect for their rights to privacy place responsibility on applicants to furnish complete and accurate information.

Pursuant to 33 VSA Section 2104 and 2105, all GA applications require investigation and recording of the circumstances of the person alleged to need GA to determine eligibility. Applicants must furnish information required as to physical condition, earnings or other income, ability of all members of their families to be employed, the cause of the person's condition, the ability and willingness of persons legally liable for their support to assist and other relevant data.

The Department retains the right to verify any or all information provided by applicants. To be eligible for consideration for assistance, applicants must agree to the requisite investigation of their circumstances.

District Director's Responsibility

2606 District Director's Responsibility (08/01/1982, 82-1)

District Directors shall furnish necessary assistance, according to Department standards and regulations to meet immediate maintenance need (food, clothing, shelter, etc.) as it arises. Eligibility for such aid under any other Department program is explored prior to authorizing use of General Assistance funds.

District Directors shall assure exploration of the applicant's eligibility for medical or other assistance through a legally responsible relative or Department categorical program prior to issuing GA funds.

Services to help individuals with emergency admission to state institutions (other than penal) shall be handled by the District Director in the absence of the Town Service Officer, but only when no family member or other interested person is available to take this responsibility. Payment of necessary expenses is discretionary with District Directors according to Department policy.

Arrangements for burial, in the absence of the Town Service Officer and when no family member or other interested person is available to take this responsibility shall be handled by District Directors. Authorization to grant permission to bill the Department for burial expenses of a recipient of AABD, Reach Up or Medicaid (nursing home cases only), other needy individuals, or a committed child, shall be vested in the District Directors.

District Directors shall take positive action under the applicable paragraph of rule 2610 C to recover GA funds.

District Directors may delegate authority to subordinate staff members to carry out the functions of the GA program.

Non-Catastrophic Eligibility

2610 Non-Catastrophic Eligibility (02/01/2004, 03-01)

Applicant households in which all members receive Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits, do not qualify for GA in non-catastrophic situations. All other households applying for emergency needs that are not attributable to a catastrophic situation may qualify for GA to address that need, provided they meet one of the two criteria of subsection A, all of the criteria of subsection B, the citizenship and residence criteria in rule 2604, and the applicant's responsibility criteria in 2605.

- A. The household applying for non-catastrophic GA must meet either criterion 1 or 2.
 1. The household must include a dependent child under the age of 18 (rule 2603).
 2. The applicant and the applicant's spouse or civil union partner, if living in the home, must each meet one of the following four criteria:
 - a. is age 65 or older;
 - b. is younger than 65 and not able-bodied (rule 2603);
 - c. is younger than 65, able-bodied, and the spouse or civil union partner of an SSI/AABD recipient or an SSI/AABD applicant who meets criterion a or b above; or
 - d. is younger than 65, able-bodied, and has two or more of the following employment barriers:

Employment Barriers

- a. Age 55 or over. Eligibility based on this barrier shall be contingent upon enrollment and active participation in employment-related activities under the Older Americans Act, or similar programs, as available.
- b. Unable to read or write or has no more than an eighth-grade education. Eligibility based on this barrier shall be contingent upon enrollment and active participation in an Adult Basic Education or other approved/recognized educational program, as available. Eighth-grade education means completion of eighth grade, but not completion of ninth grade.
- c. Employed or self-employed fewer than six months in the last five years and a full-time student fewer than six months in the last five years.
- d. Released from a mental health institution or mental health hospital unit within the last six months.
- e. Participating in a state or federally funded drug or alcohol treatment program. Participating means following an established treatment plan measured by the individual making progress toward the treatment goals as established by the treatment provider. Eligibility under this barrier shall be limited to 36 cumulative months, beginning on the day eligibility is based on this barrier. An individual whose SSI/AABD eligibility has terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability cannot base eligibility on this barrier. If the individual's SSI/AABD terminated prior to the 36-month time limit, the barrier may apply up to 36 months including of the period of SSI/AABD receipt.

Non-Catastrophic Eligibility

B. The household applying for non-catastrophic GA must meet all of the following six criteria:

1. During the 30-day period immediately prior to application, the applicant household has received net income, computed according to rule 2640, less than the applicable income limit. The applicable income limits are as follows:
 - a. For a household with members participating in the Reach Up Program, the income limit is the Reach Up payment standard used to determine the amount of the family's Reach Up financial assistance grant.
 - b. For a household with a parent participating in the PSE program and receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine the amount of the family's PSE stipend.
 - c. For a household with a parent participating in the Postsecondary Education Program (PSE) but not receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine a stipend payment for a family of the same size with the same housing costs.
 - d. For a household with no members participating in either Reach Up or PSE, the income limit is the Reach Up payment standard for a family of the same size with the same housing costs.

The Reach Up payment standard is the need standard ratably reduced before consideration of any income (rule 2252).

2. No household members are sanctioned under the Reach Up program because of their refusal to comply with a program eligibility or participation requirement. The disqualification period for GA will be the same as the Reach Up sanction period.
3. The household is actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to, Reach Up, SSI, AABD, Medicaid, 3SquaresVT, fuel assistance, unemployment or worker's compensation, veterans benefits, insurance payments, railroad retirement, pensions, social security, wages, and child support. Pursuit of potential income means initiating an application, request or complaint as appropriate prior to a subsequent GA grant, cooperating with requirements for a timely decision, and continuing to cooperate in meeting requirements to maintain such income on an ongoing basis thereafter.
4. There is an emergency need. If the emergency need is a need for medical services or items, the department shall determine eligibility according to the rules for catastrophic situations at rule 2620, even if the applicant meets the non-catastrophic income test at rule 2600.
5. The household has exhausted all available income and resources except that:
 - a. Applicants who have available resources (rule 2603) less than their need shall have the amount of the resources deducted from the GA grant.
 - b. Single individuals age 62 or over, or in receipt of SSI/AABD or social security based on blindness or disability, may have up to \$1,500 of available resources disregarded. Up to \$2,250 of the households available resources may be disregarded if the individual lives with a spouse or civil union partner. With the exception of special resource treatment related to burial expenses (rule 2670-2677), only resources in excess of these amounts will be counted as available in determining eligibility or benefits for such persons.

Non-Catastrophic Eligibility

- c. Resources set aside in an escrow account for the purpose of paying property taxes or homeowner's insurance shall be disregarded up to the amount of these projected expenses.
- 6. The household has complied with the employment requirements in rule 2631, if applicable.
- C. General Assistance shall be furnished with the understanding that when a recipient subsequently acquires benefits or resources in any amount from an inheritance; cash prize; sale of property; retroactive lump sum social security, veterans, or railroad retirement benefits; or court awards or settlements; the recipient shall be required to make reimbursement for the amount of aid furnished during the previous two years.

SSI/AABD Applicants

The GA applicant or GA household member who has a pending SSI/AABD application, or who is being referred by the department to the Social Security Administration (SSA) to apply for SSI/AABD, must sign a Recovery of General Assistance Agreement authorizing SSA to send the initial SSI/AABD payment to this department so the amount of GA received can be deducted. Regardless of the amount of the initial SSI/AABD payment, the deduction shall be made for GA issued during the period from the first day of eligibility for SSI/AABD, or the day the Recovery of General Assistance Agreement is signed, if later, to the date the initial SSI/AABD payment is received by the department.

When the SSI/AABD grant does not include all members of the GA household, the deduction shall be for a prorated portion of GA granted, to reflect only those included in the SSI/AABD grant.

The department shall send any remainder due to the SSI/AABD recipient within 10 days. An exception to this provision applies to individuals whose SSI/AABD is based on drug addiction or alcoholism. After SSI/AABD is granted and SSA has reimbursed Vermont for GA received, SSA will pay the remainder of the initial SSI/AABD payment to the recipients representative payee.

Catastrophic Eligibility

2620 Catastrophic Eligibility (3/28/2015, 15-06)

Applicants with an emergency need attributable to a catastrophic situation (rule 2621) may qualify for GA to address that need, provided that they meet the eligibility criteria in rules 2604 – 2605 and 2620–2623 and payment conditions in rules 2651-2667. Applicants seeking help for an emergency medical need shall not be eligible for GA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (rule 2620 D).

To qualify for such assistance, applicants must meet all of the following eligibility criteria:

- A. They must have an emergency need attributable to a catastrophic situation, as defined in rule 2621.
- B. They must have exhausted all available income and resources. The exhaustion of all available income does not apply to catastrophic temporary housing assistance provided under rule 2652.2 (see rule 2652.4).
- C. They must explore and pursue or have explored and pursued all alternatives for addressing the need, such as family, credit or loans, private or community resources, and private or government-sponsored health insurance. Before the department will determine eligibility for GA payment for vision services or items, the applicant must pursue or have pursued assistance from the Vermont Association for the Blind, the Lions Club and other service organizations, school-related health programs, and other child development programs, if applicable.
- D. If seeking assistance for a medical need, at the department's most recent eligibility determination they must not have been denied or lost government-sponsored health insurance that would have covered the current need because of either or both of the following reasons:
 - they failed to pay a premium for the government-sponsored health insurance, or
 - they failed to comply with any administrative eligibility requirement necessary to be covered by the government-sponsored health insurance.

For purposes of GA rules, premium is defined as it is defined in Vermont Medicaid rules. Premium means a nonrefundable charge that must be paid by an applicant or beneficiary as a condition of initial and ongoing enrollment for health insurance.

Eligibility workers shall explain to applicants that they are expected to take steps to avoid or resolve emergencies in the future without GA. Except for applicants who are receiving their final grant of assistance within a 12-month period, applicants and eligibility workers shall work together to develop a schedule of activities addressing the applicant's emergency need. Completion of these activities is a requirement for continued receipt of assistance. These activities shall be documented in the applicant's case record.

Subsequent applications must be evaluated in relation to the individual applicant's potential for having resolved the need within the time which has elapsed since the catastrophe to determine whether the need is now caused by the catastrophe or is a result of failure on the part of the applicant to explore potential resolution of the problem.

The department shall not apply an income test or resource exclusions in determining eligibility due to a catastrophic situation.

Catastrophic Situation

2621 Catastrophic Situation (3/28/2015, 15-06)

For the purposes of this section, catastrophic situations are limited to the following situations:

- A. Death of a spouse or minor dependent child.
- B. The presence of an emergency medical need, as defined at rule 2623.

The department shall determine the eligibility of an applicant for payment of medical services or items using the criteria for eligibility due to a catastrophic situation at rule 2620, even if the applicant meets the non-catastrophic income test at rule 2610 B.

- C. A natural disaster such as a flood, fire, or hurricane.
- D. A court-ordered eviction or constructive eviction, as defined at rule 2622, due to circumstances over which the applicant had no control.

A court-ordered eviction resulting from intentional, serious property damage caused by the applicant, other household members, or their guests; repeated instances of raucous and illegal behavior that seriously infringed on the rights of the landlord or other tenants of the landlord; or intentional and serious violation of a tenant agreement is not considered a catastrophic situation. Violation of a tenant agreement shall include nonpayment of rent if the tenant had sufficient income to pay the rent and did not use that income to cover other basic necessities or withhold the rent pursuant to efforts to correct substandard housing.

- E. Domestic violence, dating violence, sexual assault, stalking, human trafficking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence.

Acceptable verification of domestic violence includes:

- a relief-from-abuse restraining order or order against stalking or sexual assault;
- observable physical evidence of abuse;

Catastrophic Situation

- corroboration of domestic violence, sexual violence, human trafficking, or stalking from police, hospitals, court officials, physicians, nurses, or any other credible sources;
- a determination of abuse by staff at a domestic violence shelter or organization;
- a waiver of the Reach Up requirement to cooperate in pursuing child support (see rule 2235.2); or
- a deferment or modification of the Reach Up work requirement due to the effects of domestic violence (see rule 2363.1).

Constructive Eviction

2622 Constructive Eviction (3/28/2015, 15-06)

Constructive eviction is defined as any disturbance caused by a landlord, or someone acting on the landlords behalf, that makes the premises unfit for occupation. The motive for the disturbance, which may be inferred from the act, is the eviction of the occupant.

A situation in which the landlord has not provided heat, utilities, or water within a reasonable period of time and there is an agreement to furnish these items shall be considered a constructive eviction when the applicant is pursuing legal resolution of these offenses through the Vermont Department of Health or appropriate local officials, such as the local housing inspector or town health officer. The department shall not deny benefits to an individual in a constructive eviction situation because the individual chooses not to pursue legal action such as withholding rent, obtaining a court order, suing the landlord, or terminating the rental agreement.

Emergency Medical Need

2623 Emergency Medical Need (07/01/2002, 02-10)

The general definition of emergency medical need in subsection A applies to all items and services except those related to vision, dental, and prescription drugs. The definitions of emergency medical need as applied to vision, dental, and prescription drugs are specified in subsections B through D.

A. Emergency Medical Need – General

An emergency medical need is defined as a need for a medical service or item attributable to a medical condition characterized by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson, with an average knowledge of health and medicine, could reasonably expect the absence of medical attention to result in the following:

- serious jeopardy to the health of the participant;
- serious impairment to bodily functions; or
- serious dysfunction of the bodily organ or part.

Prior to issuing a vendor authorization for covered physician services, vision services and items, medical supplies, durable medical equipment, or ambulance services, eligibility workers shall obtain a determination from the Department of Vermont Health Access (DVHA) that such services or items address an emergency medical need (as defined in subsection A or B) or addressed such a need at the time the services or items were provided.

B. Emergency Medical Need – Vision

An emergency medical need is deemed to exist if and only if vision services or items for which GA payment is requested are covered by GA (rule 2663) and necessary to:

- aid convalescence from eye surgery;
- prevent blindness or further deterioration of eyesight;
- avert risk of physical injury from normal living hazards, such as stairs and stoves; or
- allow an individual to continue education or employment.

C. Emergency Medical Need – Dental

An emergency medical need is deemed to exist if and only if dental services for which GA payment is requested are covered by GA (rule 2662) and necessary to relieve pain, bleeding, or infection. The Division of Dental Services at the Vermont Department of Health shall determine whether dental services for which GA payment is requested addressed an emergency medical need at the time the dental services were provided.

D. Emergency Medical Need – Prescription Drugs

An emergency medical need is deemed to exist if and only if a prescribed drug for which GA payment is requested complies with the requirements of the pharmacy best practices and cost control program, and is not included in a classification on the departments list of noncovered drug classifications (rule 2664).

Employment

2630 Employment (09/01/1995, 95-5)

Each applicant is required to explain the employment requirements to non-exempt individuals who are not present at the initial interview and to supply them with employment verification forms. Whenever possible, a non-exempt individual shall appear in person at the District Office at the time of each subsequent application.

Work Requirements

2631 Work Requirements (09/01/1995, 95-5)

Any individual who is included in the application and is not exempted under rule 2632 shall:

- A. Be present whenever possible at the time of each application.
- B. Submit evidence of an active effort (rule 2633) to seek gainful employment consisting of at least three job contacts with different employers per week. This requirement does not apply to the first GA application.
- C. Not restrict employment search to his/her major field of experience or to limited types of occupations. The applicant shall accept any suitable job referrals and/or offers within his/her ability. The applicant shall be required to substantiate why a particular job cannot be performed.
- D. Submit evidence of contact within the past 24 hours or previous workday with the Department of Labor for the purpose of obtaining employment opportunity information.
- E. Not have refused within the 30 days prior to application to report to the local Department of Labor if requested by either the Department of Labor or the Department for Children and Families.
- F. Not have refused within the 30 days prior to application date to report for an employment interview for suitable employment when referred by the Department of Labor or the Department for Children and Families.
- G. Not have refused within the 30 days prior to application to accept a bona fide offer of full or part-time employment.
- H. Not have quit suitable employment in the 30 days prior to application.

If any person not exempted from the employment requirements (rule 2632) fails to meet any one of the above requirements, he/she and all individuals included in the application shall be ineligible.