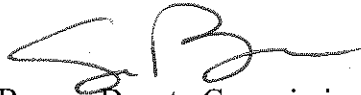


STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families



FROM: Sean Brown, Deputy Commissioner
Economic Services Division

BULLETIN NO.: 15-06F

DATE: March 12, 2015

SUBJECT: General/Emergency Assistance Program Rules

CHANGES ADOPTED EFFECTIVE March 28, 2015

INSTRUCTIONS

- ☒ **Maintain Manual - See instructions below.**
- ☐ **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
- ☐ **Information or Instructions - Retain until _____**

MANUAL REFERENCE(S):

2620	2652.4
2621	2820
2622	2821
2652.2	2822
2652.3	2852.2

Section E.321.1 of Act 179 (2014), the fiscal year 2015 Appropriations Act, directs the Department to “adopt permanent rules pursuant to 3 V.S.A. chapter 25 that implement the eligibility system for emergency housing to vulnerable populations that do not have a catastrophic need established by emergency rules adopted after July 1, 2013.” On July 1, 2013, the Department adopted an emergency rule that established eligibility criteria for vulnerable populations in need of emergency housing in accordance with Section E.321.1 of Act 50 (2013), the fiscal year 2014 Appropriations Act. After receiving feedback from advocates and community partners, the Department filed another emergency rule on August 1, 2013, which revised the eligibility criteria for vulnerable populations in need of emergency housing. That rule was renewed through four subsequent emergency rule filings effective November 30, 2013, March 31, 2014, July 30, 2014, and November 28, 2014. This bulletin establishes a permanent rule incorporating the eligibility criteria set forth in the emergency rule.

Additionally, this rule updates the definition of domestic violence as a catastrophic situation, and includes the requirement from a 2014 amendment to 33 V.S.A. § 2103 that General Assistance applicants shall furnish no more than 30 percent of their income toward the cost of temporary housing.

Specific Changes to Rule Sections

- 2620** Language was added excluding temporary housing assistance from the requirement that an applicant must contribute all available income toward the emergency need; language added clarifying the process for requiring applicants to take steps to address their emergency need.
- 2621** Domestic violence was added as a catastrophic situation.
- 2622** “Battering” was deleted from the definition of constructive eviction.
- 2652.2** Cross-reference to rule 2621(4) replaced with cross-reference to rule 2621, in its entirety; authorization period extended from seven to up to 28 days; obsolete references to town service officers/district managers deleted; housing search requirement removed.
- 2652.3** Replaced “emergency” with “temporary;” authorization period extended from 14 to up to 28 days; added requirement in rule 2620 that applicants take steps to address their need for temporary housing; moved 30 percent income contribution criteria to rule 2652.4; the beginning of the 30-day denial period was changed from the last date housing assistance was authorized to the last date housing assistance was received.
- 2652.4** Criteria added for requiring 30 percent of an applicant’s income to be contributed toward the cost of temporary housing.
- 2820** Language was added excluding temporary housing assistance from the requirement that an applicant must contribute all available income toward the emergency need; language added clarifying the process for requiring applicants to take steps to address their emergency need.
- 2821** Domestic violence was added as a catastrophic situation.
- 2822** “Battering” was deleted from the definition of constructive eviction.
- 2852.2** Cross-reference to rule 2821(D) replaced with cross-reference to rule 2821, in its entirety; authorization period extended from seven to up to 28 days; obsolete references to town service officers/district managers deleted; housing search requirement removed; criteria added for requiring 30 percent of an applicant’s income to be contributed toward the cost of temporary housing.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on October 3, 2014 and presented at its meeting on October 13, 2014.
2. The proposed rule was filed with the Secretary of State's Office on October 17, 2014.
3. The Secretary of State published notice of rulemaking on its website on October 22, 2014.
4. The Department posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notified advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. A public hearing was held on December 1, 2014 at 10:00 a.m., 208 Hurricane Lane, Suite 103, Conference Room B, Williston, VT. There were no public attendees.
2. The comment period on the proposed rules closed on Monday, December 8, 2015. Written comments were submitted by Vermont Legal Aid and the Vermont Affordable Housing Coalition.
3. Copies of the final proposed rule were filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR) on Tuesday, February 10, 2015.
4. The Department presented the final proposed rule to LCAR on Thursday, February 26, 2015.
5. The Department expects to file the final rule by Friday, March 13, 2015.
6. The anticipated effective date of the rule is March 28, 2015. This date is subject to change.

Summary of Public Hearing and Written Comments

A public hearing was held on December 1, 2014, at the Secretary of the Agency of Human Service's office in Williston, Vermont. There were no public attendees. Written comments were submitted by Christopher Curtis, a staff attorney for Vermont Legal Aid, and Erhard Mahnke from the Vermont Affordable Housing Coalition.

Specific comments on the Proposed Rule and the Department's Response

Comment: The Vermont Affordable Housing Coalition and Vermont Legal Aid support the Department's proposal to exempt families with income at or below the Reach Up basic need standard from contributing 30 percent of their income toward the cost of temporary housing.

Response: The Department appreciated the opportunity to work with both of these organizations in developing income contribution criteria that better serve needy families.

- Comment:** While Vermont Legal Aid and the Vermont Affordable Housing Coalition generally support the Department's proposed language regarding domestic violence, they recommend amending the definition of loss of housing due to domestic violence to extend categorical eligibility to homeless victims of domestic violence. According to Vermont Legal Aid, the previous rule "recognized victims of domestic violence as qualified to receive up to 84 nights of shelter if they were both homeless and could establish they were victims of domestic violence."
- Response:** The Department has decided to revise the rule to extend eligibility for catastrophic General and Emergency Assistance to victims of domestic violence without the requirement that the domestic violence caused a loss of housing.
- Comment:** Vermont Legal Aid generally supports the Department's categorical eligibility criteria for rule 2652.3. Vermont Legal Aid proposes that the language in rule 2652.3 read as follows: "Applicants *shall* qualify for emergency housing if all other eligibility criteria are met, and the household has a member who is..."
- Response:** The language in the proposed rule currently states: "Applicants shall qualify for emergency housing, if all other eligibility criteria are met, if the household has a member who is..." Vermont Legal Aid may have confused the language in the current proposed rule with that of the proposed rule filed in August 2013 (withdrawn in March 2014).
- Comment:** The Vermont Affordable Housing Coalition generally supports the Department's categorical eligibility criteria and point system in rule 2652.3; however, it recommends that families with children age seven or older and people with disabilities that do not receive SSI or SSDI should be categorically eligible for temporary housing under the vulnerable populations' criteria.
- Response:** The General Assistance temporary housing budget for state fiscal year 2015 is approximately \$2.6 million. If the Department were to extend categorical eligibility beyond the current categorically eligible populations, it would likely exhaust funds allocated for temporary housing before the end of the fiscal year.
- Comment:** The Vermont Affordable Housing Coalition and Vermont Legal Aid support extending the authorization period for temporary housing from seven to 14 days, and they recommend that the authorization period for temporary housing be extended to 28 days.
- Response:** The proposed rule extends the authorization period for temporary housing under both the catastrophic and vulnerable populations criteria to up to 28 days. This change was noted in the annotated text for rule 2652.3, but not reflected in the clean text. That typographical error has been corrected in the clean text of the final proposed rule.

Specific Changes to the Proposed Rule

No changes have been made to the proposed rule.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

* * * * *

Manual Maintenance

General Assistance Rules

<u>Remove</u>		<u>Insert</u>	
2620	(04-21)	2620	(15-06)
2621	(02-10)	2621	(15-06)
2622	(02-10)	2622	(15-06)
2652.2	(03-01)	2652.2	(15-06)
2652.3	(15-10E)	2652.3	(15-06)
Nothing		2652.4	(15-06)

Emergency Assistance Rules

2820	(05-13)	2820	(15-06)
2821	(03-01)	2821	(15-06)
2822	(03-01)	2822	(15-06)
2852.2	(03-01)	2852.2	(15-06)

Catastrophic Eligibility

2620 Catastrophic Eligibility

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.

Catastrophic Eligibility

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

Catastrophic Situation

2621 Catastrophic Situation

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

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.

Housing

2652.2 Temporary Housing in Catastrophic Situations

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided, pursuant to rule 2621, and for whom permanent housing or alternative arrangements are not immediately available.

Authorization for temporary housing may be issued for periods of up to 28 days, at the Department's discretion. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

Temporary housing payments above the GA payment maximums will be allowed for only 84 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 84-day period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

The 84-day temporary housing maximum is cumulative for the Emergency Assistance and General Assistance Programs. An applicant who has received 84 days in temporary housing under EA during a 12-month period is not eligible for any further temporary housing assistance under GA for the same 12-month period. Temporary housing beyond 28 cumulative days in any consecutive 12-month period is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Housing authorizations in amounts above the GA payment maximums shall be discontinued as soon as permanent housing is located, or reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

Deposits or security payments of any type shall not be authorized.

The Department shall make all possible effort to assist in the location of permanent housing for recipients located in temporary housing. The department shall inform recipients that they are primarily responsible, however, for locating permanent housing, and that if they do not make an active effort to locate permanent housing, or fail to accept suitable housing accommodations, even if in a location other than where they are situated, continued GA payment for temporary housing shall be denied.

The work search at rule 2630 is also required when it is a factor of eligibility for any member of the assistance household.

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. 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 years of age or under; 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:

Vulnerable Population Category	Points
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
Child(ren) between the ages of 7 and 17	2
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;

Housing

- 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	\$475	\$680	\$891	\$1064	\$1247	\$1372	\$1589	\$1769	Add \$170 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 least expensive daily motel rate available in the district at that time.
- 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 least expensive daily motel rate available in the district at that time.

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.

Catastrophic Eligibility

2820 Catastrophic Eligibility

Applicants with an emergency need attributable to a catastrophic situation (rule 2821) may qualify for EA to address that need, provided that they meet the eligibility criteria in rules 2805, 2806, and 2820–2823 and payment conditions in rules 2851–2870. Applicants seeking help for an emergency medical need shall not be eligible for EA to address that need if they have been denied or lost health insurance sponsored by the state or federal government for specified reasons (rule 2820 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 2821.
- 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 2852.2.
- 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 EA 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 departments 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 EA 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.

Catastrophic Eligibility

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

Catastrophic Situation

2821 Catastrophic Situation

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

- B. Death of a spouse or minor dependent child.
- B. The presence of an emergency medical need, as defined at rule 2823.

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 2820, even if the applicant meets the non-catastrophic income test at rule 2810.

- C. A natural disaster such as a flood, fire, or hurricane.
- D. A court-ordered eviction or constructive eviction, as defined at rule 2822, 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. A child welfare emergency, as determined by the Family Services Division, requiring protective, family preservation or support services (rule 2870).
- F. 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

2822 Constructive Eviction

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.

Housing

2852.2 Temporary Housing in Catastrophic Situations

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided, pursuant to rule 2821, and for whom permanent housing or alternative arrangements are not immediately available. Temporary housing, beyond 28 cumulative days in any consecutive 12-month period, is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

A family applying for temporary housing assistance shall not be denied solely because of prior receipt of EA assistance other than for temporary housing.

Authorization for temporary housing may be issued for periods of up to 28 days, at the Department's discretion. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

Housing authorizations shall be reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing.

The Department shall make all possible effort to assist in the location of permanent housing for recipients located in temporary housing. The department shall inform recipients that they are primarily responsible, however, for locating permanent housing, and that if they do not make an active effort to locate permanent housing, or fail to accept suitable housing accommodations, even if in a location other than where they are situated, continued EA payment for temporary housing shall be denied.

Temporary housing payments above the GA payment maximums will be allowed for only 84 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 84-day period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

The 84-day temporary housing maximum is cumulative for the Emergency Assistance and General Assistance Programs. An applicant who has received 84 days in temporary housing under EA during a 12-month period is not eligible for any further temporary housing assistance under GA for the same 12-month period. Temporary housing beyond 28 cumulative days in any consecutive 12-month period is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

The work search at rule 2830 is also required when it is a factor of eligibility for any member of the assistance household.

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.

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	\$475	\$680	\$891	\$1064	\$1247	\$1372	\$1589	\$1769	Add \$170 for each additional person

See rule 2802 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 least expensive daily motel rate available in the district at that time.
- 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 least expensive daily motel rate available in the district at that time.

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.