

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

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BULLETIN NO.: 23-24

FROM: Miranda Gray, Deputy Commissioner
Economic Services Division

DATE: 10/13/2023

SUBJECT: Emergency Housing Transition Benefit

CHANGES ADOPTED EFFECTIVE 10/13/2023

STATUS

Proposed Rule
 Final Proposed Rule
 Adopted Rule

RULE REFERENCE(S):

EH-100

Summary of Emergency Rule

Act 81 established an emergency housing transition benefit that provides continued housing in a hotel or motel for households that were housed through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023. Under Act 81, the transition benefit ends April 1, 2024. This emergency rule maintains the eligibility criteria initially established in emergency rule 23-E05, with the following changes: (1) language clarifying that a household must accept and maintain a hotel or motel housing placement for the duration of the eligibility reassessment period to maintain eligibility for the transition benefit; (2) not including “upon expiration of the eligibility reassessment period” from rule 2652.5(D)(i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act; (3) new definition of misconduct; (4) language addressing hospital-level care and short-term alternative housing placements; and (5) language addressing notice and appeal rights.

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 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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EH-100 Emergency Housing Transition Benefit

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

B. Eligibility Reassessment Period

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

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

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

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

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

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

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

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

E. Housing Maximums

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

F. Loss of Housing Placement

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

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

G. Periods of Ineligibility

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

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

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I. Lodging License Compliance

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

J. Notice and Appeal

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