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Emergency Assistance (EA)

2800 Emergency Assistance (EA) (02/01/2004, 03-01)

Emergency assistance (EA) is assistance provided for eligible families with dependent children whose emergency needs, according to department standards, cannot be met under any other assistance program administered by the department and cannot be relieved without the department's intervention. A family may qualify for EA in two ways, by meeting either the non-catastrophic or the catastrophic rules. All families must furnish required information as specified in rule 2806.

Families with emergency needs not caused by a catastrophic situation must have income below the applicable income test and meet other eligibility criteria at rule 2810. Families in which each member receives Reach Up, a Postsecondary Education Program (PSE) stipend, SSI/AABD, or a combination of these program benefits are ineligible for non-catastrophic EA because they are considered to be over income for this program. Assistance will not be provided to a household whose need arose as a result of refusal without good cause to accept employment or training for employment.

Families with emergency needs caused by a catastrophic situation must meet the eligibility criteria in rule 2820. Emergency medical needs are considered catastrophic. All households applying for EA for an emergency medical need must meet the catastrophic EA criteria at rule 2820 to have the emergency medical need covered by EA.

EA may be authorized during one period of 30 consecutive days in any 12-consecutive-month period, except as specified in rule 2804 (Authorization Limits), rule 2852.2 (Temporary Housing), and rule 2853 (Rental or Mortgage Arrearage).

INTERPRETIVE MEMO

Emergency Assistance Rule Interpretation

**Emergency Assistance Procedure
Interpretation**

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2800 **Date of this Memo** 07/01/1986 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

Notice — Expedited Fair Hearing

An expedited fair hearing process is available to denied applicants, but it must be preceded by review and approval of the denial by the District Director, or designee in the event of the District Director's absence. Workers will advise applicants they may request review of a denial by the District Director. The District Director may consult with the Income Maintenance Director concerning the denial.

If the District Director informs the applicant that the application is denied, the applicant is to be furnished with written notice of appeal rights for an expedited fair hearing. The applicant should be made aware of the availability of Human Services Board rules concerning fair hearings and that a copy will be made for him or her upon request.

If the hearing is requested, the District Director, shall, as soon as possible, contact the Human Services Board and advise the Board of the request. The Board will schedule a hearing as soon as possible.

Because the hearing may be scheduled as soon as a week from the date of request, it will be necessary to contact the Assistant Attorney's General by phone to advise them of the facts involved in the case. The hearing will be conducted under regular fair hearing rules by one of the Hearing Officers. The Hearing Officer will advise the Department, either orally or in writing, of the recommendation and the Department will put the recommendation into effect in the same manner as an Order of the Human Services Board. In the event the Board subsequently rejects the Hearing Officer's recommendation, the Department will consider any benefits paid under the terms of the Hearing Officer's recommendation to be an overpayment subject to recoupment.

Application

2801 Application (02/01/2004, 03-01)

To have their eligibility for EA considered, applicants (rule 2803 B) or their authorized representatives must:

- submit a completed signed application each time they request assistance; and
- have a face-to-face interview with an ESD representative, unless waived by the district manager.

Applicant Household

2802 Applicant Household (02/01/2004, 03-01)

An EA household must include one or more children under the age of 21 and the individuals who are legally responsible for them. Such child must live in a residence maintained by one or more relatives (rule 2803 I) as their home. For the purpose of rule 2870, such child must have lived with such relative within six months prior to the application.

The following individuals must be considered members of the applicant household when they live together:

- dependent children under the age of 18;
- their siblings, half-siblings, and step-siblings under the age of 18;
- their parents, step-parents, or other legally responsible relatives.

Children age 18 through 20 may be included in the household if they remain dependent upon the applicant, but their inclusion is not mandatory.

The members of the EA household shall have their needs, income, and resources considered together to determine eligibility.

Definitions

2803 Definitions (02/01/2004, 03-01)

The following definitions apply to the terms used in the EA rules.

- A. “Able-bodied” means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the EA applicant a Medicaid recipient. The department shall pay the reasonable expense of required medical examinations and may require and pay for a second opinion.

Individuals whose SSI/AABD eligibility has been terminated because of the SSI/AABD 36-month time limit related to drug or alcohol disability shall be considered able-bodied with respect to their drug or alcohol impairment.

- B. “Applicants” means individuals applying for EA for their own needs and for the needs of those dependents with whom they live in Vermont and for whom they are legally responsible.

For married individuals or parties to a civil union who live together, the term applicant refers to both spouses or civil union partners. Either spouse or partner may complete the application.

For unmarried adults who live together and have a child-in-common, the term applicant refers to both adults. Either adult may complete the application.

Applicants must be age 18 or older, unless emancipated (see emancipated minor below).

- C. “Available resources” means 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 EA 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.
- D. “Calculation of time periods” shall include the date of application unless otherwise specified. When determining income for the last 30 days, however, the 30-day period ending on the day prior to the date of application is used.
- E. “Dependent” means any of the following members of the applicant’s immediate family: husband, wife, civil union partner, and children under age 21, unless they are emancipated minors, including biological, adopted, and stepchildren. A pregnant woman having no children in her household shall not be considered to have a minor dependent.
- F. “Emancipated minor” means a minor emancipated by judicial decree under the laws of any state. A minor is also considered emancipated if married or in active military service.
- G. “Gainful employment” means individuals:
- work at least 35 hours per week at no less than the applicable minimum hourly wage;
 - have gross weekly income that, when divided by 35, equals or exceeds the applicable minimum hourly wage, regardless of the actual number of hours worked; or,

Definitions

- if self-employed, work at least 35 hours per week and the balance of income remaining after deducting allowable self-employment deductions equals or exceeds the minimum wage. An individual shall be considered self-employed if the Internal Revenue Service requirements for classification as self-employed are met.

H. “Minimum wage” means the state or federal minimum wage, whichever is the higher.

I. “Relative” means one of the following individuals:

- Any blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
- Stepparent, stepbrother, stepsister;
- Any adoptive relative of corresponding degree, upon whom Vermont law (15A V. S. A. §1-104) confers the same rights, duties and obligations as natural relatives;
- Any spouse or civil union partner of an individual included in the above groups, even if the marriage or civil union has been terminated by death, divorce, or dissolution.

J. “Suitable employment” means that:

- The wages (monetary and in-kind) are equal to or exceed the minimum wage. The value of in-kind income shall be established by the employer.
- The individual is physically and mentally fit to perform the employment offered.
- The work offered is not at a site subject to a strike or a lockout at the time of the offer.

The eligibility worker shall establish when medical documentation is required to determine suitability of employment. The department shall pay the reasonable charge for medical examination and report.

K. “Transient” means an individual who does not intend to establish a permanent residence in Vermont.

Authorization Limits

2804 Authorization Limits (02/01/2004, 03-01)

Except as specified below, EA may be authorized during one period of 30 consecutive days in any 12-consecutive-month period. The 12-month period begins the day of the initial authorization and runs for 12 consecutive months.

Authorization limits for EA temporary housing are contained in rule 2852.2. Authorization limits for rental or mortgage arrearage assistance are contained in rule 2853.

A family applying for EA other than for temporary housing shall not be denied solely because of the receipt of temporary housing within the 12 months prior to the application.

A family applying for EA other than for rental or mortgage arrearage shall not be denied solely because of the receipt of rental or mortgage arrearage assistance within the 12 months prior to the application.

Disqualification

2805 Disqualification (10/01/1990, 90-35)

An alien who is in the country illegally is not eligible for Emergency Assistance.

In addition, the Immigration and Control Act of 1986 (IRCA) specifies that aliens granted lawful temporary or permanent resident status under the Act, are disqualified from eligibility for EA benefits for five years from the date their temporary resident status is granted.

Income of an alien parent who is disqualified as per the above is considered available to an otherwise eligible child after applying disregards as allowed for the parents of minor parents in Reach Up rules.

Needs, income and resources of any sibling who is disqualified from receiving benefits for the five year period under IRCA, are not considered in determining the eligibility and payment of an otherwise eligible dependent child.

Applicant's Responsibility

2806 Applicant's Responsibility (10/01/1990, 90-35)

The applicant is the primary source of information about his circumstances. Respect for his right to privacy places responsibility on the applicant to furnish complete and accurate information.

All Emergency Assistance applications require investigation and recording of the circumstances of the family alleged to need assistance to determine eligibility. Applicant must furnish information required as to physical condition, earnings or other income, ability of all members of his family to be employed, the cause of the person's condition, ability and willingness of persons legally liable for his support to assist, and other relevant data.

The Department retains the right to verify any or all information provided by the applicant. To be eligible for consideration for assistance a person must agree to the requisite investigation of his circumstances.

District Directors' Responsibility

2807 District Directors' Responsibility (02/01/1980, 80-15)

District Directors shall furnish necessary assistance, according to department standards and regulations to meet immediate need (food, clothing, shelter, etc.) as it arises. Eligibility for such aid under any other categorical department program is explored prior to authorizing use of Emergency Assistance funds. (See rules 2850-2858.2).

District Directors may delegate authority to subordinate staff members to carry out the functions of the Emergency Assistance Program.

Non-Catastrophic Eligibility

2810 Non-Catastrophic Eligibility (02/01/2004, 03-01)

The household applying for non-catastrophic EA must meet all of the following six criteria:

- A. During the 30-day period immediately prior to application, the applicant household has received net income, computed according to rule 2840, less than the applicable income limit. A household otherwise eligible under rule 2853 will be exempt from this income requirement. The applicable income limits are as follows.
 1. For a household with members participating in the Reach Up Program, the income limit is the Reach Up payment standard used to determine the amount of the households Reach Up financial assistance grant.
 2. For a household with a parent participating in the PSE program and receiving a PSE living expense stipend, the income limit is the Reach Up payment standard used to determine the amount of the households PSE stipend.
 3. For a household with a parent participating in the Postsecondary Education Program (PSE) but not receiving a PSE living expense stipend, the income limit is the stipend payment standard for a household of the same size with the same housing costs.
 4. For a household not participating in either Reach Up or PSE, the income limit is the payment standard for Reach Up financial assistance for a household of the same size with the same housing costs.

The payment standard is the need standard ratably reduced before consideration of any income (Reach Up rule 2261.1).

- B. No household members are sanctioned under the Reach Up program because of their refusal to comply with a program eligibility or participation requirement. The disqualification period for EA will be the same as the Reach Up sanction period.
- C. The household is actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to, Reach Up, SSI, AABD, Medicaid, 3SquaresVT, fuel assistance, unemployment or worker's compensation, veterans benefits, insurance payments, railroad retirement, pensions, social security, wages, and child support. Pursuit of potential income means initiating an application, request, or complaint as appropriate prior to a subsequent EA grant, cooperating with requirements for a timely decision, and continuing to cooperate in meeting requirements to maintain such income on an ongoing basis thereafter.
- D. There is an emergency need. If the emergency need is a need for medical services or items, the department shall determine eligibility according to the rules for catastrophic situations at rule 2820, even if the applicant meets the noncatastrophic income test at rule 2800.
- E. The household has exhausted all available income and resources except that:
 1. Applicants who have available resources (rule 2803 C) less than their need shall have the amount of the resources deducted from the EA grant.
 2. Single individuals age 62 or over, or in receipt of SSI/AABD or social security based on blindness or disability, may have up to \$1,500 of available resources disregarded. Up to \$2,250 of the households available resources may be disregarded if the individual lives with a spouse or civil union partner. Only resources in excess of these amounts will be counted as available in determining eligibility or benefits for such persons.
 3. Resources set aside in an escrow account for the purpose of paying property taxes or homeowner's insurance shall be disregarded up to the amount of these projected expenses.

Non-Catastrophic Eligibility

- F. The household has complied with the employment requirements in rule 2831, if applicable.

Catastrophic Eligibility

2820 Catastrophic Eligibility (04/01/2005, 05-13)

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.
- 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 EA and that they will be asked to demonstrate that they have done so if they reapply. This explanation shall be documented in the applicants 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.

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

Catastrophic Situation

2821 Catastrophic Situation (02/01/2004, 03-01)

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 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 noncatastrophic 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).

Constructive Eviction

2822 Constructive Eviction (02/01/2004, 03-01)

Constructive eviction means 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.

Verifiable battering qualifies as a constructive eviction. Acceptable verification of battering includes:

- a relief-from-abuse restraining order;
- observable physical evidence of abuse;
- corroboration of physical abuse from police, hospitals, court officials, physicians, nurses, and other credible sources; and
- a determination of abuse by staff at a womens shelter.

INTERPRETIVE MEMO

Emergency Assistance Rule Interpretation

**Emergency Assistance Procedure
Interpretation**

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

Reference 2822 Date of this Memo 11/08/1995 Page 1 of 1

This Memo: is New Replaces one dated _____

QUESTION: When determining constructive eviction, what does adequate "pursuit by the applicant of a legal resolution to these Vermont health regulation offenses" mean?

ANSWER: The intent of this rule is to ensure that the applicant has taken action to help preserve housing. If the heat, utilities, or water has been shut off by the landlord or someone acting on his/her behalf, the applicant must contact the local housing inspector, town health officer, or Vermont Department of Health to report the situation and take any follow-up actions indicated by a health officer.

If the landlord then receives written notice of the problem and does not make repairs in a reasonable period of time, the applicant may pursue several legal options, such as withholding rent until the problem is corrected, getting a court order telling the landlord to fix the problem immediately, suing the landlord, and terminating the rental agreement on reasonable notice. The applicant is not required to choose one of these options or to hire an attorney.

If the applicant wants to take legal action to have the problem corrected and remain in the housing, make a referral to Vermont Legal Aid. They may choose to take the case themselves or refer the client to someone else for free legal assistance.

Emergency Medical Need

2823 Emergency Medical Need (02/01/2004, 03-01)

The general definition of emergency medical need in subsection A applies to all items and services except those related to vision, dental, and prescription drugs. The definitions of emergency medical need as applied to vision, dental, and prescription drugs are specified in subsections B through D.

A. Emergency Medical Need – General

An emergency medical need is defined as a need for a medical service or item attributable to a medical condition characterized by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson, with an average knowledge of health and medicine, could reasonably expect the absence of medical attention to result in the following:

- serious jeopardy to the health of the participant;
- serious impairment to bodily functions; or
- serious dysfunction of the bodily organ or part.

Prior to issuing a vendor authorization for covered physician services, vision services and items, medical supplies, durable medical equipment, or ambulance services, eligibility workers shall obtain a determination from the Office of Vermont Health Access (OVHA) that such services or items address an emergency medical need (as defined in subsection A or B) or addressed such a need at the time the services or items were provided.

B. Emergency Medical Need – Vision

An emergency medical need is deemed to exist if and only if vision services or items for which EA payment is requested are covered by EA (rules 2860, 2663) and necessary to:

- aid convalescence from eye surgery;
- prevent blindness or further deterioration of eyesight;
- avert risk of physical injury from normal living hazards, such as stairs and stoves; or
- allow an individual to continue education or employment.

C. Emergency Medical Need – Dental

An emergency medical need is deemed to exist if and only if dental services for which EA payment is requested are covered by EA (rules 2860, 2662) and necessary to relieve pain, bleeding, or infection. The Division of Dental Services at the Vermont Department of Health shall determine whether dental services for which EA payment is requested addressed an emergency medical need at the time the dental services were provided.

D. Emergency Medical Need – Prescription Drugs

An emergency medical need is deemed to exist if and only if a prescribed drug for which EA payment is requested complies with the requirements of the pharmacy best practices and cost control program, and is not included in a classification on the departments list of noncovered drug classifications (rules 2860, 2664).

Employment

2830 Employment (09/01/1995, 95-5F)

Each applicant is required to explain the employment requirements to non-exempt individuals who are not present at the initial interview and to supply them with employment verification forms. Whenever possible, a non-exempt individual shall appear in person at the District Office at the time of each subsequent application.

Work Requirements

2831 Work Requirements (07/01/1983, 83-11)

Any individual who is included in the application and is not exempted under rule 2832 shall:

- A. Be present whenever possible at the time of each application.
- B. Submit evidence of an active effort (rule 2834) to seek gainful employment consisting of at least three job contacts with different employers per week. This requirement does not apply to the first EA application.
- C. Not restrict employment search to his/her major field of experience or to limited types of occupations. The applicant shall accept any suitable job referrals and/or offers within his/her ability. The applicant shall be required to substantiate why a particular job cannot be performed.
- D. Submit evidence of contact within the past 24 hours or previous workday with the Department of Labor for the purpose of obtaining employment opportunity information.
- E. Not have refused within the 30 days prior to application to report to the local Department of Labor if requested by either the Department of Labor or the Department for Children and Families.
- F. Not have refused within the 30 days prior to application date to report for an employment interview for suitable employment when referred by the Department of Labor or the Department for Children and Families.
- G. Not have refused within the 30 days prior to application to accept a bona fide offer of full or part-time employment.
- H. Not have quit suitable employment in the 30 days prior to application.

If any person not exempted from the employment requirements (rule 2832) fails to meet any one of the above requirements, he/she and all individuals included in the application shall be ineligible.

Upon being notified that an applicant has refused a referral, interview, or final offer, the Department for Children and Families, prior to issuance or denial of any subsequent benefits within that 30 day period, will:

- A. Verify that the referral, interview, or final offer was "bona fide";
- B. Verify that the employment is suitable; and
- C. Afford the applicant the opportunity to explain whether there was good cause for refusal, and resolve any good cause issue raised by the applicant. If no such explanation can be elicited from applicant, the department will make a good cause determination based upon information then available.

Employment Definitions

2832 Employment Definitions (07/01/1983, 83-11)

A. Suitable Employment

Employment shall be considered suitable for an applicant if all of the following conditions exist:

1. The monetary or in-kind wage is equal to the minimum wage. (For minimum wage information see P. Appendix IV, A.)
2. The wage meets or exceeds that which is customary for such work in the community.
3. The individual is physically and mentally fit to perform the employment offered.
4. The employment is full or part-time (i.e., jobs of short duration -one day, one week, etc.; jobs entailing only a few hours of work per day; jobs of less than 35 hours per week).

B. Bona Fide

A final offer of employment or training for employment for an applicant shall be considered "bona fide" whenever there actually exists a job opening or training slot at the time of the offer. A referral or interview for employment or training for employment shall be considered "bona fide" whenever there is a reasonable expectancy by the agency or party transmitting the referral or appointment for interview that such referral or interview should result in a bona fide offer of employment.

C. Good Cause

An applicant shall have "good cause" for a refusal where:

1. The employment does not meet the "suitable employment" criteria.

However, participation in a strike by an individual or recipient shall not be considered as good cause to leave or to refuse to seek or accept employment and can result in a denial or reduction of the Reach Up grant. (rules 2237-2337.1).
2. The individual has no way to get to or from the particular job or job referral.
3. The individual is physically or mentally unfit to perform the employment as documented by medical evidence or by reliable information from other sources.
4. The individual can verify that working conditions at the job or training site are in violation of applicable health, safety or workman's compensation laws or regulations. For example, if the firm or job or training site is required under law to provide Workman's Compensation and does not provide it, this would be a violation. It must be demonstrated that any such violations of health or safety laws present a substantial risk to health or safety.
5. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs, can be substantiated.
6. Child care is unavailable and a "good faith" effort has been made by the recipient to obtain such care.
7. The individual can show that the requirements of the job would be contrary to his religious beliefs.

INTERPRETIVE MEMO

Emergency Assistance Rule Interpretation

**Emergency Assistance Procedure
Interpretation**

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

Reference 2832 Date of this Memo 11/28/1995 Page 1 of 1

This Memo: is New Replaces one dated _____

QUESTION: When an individual is age 18, 19, or 20 and a part-time or full-time student, how does the eligibility worker determine if the extent of academic activities warrants a full or partial exemption from the employment requirement?

ANSWER: Ask how many hours per week the individual is scheduled to be in the classroom. It is not necessary to verify this information unless it is questionable. If the scheduled hours are fewer than 6, the individual has a full-time employment requirement. (Exception: If the scheduled hours are fewer than 6 and the individual is completing high school requirements, the individual has a part-time employment requirement.) If the scheduled hours are 6 to 10, the individual has a part-time employment requirement (see Interpretive Memo facing rule 2830). If the scheduled hours are greater than 10, there is no employment requirement.

A supervisor may make exceptions to these guidelines (example: a student is taking an independent study course with few scheduled classroom hours but many hours of study required outside of class time).

Work Exemptions

2833 Work Exemptions (09/01/1995, 95-5F)

Any individual included in the application shall be exempt from the employment requirements (rule 2807.1) if such individual meets at least one of the following five exemption criteria:

- A. Is under age 16, is age 65 or over, is age 16 or 17 and a full-time student, or is age 18, 19 or 20 and a part-time or full-time student and the Eligibility Specialist determines that the extent of academic activities warrants a full or partial exemption from this requirement.
- B. Is gainfully employed (rule 2803 G).
- C. Is personally providing the majority of care for a child who is born, under age three, and living in the home or for another household member who is unable to care for him/herself due to illness or injury.

When more than one individual in the EA household claims such responsibility, the determination as to whom shall be exempt will be made by the Department;

A pregnant woman with no other children is not exempt simply because of her pregnancy.

An individual who is pregnant or who has responsibility for care of a child who is age 3 or older, but under age 18 may be exempt from the work requirement if that individual has not received General Assistance or Emergency Assistance in the previous sixty days.

- D. Is currently unable to work due to physical or emotional problems that have or may be presumed to last at least 30 days. Documentation of incapacity must be entered in the record to demonstrate that it is obvious, or to indicate that medical verification will be required within a worker-specified time period that may not be fewer than 3 days or more than 3 weeks.
- E. Has a verified written statement from a potential employer indicating that he/she will start working within 7 days from the date of the EA application. All individuals so exempted shall be advised to continue to attempt to seek temporary employment during the time they are waiting to start permanent work.

Any individual claiming an exemption has the burden of proving such. The Department shall pay the reasonable expense of required medical examinations.

Active Job Search Effort

2834 Active Job Search Effort (09/01/1995, 95-5F)

Active effort to seek employment pursuant to rule 2831 (b) is limited to the following:

- A. Personal contacts with a potential employer or company representative knowledgeable about the possibility of employment; and
- B. Time spent in actual registration or interviews at the Department of Labor to maintain an active registration and time spent at the Department of Labor inquiring as to immediate job referrals for as long as the individual is maintaining an active registration would count in lieu of one job contact. Visits which are merely to have forms signed at the Department of Labor shall not be counted; and
- C. Time spent in an employment counseling program recognized by the Department for Children and Families (DCF) as enhancing employment opportunities would equal one job contact.

An EA recipient to whom the work search applies and who is a mandatory Reach Up participant must cooperate with the requirements of any Reach Up program activity, such as an individual or group job search, that Reach Up program staff deem appropriate for that participant.

Telephone contacts, reading newspaper ads, resume writing, contacts with friends and acquaintances, etc., although recognized as legitimate sources of leads toward employment, shall not be counted unless part of an employment counseling program recognized by DCF as enhancing employment opportunities. Out-of-state contacts with potential employers are not counted unless the potential employment is within commuting distance of the person's home.

An EA applicant who fails to meet an "active effort" criterion will be ineligible only until he/she fulfills the requirement.

The DCF worker shall verify as necessary the contacts specified by each applicant subject to the work search requirement. The application shall be denied for a 30-day period even when three contacts are shown on the employment verification form, when the DCF worker has been notified by Reach Up Program staff that a mandatory Reach Up participant is not cooperating, or when, in the judgment of the DCF worker, the evidence of active effort to seek employment shows:

- A. There has been a substantial number of contacts with the same employers during consecutive weekly periods without a corresponding effort to seek out new potential employers.
- B. Contacts are limited to the applicant's primary occupation or in limited fields of employment in consecutive seven-day periods.

Income

2840 Income (02/01/2004, 03-01)

Income means the total gross sum of all monetary remuneration received from any source for any reason. See rules 2841 through 2844 for deductions and excluded income. The following list identifies some kinds and sources of income:

- A. Reach Up financial assistance payments. Reach Up financial assistance prior to deductions to recover overpayments shall count as income received.
- B. Wages or compensation for services performed as an employee.
- C. Gross receipts from self-employment. Gross receipts shall include all monies received from the following:
 - sale of goods or commodities produced by the self-employment enterprise;
 - services performed in connection with and attributable to the enterprise; and
 - gross proceeds from the sale or transfer of capital assets used in or held as an investment by the enterprise (e.g., real estate, personal property, and securities).
- D. Room or board payments received.
- E. Day care payments received.
- F. The amount actually received in annuities, pensions, compensation or benefit programs (e.g., social security retirement or disability benefits, veterans benefits, railroad retirement, SSI/AABD, but not GA or EA).
- G. Government-sponsored payments.
- H. Cash gifts, child support, spousal support
- I. Rent, dividends, interest, royalties.
- J. Regularly or irregularly received cash from any source.

All income received by all persons included in the applicant household shall be verified and shall be computed to arrive at the total gross income received during the 30-day period prior to the date of the application. The total allowable deductions (rule 2841 through 2844) shall be computed and subtracted from the total gross income to arrive at the total net income received during the 30-day period prior to the date of application. If total net income equals or exceeds the applicable income limit (rule 2810), the application shall be denied unless the household is eligible because it has experienced a catastrophic situation (rule 2820).

The applicant may be required to substantiate that income and resources have actually been spent. Amounts not accounted for shall be considered cash-on-hand.

Work Expense Deduction

2841 Work Expense Deduction (02/01/2004, 03-01)

To compute earned income used in determining eligibility for emergency assistance, an employment expense standard consisting of the first \$90 of earned income shall be deducted from the 30-day gross earned income of each employed individual in lieu of actual employment expenses such as taxes, insurance, dues, clothing, and transportation.

In addition, deductions for garnishments against income, although mandatory on the employer, shall be limited to garnishments:

- by the Internal Revenue Service for federal taxes;
- by the state of Vermont for state taxes; and
- for child and spousal support (rule 2843).

Self-Employment Deductions

2842 Self-Employment Deductions (09/01/1987, 87-26)

Identifiable costs of self-employment, including self-employed farming, shall be deducted from gross receipts received in the 30-day period prior to the date of application. Identifiable costs of self-employment include but are not limited to the following:

- A. Wages and payments for employee labor;
- B. Cost of materials used to produce commodities for sale (e.g., raw materials, stock, seed, fertilizer, inventory, livestock for resale, etc.)
- C. Taxes and interest paid on an installment contract to purchase income-producing real property, except that no portion of taxes, mortgage payment or interest attributable to investment in the home in which the household lives may be counted as a business cost;
- D. Interest of installment payments for purchase of capital assets, equipment, machinery, tools, etc.

The following items shall not be allowed as business expenses:

- E. Payments on the principal of real estate mortgages on income producing property;
- F. Monies paid to purchase capital assets; such as equipment, machinery, tools, livestock for dairying purposes;
- G. Any amount claimed as depreciation for Federal income tax or other purposes;
- H. Any amount claimed as a net loss sustained in any prior period.

Child Support Deductions

2843 Child Support Deductions (09/01/1987, 87-26)

A. Child support paid by a household member

The amount actually paid in the last 30 days for mandatory child support payments shall be deducted from the gross income received during that period. The child support payments shall be considered mandatory if they are made under the terms of a legal court order, or, the amount of child support payments have been voluntarily agreed to between the individual and the Department for Children and Families, or executed through attachment of wages.

The applicant must provide proof of the child support payments. Check stub notations are not verification. In questionable situations contact with a knowledgeable third party, deemed reliable by the worker, may be necessary. If the payment cannot be verified, the child support deduction shall not be allowed.

B. Child support received by a household member

For purposes of determining eligibility, the first \$50 of child support received in the pervious 30 days may be deducted.

Room and Board Deductions

2844 Room and Board Deductions (02/01/2004, 03-01)

The cost of producing room and board shall be deducted from the gross income received in the last 30 days in the following amounts:

Room and Board Deduction

Service Provided	Deduction Per Person Per Day
room only	\$1.00
board only	\$2.00
room and board	\$3.00

The deduction shall not exceed the amount of room and board payment received.

An applicant who provides room or board to three or more adult individuals unrelated to the applicant shall be considered to be operating a commercial enterprise and have deductions computed according to rule 2842.

Dependent Care Deduction

2845 Dependent Care Deduction (02/01/2004, 03-01)

Except as specified below, dependent care expenses necessary to enable individuals to retain their employment shall be deducted as paid in the previous 30 days up to the following maximum amounts per adult or child:

Dependent Care Expense Deduction

Dependent Needing Care	Maximum Deduction Per Dependent
child under age 2	\$200
child age 2-12	\$175
child age 13-17 who meets the criteria in Reach Up rule 2316	\$175
incapacitated adult	\$175

Dependent care deductions will be allowed on the basis of a signed statement by the provider of services. If a recipient's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense at the mileage rate published in Reach Up procedures.

As long as funding for child care subsidies through the Child Development Division is available, Reach Up participants and PSE participants receiving a living expense stipend are not allowed a deduction for child care expenses because they qualify for the child care subsidy.

Excluded Income

2846 Excluded Income (02/01/2004, 03-01)

Certain kinds of income are excluded from consideration when determining income eligibility for emergency assistance. They are considered, however, in evaluating whether an emergency need exists.

These kinds of income include:

- senior companion stipend,
- fuel assistance benefits,
- foster care payments from Family Services Division, and
- adoption assistance subsidies.

Other kinds of income are totally excluded, even in the consideration of an emergency need, including catastrophic situations. These include:

- 3SquaresVT and 3SquaresVT cashout payments, as their use is dedicated exclusively to improvement of dietary standards; and
- money that an SSI/AABD recipient sets aside for the fulfillment of a plan to achieve self-support (PASS plan).

INTERPRETIVE MEMO

Emergency Assistance Rule Interpretation

**Emergency Assistance Procedure
Interpretation**

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

Reference 2846 **Date of this Memo** 11/12/1992 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: An SSI recipient sets aside money for the fulfillment of a Plan to Achieve Self-Support (PASS plan). How is this money treated?

ANSWER: It is totally disregarded as income, as a resource, and when evaluating whether there is an emergency need (including catastrophic situation).

Benefit Issuance

2850 Benefit Issuance (02/01/2004, 03-01)

During a 30-day period, benefits for needs other than those resulting from a catastrophic situation (rule 2820) cannot exceed the difference between the applicable income limit, as defined in rule 2810 A, and the net income for that household computed according to rule 2840. 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 2851 through 2858.2 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.

Groceries and Personal Needs

2851 Groceries and Personal Needs (07/01/1998, 98-21)

Groceries and personal needs include food and essential items for household and personal care, such as soap, toothpaste and such items as are normally purchased at a grocery outlet. General Assistance payment levels are based on current Reach Up basic need standards reduced by a percentage necessary to avoid exceeding current GA funding. The following payment standard shall be used by District Directors and Town Service Officers to determine the amount of aid to be given for groceries and personal needs (see also rule 2855 - Room and Board-Restaurant Meals). Grocery and personal need allowances shall be issued, as needed from one to seven days. For applicant households exempt from the employment requirements allowances may be issued for up to 28 days as needed. Do not issue an allowance for any period covered by a previous issuance except when a condition exists as defined in rule 2820 (b) and (c).

Groceries and Personal Needs Allowance

No. in family	Groceries and Personal needs allowance in dollars													
	1 day	2 days	3 days	4 days	5 days	6 days	7 days	8 days	9 days	10 days	11 days	12 days	13 days	14 days
1	4.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00	28.00
2	6.50	6.50	10.00	13.50	16.50	20.00	23.50	26.50	30.00	33.50	36.50	40.00	43.50	47.00
3	9.50	9.50	14.00	18.50	23.50	28.00	32.50	37.50	42.00	46.50	51.50	56.00	60.50	65.00
4	9.50	10.50	16.00	21.50	26.50	32.00	37.50	42.50	48.00	53.50	58.50	64.00	69.50	75.00
5	9.50	13.50	20.0	26.50	33.50	40.00	46.50	53.50	60.00	66.50	73.50	80.00	86.50	93.00
6	10.50	14.50	22.00	29.50	36.50	44.00	51.50	58.50	66.00	73.50	80.50	88.00	95.50	103.00
7	12.00	17.50	26.00	34.50	43.50	52.00	60.50	69.50	78.00	86.50	95.50	104.0	112.50	121.00
8	13.50	20.00	30.00	40.00	50.00	60.00	70.00	80.00	90.00	100.00	110.00	120.0	130.00	140.00
9	13.50	21.50	32.00	42.50	53.50	64.00	74.50	85.50	96.00	106.50	117.50	128.00	138.50	149.00
10	13.50	24.00	36.00	48.00	60.00	72.00	84.00	96.00	108.00	120.00	132.00	144.00	156.00	168.00
For each add'l person	1.50	2.50	4.00	5.50	6.50	8.00	9.50	10.50	12.00	13.50	14.50	16.00	17.50	19.00

INTERPRETIVE MEMO

Emergency Assistance Rule Interpretation

Procedure Interpretation

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

Reference 2852.1 Date of this Memo 11/16/1989 Page 1 of 1

This Memo: is New Replaces one dated 03/24/1988

QUESTION: If an EA applicant lives in public housing, how do we budget the rent amount?

ANSWER: According to an agreement between DCF and Vermont Housing Authority, VHA will set the gross family contribution for all tenants receiving EA at the EA maximum.
However, the tenant only pays the difference between the maximum and the housing authority's fuel and utility subsidy specific to that apartment.

Example: A woman and child who applies for EA lives in public housing with no heat or utilities provided. VHA sets her gross rent at the EA maximum, deducts her HUD fuel and utility subsidy from this, and expects her to pay the difference.

If this woman applies for EA and is found eligible for rental assistance, this difference is the amount that would be authorized. She may also be eligible for assistance in purchasing fuel and utilities, but must apply when a need exists and must meet the requirements under rule 2858.

Housing

2852 Housing (02/01/2004, 03-01)

Housing includes accommodations to provide permanent or temporary shelter for eligible applicants. Housing may include furnishings, fuel, and utilities. Applicants are required to furnish verification of housing expenses. Housing payments may be authorized only when the applicant cannot obtain housing without cost to the applicant; for example, housing supplied by relatives, friends, or community groups. Payment may be provided for rent, lot rent, mortgage, condo and association fees, water and sewer charges, fuel and utilities when included in the rent, but not taxes. A household in crisis requiring emergency assistance should be considered for tax abatement before a housing crisis would occur. An exception to this policy, relative to taxes, is that payment may be made on behalf of an otherwise eligible applicant, when foreclosure proceedings have been filed by the municipality to which the taxes are owed, and the proceedings are scheduled to take place within 30 calendar days. Payment shall be for the minimum amount necessary to prevent tax foreclosure.

2852.1 Permanent Housing (02/01/2004, 03-01)

Permanent housing is defined as housing accommodations intended to provide shelter on a continuing basis.

Except where specifically noted in this rule (2852), payment shall not exceed the housing payment maximum or the actual payment, whichever is less.

When more than one individual or family unit occupy the same housing unit, the payment per applicant household shall not exceed the housing payment maximum or the pro-rata share of the total rent or mortgage payment, whichever is less. The total rent or mortgage payment used to compute the pro-rata share shall not exceed three times the applicable housing payment maximum. Any amount exceeding this shall be disregarded in the computation.

The pro-rata share is computed by dividing the total, up to three times the maximum, by the number of individual or family units sharing the housing unit.

When a housing allowance for the period to be covered has been or will be included in the applicants Reach Up financial assistance grant or Postsecondary Education Program living expense stipend, that allowance, after ratable reduction, shall be deducted from the applicant's emergency assistance grant.

Except in special circumstances described in rules 2852.2 and 2853, payment may be authorized for the current mortgage or rental period only and shall not be authorized or issued prior to the due date for that period. "Current period" is defined as the period extending from the most recent date that rent was due through the day prior to the next date that rent is due. For example, if an applicant applies for rental assistance on January 10 and his rent is due monthly on the first of the month, the current period is January 1 through January 31. No payment may be issued for a period other than the current period. Payment may be made only if the applicant is financially and otherwise eligible on the date of the application.

When both a rental arrearage and a continuing rental obligation exist, a rental payment made (or failure to make a payment) during a given month will be considered for EA purposes as a payment (or failure to pay) for that month. Example: An EA applicant makes a \$150 rent payment on January 1, which his landlord applies to his \$450 arrearage. On January 5 the applicant requests EA for his January rent. His rent payment on January 1 is considered for EA purposes as payment toward the January rent due, regardless of the fact that his landlord chose to apply the payment to arrearages.

Housing

Room rent is paid according to different maximums depending on whether the applicant pays this rent to a relative or to a non-relative. The relative or non-relative status of the person or persons to whom the applicant pays room rent shall be determined according to definitions used in the Reach Up Program. The following individuals shall meet the definition of "relative":

- A. Any blood relative, including those of half-blood, up to and including first cousins, nephews, nieces; and preceding generations, as denoted by the prefixes "grand-" , and "great-grand-";
- B. Stepparent, stepbrother, stepsister;
- C. Any adoptive relative of corresponding degree, upon whom are conferred under Vermont law the same rights, duties and obligations as natural relatives;
- D. Any spouse of an individual included in one of the above groups, whether or not the marriage has been terminated by death or divorce.

Emergency Assistance payment levels are based on basic need standards updated to recognize cost of living increases but then ratably reduced by a percentage necessary to avoid exceeding current EA funding.

Shelter payment in the Emergency Assistance Program is allowed as incurred up to, but not in excess of, the maximums precomputed as shown below, except as described in the Temporary Housing and Rental or Mortgage Arrearage sections of policy.

Housing Maximums

Housing Type	Payment Maximums			
	Weekly	Bi Weekly	Bi Monthly	Semi Monthly
Home Ownership or Rental				
<u>Chittenden County Only</u>	\$ 54.00	\$108.00	\$116.00	\$232.00
<u>All Other Counties</u>	\$ 46.00	\$ 92.00	\$ 99.00	\$198.00
Room Rent - paid to non-relative	\$ 40.00 (meals not supplied)			
Room Rent - paid to relative	\$ 30.00 (meals not supplied)			

Living space shall not qualify as home ownership or rental unless it consists of at least two rooms, a private toilet facility, private entrance either from outside or a public hallway, and has or is equipped to accept cooking facilities. (The E. A. Supervisor may make written exception when the space has clearly been designed as an apartment but does not meet specific criteria as listed.)

A rented mobile home shall qualify as home rental. A mortgaged or owned mobile home shall qualify as home ownership. Lot rental, water, and sewer charges are included in the payment maximums.

Amounts paid for temporary housing shall not be added into amounts paid for permanent housing to arrive at the above maximums.

Room rent may be authorized for a period not to exceed one week, except that, when applicants are exempt from the employment requirements, it may be authorized for a two-week period.

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.

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** 2 of 2

This memo: is new Replaces one dated _____

“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.

Housing

Deposits or security payments shall be authorized only as described in the Temporary Housing section of rule, and must be refunded to the Department.

2852.2 Temporary Housing (02/01/2004, 03-01)

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 and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in rule 2821 D. 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 not more than seven days. 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.

Department staff and town service officers 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 active effort to locate permanent housing, or fail to accept housing accommodations deemed suitable by the District Manager or the Town Service Officer, even if in a location other than where they are situated, continued EA payment for temporary housing shall be denied.

During the first 14 days, documentation of the housing search is discretionary. Thereafter, individuals must demonstrate they have spent 20 hours or made between 10-15 contacts per week or expended an equivalent combination of effort.

The work search at rule 2830 is also required when it is a factor of eligibility for any member of the assistance household. Documentation of additional time spent in search of permanent housing may be substituted for the work search requirement on a contact for contact basis.

2852.3 Permanent Housing Pre-Authorization (02/01/2004, 03-01)

To reduce the time families with children spend in temporary housing, aid in obtaining permanent housing is allowed for EA eligible families who are in, or eligible for, temporary housing as of the date of application, or subject to a signed court order of eviction, due to circumstances over which the family had no control, with an evacuation date fewer than 30 days in the future. Such aid is as follows:

- A. Payment maximums may be actual cost during the period indicated in (c.) below. Any grant toward housing whose cost exceeds 60 percent of the applicant's EA household income eligibility standard must be reviewed by a supervisor for feasibility and have supervisory approval documented. The basis of approval will be an evaluation of whether the applicant will be able to maintain rental payments at this level based on such factors as availability of other resources like 3SquaresVT, fuel assistance, child support, income in excess of eligibility

Housing

standards (for example, when eligibility is based on fire or flood), family history, or potential for heavy utilization of subsistence techniques such as gardening, canning, cutting own wood, or obtaining donated clothing. It is not the intent of this regulation to assist a family to move into unaffordable housing, but to help as much as possible with any permanent housing plan that is realistically possible.

- B. Housing deposits or security payments, not to exceed one month's rent, that are necessary to obtain permanent housing, may be pre-authorized. Actual payment, when permanent housing is located, must occur during the 30-day EA eligibility period or within 60 days thereafter.
- C. Payment may be pre-authorized for a period that includes payment of two months in permanent housing following departure from temporary housing or three months of permanent housing if temporary housing can be avoided altogether. Although authorization must occur within the 30-day period of EA eligibility, actual payment will not be issued until the normal due date. Payment in permanent housing will assume that the applicant has or will apply the housing portion of Reach Up financial assistance or a comparable amount from other income toward the housing cost. A comparable amount from other income shall be computed by establishing the Reach Up housing payment standard that would be applicable and reducing that amount by whatever amount the household income falls short of the total Reach Up payment standard applicable to the household, or increasing it by the amount by which income exceeds that standard.
- D. Moving expenses, per rule 2854, may be pre-authorized during the 30-day eligibility period for payment as needed when permanent housing is located during the EA eligibility period or the 60 days thereafter.
- E. Pre-authorization of initial fuel and utility payments such as deposits or connection charges in the case of metered delivery, or a minimum delivery in the case of bulk delivery, as defined in rule 2858.1 and 2858.2 respectively, may be made during the 30-day EA eligibility period to be paid when permanent housing is located, providing payment is within the same period for which housing costs have been pre-authorized and is necessary to enable the family to move into the housing.
- F. Pre-authorization of any of the above items does not commit the department to make payment unless, at the time of application for payment, the applicant meets the test of financial eligibility and has an emergency need. Financial eligibility shall be limited to families with income in the past 30 days that does not exceed 150 percent of the Reach Up payment standard.

Rental or Mortgage Arrearage

2853 Rental or Mortgage Arrearage (05/01/2007, 07-02)

Rental or mortgage arrearage assistance is payment to landlords or mortgage holders on behalf of eligible families who are in imminent danger of losing housing due to circumstances they could not reasonably have avoided. The department shall provide up to three months of rental or mortgage arrearage assistance to eligible families. Payment of rental or mortgage arrearage shall cover actual monthly rental or mortgage obligations. Assistance under this section shall be available not more than once every 12 months.

Prior to determining the eligibility of a Reach Up family for payment of rental or mortgage arrearage, the department shall determine whether money mismanagement exists under the criteria at rule 2226.1 and initiate rent vendor payments where indicated. Potential eligibility for payment of rental or mortgage arrearage shall neither nullify nor affect in any other way any determination made under rule 2226.

Because families eligible for payment of rental or mortgage arrearage are at risk of losing their housing, the department will make a determination of eligibility for this benefit as expeditiously as possible. If necessary, the department will assist the family in obtaining documentation.

The department's payment of rental or mortgage arrearage shall not discharge the family's responsibility for any additional arrearage that may have accrued. The landlord or mortgage holder must agree, however, not to evict or foreclose or to institute a payment plan leading to eviction or foreclosure due to crediting current payments to the additional arrearage. The department's payment shall not impinge on any other legal means of collection of such debt.

Assistance under this provision is not an entitlement, and no payments will be made when the funds appropriated for this purpose have been exhausted. Denials made after these funds have been exhausted will not require prior warning of funding status or amendment to this rule.

2853.1 Arrearage Definitions (05/01/2007, 07-02)

For the purposes of this section:

A. "Disability" means:

1. based on a determination of disability, the individual is receiving Medicaid, disability insurance benefits under the Social Security Act (SSI or SSDI), or Medicare;
2. the individual has a physical or mental impairment that substantially limits one or more major life activities of the individual or has a signed statement from a physician or licensed practitioner confirming such an impairment; or
3. the individual has a physical or mental impairment that prevents the individual from working for at least 30 days as verified by a signed statement from a physician or licensed practitioner.

B. "Extraordinary event" means a serious situation, occurrence, or emergency that either:

1. happens unexpectedly and demands immediate attention, including an unanticipated need for a work-related expense necessary to preserve employment or for housing expenses required to remove life-threatening hazards or to keep the home habitable; or
2. leads to additional expenses or loss of income that could not have been prevented by the family, including a death or illness of a family member.

Rental or Mortgage Arrearage

3. “Gross housing expenses” means the family’s rent or mortgage, prorated monthly homeowners insurance, property taxes, condominium fees, and utility costs, including fuel, electricity, water, basic telephone service, and sewer, but excluding television service.
4. “Income” means income as calculated using the emergency assistance rules, including the rules relating to deductions and exemptions.
5. “Essential expenses” means rent; mortgage; prorated monthly homeowners insurance; minimum liability insurance required by law for a vehicle necessary for family transportation; condominium fees; taxes; fuel; electricity; water; sewer; basic telephone; medical expenses not reimbursable under an assistance program, insurance plan, or by a third party; work-related child care expenses not reimbursable under an assistance program or by a third party; food in an amount equal to the 3SquaresVT Thrifty Food Plan for the family size; items necessary for basic hygiene; repairs necessary to restore operability to the vehicle the family uses for necessary transportation; and actual and reasonable school expenses. Reasonable school expenses do not include general purpose wearing apparel but do include wearing apparel that is not general purpose, not provided by the school, and required for a specific activity in which the family member participates. The department determines whether school expenses are reasonable. For a family receiving 3SquaresVT benefits, essential food expenses means the difference between the family’s 3SquaresVT benefit and the Thrifty Food Plan for the family size. For families receiving other benefits, such as the telephone lifeline credit or fuel assistance, essential expenses means the out-of-pocket cost to the family after applying the benefit.
6. “Dependent child” means a child as defined at rule 2803 E.

2853.2 Arrearage Eligibility (05/01/2007, 07-02)

A family is eligible if it meets all of the following criteria:

- A. the family includes at least one dependent child;
- B. the family meets all other criteria for emergency assistance, except that prior receipt of emergency assistance for another purpose shall not disqualify the family for assistance under this section;
- C. the family has received a notice of rental termination for nonpayment of rent or a sworn statement of the amount of rent owed from the landlord or a mortgage demand notice from the mortgage holder or verified documentation of mortgage delinquency that poses a risk of foreclosure;
- D. payment of all or a portion of the arrearage will prevent, not merely postpone, homelessness;
- E. the family:
 1. if not assisted under this section, is likely to be eligible for GA or EA temporary housing benefits and payment under this section would be more cost-effective than providing temporary housing; or
 2. was unable to pay the rent or mortgage due to one of the following reasons:
 - a. the family experienced an extraordinary event that appropriately required the use of the funds;

Rental or Mortgage Arrearage

- b. a family members disability contributed to circumstances that could not reasonably have been avoided and left insufficient funds to pay the rent or mortgage payments;
 - c. the familys essential expenses exceeded the familys income, after deduction of the standard work expense and allowable self-employment business expenses, or the familys gross housing expenses were equal to or greater than 60 percent of the familys income.
- F. the landlord or mortgage holder agrees to terminate any action intended to evict or otherwise cause the family to relocate as a result of the payment and agrees not to reinstitute such action on the basis of obligations remaining as of the date of payment.

Moving Expense

2854 Moving Expense (09/01/1987, 87-26)

District directors shall authorize payment of reasonable costs of moving household furniture to a new location provided the need to move said furniture is the direct result of a catastrophic event. This includes moving costs in situations such as:

- A. furniture and possessions salvaged from a fire, flood, hurricane or other natural disaster which made the home uninhabitable.
- B. personal property when a family must vacate its present home due to the death of the family member who owned the dwelling,
- C. a move necessitated by a medical emergency, though this would be rare since we would not normally assist with a temporary move; condemnation of an area for the protection of the public health could be included in this category; and
- D. constructive evictions, as well as court-ordered evictions, including the possessions of a battered spouse when it is necessary to move furniture or possessions from the battering spouse's home.

As usual in Emergency Assistance, all potential alternatives and resources will be explored and the least expensive resolution of the problem will be utilized. This exploration would include disaster relief; help from friends, relatives or the community; expedited payment of other program benefits; etc.

Room and Board

2855 Room and Board (09/01/1995, 95-5F)

A room and board allowance shall be authorized from one to seven days. For applicant households exempt from the employment requirements, allowances may be issued for up to 14 days as needed.

Room and Board Allowance:

\$60.00 per week per person (if paid to non-relatives)

\$40.00 per week per person (if paid to relatives)

For the definition of "relative" see rule 2803.

When an eligible recipient receives a room and board allowance, he/she shall also receive the following personal needs allowance based on the number of Emergency Assistance recipients included in the allowance:

Personal Needs Allowance

<u>No. of EA Recipients</u>	<u>PNI Per Week</u>
1	\$2.00
2 or more	\$3.00 maximum

Heating Equipment

2856 Heating Equipment (07/01/1995, 95-24)

Purchase of heating equipment shall be authorized by the district director when such equipment cannot be obtained otherwise (for example, from donations from individuals or community groups, temporary loan pending insurance settlement). Purchase shall be limited to the most serviceable and appropriate used item, if available, or new item (if a used item is not available) at the lowest cost.

Transportation

2857 Transportation (07/01/1995, 95-24)

Authorization of transportation shall be limited to transients determined eligible who need help to continue to their destination. Payment for the lowest cost public transportation to the applicant's destination shall be authorized as paid, as follows:

- to any point within the state;
- after an attempt by the district director to obtain funding from the transient's state of residence and, if successful, to any point outside of the state to be authorized by district directors only.

Necessary automobile expense to enable the applicant to continue his journey may be authorized as follows:

- gasoline and oil, as paid;
- tires, essential repairs, if the cost is lower in relation to the price of the lowest cost public transportation.

Fuel and Utilities

2858 Fuel and Utilities (03/01/1997, 97-9)

Fuel and utilities are such things as water, electricity, oil, gas, coal, wood, kerosene, etc., which provide space heating, hot water, refrigeration, cooking fuel and light for the home. Sewage disposal provided as a utility service and billed on a regular basis shall be considered a utility. For purposes of the Emergency Assistance Program, fuel and utilities are classified according to two customary methods of delivery:

- A. Metered Delivery (i.e., electricity, gas) provides service as needed and consumption is measured by an on-the-premises meter. The customer is billed at routine billing period.
- B. Bulk Delivery (i.e., oil, bottled gas, kerosene, wood) provides a specific volume in advance of need and the customer is billed on delivery.

The amount of EA payment to applicants who are on a "budget plan" payment system for either metered or bulk delivery, shall equal the amount of the budget payment, even though the actual charge for service during that period is more than or less than the budget payment. A budget plan is an arrangement whereby a customer agrees in writing to pay a fixed amount for future consumption for a specified time period.

Payment for fuel and utilities may be authorized only when the conditions specified in the appropriate subsection are met.

2858.1 Metered Delivery (03/01/1997, 97-9)

Payment for the "current billing period" portion of a bill may be authorized only when:

- A. The billing period specified on the bill is the most current period for which a bill has been rendered by the company; and
- B. A "due date" specified on the bill has been reached (the date of receipt is considered the "due date" is specified); and
- C. The billing period is the standard billing period used by the company for all customers; and
- D. The bill is issued in the name of the applicant or the applicant's spouse or in the name of another individual living with the applicant; and
- E. The applicant meets regular Emergency Assistance eligibility criteria or qualifies for exception under catastrophic situation criteria (rule 2821).

Companies usually bill customers for a billing period which corresponds to a monthly period or a bi-monthly period. In unusual circumstances it may be necessary to contact a company representative to ascertain the portion of a bill which is equivalent to the company's normal billing period.

In areas where quarter meters (25) are utilized it will be necessary to contact a company representative to determine anticipated consumption. Payment may be authorized in an amount necessary to continue quarter meter service for up to seven days.

A deposit may be paid provided a deposit is legally collectible under Public Service Board rules and the amount does not exceed two-twelfths of the reasonable estimated charge for service for the ensuing twelve months. The company must be advised that the deposit is to be credited and refunded to the Department in accordance with the company's usual refund policy and that deposit refunds inadvertently made to the recipient will not constitute settlement of the refund obligation to the Department.

Fuel and Utilities

A reconnection charge may be paid provided service has been interrupted and the amount charged is the same for all customers.

A new account charge may be paid provided the company is authorized by Public Service Board rules to collect a new account charge. A new account is generally defined as a request for service for the first time, a name change on a meter or a new meter as a result of a change location.

Some companies are authorized under Public Service Board rules to collect "deferred charges", "purchased energy charges", "temporary charges" and similar charges. Some of these "charges" may appear as credits on the bill during the period such "charge" is incurred. Even though these charges may appear as credits (and are not technically due) they must be included in the GA payment if they were incurred during the period being approved.

Charges for either purchase or rental of equipment, appliances, space or water heaters, outdoor lighting, or installation, service, and repair charges shall not be paid by Emergency Assistance except as authorized specifically in other sections of the manual.

2858.2 Bulk Delivery (02/01/1980, 80-15)

Payment may be authorized only when:

- A. There is less than a 72 hour supply on hand; or less than 1 week's supply when in the worker's judgement authorization would eliminate extra delivery costs, conform with the regular delivery schedule for the area, or prevent fuel from running out on a weekend or holiday; or when the applicant's primary heating fuel is wood, less than 2 week's supply on hand if in the worker's judgement the applicant will not have means to replenish the supply before it is exhausted; or such other expansions of these limits as the Commissioner may order on a case by case, area by area, or individual fuel type basis in the event of local shortage or extended delivery period requirements; and
- B. The provider will not deliver unless payment for the delivery is received in full; and
- C. The amount to be authorized does not exceed a normal one-week supply or the minimum amount the provider will deliver; and
- D. Delivery is made in the name of the applicant or applicant's spouse, or in the name of another individual living with the applicant; and
- E. The applicant meets regular General Assistance eligibility criteria or qualifies for exception under catastrophic situation criteria (rule 2821).

Payment shall not be authorized for charges for: previous deliveries; deposits for any item or reason; a new account charge, purchase or rental of storage tanks or containers, space or water heaters, furnaces, equipment or appliance, or installation, service, cleaning and repair charges except as specifically authorized under other sections of this manual.

Except in unusual circumstances, the volume and amount charged, and delivery time and date, must be established through the provider in advance of the transaction. Charges for off-hour or off-schedule delivery are allowable only when permitted under Vermont law and applicable PSB regulations and the amount charged is the same for all customers. Every effort should be made to avoid these charges whenever possible.

Medical Care

2860 Medical Care (04/01/2005, 05-13)

Medical care is limited to the types of care described in General Assistance Rule sections 2620 through 2627. Applicants must meet eligibility criteria in rule 2820, 2821, and 2823 for eligibility due to a catastrophic situation and the general eligibility criteria in rules 2805 and 2806.

2860.1 Payment (04/01/2005, 05-13)

Eligibility workers shall issue vendor authorizations to eligible applicants. Vendor authorizations issued by the department must accompany provider bills for medical services other than prescription drugs. No EA payments shall be made, however, unless the requirements set forth in rules 2660-2667 are also met.

Payment to providers may not exceed the amount set forth in the fee schedule used in the Vermont Medicaid Program. Vermont law (33 V. S. A. §6501-6508) prohibits balance billing, which is charging or collecting from the recipient any amount in excess of the reasonable charge for the service, defined as the amount in the fee schedule.

Child Welfare Emergencies (EA-CWE)

2870 Child Welfare Emergencies (EA-CWE) (02/01/2004, 03-01)

Emergency assistance for services to alleviate child welfare emergencies is available through the Families Services Division (FSD). After determining that a child welfare emergency exists, FSD staff determines EA eligibility. FSD may authorize child protective, family support, and family preservation services to alleviate the emergency. Services may be preauthorized for a period not to exceed 12 months, except for substitute care, which may not exceed 4 months.

EA-CWE Eligibility

2871 EA-CWE Eligibility (02/01/2004, 03-01)

The Family Services Division (FSD) may issue EA when the following conditions are met:

A. A child welfare emergency exists.

A child welfare emergency is defined as:

- a report of abuse, neglect or abandonment of a child to FSD; or
- imminent risk of removal of a child from the home due to abuse, neglect, abandonment or serious emotional disturbance; or
- a child without or beyond the control of a parent; or
- a delinquent child placed in the custody or under the supervision of FSD.

B. The applicant meets general EA eligibility criteria in Catastrophic Situations, rule 2820.

Protective Services, EA-CWE

2872 Protective Services, EA-CWE (02/01/2004, 03-01)

Protective services are defined as the investigation of reports of abuse and neglect, the assessment of family needs and strengths, and the delivery of casework and other services designed to address the risk factors that led to the abuse or neglect of the child. Services include, but are not limited to, crisis services, protective service and family support child care, emergency shelter, foster care, and residential care for children. EA may only be authorized to those who are not eligible for payment of these services through another funding source.

Family Support Services, EA-CWE

2873 Family Support Services, EA-CWE (02/01/2004, 03-01)

Family support services are primarily community-based prevention services designed to alleviate family stress and promote parental competencies and behaviors. These services increase the ability of parents to successfully nurture their children and/or enable families to access other resources and services available in the community. Family support services include, but are not limited to, respite care for parents and other caregivers such as foster parents; early assessment and developmental screening of children to assess their needs and assistance in obtaining specific services to meet the identified needs; mentoring, tutoring, parent educator, and other home visiting services; and family support child care.

Family Prevention Services, EA-CWE

2874 Family Prevention Services, EA-CWE (02/01/2004, 03-01)

Family preservation services are primarily crisis intervention services designed to alleviate the crisis that would otherwise lead to substitute care placements, maintain the safety of the child in the home, and support families preparing to reunify or adopt. Family preservation services include, but are not limited to, intensive family-based services, respite care, services to improve parenting skills and support child development, reunification services, services for families or youth in crisis, and intervention and advocacy for victims of domestic violence.