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TO: County Veterans Service Offices, Tribal Veterans Service Offices, and Veterans Service Organizations

SUBJECT: Notification of Amendments to Administrative Rules Chapters VA 1 and VA 2

Administrative rules relating to chapters VA 1 and VA 2 have recently undergone several amendments that affect the eligibility of individual veterans for various grants and programs. The intent of these rule changes is to expand eligibility to more veterans and their dependents, veterans organizations, non-profit organizations, and employers of veterans who provide outreach and services to veterans and underserved veteran populations. These changes are effective on October 1, 2021.

The majority of the amendments made are general updates to improve the clarity of language and amend provisions to conform with current rule drafting standards. Significant substantive changes to the rules are summarized as follows:

A. Changes to Administrative code chapter VA 1

1. General definitions under s. VA 1.001 apply to and control all administrative code chapters VA 1-18, unless another meaning is expressly indicated.
2. Section VA 1.14 has been redrafted to clearly define Periods of War for the purposes of determining a veteran's eligibility, as specified under Wisconsin statutes *chapter 45, Title 38 US Code chapter 101*, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed the Presidential proclamation or concurrent resolution of the Congress.
3. The revised rule also eliminates obsolete language relating to the veterans housing loan program, which was repealed by 2019 Wisconsin Act 9 (biennial budget bill).

B. Changes to Administrative code chapter VA 2

1. The title of the chapter is changed to "Veterans Assistance Grants".
2. The provision relating to the subsistence aid and health care aid programs under s. VA 2.01 are now reorganized into separate subdivisions. The health care aid provisions are located under a new subsection, s. VA 2.01 (3m). Additional amendments to section VA 2.01 include:

- a. For both programs, the household income limit is increased from 180 percent to 200 percent of the federal poverty guideline. This requirement is not applicable when a spouse or dependent of an activated or deployed servicemember is applying for subsistence aid due to a loss of income caused by the deployment that results in an economic emergency.
 - b. The number of days for an applicant to submit a Subsistence Aid application is increased from 91 days to 12 months following the verified loss of income.
 - c. Applicants for Subsistence Aid are now required to submit a list of assets AND household living expenses for the period of 6 months immediately preceding the date of the application.
 - d. For both programs, if the department notifies the applicant or the applicant's county veteran service officer that documentation is missing or further verification is required, the number of days an applicant has to submit the documentation or verification is increased from 30 days to 60 days.
 - e. The limit on aid for dental procedures in any 12-month period is increased from \$500 to \$800.
 - f. The limit on aid for extended dental care, which includes dentures, is increased to \$4,000 in any consecutive 24-month period. The previous limits were \$1,875 for one upper or lower denture or \$3,750 for both in a 48-month period.
 - g. Expands a veteran's eligibility for hearing aid care by shortening the eligibility time frame to qualify for a grant for each hearing aid from 48 months to 24 months.
3. Under s. VA 2.04, the previous amounts for living expenses (added by the Department to the budget) were eliminated in the rule. The amount for standard living expenses will be determined by the Department and added to the budget per month per dependent, not including the student's spouse. A standard educational budget for a single or married student includes standard living expenses and all actual expenses for tuition, course fees, and book and materials costs for the academic year. Standard living expenses are based upon 9 months living expenses per academic year.
 4. Section VA 2.06 was repealed as redundant, since Tribal veterans are eligible for the veterans tuition reimbursement program under s. VA 2.02.
 5. Changes to ss. VA 2.07 and 2.08 include:
 - a. Sections VA 2.07 (3) (c) and 2.08 (3) (g) amend composition of the "evaluation committee" so that it must include at least one member of the Board of Veterans Affairs and other individuals appointed by the department.
 - b. Section VA 2.08 (3) (fe) creates a definition for "entrepreneur".
 - c. Sections VA 2.07 (3) (cm) and 2.08 (3) (gm) create a definition for "financially viable".
 - d. Sections VA 2.07 (10) (a) and 2.08 (5) (j) are amended to clarify the use of grant funds awarded to non-profit organizations. Amongst the clarifications, per the amended rule, "A grantee may not use more than a percentage, as determined by

the department, of the grant funds for employee wages, compensation, travel, and related expenses assignable to the approved program.”

These changes may result in references to the rules from other documents, such as informational pamphlets, past bulletins, or applications to become inaccurate. Therefore, it is recommended to perform a thorough review of documents used by county and tribal veterans service offices in order to update the documents for conformity with the revised rules.

The updated administrative rules for chapters VA 1 and VA 2 can be accessed at https://docs.legis.wisconsin.gov/code/admin_code/va.

It is important for CVSOs, TVSOs and VSOs across the state to stay current on these administrative rules as they affect the eligibility of veterans and applicability of grants and benefit programs available to veterans in Wisconsin. Please review these rules in order to best serve your local veterans’ communities.

If you have specific questions, please contact Curtis Lemke, Program and Policy analyst, Division of Veterans Benefits, by email at Curtis.Lemke@dva.wisconsin.gov or by phone at (608) 977-0408.