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2652.2 Emergency Housing Assistance

a. Purpose

The purpose of General Assistance emergency housing assistance is to provide eligible households with temporary emergency housing, subject to available appropriations, in a community-based shelter or hotel or motel when an alternative housing placement is unavailable.

b. Application of other General Assistance Rules

General Assistance rules 2600 through 2683 do not apply to emergency housing assistance unless specifically referenced in this section.

c. Definitions

1. “Application” means a written or verbal request by a household to the Department for emergency housing assistance.
2. “Alternative housing placement” means 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.
3. “Authorized representative” means a person or entity designated, via a form provided by the Department, by a household to act responsibly in assisting the household with their application and other ongoing communications with the Department. An authorized representative must be an adult and knowledgeable of the household’s circumstances. A judicially appointed legal guardian or legal representative automatically meets the criteria for an authorized representative.

4. “Available resources” has the same meaning as defined in rule 2603(c):

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.

5. “Community-based shelter” means a shelter that meets the Vermont Housing Opportunity Grant Program’s Standards of Provision of Assistance.

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6. “Constructive eviction” has the same meaning as defined in rule 2622:

Any disturbance caused by a landlord, or someone acting on the landlord’s 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.

Constructive eviction includes written or verbal notice of a termination of tenancy for no cause from the landlord to the tenant. A no cause termination means the tenancy is being terminated and it is not the fault of the tenant. If a termination notice includes multiple reasons for terminating the tenancy, but one of the reasons for termination is not the fault of the tenant, the Department will consider the termination a no cause termination. The applicant must provide verification of the existence of a tenancy and termination of the tenancy. A tenancy exists when the landlord is the owner, lessor, or sublessor of a residential dwelling unit or building and the tenant has the right to exclude anyone else from the dwelling unit or building, including the landlord if the landlord has not given proper notice. A residential dwelling unit includes a room if the tenant has the right to lock anyone out of the room, including the landlord.

7. “Denial” means the Department’s determination that a household is ineligible for emergency housing assistance.
8. “Household” means an individual and any dependents for whom the individual is legally responsible and who live in Vermont. “Household” includes individuals who reside together as one economic unit, including those who are married, parties to a civil union, or unmarried.
9. “Live in Vermont” means to be physically present in Vermont with the intent to make Vermont one’s home.
10. “Misconduct” means violent criminal behavior, 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 repeated non-violent criminal behavior (for example, theft or disorderly conduct).
11. “Termination” means the Department’s action of ending a household’s authorization period.
12. “Verification” means third-party confirmation or documentation of facts stated by the

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household.

d. Application and Interview

1. Households interested in applying for emergency housing assistance must:
 - i. submit a complete, signed application each time they request assistance; and
 - ii. complete an interview with a representative of the Department each time they request assistance.
2. The household, or the household's authorized representative may complete the application and interview either in person or by phone.

e. Verification

1. The household is the primary source of information to establish eligibility. It is the household's responsibility to furnish the necessary information completely and accurately and to give the Department permission to obtain the information from other sources.
2. Verification shall be required for the following items:
 - i. Income;
 - ii. Eligibility criteria in subsection (g)(1)(iii); and
 - iii. Housing search requirements pursuant to subsection (k).
3. Verification may be required for any other information, if questionable, that affects eligibility.
4. The household has the right to refuse to give the Department information, to refuse to submit required verification, or to refuse to allow the Department to contact others. However, refusing to provide information or access to the information necessary to establish eligibility will result in denial of the application.
5. Willful misrepresentation of the household's circumstances will result in a denial or termination of emergency housing assistance, and may result in legal action under fraud statutes.
6. Households may provide verification and supporting documentation by:
 - i. Dropping it off at a district office;
 - ii. Mailing it to the Department;

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- iii. Uploading it using the Department's uploader; or
- iv. Allowing a Department representative to confirm the information with a phone call.

f. Action on Application

1. The Department will determine a household's eligibility for emergency housing assistance once a completed, signed application with the necessary verification is submitted and an interview has been completed.
2. If the household's application is approved, the Department will provide verbal notice, and if requested, written notice of the decision. The notice must include:
 - i. The type of emergency housing assistance provided: community-based shelter or housing in a hotel or motel;
 - ii. The authorization period;
 - iii. The check-in and check-out date at the hotel or motel, if applicable; and
 - iv. The date the household must reapply.
3. If the household's application is denied, the Department will provide written notice of the decision. The notice must include:
 - i. The specific reason for denial; and
 - ii. The household's appeal rights.
4. Written notice shall be given directly to the household if the household applied in a district office or emailed or mailed, via first-class mail, to the address provided by the household.

g. Eligibility

1. To be eligible for emergency housing assistance, households must:
 - i. attest to lack of a fixed, regular, and adequate nighttime residence;
 - ii. not have access to an alternative housing placement;
 - iii. have a member who:
 - A. is 65 years of age or older, as verified by any document that shows date of birth, if the member's age has not already been documented by the Department;

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- B. has a disability that can be documented by:
1. receipt of Supplemental Security Income or Social Security Disability Insurance; or
 2. a form developed by the Department as a means of documenting a qualifying disability or health condition that includes, at a minimum:
 - i. the applicant's name, date of birth, and the last four digits of the applicant's Social Security number or other identifying number;
 - ii. a description of the applicant's disability or health condition;
 - iii. a description of the risk posed to the applicant's health, safety, or welfare if temporary emergency housing is not authorized pursuant to this section; and
 - iv. written certification of a health care provider, as defined in 18 V.S.A. § 9481, that includes the provider's credentials, credential number, address, and phone number;
- C. is a child 19 years of age or under, as verified by any document that shows date of birth, if the child's age has not already been documented by the Department;
- D. is pregnant, as verified by a health care provider if the pregnancy if the pregnancy has not already been documented by the Department;
- E. has experienced the death of a spouse, domestic partner, or minor child that caused the household to lose its housing, as verified by an obituary, death certificate, or any other documentation that shows date of death;
- F. has experienced a natural disaster, such as a flood, fire, or hurricane, as verified by a landlord, home insurance claim, Red Cross documentation, or any other documentation showing the household member lives in an area affected by a natural disaster;
- G. is under a court-ordered eviction or constructive eviction due to circumstances over which the household has no control, as verified by eviction paperwork, documentation from a landlord, or documentation from a housing inspector the Department of Health, or another authority for cases involving habitability; or
- H. is experiencing domestic violence, dating violence, sexual assault, stalking, human trafficking, hate violence, or other dangerous or life-threatening conditions that relate to violence against the individual or a household member that caused the household to lose its housing, as verified by a domestic violence agency, restraining orders, documentation from law enforcement, a court, and health care providers, Reach Up

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waiver of cooperation for child support, or a Reach Up domestic violence deferment;
and

- iv. provide information to the Department about the household's efforts to secure an alternative housing placement pursuant to subsection (j) below;
- v. contribute 30% of the household's gross monthly income toward the cost of emergency housing assistance in accordance with rule 2652.3; and
- vi. have exhausted all available resources.

h. Type of Emergency Housing Assistance

- 1. Households eligible for emergency housing assistance are provided housing in a community-based shelter if adequate community-based shelter space is available within the district in which the household applies for assistance.
 - i. If a household needs a reasonable accommodation to stay at a community-based shelter and the shelter is unable to provide the accommodation, the Department shall provide the household housing in a hotel or motel.
- 2. If adequate community-based shelter space is not available within the district in which the household applies for assistance, the household shall be provided housing in a hotel or motel within the district, if available, until adequate community-based shelter space becomes available.

i. Authorization Periods

- 1. Authorization for emergency housing assistance shall be issued for periods up to 28 days.
- 2. The Department shall terminate a household's authorization for emergency housing assistance effective the date an alternative housing placement becomes available.
- 3. Households that do not check in to their emergency housing assistance placement (community-based shelter or hotel or motel) shall not be authorized for additional emergency housing assistance for 30 days from the check-in date.
 - i. If the household is prevented from checking in to their emergency housing assistance placement due to circumstances over which the household had no control, the Department shall authorize the household for emergency housing assistance at another community-based shelter or hotel or motel, if available.

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4. Households that are exited by a community-based shelter or hotel or motel for misconduct shall not be authorized for additional emergency housing assistance for 30 days from the date the household is exited.

j. Provisional Housing

1. If verification of eligibility criteria, including verification of housing search requirements, 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.

k. Housing Search Requirements

1. All households applying for and receiving emergency housing assistance must engage in their own search for an alternative housing placement.
 - i. The Department and household shall work together to develop a schedule of activities addressing the household's need for emergency housing assistance. Completion of the activities is a requirement for continued receipt of assistance. These activities shall be documented in the household's case record.
 - A. Activities shall include at least one of the following: completing the coordinated entry assessment, engaging with a state agency or state-contracted service provider to secure an alternative housing placement, addressing barriers to permanent housing (for example, obtaining identification documents, social security cards, or birth certificates for all household members), or applying for permanent housing voucher.
2. If the Department determines that a household, at the time of application or during the term of the household's authorization, has not made efforts to secure an alternative housing placement, or has access to an alternative housing placement, the Department shall deny the application or terminate the authorization at the end of the current authorization period.
3. Households must provide verification to the Department at least monthly that they have made efforts to secure an alternative housing placement or the household's application for emergency housing assistance will be denied.
 - i. Verification may be provided in the form of documentation of meetings with housing case managers, applications for housing, or documentation of other housing search activities.

l. Housing Limits

1. The maximum number of days a household may receive emergency housing in a hotel or motel shall not exceed 80 cumulative days in a 12-month period.

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2. The 12-month period is calculated from the first day of the authorization period to the same day of the month 12 months prior.
3. Emergency housing assistance provided from December 1, 2024 through March 31, 2025 shall be exempt from and shall not count toward the 80-day housing limit.
4. Emergency housing assistance received prior to July 1, 2024 does not count toward the 80-day housing limit.

m. Room Cap

1. From September 15, 2024 through November 30, 2024 and April 1, 2025 through June 30, 2025, the utilization of hotel or motel rooms for emergency housing assistance shall be capped at 1,100 rooms per night.
2. From December 1, 2024 through March 31, 2025, there will be no room cap.
3. The Department may house a household in more than one hotel or motel room depending on the household's size and composition.

n. Prioritization

1. The Department may prioritize providing emergency housing assistance to households with children, pregnant individuals, and households with an elderly or disabled member through application times and authorization periods.

o. Rights of People with Disabilities

1. As required by the Americans with Disabilities Act and the Vermont Fair Housing Public Accommodations Act reasonable accommodations and modifications will be made to policies, practices, or procedures when necessary, as determined by the Commissioner or their designee, to provide equal access to programs, services and activities, or when necessary to avoid discrimination on the basis of disability.
2. If an individual disagrees with the Commissioner's determination:
 - i. The individual may request a fair hearing in accordance with Human Services Board, Fair Hearing Rules (CVR 13 020 002); or
 - ii. The individual may file a complaint with the Agency of Human Services in accordance with the State of Vermont's ADA/ADAA Grievance Procedure Policy Number 10.2.

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p. Appeal Rights

1. If a household disagrees with a Department decision, the household may request a fair hearing in accordance with Human Services Board, Fair Hearing Rules (CVR 13 020 002).
2. The Department shall follow All Programs Procedures P-2127, Fair Hearing Procedures, when a household requests a fair hearing.
3. Notwithstanding any provision of the Fair Hearing Rules to the contrary, the Department shall put an expedited recommendation of the Human Services Board hearing officer into effect in the same manner as an order of the Human Services Board.
4. Housing in a hotel or motel shall not be provided while a fair hearing is pending unless ordered by the hearing officer.

2652.3 Required Contribution Toward the Cost of Emergency Housing

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 emergency housing.

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 emergency 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

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

- A 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 gross 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., the household will be required to house themselves for the number of days, rounded down to

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- 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.
- A 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, 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.

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 emergency housing.