

INTERPRETIVE MEMO

EA Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2852.2 Effective date of this memo 10/18/2014 Page 1 of 2

This memo: is new Replaces one dated _____

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act and the Vermont Fair Housing and Public Accommodations Act, the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. In order to maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility (up to a maximum of 84 days). During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.
5. In the event that a motel asserts its right not to create a tenancy by a 28-day-stay, a short-term stay in another motel will be booked by Department staff according to steps 1-3 above.

The Department will not authorize payment for temporary housing if appropriate, accessible shelter space is available.

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“Accessible motel room” means a room that complies with ADA standards for accessible design and Vermont’s Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with in order to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility).

Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability triggered by secondhand smoke may request to be housed in a smoke-free motel. As required, the Department will make reasonable accommodations for individuals whose disability is not otherwise accommodated by accessible architecture or design.