

1 H.879

2 Introduced by Committee on Human Services

3 Date:

4 Subject: Human services; shelter; temporary emergency shelter

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

6 Emergency Temporary Shelter Program to replace the General Assistance

7 Emergency Housing Program.

8 An act relating to the Emergency Temporary Shelter Program

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

10 * * * Legislative Intent * * *

11 Sec. 1. LEGISLATIVE INTENT

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

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

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

20 (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 § 2209. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY
15 COMMITTEE

16 (a) Creation. There is created the Emergency Temporary Shelter Program
17 Advisory Committee to provide advice and recommendations to the
18 Commissioner regarding the implementation, administration, and operation of
19 the Emergency Temporary Shelter Program from the perspective of individuals
20 with lived experience of homelessness.

1 (b) Membership. Each coordinated entry lead agency shall appoint an
2 individual with lived experience of homelessness in Vermont to serve on the
3 Advisory Committee established in this section. The Advisory Committee’s
4 membership shall reflect the growing diversity among Vermonters, including
5 individuals who are Black, Indigenous, and Persons of Color, as well as with
6 regard to socioeconomic status, geographic location, gender, sexual identity,
7 and disability status.

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

10 (d) Meetings.

11 (1) The Commissioner shall call the first meeting of the Advisory
12 Committee to occur on or before July 15, 2024.

13 (2) The Committee shall select a chair or co-chairs from among its
14 members at the first meeting.

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

16 (e) Compensation and reimbursement. Members of the Advisory
17 Committee not otherwise compensated for their participation shall be entitled
18 to per diem compensation and reimbursement of expenses as permitted under
19 32 V.S.A. § 1010 for not more than 12 meetings annually. These payments
20 shall be made from monies appropriated to the Department.

1 Sec. 3. REPEAL; EMERGENCY TEMPORARY SHELTER PROGRAM

2 ADVISORY COMMITTEE

3 33 V.S.A. § 2209 (Emergency Temporary Shelter Program Advisory
4 Committee) is repealed on July 1, 2029.

5 Sec. 4. 33 V.S.A. chapter 22 is amended to read:

6 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

7 § 2201. DEFINITIONS

8 As used in this chapter:

9 (1) “Commissioner” means the Commissioner for Children and
10 Families.

11 (2) “Community-based shelter” means a shelter that meets the Vermont
12 Housing Opportunity Grant Program’s Standards of Provision of Assistance.

13 (3) “Department” means the Department for Children and Families.

14 (4) “Household” means an individual and any dependents for whom the
15 individual is legally responsible and who live in Vermont. “Household”
16 includes individuals who reside together as one economic unit, including those
17 who are married, parties to a civil union, or unmarried.

18 (5) “Statewide vacancy rate” means the Vermont-specific rental vacancy
19 rate as reported by U.S. Census Bureau.

1 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER

2 PROGRAM

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

7 (b) Permissible shelter provided through this Program shall:

8 (1) include:

9 (A) community-based shelter provided by housing and shelter
10 operators, including community-based shelters for designated populations; and

11 (B) hotel and motel rooms only after the Department has exhausted
12 other means of providing community-based shelter; and

13 (2) limit relocation between community-based shelter sites.

14 (c)(1) If there is inadequate community-based shelter space available for a
15 household within the Agency of Human Services district in which the
16 household presents itself, the household shall be provided shelter in a hotel or
17 motel within the district, if available, until adequate community-based shelter
18 space becomes available in the district.

19 (2) Annually, the Department shall propose hotel and motel rates
20 through the budget process for consideration and approval by the General
21 Assembly. If the Department determines that a contractual agreement with a

1 hotel or motel operator to secure temporary emergency shelter capacity is
2 beneficial to improve the quality, cleanliness, or access to services for those
3 households temporarily sheltered in the facility, the Department shall be
4 authorized to enter into such an agreement in accordance with the per-room
5 rate established by the General Assembly; provided, however, that in no event
6 shall such an agreement cause a household to become unhoused. The
7 Department may include provisions to address access to services or related
8 needs within the contractual agreement.

9 (3) The use of hotel and motel rooms shall be contingent on a
10 participating hotel or motel complying with the public accommodation act
11 pursuant to 9 V.S.A. chapter 139; holding a lodging license issued by the
12 Vermont Department of Health; and complying with the Licensed Lodging
13 Establishment Rule and the Vermont Fire and Building Safety Code. The
14 Department may withhold full or partial payment to any hotel or motel
15 operator who violates any law or rule or whose lodging license is suspended,
16 revoked, expired, or otherwise invalid. Specifically, the Department may
17 withhold full or partial payment to hotel or motel operators to whom the
18 Department of Health has issued a conditional license, abatement order,
19 warning letter, or other notice of violation. Likewise, the Department may
20 withhold full or partial payment to hotel or motel operators who have received
21 notices from other State agencies that indicate that the hotel or motel operator

1 has violated a law or rule. Once the Department is satisfied that the hotel or
2 motel operator is complying with the law and any corresponding rules, the
3 Department shall begin or resume payments at the contracted rate for lodging
4 once the violation ended. The Department may provide all, some, or none of
5 the payments withheld based on the nature and extent of the legal violations
6 and the effects those violations on Emergency Temporary Shelter Program
7 households.

8 § 2203. HOUSEHOLD ELIGIBILITY

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

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

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

14 (A) written verification of the disability from a professional licensed
15 by the State to diagnose and treat the disability and certification that the
16 disability is expected to be long-continuing or of indefinite duration and
17 substantially impedes the individual's ability to live independently;

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

19 (C) receipt of a disability check;

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

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

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

9 (4) is a child under 19 years of age;

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

12 (6) has experienced the death of a spouse or domestic partner within the
13 last 30 days;

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

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

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

1 § 2204. MAXIMUM DAYS OF ELIGIBILITY

2 (a) The maximum number of days that a household receives shelter in a
3 hotel or motel under this Program, per 12-month period, shall be determined
4 by the statewide vacancy rate. If the statewide vacancy rate is:

5 (1) less than five percent at the household's time of application, the
6 household shall receive a maximum of 90 sheltered days under this Program
7 per 12-month period; or

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

11 (b) No periods of ineligibility shall be imposed on the use of a household's
12 maximum permitted sheltered days.

13 § 2205. HOUSEHOLD PARTICIPATION

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

1 § 2206. APPLICATION; NOTICE; APPEALS

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

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

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

11 § 2207. MONTHLY REPORTING

12 Monthly, the Department shall post the following on its website:

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

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

19 (3) of the households successfully placed in alternative housing during
20 the previous month, the number of households whose screening indicated a

1 potential need for services from each department within the Agency of Human
2 Services;

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

11 (5) the number of households that have been successfully transitioned to
12 an alternative housing placement since the previous report was issued and the
13 types of housing settings in which they have been placed;

14 (6) the outlook for transitioning additional households to alternative
15 housing placements in the coming months, including an estimate of the number
16 of households likely to be placed per month;

17 (7) the number of and demographic information for households
18 obtaining shelter due to adverse weather conditions pursuant to section 2208 of
19 this chapter; and

1 the statewide and local operation and administration of the Emergency
2 Temporary Shelter Program established in 33 V.S.A. chapter 22.

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

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

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

9 (3) a representative, appointed by the Vermont Housing and
10 Conservation Board;

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

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

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

14 Residences;

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

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

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

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

19 (11) the Commissioner of Housing and Community Development or

20 designee.

1 (c) Powers and duties. The Task Force shall examine and provide
2 recommendations on the following:

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

5 (2) the reorganization of roles and responsibilities within the
6 Department for Children and Families' Office of Economic Opportunity and
7 the Division of Economic Services;

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

11 (4) the identification of a consistent lead agency for each geographic
12 region;

13 (5) the identification of roles and responsibilities necessary in a lead
14 agency;

15 (6) potential adjustments to the adverse weather conditions established
16 in 33 V.S.A. § 2208;

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

1 (8) a mechanism for addressing potential conduct challenges posed by a
2 member of a participating household served in a motel or hotel;

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

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

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

11 (10) a mechanism to ensure that eligible households are sheltered under
12 the Program until transitional or permanent housing is available.

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

15 (e) Report. On or before January 15, 2025, the Task Force shall submit a
16 written report to the House Committee on Human Services and the Senate
17 Committee on Health and Welfare with its findings and any recommendations
18 for legislative action.

19 (f) Meetings.

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

1 (2) The Task Force shall select a chair or co-chairs from among its
2 members at the first meeting.

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

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

6 (g) Compensation and reimbursement.

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

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

18 Sec. 6. RULEMAKING; EMERGENCY TEMPORARY SHELTER

19 PROGRAM

20 On or before February 15, 2025, the Department for Children and Families
21 shall file an initial permanent proposed rule with the Secretary of State

1 pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency
2 Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.
3 Prior to the adoption of the permanent rule, the Department shall file an
4 emergency rule, which shall be deemed to have met the emergency rulemaking
5 standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency
6 Temporary Shelter Program beginning on July 1, 2025.

7 * * * Sunset of General Assistance Emergency Housing Program * * *

8 Sec. 7. 33 V.S.A. § 2115 is amended to read:

9 § 2115. ~~GENERAL ASSISTANCE PROGRAM REPORT~~

10 ~~On or before September 1 of each year, the Commissioner for Children and~~
11 ~~Families shall submit a written report to the Joint Fiscal Committee; the House~~
12 ~~Committees on Appropriations, on General, Housing, and Military Affairs, and~~
13 ~~on Human Services; and the Senate Committees on Appropriations and on~~
14 ~~Health and Welfare. The report shall contain the following:~~

15 ~~(1) an evaluation of the General Assistance program during the previous~~
16 ~~fiscal year;~~

17 ~~(2) any recommendations for changes to the program;~~

18 ~~(3) a plan for continued implementation of the program;~~

19 ~~(4) statewide statistics using deidentified data related to the use of~~
20 ~~emergency housing vouchers during the preceding State fiscal year, including~~
21 ~~demographic information, client data, shelter and motel usage rates, clients'~~

1 ~~primary stated cause of homelessness, and average lengths of stay in~~
2 ~~emergency housing by demographic group and by type of housing; and~~
3 ~~(5) other information the Commissioner deems appropriate. [Repealed.]~~

4 Sec. 8. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
5 PROGRAM

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

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

13 (2) Department for Children and Families, General Assistance (CVR 13-
14 170-260) as amended by Department for Children and Families under
15 Secretary of State emergency rule filing number 23-E11 or any future identical
16 emergency rule adopted by the Department.

17 Sec. 9. REPEAL; EMERGENCY HOUSING TRANSITION

18 2023 Acts and Resolves No. 81, Secs. 5–9 shall be repealed on July 1, 2025.

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* * * Effective Dates * * *

Sec. 10. EFFECTIVE DATES

This section, Sec. 1 (legislative intent), Sec. 2 (Emergency Temporary Shelter Program Advisory Committee), and Sec. 5 (Emergency Temporary Shelter Program Task Force) shall take effect on passage and all remaining sections shall take effect on July 1, 2025.