

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Human services; housing; temporary emergency housing

4 Statement of purpose of bill as introduced: This bill proposes to establish the

5 Emergency Temporary Shelter Program to replace the General Assistance

6 Emergency Housing Program.

7 An act relating to the Emergency Temporary Shelter Program

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 \* \* \* Legislative Intent \* \* \*

10 Sec. 1. LEGISLATIVE INTENT

11 It is the intent of the General Assembly that the Emergency Temporary  
12 Shelter Program established in 33 V.S.A. chapter 22 is a step toward ensuring  
13 that:

14 (1) unsheltered homelessness be eliminated in Vermont and interim  
15 shelter opportunities be available to provide a stable pathway to permanent  
16 housing for all Vermonters experiencing homelessness;

17 (2) arbitrary time limits, night-by-night shelter, relocation between  
18 interim housing sites, and other disruptions in housing stability be eliminated;

19 (3) non-congregate housing be used to the greatest extent possible;

1           (4) Vermont’s emergency housing statutes, rules, policies, and practices  
2           incorporate Housing First principles, trauma-informed practices, and emerging  
3           best practices, including:

4                   (A) immediate access to shelter without housing readiness  
5           requirements; and

6                   (B) voluntary supportive services designed to support housing  
7           stability; and

8           (5) Vermont increase the supply of interim shelter that is geographically  
9           and physically accessible to individuals with a disability and that addresses the  
10           range of needs among individuals with a disability.

11                   \* \* \* Emergency Temporary Shelter Program \* \* \*

12           Sec. 2. 33 V.S.A. chapter 22 is added to read:

13                   CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

14           § 2201. DEFINITIONS

15           As used in this chapter:

16                   (1) “Commissioner” means the Commissioner for Children and  
17           Families.

18                   (2) “Department” means the Department for Children and Families.

19                   (3) “Household” means an individual and any dependents for whom the  
20           individual is legally responsible and who live in Vermont. “Household”

1 includes individuals who reside together as one economic unit, including those  
2 who are married, parties to a civil union, or unmarried.

3 (4) “Statewide vacancy rate” means the Vermont-specific quarterly  
4 rental vacancy rate as reported by U.S. Census Bureau.

5 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER  
6 PROGRAM

7 (a) The Emergency Temporary Shelter Program is established within the  
8 Department for Children and Families for the purpose of temporarily sheltering  
9 vulnerable households pursuant to the eligibility criteria in section 2203 of this  
10 chapter in a manner that ensures participant dignity and leads to greater  
11 stability.

12 (b) Permissible shelter provided through this program shall:

13 (1) include shelter provided by housing and shelter operators, including  
14 shelters for designated populations; and

15 (2) limit relocation between interim shelter sites.

16 (c)(1) Notwithstanding subsection (b) of this section, the use of hotel and  
17 motel rooms may be utilized only after the Department has exhausted other  
18 means of providing emergency temporary shelter. Annually, the Department  
19 shall propose hotel and motel rates through the budget process for  
20 consideration and approval by the General Assembly.

1           (2) The use of hotel and motel rooms shall be contingent on a  
2           participating hotel or motel complying with the public accommodation act  
3           pursuant to 9 V.S.A. chapter 139; holding a lodging license issued by the  
4           Vermont Department of Health; and complying with the Licensed Lodging  
5           Establishment Rule and the Vermont Fire and Building Safety Code. The  
6           Department may withhold full or partial payment to any hotel or motel  
7           operator who violates any law or rule or whose lodging license is suspended,  
8           revoked, expired, or otherwise invalid. Specifically, the Department may  
9           withhold full or partial payment to hotel or motel operators to whom the  
10           Department of Health has issued a conditional license, abatement order,  
11           warning letter, or other notice of violation. Likewise, the Department may  
12           withhold full or partial payment to hotel or motel operators who have received  
13           notices from other State agencies that indicate that the hotel or motel operator  
14           has violated a law or rule. Once the Department is satisfied that the hotel or  
15           motel operator is complying with the law and any corresponding rules, the  
16           Department shall begin or resume payments at the contracted rate for lodging  
17           once the violation ended. The Department may provide all, some, or none of  
18           the payments withheld based on the nature and extent of the legal violations  
19           and the effects those violations on Emergency Temporary Shelter Program  
20           households.

1     § 2203. HOUSEHOLD ELIGIBILITY

2           To be eligible for the Program established in this chapter, a household shall  
3     attest to lack of a fixed, regular, and adequate nighttime residence and have a  
4     member who:

5           (1) is 60 years of age or older;

6           (2) has a disability that can be documented by:

7                 (A) written verification of the disability from a professional licensed  
8     by the State to diagnose and treat the disability and certification that the  
9     disability is expected to be long-continuing or of indefinite duration and  
10    substantially impedes the individual’s ability to live independently;

11                (B) written verification from the Social Security Administration;

12                (C) receipt of a disability check;

13                (D) intake staff-recorded observation of a disability that, not later  
14    than 45 days after the application for assistance, is confirmed and accompanied  
15    by evidence of this; or

16                (E) other documentation approved by either the Department or the  
17    U.S. Department of Housing and Urban Development;

18           (3) is experiencing a serious short-term medical condition or has been  
19    discharged from a health care facility where the individual was being treated  
20    for a short-term medical condition within the last 30 days;

1           (4) is a child under 18 years of age, or 18 or 19 years of age and  
2           attending secondary school on a full-time basis or an equivalent level of  
3           vocational or technical training;

4           (5) is in the third trimester of pregnancy or is experiencing an at-risk  
5           pregnancy;

6           (6) has experienced the death of a spouse within the last 30 days;

7           (7) has experienced a natural disaster, such as a flood, fire, or hurricane  
8           within the last 30 days;

9           (8) is under a court-ordered eviction or constructive eviction due to  
10          circumstances over which the household has no control; or

11          (9) is experiencing domestic violence, dating violence, sexual assault,  
12          stalking, human trafficking, hate violence, or other dangerous or life-  
13          threatening conditions that relate to violence against the individual or a  
14          household member.

15          § 2204. MAXIMUM DAYS OF ELIGIBILITY

16          (a) The maximum number of days that a household receives shelter under  
17          this Program, per 12-month period, shall be determined by the statewide  
18          vacancy rate. If the statewide vacancy rate is:

19               (1) less than five percent at the household's time of application, the  
20               household shall receive a maximum of 90 sheltered days under this Program  
21               for the following 12-month period; or

1           (2) is equal to or greater than five percent at the household's time of  
2 application, the household shall receive a maximum of 45 sheltered days under  
3 this Program for the following 12-month period.

4           (b) Notwithstanding subsection (a) of this section, if there is inadequate  
5 shelter space available for a household within the Agency of Human Services  
6 district in which the household presents itself, the household shall be provided  
7 shelter under this Program until adequate shelter space becomes available in  
8 the district.

9           (c) No periods of ineligibility shall be imposed on the use of a household's  
10 maximum permitted sheltered days.

11       § 2205. **HOUSEHOLD PARTICIPATION**

12           Unless the head of the household has a disability as evidenced by  
13 subdivision 2203(2) of this chapter that prevents participation in coordinated  
14 entry and case management processes, a participating household sheltered  
15 pursuant to this chapter shall participate in coordinated entry and case  
16 management processes if temporary emergency shelter in excess of 14 days is  
17 required, including cooperating with the Department and service providers on  
18 screening and care planning.

19       § 2206. **APPLICATION; NOTICE; APPEALS**

20           (a) All program applications and notices shall use plain language.

1        (b) The Department shall provide written notice, and notice in the  
2        household’s preferred form of communication, of appeal rights related to  
3        Departmental decisions made in the course of administering the Program  
4        established in this chapter, including appeal rights related to the denial of an  
5        initial application.

6        (c) A household sheltered in accordance with this Program may continue to  
7        remain sheltered while the appeal is pending until the household’s maximum  
8        sheltered days for the current 12-month period have expired.

9        **§ 2207. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY**

10        **COMMITTEE**

11        (a) Creation. There is created the Emergency Temporary Shelter Program  
12        Advisory Committee to provide advice and recommendations to the  
13        Commissioner regarding the administration and operation of the Emergency  
14        Temporary Shelter Program from the perspective of individuals with lived  
15        experience of homelessness.

16        (b) Membership. Each lead agency shall appoint an individual with lived  
17        experience of homelessness in Vermont to serve on the Advisor Committee  
18        established in this section. The Advisory Committee’s membership shall  
19        reflect the growing diversity among Vermonters, including individuals who are  
20        Black, Indigenous, and Persons of Color, as well as with regard to



1 socioeconomic status, geographic location, gender, sexual identity, and  
2 disability status.

3 (c) Assistance. The Advisory Committee shall have the administrative,  
4 technical, and legal assistance of the Department for Children and Families.

5 (d) Meetings.

6 (1) The Commissioner shall call the first meeting of the Advisory  
7 Committee to occur on or before September 1, 2024.

8 (2) The Committee shall select a chair from among its members at the  
9 first meeting.

10 (3) A majority of the membership shall constitute a quorum.

11 (e) Compensation and reimbursement. Members of the Advisory  
12 Committee not otherwise compensated for their participation shall be entitled  
13 to per diem compensation and reimbursement of expenses as permitted under  
14 32 V.S.A. § 1010 for not more than six meetings annually. These payments  
15 shall be made from monies appropriated to the Department.

16 § 2208. QUARTERLY REPORTING

17 Quarterly, on or before January 15, April 15, July 15, and October 15, the  
18 Department shall post the following on its website:

19 (1) the annual total and average monthly number of households  
20 participating in the Program by household size, by eligibility category, and by  
21 each Agency of Human Services district;

1           (2) the number of alternative housing placements made during the  
2           previous reporting period compared with the targeted number of placements  
3           for that period;

4           (3) of the households successfully placed in alternative housing during  
5           the previous month, the number of households whose screening indicated a  
6           potential need for services from each department within the Agency of Human  
7           Services;

8           (4) the number of beds available for emergency housing in each Agency  
9           of Human Services district in the State, with separate reporting on the number  
10           of beds available in nursing homes and residential care homes for individuals  
11           whose screening indicates they could meet the clinical criteria for those  
12           settings and the number of emergency beds available for individuals whose  
13           screening indicates they do not meet the clinical criteria, including low-barrier  
14           shelters, beds for youth, and beds for individuals who have experienced  
15           domestic violence;

16           (5) of the households that were sheltered in a hotel or motel for three  
17           months or longer and transitioned out during the previous month, the number  
18           that have had all or a portion of their security deposits returned to them since  
19           leaving the hotel or motel or are awaiting the return of these funds;

20           (6) of the households that were sheltered in a hotel or motel for less than  
21           three months and transitioned out during the previous month, the amount of

1 security deposit funds refunded to the State by the hotels and motels during  
2 that month;

3 (7) the number of households that have been successfully transitioned to  
4 an alternative housing placement since the previous report was issued, the  
5 types of housing settings in which they have been placed, and the supportive  
6 services they are receiving in conjunction with their housing;

7 (8) the outlook for transitioning additional households to alternative  
8 housing placements in the coming months, including an estimate of the number  
9 of households likely to be placed per month;

10 (9) the status of responding to and implementing the letters of interest  
11 from community partners and municipalities for housing and supportive  
12 services;

13 (10) the status of contracts for housing and supportive services resulting  
14 from the Department’s requests for proposals (RFPs);

15 (11) the status of grants awarded through the Housing Opportunity  
16 Program and how those grants relate to the Program established in this chapter;

17 (12) the number of and demographic information for households  
18 obtaining shelter due to adverse weather conditions pursuant to section 2209 of  
19 this chapter;

1           (13) the total amount of funds expended during the most recent quarter  
2           on housing placements and supportive services for households transitioning  
3           from the Program established in this chapter; and

4           (14) any State rules and local regulations and ordinances that are  
5           impeding the timely development of safe, decent, affordable housing in  
6           Vermont communities in order to:

7                   (A) identify areas in which flexibility or discretion are available; and

8                   (B) advise whether the temporary suspension of relevant State rules  
9           and local regulations and ordinances, or the adoption or amendment of State  
10           rules, would facilitate faster and less costly revitalization of existing housing  
11           and construction of new housing units.

12           § 2209. ADVERSE WEATHER CONDITIONS

13           Notwithstanding any provisions of this chapter to the contrary, the  
14           Department shall provide shelter during adverse weather conditions when  
15           appropriate shelter space is not available between November 15 and April 15.

16           Sec. 3. EMERGENCY TEMPORARY SHELTER PROGRAM TASK  
17                   FORCE

18           (a) Creation. There is created the Emergency Temporary Shelter Program  
19           Task Force to provide recommendations to the General Assembly regarding  
20           the statewide and local operation and administration of the Emergency  
21           Temporary Shelter Program established in 33 V.S.A. chapter 22.

1        (b) Membership. The Task Force shall be composed of the following  
2        members:

3            (1) two representatives, appointed by the Emergency Temporary Shelter  
4        Program Advisory Committee established pursuant to 33 V.S.A. § 2207;

5            (2) five representatives, appointed by the Housing and Homelessness  
6        Alliance of Vermont;

7            (3) a representative, appointed by the Vermont Housing and  
8        Conservation Board;

9            (4) a representative, appointed by Vermont Care Partners;

10          (5) a representative, appointed by the Long-Term Care Crisis Coalition;

11          (6) a representative, appointed by the Vermont Alliance for Recovery

12        Residences;

13          (7) a representative, appointed by Vermont 211;

14          (8) the Chair of the House Committee on Human Services or designee;

15          (9) the Chair of Senate Committee on Health and Welfare or designee;

16          (10) the Commissioner for Children and Families or designee; and

17          (11) the Secretary of Commerce and Community Development or

18        designee.

19        (c) Powers and duties. The Task Force shall examine and provide

20        recommendations on the following:

1           (1) the process to establish a single, statewide, unified coordinated entry  
2 system with participation from the Department;

3           (2) the reorganization of roles and responsibilities within the  
4 Department for Children and Families’ Office of Economic Opportunity and  
5 the Division of Economic Services;

6           (3) the number and types of emergency shelter spaces needed and  
7 currently available for each geographic region in the State, with a preference  
8 for non-congregate shelter spaces;

9           (4) the identification of a consistent lead agency for each geographic  
10 region;

11           (5) the identification of roles and responsibilities necessary in a lead  
12 agency;

13           (6) potential adjustments to the adverse weather conditions established  
14 in 33 V.S.A. § 2209;

15           (7) a process to enable participating households to place a percentage of  
16 the household’s gross income into savings, which shall be returned to the  
17 household for permanent housing expenses when the household exits the  
18 Program; and

19           (8) a mechanism for addressing potential behavioral challenges posed by  
20 a member of a participating household.

1        (d) Assistance. The Task Force shall have the administrative, technical,  
2        and legal assistance of the Department for Children and Families.

3        (e) Report. On or before December 1, 2024, the Task Force shall submit a  
4        written report to the House Committee on Human Services and the Senate  
5        Committee on Health and Welfare with its findings and any recommendations  
6        for legislative action.

7        (f) Meetings.

8            (1) The Commissioner for Children and Families or designee shall call  
9        the first meeting of the Task Force to occur on or before August 1, 2024.

10           (2) The Task Force shall select a chair from among its members at the  
11        first meeting.

12           (3) A majority of the membership shall constitute a quorum.

13           (4) The Task Force shall cease once the report required pursuant to  
14        subsection (e) of this section has been submitted to the General Assembly.

15        (g) Compensation and reimbursement.

16           (1) For attendance at meetings during adjournment of the General  
17        Assembly, a legislative member of the Task Force serving in the member's  
18        capacity as a legislator shall be entitled to per diem compensation and  
19        reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight  
20        meetings. These payments shall be made from monies appropriated to the  
21        General Assembly.

1           (2) Other members of the Task Force not otherwise compensated for  
2           their participation shall be entitled to per diem compensation and  
3           reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more  
4           than eight meetings. These payments shall be made from monies appropriated  
5           to the Department for Children and Families.

6           Sec. 4. RULEMAKING; EMERGENCY TEMPORARY SHELTER  
7                           PROGRAM

8           On or before December 1, 2025, the Department for Children and Families  
9           shall file an initial permanent proposed rule with the Secretary of State  
10           pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency  
11           Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.  
12           Prior to the adoption of the permanent rule, the Department shall file an  
13           emergency rule, which shall be deemed to have met the emergency rulemaking  
14           standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency  
15           Temporary Shelter Program beginning on July 1, 2025.

16           \* \* \* Sunset of General Assistance Emergency Housing Program \* \* \*

17           Sec. 5. 33 V.S.A. § 2115 is amended to read:

18           § 2115. GENERAL ASSISTANCE PROGRAM REPORT

19           On or before September 1 of each year, the Commissioner for Children and  
20           Families shall submit a written report to the Joint Fiscal Committee; the House  
21           Committees on Appropriations, on General, Housing, and Military Affairs, and



1 on Human Services; and the Senate Committees on Appropriations and on  
2 Health and Welfare. The report shall contain the following:

3 (1) an evaluation of the General Assistance program during the previous  
4 fiscal year;

5 (2) any recommendations for changes to the program;

6 (3) a plan for continued implementation of the program; and

7 (4) ~~statewide statistics using deidentified data related to the use of~~  
8 ~~emergency housing vouchers during the preceding State fiscal year, including~~  
9 ~~demographic information, client data, shelter and motel usage rates, clients'~~  
10 ~~primary stated cause of homelessness, and average lengths of stay in~~  
11 ~~emergency housing by demographic group and by type of housing; and~~

12 (5) other information the Commissioner deems appropriate.

13 Sec. 6. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING  
14 PROGRAM

15 The General Assistance Emergency Housing Program shall cease to exist  
16 on July 1, 2025 and all related rules shall become ineffective on that date,  
17 including:

18 (1) Department for Children and Families, Emergency Housing  
19 Transition Benefit (EH-100), adopted under Secretary of State emergency rule  
20 filing number 23-E12 or any future identical emergency rule adopted by the  
21 Department; and

