State of Vermont Case Report

State Fiscal Recovery (SFR) Fund Low- and Moderate-Income Thresholds

The Agency of Administration approves this case report to provide guidance to agencies on income thresholds that should be used in income-based Vermont SFR programs, based on the final rule. This case report supersedes any guidance provided previously on allowable income thresholds for SFR household assistance programs in Vermont.	
Signature and Date of Approval:	Douglas Farnham Digitally signed by Douglas Farnham Date: 2022.08.29 14:18:21 -04'00'

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1. Executive Summary

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides recipient governments with State Fiscal Recovery (SFR) funds to support their response and recovery from the COVID-19 pandemic. This response includes assistance to households that have been impacted and disproportionately impacted due to the COVID-19 pandemic.

In May 2021, Treasury released the SLFRF interim final rule, providing interim guidance on the low- and moderate-income households presumed impacted and disproportionately impacted by the COVID-19 pandemic.[1] On January 6, 2022, Treasury released the SLFRF final rule, which provided prescriptive guidance on the low- and moderate-income households presumed to be impacted and disproportionately impacted by the COVID-19 pandemic. Under the final rule, Treasury defines low- income households as those with an income up to the higher of 185% of the Federal Poverty Guidelines (FPG) or 40% of the Area Median Income (AMI), and moderate-income households as those with an income up to the higher of 300% FPG or 65% AMI.[2,3]

Given the progression of Treasury guidance, this case report seeks to:

1. Reflect on Vermont's application of the interim final rule guidance with respect to the identification of low- and moderate-income households presumed impacted by the COVID-19 pandemic.
2. Consider whether Vermont's existing program thresholds for low- and moderate-income households are in line with Treasury's interim and transition guidance.
3. Assess whether there is a case for identifying other impacted and disproportionately impacted Vermont households at statewide income levels higher than those specified in the final rule.

The interim final rule did not define low- and moderate-income households. Vermont therefore used its existing program thresholds for low- and moderate-income households for SFR-funded programs designed using the guidance in the interim final rule, set at 80% AMI and 120% AMI respectively. These thresholds are aligned with the thresholds set out by other federal agencies and programs, including the Department of Housing and Urban Development (HUD) income thresholds for housing assistance.

Following publication of the final rule on January 6, 2022, Treasury provided guidance on the transition from the interim to the final rule. This guidance stated that recipients can continue using the thresholds for low- and moderate-income established under the interim final rule for any programs for which they had taken significant steps towards obligating prior to January 6, 2022 or obligated prior to April 1, 2022, provided that the thresholds are reasonable.[4] Given that Vermont's existing program thresholds for low- and moderate-income households are aligned with the thresholds used in other federal and state-level household assistance programs, it

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[1] Department of Treasury, 31 CFR Part 35, Coronavirus State and Local Fiscal Recovery Funds, Interim Final Rule (p. 26794).
[2] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[3] While Treasury issued a revised set of SLFRF Frequently Asked Questions on July 27, 2022 that offered increased flexibility in braiding SFR funds with other federally-funded low-income housing programs, it did not alter the final rule's 300% FPG/65% AMI definitions of moderate income. Instead, it reinforced that a different income cap for SFR-funded affordable housing projects could potentially be an eligible, albeit unenumerated, use of funds under the Final Rule, but only if a recipient could present data demonstrating a clear, housing-related negative economic impact in the income band for which it sought to use SFR to build or repair affordable units.
[4] Department of Treasury, Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule (p. 3).

seems unlikely that Vermont's existing program thresholds would not be deemed reasonable under Treasury's transition guidance for programs that took significant steps toward obligation prior to January 6, 2022.

Alongside its prescriptive thresholds for low- and moderate-income households, the final rule includes scope for recipients to identify other classes of households that experienced negative economic impacts or disproportionate impacts. These other impacted classes can be identified based on their income, including above the income levels set out in the final rule.[5]

The State of Vermont requested that Guidehouse assess whether it could identify other impacted and disproportionately impacted classes of households based upon cost-of-living adjustments to the low- and moderate-income thresholds identified by Treasury. In the absence of more detailed data provided by the State of Vermont, Guidehouse has relied upon publicly available data to conduct this assessment.

Guidehouse considered six data sets when conducting this assessment. Of these data sets, Guidehouse is of the view that Regional Price Parity (RPP) would be the most appropriate to use if making adjustments to the income thresholds in the final rule based on Vermont's cost of living. RPP measures the difference in price levels across states, providing price levels for each state as percentage of the overall national level. However, the use of RPP to make cost-of-living adjustments to the final rule thresholds for low- and moderate-income households would result in a downwards adjustment and is therefore not recommended.

Guidehouse is therefore of the view that the most appropriate, and lowest risk approach for the State of Vermont is <u>to use the thresholds for low- and moderate-income households set out in the final rule</u>.

Consistent with Treasury's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule<u>, the CFO has determined that SFR-funded programs appropriated under Act 74, if designed under the interim final rule guidance and authorized as part of the questionnaire process, may use Vermont's existing program thresholds for low- and moderate-income households</u>.

<u>Any programs appropriated SFR under Act 83 or any subsequent legislation must use the income thresholds set out in the final rule, unless otherwise authorized by the CFO</u>. These thresholds define low- income households as those with an income up to the higher of 185% FPG or 40% AMI and moderate-income households as those with an income up to the higher of 300% FPG or 65% AMI. The State can also use categorical eligibility to qualify households for SFR programs, based on their eligibility under the federal programs outlined in the final rule.[6]

The attached tool, *VT FPG-AMI Analysis LMI 2022,* allows agencies to compare the FPG and AMI thresholds across Vermont towns, as well as compare the final rule thresholds to 80% AMI.

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[5] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4346).

[6] To qualify households as impacted (same program eligibility as moderate income), these programs include Children's Health Insurance Program (CHIP); Childcare Subsidies through the Child Care and Development Fund (CCDF); and Medicaid. For housing programs, Treasury further recognizes the National Housing Trust Fund (HTF) and the Home Investment Partnerships Program (HOME). To qualify households as disproportionately impacted (same program eligibility as low income), these programs include Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs; Medicare Part D Low-income Subsidies; Supplemental Security Income (SSI); Head Start and/or Early Head Start; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); Section 8 Vouchers; Low-Income Home Energy Assistance Program (LIHEAP); and Pell Grants. For services to address educational disparities, Treasury further recognizes Title I eligible schools.

As detailed in the attached, for most Vermont towns, for households of 3 or more individuals, the final rule moderate-income thresholds exceed 80% AMI.[7, 8]

Where possible, agencies should use the household size of the beneficiaries when determining whether a household size is eligible. However, for programs for which using individual household size to establish eligibility is administratively unfeasible, such as those that benefit a large geographic area, agencies may use a default household size of three.

Note to State agencies, departments, and component units: *For any SFR questionnaire responses you received that authorized income thresholds designed under the interim final rule and referenced a cost-of-living adjustment, please use this case report instead to qualify your authorized household assistance program income thresholds. If the income thresholds you provided were approved in these questionnaire responses, this approval is still valid, using the justification provided in this case report that these income thresholds were designed under the interim final rule and significant steps had been taken to obligate funds for these programs prior to the final rule issuance on January 6, 2022. Please disregard the C2ER cost-of-living adjustment case if referenced in your questionnaire response, as the CFO has decided not to move forward with the C2ER cost of living index, based on the analysis presented in this case report.*

2. Treasury Guidance on Household Income as a Measure of COVID Impact

2.1 Household Income in the Interim Final Rule

2.1.1 Interim Final Rule Guidance

In the interim final rule, Treasury specifies the range of eligible uses of SFR for assistance to households as follows:

> *"Eligible Uses. Sections 602(c)(1)(A) and 603(c)(1)(A) permit use of payments from the Fiscal Recovery Funds to respond to the negative economic impacts of the COVID–19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency."*
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> *"In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic."*[9]

Under the interim final rule, Treasury did not specify which populations were considered low- or moderate-income and therefore left it up to State discretion to use income thresholds that

[7] VT FPG-AMI Analysis LMI 2022 v1.0 7.15.22 (attached).

[8] The AMI thresholds exceed the FPG thresholds for one-person households in Addison and Washington Counties, and for one- and two-person households in Franklin and Chittenden Counties.

[9] Department of Treasury, 31 CFR Part 35, Coronavirus State and Local Fiscal Recovery Funds, Interim Final Rule (p. 26794).

aligned with how Vermont programs typically defined low- and moderate-income households.

2.1.2 Vermont Application of the Interim Final Rule Guidance

Following the publication of the interim final rule, the CFO engaged with agencies regarding the income thresholds used for existing Vermont programs for low- and moderate-income thresholds. The conversations the CFO held with agencies widely referenced thresholds for many existing programs which designated low-income households as those with an income at or below 80% AMI and moderate-income households as those with an income between 80% and 120% AMI.[10] The use of common program thresholds across Vermont agencies eased administrative burden, promoted cross-agency collaboration, allowed agencies to efficiently identify and target which households needed assistance, and minimized confusion among applicants. Programs that used these existing thresholds included critical weatherization measures, emergency heating system repairs, affordable housing programs, tax credits, and micro business development programs. These thresholds were in line with or below the income thresholds used in some existing federal and COVID relief programs, including HUD's Section 8 housing assistance program for low-income households[11], the Emergency Rental Assistance Program[12], the Homeowner Assistance Fund[13], and the definition of low- and moderate-income communities used in Treasury's Emergency Capital Investment Program.[14]

Following these conversations with agencies and in the absence of prescriptive guidance from Treasury, Vermont elected to continue using the thresholds identified by agencies used for existing Vermont assistance programs for low- and moderate-income households, set at 80% AMI and 120% AMI respectively. The use of these thresholds ensured that eligibility requirements for SFR-funded programs were aligned with the income eligibility requirements used by existing Vermont household assistance programs. In many cases, the Vermont Legislature appropriated SFR funds to existing State programs to address the impacts exacerbated by the COVID-19 pandemic. Utilizing the existing program thresholds eased administrative burden for the State and allowed agencies to more efficiently identify and help qualifying households. Developing alternate thresholds would have posed a substantial administrative burden and significantly delayed the critical funding reaching households.

Guidehouse and the CFO have subsequently requested that agencies provide details of the income thresholds used in their programs for low- and moderate-income households.

2.2 Final Rule Income Guidance

2.2.1 Final Rule Guidance

On January 6, 2022, Treasury issued the final rule, which amended the provisions described in the interim final rule and provided additional guidance on the low- and moderate-income households presumed impacted or disproportionately impacted by the COVID-19 pandemic.

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[10] Vermont Legislative Joint Fiscal Office, Affordable Housing in Vermont. January 14, 2022 (p. 1).
[11] Department of Housing and Urban Development, Methodology for Determining Section 8 Limits (p. 1).
[12] Department of the Treasury, Emergency Rental Assistance Frequently Asked Questions. August 25, 2021 (p. 2).
[13] Department of the Treasury, Homeowner Assistance Fund.
[14] Department of the Treasury, Emergency Capital Investment Program Rate Reduction Incentive Guidelines. August 11, 2021 (p. 2, Footnote 5).

Treasury provided the following definitions for low- and moderate-income households:

> *"The final rule defines a household as **low income** if it has (i) income at or below 185 percent of the Federal Poverty Guidelines (FPG) for the size of its household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 40 percent of the Area Median Income (AMI) for its county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD)."*[15]

> *"The final rule defines a household as **moderate income** if it has (i) income at or below 300 percent of the FPG for the size of its household based on the most recently published poverty guidelines by HHS or (ii) income at or below 65 percent of the AMI for its county and size of household based on the most recently published data by HUD."*[16]

With respect to the decision to include both FPG and AMI thresholds for identifying presumed impacted households, Treasury states:

> *"Because regions have different cost and income levels, this definition also allows for upward adjustment based on AMI for those regions where 40 percent of AMI exceeds 185 percent of FPG."*[17]

Treasury noted that recipients should generally use the income data for the size of the household to be served, but allowed for using a default household size of three for documenting income thresholds for SFR-funded programs, if doing so simplifies program administration:

> *"Recipients may determine whether to measure income levels for specific households or for a geographic area based on the type of service to be provided… Recipients should generally use the income threshold for the size of the household to be served (e.g., when providing childcare to a household of five, recipients should reference the income threshold for a household of five); however, recipients may use the income threshold for a default household size of three if providing services that reach a general geographic area or if doing so would simplify administration of the program to be provided."*[18]

In addition to identifying impacted households based upon income, the final rule also identifies other impacted households as those that "experienced unemployment, experienced increased food or housing insecurity"[19] and those that qualify for certain assistance programs.[20, 21] Other disproportionately impacted households include those residing in Qualified Census Tracts

[15] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[16] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[17] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4346).
[18] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[19] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4359).
[20] These programs include Children's Health Insurance Program (CHIP); Childcare Subsidies through the Child Care and Development Fund (CCDF); and Medicaid. For housing programs, Treasury further recognizes the National Housing Trust Fund (HTF) and the Home Investment Partnerships Program (HOME).
[21] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4348).

(QCTs)[22] and those that qualify for certain assistance programs.[23, 24]

Within the final rule, Treasury allows recipients significant flexibility in identifying other classes impacted by COVID-19:

> *"Recipients can also identify and serve other classes of households that experienced negative economic impacts or disproportionate impacts from the pandemic; recipients can identify these classes based on their income levels, including above the levels defined as low- and moderate-income in the final rule."*[25]

2.2.2 Interpretation of Final Rule Guidance

Unlike the interim final rule, the above guidance from the final rule provides prescriptive definitions of the low- and moderate-income households presumed to be impacted or disproportionately impacted by the COVID-19 pandemic. The final rule includes scope for recipients to adjust income thresholds upwards if AMI exceeds FPG and vice versa, implying that recipients may select the higher of the two thresholds when identifying households presumed impacted and disproportionately impacted by the final rule.[26] State agencies and departments should ensure that they are using the most recently published AMI and FPG data for their programs.

The final rule includes scope for identifying other classes of households impacted by the COVID-19 pandemic, including those at higher income levels than the thresholds provided by the final rule. In line with this guidance, the State of Vermont may consider targeting economic assistance to other impacted households based on different income levels than those defined by Treasury, so long as the State documents the case for this group experiencing commensurate economic impacts from the pandemic. As detailed in the final rule, once a negative impact is established for the class, there does not need to be additional qualifying factors to provide assistance using SFR; and the State must only verify that the household is a member of the impacted class.

2.3 Treasury Guidance on the Transition from the Interim Final Rule to the Final Rule

2.3.1 Treasury Transition Guidance

The final rule specifies that recipients must adhere to the eligibility guidance provided in the final rule for any economic assistance programs that they have not taken significant steps towards

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[22] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4371).

[23] These programs include Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs; Medicare Part D Low-income Subsidies; Supplemental Security Income (SSI); Head Start and/or Early Head Start; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); Section 8 Vouchers; Low-Income Home Energy Assistance Program (LIHEAP); and Pell Grants. For services to address educational disparities, Treasury further recognizes Title I eligible schools.

[24] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4348).

[25] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4346).

[26] VT FPG-AMI Analysis LMI 2022 v1.0 7.15.22 (attached spreadsheet).

obligating prior to January 6, 2022:

> *"Recipients that have not taken significant steps toward obligating SLFRF funds prior to January 6, 2022 should either change eligibility criteria to reflect the definition of low-income households and/or moderate-income households included in the final rule or be able to determine that the class of households they seek to serve experienced a negative economic impact resulting from the pandemic."*[27]

However, Treasury confirms that programs that have taken significant steps towards obligating funds prior to January 6, 2022 in a manner consistent with the interim rule will not be subject to final rule enforcements for provisions that are more restrictive than those in the interim rule. Further, Treasury provides examples to clarify what is meant by taking "significant steps" toward obligation:

> *"To the extent that a recipient has taken significant steps toward obligating SLFRF funds in a manner consistent with the interim final rule prior to January 6, 2022, Treasury will generally not take action to enforce provisions contained in the final rule, to the extent that they are more restrictive than those in the interim final rule. Such significant steps include initiation of procurement or grantmaking actions, detailed planning of projects or programs, appropriation of funds, and other significant planning steps."*[28]

Treasury provides the following guidance on the transition to the final rule for programs targeting impacted households that were established using the guidance in the interim final rule:

> *"For any program, service, or project available to low- and moderate-income households, the recipient may continue to use eligibility criteria for low-income and moderate-income households that they developed consistent with the interim final rule if the recipient*
>
> (i) *Has taken significant steps toward obligating SLFRF funds for that program, service, or project prior to January 6, 2022 or*
>
> (ii) *Has obligated funds for that program, service, or project prior to April 1, 2022."*[29]

Treasury further notes:

> *"Treasury will consider a reasonable definition of low- and moderate-income developed by the recipient to be consistent with the interim final rule; this includes reasonable definitions that are higher than the definition contained in the final rule. As with all provisions under the interim final rule, recipients should be able to support their determination of how to define low- and moderate-income under the interim final rule."*[30]

[27] Department of Treasury, Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule (p. 3).
[28] Department of Treasury, Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule (p. 2).
[29] Department of Treasury, Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule (p. 3).
[30] Department of Treasury, Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule (p. 3).

2.3.2 Interpretation of Treasury Transition Guidance

Guidehouse interprets the above guidance to mean that recipients can continue using their own definitions for low- and moderate-income thresholds for any SFR-funded programs that they have taken significant steps towards obligating prior to January 6, 2022, or obligated prior to April 1, 2022, so long as the definitions are reasonable under the interim final rule guidance.

Given the clarification Treasury provided on what constitutes “significant steps towards obligating SLFRF funds,” Guidehouse interprets “significant steps” as follows for Vermont:

1. SFR funds were first appropriated for a program prior to the publication of the final rule on January 6, 2022; and
2. The agency started designing the program for the appropriation, planned a program, or submitted a State Fiscal Recovery Questionnaire for a program prior to the publication of the final rule on January 6, 2022.

Subsequent legislation to Act 74, such as Act 83, appropriates additional funds for programs first appropriated SFR under Act 74, based on the program design established in 2021. These programs appear to meet the thresholds for having taken “significant steps” under the transition guidance, provided the Agency has designed, planned, and/or submitted a State Fiscal Recovery Questionnaire for the program prior to January 6, 2022.

Any programs first appropriated SFR under Act 74 subsequently appropriated additional funding for which the Agency did not design, plan, and/or submit a State Fiscal Recovery Questionnaire for the program prior to January 6, 2022 do not appear to meet the threshold for having taken “significant steps”, and should therefore use the income thresholds set out in the final rule. For any funding appropriated to programs after Act 83, Guidehouse recommends using the income thresholds defined in the final rule.

As discussed in section 2.2 above, Vermont elected to use its existing program thresholds for low- and moderate-income households when designing SFR-funded programs under the guidance in the interim final rule. Vermont’s existing program thresholds for low- and moderate-income households were aligned with the thresholds used by other programs, including those administered by Treasury, the IRS, and HUD. Given the absence of specific income threshold guidance from Treasury at the time, the alignment of the Vermont thresholds with the income definitions used in federal programs, including COVID-19 relief programs, as well as Vermont’s precedent for using its existing program thresholds for state household assistance programs, it seems unlikely that Vermont’s existing thresholds would not be deemed reasonable under interim final rule guidance for programs that took significant steps toward obligation prior to January 6, 2022.

3. Establishing Other Impacted Vermont Households Based on Income under the Final Rule

3.1 Potential Methods for Establishing Other Impacted Households

In line with Treasury guidance, Guidehouse identified several data sets which could be used to potentially identify other impacted and disproportionately impacted classes of households beyond those presumed impacted in the final rule. These data sets are identified in Table 2 below.

Table 1 – Potential Data Sets for Vermont to Identify Other Impacted Households

Type of Impact	Data Set
Economic Insecurity	- Unemployment claims within the class - Increased personal debt obligations within the class or an inability to pay existing debts - Qualitative studies showing use of previous stimulus checks to purchase necessities - Enrollment in assistance programs or social programs already offered by Vermont
Food Insecurity	- Food insecurity rates among households
Housing Insecurity	- Housing insecurity rates among households
Cost of Living	- Cost of living adjustment for Vermonters versus the national average

The CFO considered these data sets, but due to data availability and administrative feasibility constraints has chosen to focus on cost-of-living adjustments to establish impacted households based upon Vermont-adjusted income levels. In the absence of more detailed data provided by the State of Vermont, Guidehouse has relied upon publicly available data to conduct its analysis.

3.2 Cost of Living Adjustments – Comparison of Indices

3.2.1 Overview

Guidehouse considered six data sources when assessing whether applying a Vermont cost-of-living (COL) adjustment to the income thresholds set by Treasury could be appropriate. These include:

1. Cost-of-Living-Index from the Council for Community and Economic Research (C2ER COLI)
2. Personal Consumption Expenditure (PCE) Price Index from the US Bureau of Economic Analysis (BEA)
3. Personal Consumption Expenditure Per Capita from the BEA
4. Regional Price Parity (RPP) from the BEA
5. Consumer Price Index (CPI-U) from the Bureau of Labor Statistics (BLS)
6. Gross Domestic Product (GDP) Price Index from the BEA

Further detail regarding each of the above indices can be found in Appendix 1.

For the purposes of comparing cost-of-living adjustments, this report uses an example household size of three. FPG data uses the 2022 Department of Health and Human Services (HHS) poverty guidelines,[31] while 2022 AMI data is sourced from HUD.[32]

[31] ASPE, HHS Poverty Guidelines for 2022. Accessed April 20, 2022.
[32] Department of Housing and Urban Development, FY 22 State Income Limits (p. 5).

3.2.2 Adjustments to Income Thresholds based on Vermont COL by Index

Table 2 applies a COL adjustment based upon each data set to the Treasury FPG thresholds for low- and moderate-income households. As discussed in section 2.2.2, the FPG thresholds exceed the AMI thresholds for most Vermont households.

Table 2 – Vermont low- and moderate-income thresholds, adjusted by FPG

		Low-income		Moderate-income		
Source	**% Adj.**	**FPG (%) Adj.**	**FPG ($) Adj.**	**FPG (%) Adj.**	**FPG ($) Adj.**	**Assessed Risk**
C2ER COLI	17.00%	216%	$49,848	351%	$80,835	**Mod +**
PCE Per Capita	11.17%	206%	$47,365	334%	$76,807	**Mod**
Treasury Final Rule	0.00%	185%	$42,606	300%	$69,090	**Low**
PCE Price Index	-0.64%	184%	$42,333	298%	$68,648	**Low**
RPP	-0.65%	184%	$42,329	298%	$68,641	**Low**
CPI-U	-0.68%	184%	$42,316	298%	$68,620	**Low**
GDP Price Index	-15.20%	157%	$36,129	254%	$58,588	**Low**

*Note: For CPI-U, the measurement for Vermont is being equated to the measurement for New England.

In addition to adjusting the nominal dollar figures by each source metric, Guidehouse considered the level of risk for using each data set for COL adjustments, based on the underlying methodology for each index where income thresholds exceeded those identified by the final rule. While ranked as low risk because its adjusted income thresholds are lower than those defined by Treasury, the GDP Price Index is not recommended as a cost-of-living adjustment index for Vermont household assistance programs due to its underlying methodology, which is not suitable for this exercise.

3.2.3 Cost-of-Living Adjustments Using the C2ER Cost of Living Index (COLI)

Guidehouse first considered the suitability of using the C2ER COLI as a proxy for Vermont's relative cost of living, to make adjustments to the final rule income thresholds for Vermont programs. The C2ER COLI assesses variance in the cost of living by location. Prices are collected quarterly by chambers of commerce, economic development organizations, and university applied economic centers in each participating urban area. The C2ER COLI considers the prices of 60 different items covering six major categories: grocery items, housing, utilities, transportation, health care, and miscellaneous goods and services. From the total data set, a national average for each category is established and serves as the baseline against which locations can be compared.

C2ER Annual Data from 2021 shows that, overall, the State of Vermont's cost of living is approximately 17% higher than the US National Average.[33] Using the C2ER COLI data set to adjust the final rule income thresholds based on Vermont's COL results in adjusted thresholds of 216% FPG for low-income households and 351% FPG for moderate-income households.

However, there are some limitations when making COL adjustments using the C2ER COLI.

[33] Missouri Economic Research and Information Center, Council for Community & Economic Research Cost of living data series. Accessed February 9, 2022.

C2ER COLI considers the cost of living based on cost-of-living comparisons for more affluent households in urban areas.[34] It is unclear whether the comparative patterns in prices between Vermont and the US average would hold if applied to low- and moderate-income households or households living in rural areas. Due to these methodological constraints, the use of this COLI to adjust income thresholds used for Vermont household assistance programs would appear to be moderate-high risk.

3.2.4 Cost-of-Living Adjustments Using Alternate Data Sets

In addition to the C2ER COLI, Guidehouse considered the suitability of using five alternate data sets for adjustments to the income thresholds in the final rule based upon Vermont's COL. Adjustments using the PCE Price Index, RPP, CPI-U, and GDP Price Index data sets based upon Vermont's COL result in lower income thresholds for low- and moderate-income households versus the thresholds set out in the final rule. The final rule thresholds therefore capture more households than the adjusted thresholds using these indices, and as such, adjustments using these thresholds would be unfavorable. The RPP index is an appropriate indicator of Vermont's cost of living compared to other states for purposes of this this exercise; however, given that it would adjust the income threshold downward, it is not recommended.

Per capita personal consumption expenditures (PCE) measure average consumption expenses per person; PCE per capita is calculated as PCE in a state divided by the population of the state.[35] Use of the PCE per capita data set would entail a 11.17% upwards COL adjustment to the low- and moderate-income thresholds.

However, PCE per capita reflects spending patterns, rather than the relative costs of the products that consumers are purchasing. For example, while PCE per capita demonstrates that Vermonters spend more than the US average, including on necessities such as housing and utilities, health care, and gasoline and energy goods, it does not explain the reason Vermonters spend more. Spending patterns are not necessarily driven by price differences. In addition, PCE per capita statistics are calculated using population estimates from the 2010 census, meaning that the data may not reflect the true population of Vermont. Once 2020 census data is included, this could lower the per capita difference between Vermont and the United States. Given these limitations, the use of PCE per capita to adjust the household income thresholds would be suboptimal, entailing a higher level of risk.

4. Recommendations

This report considered whether COL adjustments using six publicly available data sets could be appropriate for Vermont. Of these six data sets, four would result in a downwards adjustment of the income thresholds set out by the final rule, meaning that fewer households would be captured as low- or moderate-income versus the final rule.[36] Only two of these data sets resulted in an upwards adjustment to the income thresholds set out in the final rule based upon Vermont's cost of living: C2ER COLI and PCE per capita. As noted in section 3.2.4, PCE per capita measures spending patterns, rather than prices, and as such is suboptimal for using as a

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[34] The Council for Community and Economic Research, Cost of Living Index Manual. December 2017 (p. 3).
[35] Bureau of Economic Analysis, Personal Consumption Expenditures by State, 2020. October 8, 2021 (p. 4).
[36] These include PCE Price Index, RPP, CPI-U, and GDP Price Index.

metric for making COL adjustments.

Unlike PCE per capita, the C2ER COLI does measure cost of living. However, the C2ER COLI considers the cost of living for more affluent households residing in urban areas.[37] It is unclear whether the patterns in relative prices indicated by the C2ER COLI would hold for low- and moderate-income households or households in rural areas of Vermont.

Given these limitations, the use of either the PCE per capita or the C2ER data sets for adjusting the low- and moderate-income thresholds set out in the final rule would entail a higher level of risk. Other more appropriate indices for COL adjustments would not serve the state well, as they would entail a downwards adjustment to the income thresholds for low- and moderate-income households, further restricting the households that could be served by SFR-funded programs. As discussed in section 3.1, Guidehouse identified several alternate data sets which could be used to identify other impacted and disproportionately impacted classes of households beyond those presumed impacted in the final rule. The CFO may consider the use of these data sets for designing a lower-risk approach for identifying other impacted and disproportionately impacted classes of households.

Based on the currently available data, the lowest risk approach for the State of Vermont is to use the thresholds for low- and moderate-income households set out in the final rule for any new programs appropriated SFR after January 6, 2022.

Under these thresholds, low-income households are defined as those with an income at or below the higher of 185% FPG or 40% AMI.[38] Moderate-income households are defined as those with an income at or below the higher of 300% FPG or 65% AMI. [39] The State can also use categorical eligibility to qualify households for SFR programs, based on their eligibility under the federal programs outlined in the final rule.[40]

The attached tool, *VT FPG-AMI Analysis LMI 2022,* allows agencies to compare the FPG and AMI thresholds across Vermont towns, as well as compare the final rule thresholds to 80% AMI. As detailed in the attached, for most Vermont towns, for households of 3 or more individuals, the final rule moderate-income thresholds exceed 80% AMI.[41, 42]

Where possible, agencies should use the household size of the beneficiaries when determining whether a household size is eligible. However, for programs for which using individual household size to establish eligibility is administratively unfeasible, such as those that benefit a large geographic area, agencies may use a default household size of three.

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[37] The Council for Community and Economic Research, Cost of Living Index Manual. December 2017 (p. 3).
[38] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[39] Federal Register, Vol. 87, No. 18, Rules and Regulations. January 27, 2022 (p. 4345).
[40] To qualify households as impacted (same program eligibility as moderate income), these programs include Children's Health Insurance Program (CHIP); Childcare Subsidies through the Child Care and Development Fund (CCDF); and Medicaid. For housing programs, Treasury further recognizes the National Housing Trust Fund (HTF) and the Home Investment Partnerships Program (HOME). To qualify households as disproportionately impacted (same program eligibility as low income), these programs include Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs; Medicare Part D Low-income Subsidies; Supplemental Security Income (SSI); Head Start and/or Early Head Start; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); Section 8 Vouchers; Low-Income Home Energy Assistance Program (LIHEAP); and Pell Grants. For services to address educational disparities, Treasury further recognizes Title I eligible schools.
[41] VT FPG-AMI Analysis LMI 2022 v1.0 7.15.22 (attached).
[42] The AMI thresholds exceed the FPG thresholds for one-person households in Addison and Washington Counties, and for one- and two-person households in Franklin and Chittenden Counties.

5. CFO Guidance

The CFO has determined that SFR-funded programs appropriated under Act 74, if designed under the interim final rule guidance and authorized as part of the questionnaire process, may use Vermont's existing program thresholds for low- and moderate-income households. Any programs appropriated SFR under Act 83 or any subsequent legislation must use the income thresholds set out in the final rule, unless otherwise authorized by the CFO. These thresholds define low- income households as those with an income up to the higher of 185% FPG or 40% AMI and moderate-income households as those with an income up to the higher of 300% FPG or 65% AMI.

Note to State agencies, departments, and component units: *For any SFR questionnaire responses you received that authorized income thresholds designed under the interim final rule and referenced a cost-of-living adjustment – please use this case report instead to qualify your authorized household assistance program income thresholds. If the income thresholds you provided were approved in these questionnaire responses, this approval is still valid, using the justification provided in this case report that these income thresholds were designed under the interim final rule and significant steps had been taken to obligate funds for these programs prior to the final rule issuance on January 6, 2022. Please disregard the C2ER cost-of-living adjustment case referenced in your questionnaire response, as the CFO has decided not to move forward with this justification, based on the analysis presented in this case report.*

Attachments

1. VT FPG-AMI Analysis LMI 2022 v1.0 7.15.22
2. Appendix 1: Comparison of Indices for COL Adjustments