

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

# DCF

## Department for Children and Families

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**BULLETIN NO.:** 23-22

**FROM:** Miranda Gray, Deputy Commissioner  
Economic Services Division

**DATE:** 10/13/2023

**SUBJECT:** Expansion of Eligibility Criteria for Temporary Housing Assistance

**CHANGES ADOPTED EFFECTIVE** 10/13/2023

**STATUS**

- Proposed Rule
- Final Proposed Rule
- Adopted Rule

**RULE REFERENCE(S):**

- 2650
- 2652.3
- 2652.4

**Summary of Emergency Rule**

Temporary housing assistance under the General Assistance program provides up to 84 or 28 days of housing in a hotel or motel. Households that are without housing due to a catastrophic situation may be eligible for up to 84 days. Households that are ineligible under catastrophic criteria may be eligible for up to 28 days if the household has a member belonging to a vulnerable population. This emergency rule maintains categorical eligibility for 28 days of housing for families with children under 18 years of age or who are 18 or 19 years of age and attending school, as initially established in emergency rule 23-E05. This rule also maintains the update to the basic needs standard chart in rule 2652.4 and the methodology for calculating the 30 percent income contribution in rule 2652.4, as initially established in emergency rule 23-E05. This rule adds language authorizing DCF to withhold payments to hotels or motels in violation of lodging licensing rules and other applicable laws. Criteria related to the Act 81 transition benefit are not included in this rule and will be included in a separate emergency rule.

### **Emergency Rulemaking Process**

DCF filed this emergency rule with the Legislative Committee on Administrative Rules (LCAR) and the Secretary of State's Office on October 13, 2023.

The emergency rule is posted on the DCF website at <http://dcf.vermont.gov/esd/rules>.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking, visit the website of the Office of the Vermont Secretary of State at: <https://sos.vermont.gov/secretary-of-state-services/apa-rules>. If you have general questions about the rulemaking process, email [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov) or call 802-828-3700.

For information on upcoming hearings before the Legislative Committee on Administrative Rules (LCAR), visit the Vermont Legislature's website at: <https://legislature.vermont.gov/committee/detail/2024/39> or call 828-2228.

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Housing

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2650 Benefit Issuance

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

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

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

2650.1 Vendor Payments

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

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

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

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

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

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

## Housing

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

### 2650.2 Administrative Expenses

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

Housing

2652.3 Temporary Housing for Vulnerable Populations

Temporary housing is intended to provide up to 28 days of shelter for vulnerable populations who are without housing and do not qualify for catastrophic temporary housing under rule 2652.2 or the Emergency Housing Transition Benefit under Rule EH-100. 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 under 18 years of age or 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training; or
- D. in the third trimester of pregnancy.

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

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

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

Assistance shall not be authorized when appropriate shelter space is available. Available shelter space shall be deemed appropriate absent documentation that the shelter poses health or safety risks to a member of the applicant household.

Applicant households that have caused their own loss of housing within the past 6 months shall not be eligible for temporary housing. Examples of causing one's own loss of housing include, but are not limited to:

- Court-ordered eviction, subject to the limitation set forth in rule 2621(D);
- Voluntarily leaving one's housing, excluding constructive eviction as defined in rule 2622;

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## Housing

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- Denial of further accommodations at a shelter, motel, or similar establishment, for not following the rules of the establishment.

Recipient households who are denied further accommodations at a motel, or similar establishment, for not following the rules of the establishment shall be ineligible for temporary housing for 30 days following the last date housing assistance was received.

If verification of eligibility criteria cannot be obtained on the day of application, assistance may be authorized for no more than four days on a conditional basis pending verification. No more than four days of conditional assistance may be authorized within the 30-day period following the date of application.

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

Temporary housing payments will be allowed for only 28 days in any consecutive 12-month period. The 12-month period is computed from the date of application to the same day of the month 12 months prior. The 28-days need not be consecutive.

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

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

Housing

2652.4 Required Contribution Toward the Cost of Temporary Housing

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

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

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

Household Size	1	2	3	4	5	6	7	8	9 or more
Basic Need	\$644	\$942	\$1236	\$1478	\$1733	\$1907	\$2203	\$2458	Add \$236 for each additional person

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

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

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

### Housing

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

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