

Emergency Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" (CVR 04-000-001) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). These emergency rules are necessary to continue the Transitional Housing Program as required by 2022 Acts and Resolves No. 185, Sec. E.325.1(a).

I approve the contents of this filing entitled:

Transitional Housing Program Emergency Rules

/s/ Todd W. Daloz , on 9/14/22
(signature) (date)

Printed Name and Title:
Todd W. Daloz, Deputy Secretary
Agency of Human Services

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

1. TITLE OF RULE FILING:

Transitional Housing Program Emergency Rules

2. ADOPTING AGENCY:

Vermont Agency of Human Services, Department for Children & Families

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Heidi Moreau

Agency: Vermont Agency of Human Services, Department for Children & Families

Mailing Address: 280 State Drive, Waterbury, VT 05671-1080

Telephone: 802 595 - 9639 Fax: -

E-Mail: heidi.moreau@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://dcf.vermont.gov/esd/rules/current>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Nicole Tousignant

Agency: Vermont Agency of Human Services, Department for Children & Families, Economic Services Division

Mailing Address: 280 State Drive, Waterbury, VT 05671-1080

Telephone: 802 241 - 0588 Fax: -

E-Mail: nicole.tousignant@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

3 V.S.A. § 801(b) (11); 33 V.S.A. § 105(b) (2)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Sec. E.325.1(a) of 2022 Acts and Resolves No. 185 states: "Notwithstanding 2022 Acts and Resolves No. 83, Sec. 54(c) (1), the Department for Children and Families may withdraw its permanent rule filing and shall file a second emergency rule to be effective upon the expiration of the Transitional Housing Program Emergency Rules (22-E07), adopted by the Department on March 31, 2022 and effective until September 28, 2022. The Department shall be deemed to have met the emergency rulemaking criteria in 3 V.S.A. § 844 if a second emergency rule that is substantially similar to the Transitional Housing Program Emergency Rules (22-E07) is adopted."

8. CONCISE SUMMARY (150 WORDS OR LESS):

The purpose of the Transitional Housing Program is to offer more stability to households experiencing homelessness. The Transitional Housing Program provides financial assistance to eligible households for up to 18 months in the form of direct monthly payments to motel and hotel owners who have executed an Occupancy Agreement with an eligible household. This emergency rule is substantially similar to the emergency rule adopted March 31, 2022, with the following additions: (1) language addressing the use of state funding; (2) deadline of October 1, 2022 for new applications; and (3) limit of \$5,250 on monthly financial assistance and \$3,300 on security deposits (the limit on security deposits was implemented via procedures when the Department adopted the first emergency rule).

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

This rule is necessary to continue the Transitional Housing Program, initially established via emergency rules adopted by the Department on March 31, 2022.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13(A):

The rule is based on feedback received by the Department from community partners, General Assistance Emergency Housing recipients, motel and hotel owners, legislators, and Department staff. The rule is within the authority granted by state law to the Commissioner of the Department for Children and Families. The rule conforms to federal ERAP requirements.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Vermonters experiencing homelessness; motels and hotels providing housing to Vermonters experiencing homelessness; nonprofit community agencies that provide social services to homeless individuals; the Department for Children and Families.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The Transitional Housing Program will be funded through the federal Emergency Rental Assistance Program and state funds appropriated in 2022 Acts and Resolves No. 185, Sec. C.102(b)(10). The Transitional Housing Program will have a positive economic impact on Vermonters experiencing homelessness. The Transitional Housing Program may have a positive economic impact on motels and hotels that choose to participate in the program. The Office of Economic Opportunity provides additional funding through the federal Emergency Rental Assistance Program (ERAP) to Coordinated Entry Lead Agencies to provide services to Transitional Housing Program recipients.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. EMERGENCY RULE EFFECTIVE: 09/28/2022

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL

(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE):
03/27/2023

18. NOTICE OF THIS EMERGENCY RULE SHOULD BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

transitional housing

emergency housing

emergency rental assistance

ERAP

motel voucher

general assistance

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Transitional Housing Program Emergency Rules

2. ADOPTING AGENCY:

Vermont Agency of Human Services, Department for Children & Families

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

22-E07, Transitional Housing Program Emergency Rules, March 31, 2022.

State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street, 5th Floor
Montpelier, VT 05609-0201
www.aa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-2428

Kristin L. Clouser, Secretary

MEMORANDUM

TO: Jim Condos, Secretary of State
FROM: Douglas Farnham, ICAR Chair
DATE: September 21, 2022
RE: Emergency Rule Titled 'Transitional Housing Program Emergency Rules' by the Agency of Human Services, Department for Children and Families

Douglas R. Farnham
Digitally signed by Douglas R. Farnham
Date: 2022.09.22 13:21:06 -04'00'

The use of rulemaking procedures under the provisions of 3 V.S.A. §844 is appropriate for this rule. I have reviewed the proposed rule titled 'Transitional Housing Program Emergency Rules', provided by the Agency of Human Services, Department for Children and Families, and agree that emergency rulemaking is necessary.

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Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

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2. ADOPTING AGENCY:

Vermont Agency of Human Services, Department for Children & Families

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Vermonters experiencing homelessness: As of September 9, 2022, there were 1,524 households receiving an average of \$4,440 of monthly assistance through the Transitional Housing Program.

Motels and Hotels providing housing to Vermonters experiencing homelessness: As of September 9, 2022, 73 motels or hotels were participating in the Transitional Housing Program. The Department is paying an average of \$4,440 per month to motels on behalf of eligible households in the Transitional Housing Program. 24 of these motels currently charge more than \$5,250 per month under Occupancy Agreements established pursuant to the emergency rules adopted March 1, 2022 which do not impose a cap on the amount of monthly assistance.

Coordinated Entry Lead Agencies: The Office of Economic Opportunity provides additional funding through the federal Emergency Rental Assistance Program (ERAP) to Coordinated Entry Lead Agencies to provide services to Transitional Housing program recipients.

Department for Children and Families: The legislature appropriated \$15,000,000 to the Department to continue operating the Transitional Housing Program when ERAP funds expire.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impact.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Not applicable.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Motels and hotels participating in the Transitional Housing Program will continue to generate revenue from monthly assistance paid on behalf of Transitional Housing Program recipients. The limit on monthly assistance may result in decreased revenue for motels and hotels that are currently charging more than \$5,250 per month. After Transitional Housing Program

recipients have exhausted their 18 months of assistance and when the Transitional Housing Program ends, the Department anticipates a reduction of reliance on motel and hotel use with a potential corresponding financial impact.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Motels and hotels can actively participate in the Transitional Housing program to fill the need for housing and maximize revenue. In the long term, after the expiration of the Transitional Housing program, motels and hotels will have a chance over time to market and generate new business to fill the gap, and this shift may also offer the businesses a chance to consider new business opportunities, such as, providing longer term housing solutions.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Under section E.325.1(a) of 2022 Acts and Resolves No. 185, the Department must adopt a second emergency rule for the Transitional Housing Program. In the absence of a rule, the only housing assistance the Department could provide to Vermonters experiencing homelessness would be through the General Assistance Emergency Housing program.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department used knowledge of the system, data, input from community partners and motels/hotels, as well as its experiences implementing the current General Assistance Emergency Housing program to inform this economic impact analysis. The Department's economic impact analysis is sufficient because of the depth and breadth of the analysis in each area effected.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Transitional Housing Program Emergency Rules

2. ADOPTING AGENCY:

Vermont Agency of Human Services, Department for Children & Families

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact expected.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact expected.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact expected.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*
No impact expected.

7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact expected.

8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

None.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The rule does not impact any of the areas listed above, and therefore, this analysis sufficiently captures that there will be no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Transitional Housing Program Emergency Rules

2. ADOPTING AGENCY:

Vermont Agency of Human Services, Department for Children & Families

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

Prior to the filing of the first emergency rule, the Department reconvened the General Assistance working group described in 2021 Acts and Resolves No. 74, sections E.321 and E.321.2. The working group met weekly from January 27, 2022 through March 10, 2022 to discuss implementation of the Transitional Housing Program. This second emergency rule does not substantially change the program. The Department shared a draft of the second emergency with the Joint Fiscal Committee and the General Assistance working group. The Department will publish the emergency rule on its website; notify community partners, subscribers of the Department's electronic rules notifications, and members of the public of the emergency rule.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Representatives from the following community organizations and services providers participated in the working group during the development of the first emergency rule: the Champlain Valley Office of Economic Opportunity, the Committee of Temporary Shelter, Groundworks Collaborative, Vermont Legal Aid, the Bennington Rutland Opportunity Council, the Upper Valley Haven, the Vermont Network, Spectrum Youth and Family Services, and the Vermont Coalition to End Homelessness.

The Agency of Administration provided guidance regarding the impact of the availability of federal ERAP funding on the duration of the Transitional Housing Program.

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TH-100 Purpose and Statutory Authority

The purpose of the Transitional Housing Program is to offer more stability to households experiencing homelessness. The Transitional Housing Program provides financial assistance to eligible households in the form of monthly housing payments secured through an Occupancy Agreement between motel owners and eligible households with transitional housing needs that cannot be relieved without the Department's intervention.

Transitional Housing Program participants are considered homeless and must work with a housing navigator to secure permanent housing. Participants must participate in the coordinated entry process to access housing resources for people experiencing homelessness. Participants' eligibility for permanent housing programs and housing navigation services depends on the requirements of the specific program or service.

Nothing in these rules supplants or is intended to supplant any requirements of the Licensed Lodging Establishment Rule.

The Transitional Housing Program will conform to federal requirements of the Emergency Rental Assistance Program (ERAP). Any conflict between these rules and the federal ERAP requirements shall be resolved in favor of the federal law and guidance.

Transitional Housing assistance does not supplant the housing assistance provided by the General Assistance Program under rules 2652.2 and 2652.3. Applicant ~~Household~~ Households who are eligible for Transitional Housing assistance are ineligible for housing assistance provided by the General Assistance Program under General Assistance rules 2652.2 and 2652.3.

The Transitional Housing Program will end when funding under the federal ERAP or state funding appropriated for transitional housing needs in 2022 Acts and Resolves No. 185, Sec. C.102(b)(10) is no longer available. Eligible households will not receive any further Transitional Housing Assistance after that time, regardless of the number of months of assistance the household has received.

These Rules were adopted pursuant to 2022 Acts and Resolves No. ~~83~~185, Sec. 54 ~~(c)(1)~~E.325.1.

TH-101 Definitions

The following definitions apply to the terms used in these rules:

1. "Applicant Household" means the individual(s) applying for transitional housing assistance for their own need and for the needs of those who live with them in Vermont. The Applicant Household consists of all adults who will be residing in a unit together. The Applicant Household must include at least one individual age 18 or older, unless emancipated (see "Emancipated Minor" below).
2. "Area Median Income" means the income limits established and published by U.S. the Department of Housing and Urban Development (HUD) on an annual basis. Income limits are adjusted for household size.
3. "Coordinated Entry" means the system established by Vermont's HUD jurisdiction Continuum of Care to ensure individuals experiencing a housing crisis are quickly identified, assessed, referred, and connected to housing assistance based on the individual's strengths and needs.

4. "Department" means the Department for Children and Families.
5. "Eligible Household" means a household of one or more individuals that qualifies for transitional housing assistance.
6. "Emancipated Minor" means an individual under age 18 who is: (a) emancipated by judicial decree under the laws of any state; (b) married; or (c) in active military service.
7. "Emergency Rental Assistance" or "ERAP" means the federal program established by section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), and section 3201 of the American Rescue Plan Act of 2021 (Public Law 117-2). ERAP is subject to guidance provided by the US Department of the Treasury on its website: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>.
8. "Household Income" means the gross income from all sources of all adult members of the Applicant Household minus any applicable adjustments for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes
9. "Monthly Benefit" means a minimum of one (1) day to a maximum of thirty-one (31) days in a given calendar month in which an Applicant Household or participant has utilized ERAP funding for transitional housing assistance.
10. "Motel" means a motel, hotel or other lodgings approved by the Department and subject to the Licensed Lodging Establishment Rule.
11. "Occupancy Agreement" means a signed written agreement between the Applicant Household and a motel owner that provides for the monthly occupancy of a unit by the Applicant Household. The minimum required provisions of an Occupancy Agreement are established by these Rules.
12. "Occupant" means an individual who rents a unit from a motel owner pursuant to an Occupancy Agreement.
13. "Participant" means a recipient of transitional housing.
14. "Transitional Housing" means assistance to provide housing for up to 18 months, funded through the federal Emergency Rental Assistance Program or state General Fund appropriated for transitional housing needs in 2022 Acts and Resolves No. 185, Sec. C.102(b)(10).
15. "Unit" means the premises in a motel that are or will be occupied by an Applicant Household or eligible household pursuant to an Occupancy Agreement.
16. "Vermont Resident" means an individual who is physically present in Vermont with the intent to establish a permanent residence within the state.

TH-102 Eligibility Criteria

To be eligible for the Transitional Housing Program, an Applicant Household must:

1. be a Vermont resident;
2. enter into an Occupancy Agreement with a motel owner who is willing to participate in the Transitional Housing Program and follow all the terms of TH-108;
3. meet the income eligibility requirements under TH-107;
4. not have exceeded the 18-month limit on Emergency Rental Assistance;
5. be experiencing homelessness category one or two as defined by HUD in 24 C.F.R. § 578.3, resulting in housing in a motel as the only option;
6. have either: experienced some financial hardship due, directly or indirectly, to the COVID-19 pandemic (for example, experiencing a loss of income, experiencing significantly increased expenses, or being unable to find or keep a job); or qualify for unemployment benefits; ~~and~~
7. have not applied for and/or received any other federal funding to pay for expenses covered under ERAP. The assistance provided through ERAP-Transitional Housing may not be applied to costs that have been or will be reimbursed under any other federal assistance program; and
- ~~7.8.~~ apply for the Transitional Housing Program by October 1, 2022. The Department will not accept applications submitted after October 1, 2022.

TH-103 Caretakers Living with the Applicant Household

Caretakers and essential persons residing with a child or member of the Applicant Household as a reasonable accommodation are not included in the Applicant Household.

TH-104 Application Process

All persons interested in applying for transitional housing shall be granted the opportunity to do so.

All members of the Applicant Household, or their authorized representative(s), must complete and sign the application. The application must include income information for all members of the Applicant Household and a signed attestation of eligibility under TH-102.

All members of the Applicant Household, or their authorized representative(s), must complete an interview with a representative of the Department.

The interview may be completed either in person or by phone.

Failure to submit a completed application promptly shall not be the sole reason for the Department to deny assistance unless the Applicant Household does not cooperate in verification.

TH-105 Verification

TH-105 Verification

The Applicant Household is the primary source of information to establish eligibility under ERAP. The Applicant Household must completely and accurately furnish all necessary information and give the Department permission to obtain information from other sources.

Verification of income is required.

Verification may be required for any other information that affects eligibility or the amount of benefits, if questionable.

The Applicant Household may refuse to: (1) give the Department information, (2) submit required proof, or (3) allow the Department to contact others in connection with the application. However, an Applicant Household's refusal to provide information or access to the information necessary to establish eligibility will result in denial of the application. Additionally, if an Applicant Household willfully misrepresents the household's circumstances, the application will be denied. Willful misrepresentation may also result in legal action for fraud under 33 V.S.A. § 141 and termination of benefits if the misrepresentation is discovered after the transitional housing benefits are granted. Department staff will make every effort to help Applicant Households understand this provision and the potential consequences of refusing access to necessary information or of willful misrepresentation.

Verification and supporting documentation may be provided by:

1. Dropping it off at a district office;
2. Mailing it to the Department;
3. Uploading it using the Department's website [find instructions to use the uploader at <https://dcf.vermont.gov/doc-uploader>];
4. Allowing the Department representative to confirm the information with a phone call; or
5. Any other method permitted by the Department.

TH-106 Action on Application

The Department will decide whether an Applicant Household qualifies for transitional housing once a completed, signed application, with the necessary verification, is submitted and ~~the application~~ members of the Applicant Household have been interviewed. After this, the Department will:

1. Review the information;
2. Make a decision; and
3. Notify the Applicant Household of the decision;

- a. If the application is approved, verbal and written notice will be given. The notice will include:
 - i. Number of months approved;
 - ii. The check-in date at the motel or transitional housing unit;
 - iii. The amount of monthly assistance; and
 - iv. The date to reapply for transitional housing.
- b. If the application is denied, the Department will provide written notice, which must include the specific reason(s) for denial.

TH-107 Income Eligibility

To receive transitional housing, the Applicant Household must have a gross monthly Household Income at or below 80% of the Area Median Income of the town in which the Applicant Household is seeking housing.

When determining income for the last 30 days, the 30-day period ending on the day prior to the date of application is used.

TH-108 Occupancy Agreement

To receive transitional housing, Applicant Household and motel owners must sign an Occupancy Agreement, which shall require a one-month minimum right to occupy the premises.

The Applicant Household and motel owner may use an Occupancy Agreement form supplied by the Department. However, the Department will only pay for transitional housing if the Occupancy Agreement contains all the following terms:

1. A one-month minimum term, renewable upon agreement of the Owner and Occupant(s).
2. The Owner's agreement to comply with terms of the Licensed Lodging Establishment Rule.
3. No financial requirement for the Occupant(s) to use the unit other than the monthly rent paid by the Department.
4. The Occupant(s) has the right to remain in the unit under the terms of the Occupancy Agreement if the property is sold by Owner.
5. The Owner shall provide heat, hot water, electricity, trash removal, and any other utilities the Owner provides to users of other units in the motel or facility.
6. The notice of termination must be given by the 10th of the calendar month if Owner wants the Occupant(s) to leave the property by the end of that same month. If Owner gives notice of termination after the 10th of the month, the Occupant(s) may remain in the unit until the last day of the calendar month following the month in which notice was given. [Example: if an Owner gives notice to an Occupant(s) on September 5, the Occupant(s) must leave the premises by September 30. But if the Owner gives the Occupant(s) notice to vacate on September 11 or later, the Occupant may remain on the premises until October 31].
7. A provision stating whether pets are permitted.
8. A provision stating whether parking is provided for the Occupant(s).

9. The name and telephone contact information for the Applicant Household to call for maintenance and repairs to the unit.
10. The Owner must provide 24-hour notice to the Occupant(s) before entering the unit, except in cases of emergency or to provide housekeeping services as required by the Licensed Lodging Establishment Rule.
11. The Occupant(s) may not sublet the property.
12. Only Occupants listed on the Occupancy Agreement provided to the Department are permitted to stay in the room for more than 72 hours a month.
13. Weekly inspection by Owner of all fire extinguishers and smoke detectors to ensure that they are fully charged and operational.
14. The Occupancy Agreement is void if the occupant is not eligible for transitional housing.
15. The Owner shall have the right to terminate the Occupancy Agreement if the Occupant(s) vacates or abandons the premises. In such case, the Owner may remove all belongings, including any personal property, from the premises only after the Owner makes a good faith attempt to contact the Occupant(s) and verify that they will not be returning to the motel.
16. The Owner must accept a security deposit paid on behalf of the Occupant(s) through the Transitional Housing Program and that the security deposit will be the sole source of reimbursement for repairs to the property.
17. The Owner shall return the security deposit directly to the Occupant(s), minus any portion retained for repairs caused by the Occupant, except ordinary wear and tear, if the Occupant(s) lived in the unit for at least four months and provided requisite notice before vacating the premises.

TH-109 Payment Process

The Department will make payments on behalf of Eligible Households directly to motel owners on a monthly basis. The amount of monthly assistance shall not exceed \$5,250.

Payments by the Department to a motel owner will begin only after (1) the Applicant Household has executed an Occupancy Agreement with the motel owner, and (2) the motel owner has completed all the attestations required by TH-117.

An Occupancy Agreement must be approved by the Department before payments begin. If a motel owner refuses to participate in the Transitional Housing Program, the Department will refer the Applicant Household to Vermont Emergency Rental Assistance Program.

TH-110 Security Deposit

The Department will provide a security deposit to the motel on behalf of the Eligible Household. The amount of the security deposit shall not exceed \$3,300.

Motel owners must return the security deposit to the Department if the household occupied a living unit for fewer than four months. The security deposit must be returned to the Department within 30 days of termination of the Occupancy Agreement if there are no documented damages to the unit. The motel owner must provide the Department with pictures of the damages and the estimated cost of repair

within two weeks of the Occupant vacating the motel if the motel owner intends to retain all or part of the security deposit to pay for repairs.

Motel owners must return the security deposit to the Occupant after termination of the Occupancy Agreement if there are no documented damages to the unit and if the Occupant occupied a unit for a minimum of four months.

TH-111 Calculation of ERAP Monthly Eligibility

Participants may obtain up to a lifetime maximum 18 months of Transitional Housing. If a participant uses ERAP funding or state-funded Transitional Housing assistance for only one day in a calendar month, that usage counts as a "monthly benefit" for purposes of calculating the 18-month maximum.

When members of the Applicant Household have previously received ERAP, the household's remaining months of eligibility for transitional housing will be determined based on the member of the household with the most months of Transitional Housing assistance received.

TH-112 Provisional Housing for Homelessness Category 1 Applicant Households

The Department will pay for up to 28 days of housing in a motel, on a daily basis, for Applicant Households who:

1. are not living in a shelter or General Assistance Emergency Housing at the time of application for transitional housing, and when shelter space is unavailable; and
2. belong to HUD homelessness category 1.

TH-113 Continuing Eligibility Review

The Department must review an Eligible Household's eligibility for transitional housing assistance every 90 days. At the time of review, the Eligible Household must report any changes in members of the household or household income and provide the Department with verification of a current Occupancy Agreement.

TH-114 Coordinated Entry

Eligible Households must participate in the Coordinated Entry process to find long term housing. Eligible Households without good cause for not participating in the Coordinated Entry process to find long term housing will be ineligible for further transitional housing assistance at the time of review. Good cause includes: disability or medical condition rendering the adult members of the household unable to participate in the Coordinated Entry process; households that have already secured permanent housing; and other circumstances as determined by the Department.

TH-115 Persons Difficult to House

The Department, in its sole discretion, may elect to make a one-time payment, in addition to the security deposit, to a motel owner to secure housing for an Eligible Household if, during the preceding 12 months, a member of the household was:

1. evicted (including being refused continued lodging due to failure to abide by the terms of the Occupancy Agreement);

2. aged out of foster care or similar arrangements; or
3. convicted of a criminal offense or released from incarceration.

TH-116 Rehousing

The Department will help Eligible Households refused continued lodging due to failure to abide by the terms of Occupancy Agreement obtain another Occupancy Agreement. Any additional Occupancy Agreements must be obtained by the Eligible Household without assistance from the Department. In extenuating circumstances, as determined by the Department, the Department may help in obtaining subsequent Occupancy Agreements for households refused continued lodging for failure to abide by the terms of an Occupancy Agreement.

If, through no fault of the Eligible Household, a motel owner is no longer willing to provide housing to the household or the household is otherwise refused continued lodging, the Department will help the household obtain another Occupancy Agreement.

The Department cannot guarantee that it will be able to find another owner who will agree to enter into an Occupancy Agreement with the Eligible Household.

TH-117 Motel Owner Participation

A motel owner must complete an attestation agreeing to the following conditions in order to participate in the Transitional Housing Program:

1. The owner must accept payment directly from the Department on behalf of an Applicant Household;
2. The owner must return or retain the security deposit in accordance with rule TH-110; and
3. The owner must return to the Department any payments as required by TH-120.

TH-118 Prioritization

If there is limited motel capacity, the Department will prioritize applications with: (1) incomes less than 50 percent of area median income; or (2) households with one or more individuals that have not been employed for the 90-day period preceding the date of application.

TH-119 Referral to the Vermont Emergency Rental Assistance Program (VERAP)

The Department will refer Applicant Households ~~households~~ that do not meet the eligibility criteria for participation in the Transitional Housing Program (for example, households with a signed agreement that does not comply with rule TH-108, households entering into agreements with motel owners who refuse to participate in the program) to the Vermont Emergency Rental Assistance Program.

TH-120 Recoupment

A motel owner must return transitional housing assistance payments to the Department in the following cases:

1. Payments are made in error (for example, the household is no longer eligible for transitional housing assistance);
2. Payments are found to be a duplicate payment with another ERAP program; and
3. The eligible household had to exit the room due to the motel owner's failure to comply with the Licensed Lodging Establishment Rule.

TH-121 Notice and Appeal

The Department shall provide notice to all Applicant Households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions. The notice will inform the Applicant Household of their rights and the procedures applicable to such appeals.

TH-121 Severability

If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

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TH-100 Purpose and Statutory Authority

The purpose of the Transitional Housing Program is to offer more stability to households experiencing homelessness. The Transitional Housing Program provides financial assistance to eligible households in the form of monthly housing payments secured through an Occupancy Agreement between motel owners and eligible households with transitional housing needs that cannot be relieved without the Department's intervention.

Transitional Housing Program participants are considered homeless and must work with a housing navigator to secure permanent housing. Participants must participate in the coordinated entry process to access housing resources for people experiencing homelessness. Participants' eligibility for permanent housing programs and housing navigation services depends on the requirements of the specific program or service.

Nothing in these rules supplants or is intended to supplant any requirements of the Licensed Lodging Establishment Rule.

The Transitional Housing Program will conform to federal requirements of the Emergency Rental Assistance Program (ERAP). Any conflict between these rules and the federal ERAP requirements shall be resolved in favor of the federal law and guidance.

Transitional Housing assistance does not supplant the housing assistance provided by the General Assistance Program under rules 2652.2 and 2652.3. Applicant Households who are eligible for Transitional Housing assistance are ineligible for housing assistance provided by the General Assistance Program under General Assistance rules 2652.2 and 2652.3.

The Transitional Housing Program will end when funding under the federal ERAP or state funding appropriated for transitional housing needs in 2022 Acts and Resolves No. 185, Sec. C.102(b)(10) is no longer available. Eligible households will not receive any further Transitional Housing Assistance after that time, regardless of the number of months of assistance the household has received. These Rules were adopted pursuant to 2022 Acts and Resolves No. 185, Sec. E.325.1.

TH-101 Definitions

The following definitions apply to the terms used in these rules:

1. "Applicant Household" means the individual(s) applying for transitional housing assistance for their own need and for the needs of those who live with them in Vermont. The Applicant Household consists of all adults who will be residing in a unit together. The Applicant Household must include at least one individual age 18 or older, unless emancipated (see "Emancipated Minor" below).
2. "Area Median Income" means the income limits established and published by U.S. the Department of Housing and Urban Development (HUD) on an annual basis. Income limits are adjusted for household size.
3. "Coordinated Entry" means the system established by Vermont's HUD jurisdiction Continuum of Care to ensure individuals experiencing a housing crisis are quickly identified, assessed, referred, and connected to housing assistance based on the individual's strengths and needs.
4. "Department" means the Department for Children and Families.

5. "Eligible Household" means a household of one or more individuals that qualifies for transitional housing assistance.
6. "Emancipated Minor" means an individual under age 18 who is: (a) emancipated by judicial decree under the laws of any state; (b) married; or (c) in active military service.
7. "Emergency Rental Assistance" or "ERAP" means the federal program established by section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), and section 3201 of the American Rescue Plan Act of 2021 (Public Law 117-2). ERAP is subject to guidance provided by the US Department of the Treasury on its website: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>.
8. "Household Income" means the gross income from all sources of all adult members of the Applicant Household minus any applicable adjustments for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes
9. "Monthly Benefit" means a minimum of one (1) day to a maximum of thirty-one (31) days in a given calendar month in which an Applicant Household or participant has utilized ERAP funding for transitional housing assistance.
10. "Motel" means a motel, hotel or other lodgings approved by the Department and subject to the Licensed Lodging Establishment Rule.
11. "Occupancy Agreement" means a signed written agreement between the Applicant Household and a motel owner that provides for the monthly occupancy of a unit by the Applicant Household. The minimum required provisions of an Occupancy Agreement are established by these Rules.
12. "Occupant" means an individual who rents a unit from a motel owner pursuant to an Occupancy Agreement.
13. "Participant" means a recipient of transitional housing.
14. "Transitional Housing" means assistance to provide housing for up to 18 months, funded through the federal Emergency Rental Assistance Program or state General Fund appropriated for transitional housing needs in 2022 Acts and Resolves No. 185, Sec. C.102(b)(10).
15. "Unit" means the premises in a motel that are or will be occupied by an Applicant Household or eligible household pursuant to an Occupancy Agreement.
16. "Vermont Resident" means an individual who is physically present in Vermont with the intent to establish a permanent residence within the state.

TH-102 Eligibility Criteria

To be eligible for the Transitional Housing Program, an Applicant Household must:

1. be a Vermont resident;
2. enter into an Occupancy Agreement with a motel owner who is willing to participate in the Transitional Housing Program and follow all the terms of TH-108;
3. meet the income eligibility requirements under TH-107;
4. not have exceeded the 18-month limit on Emergency Rental Assistance;
5. be experiencing homelessness category one or two as defined by HUD in 24 C.F.R. § 578.3, resulting in housing in a motel as the only option;
6. have either: experienced some financial hardship due, directly or indirectly, to the COVID-19 pandemic (for example, experiencing a loss of income, experiencing significantly increased expenses, or being unable to find or keep a job); or qualify for unemployment benefits;
7. have not applied for and/or received any other federal funding to pay for expenses covered under ERAP. The assistance provided through Transitional Housing may not be applied to costs that have been or will be reimbursed under any other federal assistance program; and
8. apply for the Transitional Housing Program by October 1, 2022. The Department will not accept applications submitted after October 1, 2022.

TH-103 Caretakers Living with the Applicant Household

Caretakers and essential persons residing with a child or member of the Applicant Household as a reasonable accommodation are not included in the Applicant Household.

TH-104 Application Process

All persons interested in applying for transitional housing shall be granted the opportunity to do so.

All members of the Applicant Household, or their authorized representative(s), must complete and sign the application. The application must include income information for all members of the Applicant Household and a signed attestation of eligibility under TH-102.

All members of the Applicant Household, or their authorized representative(s), must complete an interview with a representative of the Department.

The interview may be completed either in person or by phone.

Failure to submit a completed application promptly shall not be the sole reason for the Department to deny assistance unless the Applicant Household does not cooperate in verification.

TH-105 Verification

The Applicant Household is the primary source of information to establish eligibility under ERAP. The Applicant Household must completely and accurately furnish all necessary information and give the Department permission to obtain information from other sources.

Verification of income is required.

Verification may be required for any other information that affects eligibility or the amount of benefits, if questionable.

The Applicant Household may refuse to: (1) give the Department information, (2) submit required proof, or (3) allow the Department to contact others in connection with the application. However, an Applicant Household's refusal to provide information or access to the information necessary to establish eligibility will result in denial of the application. Additionally, if an Applicant Household willfully misrepresents the household's circumstances, the application will be denied. Willful misrepresentation may also result in legal action for fraud under 33 V.S.A. § 141 and termination of benefits if the misrepresentation is discovered after the transitional housing benefits are granted. Department staff will make every effort to help Applicant Households understand this provision and the potential consequences of refusing access to necessary information or of willful misrepresentation.

Verification and supporting documentation may be provided by:

1. Dropping it off at a district office;
2. Mailing it to the Department;
3. Uploading it using the Department's website [find instructions to use the uploader at <https://dcf.vermont.gov/doc-uploader>];
4. Allowing the Department representative to confirm the information with a phone call; or
5. Any other method permitted by the Department.

TH-106 Action on Application

The Department will decide whether an Applicant Household qualifies for transitional housing once a completed, signed application, with the necessary verification, is submitted and members of the Applicant Household have been interviewed. After this, the Department will:

1. Review the information;
2. Make a decision; and
3. Notify the Applicant Household of the decision;

- a. If the application is approved, verbal and written notice will be given. The notice will include:
 - i. Number of months approved;
 - ii. The check-in date at the motel or transitional housing unit;
 - iii. The amount of monthly assistance; and
 - iv. The date to reapply for transitional housing.
- b. If the application is denied, the Department will provide written notice, which must include the specific reason(s) for denial.

TH-107 Income Eligibility

To receive transitional housing, the Applicant Household must have a gross monthly Household Income at or below 80% of the Area Median Income of the town in which the Applicant Household is seeking housing.

When determining income for the last 30 days, the 30-day period ending on the day prior to the date of application is used.

TH-108 Occupancy Agreement

To receive transitional housing, Applicant Household and motel owners must sign an Occupancy Agreement, which shall require a one-month minimum right to occupy the premises.

The Applicant Household and motel owner may use an Occupancy Agreement form supplied by the Department. However, the Department will only pay for transitional housing if the Occupancy Agreement contains all the following terms:

1. A one-month minimum term, renewable upon agreement of the Owner and Occupant(s).
2. The Owner's agreement to comply with terms of the Licensed Lodging Establishment Rule.
3. No financial requirement for the Occupant(s) to use the unit other than the monthly rent paid by the Department.
4. The Occupant(s) has the right to remain in the unit under the terms of the Occupancy Agreement if the property is sold by Owner.
5. The Owner shall provide heat, hot water, electricity, trash removal, and any other utilities the Owner provides to users of other units in the motel or facility.
6. The notice of termination must be given by the 10th of the calendar month if Owner wants the Occupant(s) to leave the property by the end of that same month. If Owner gives notice of termination after the 10th of the month, the Occupant(s) may remain in the unit until the last day of the calendar month following the month in which notice was given. [Example: if an Owner gives notice to an Occupant(s) on September 5, the Occupant(s) must leave the premises by September 30. But if the Owner gives the Occupant(s) notice to vacate on September 11 or later, the Occupant may remain on the premises until October 31].
7. A provision stating whether pets are permitted.
8. A provision stating whether parking is provided for the Occupant(s).

9. The name and telephone contact information for the Applicant Household to call for maintenance and repairs to the unit.
10. The Owner must provide 24-hour notice to the Occupant(s) before entering the unit, except in cases of emergency or to provide housekeeping services as required by the Licensed Lodging Establishment Rule.
11. The Occupant(s) may not sublet the property.
12. Only Occupants listed on the Occupancy Agreement provided to the Department are permitted to stay in the room for more than 72 hours a month.
13. Weekly inspection by Owner of all fire extinguishers and smoke detectors to ensure that they are fully charged and operational.
14. The Occupancy Agreement is void if the occupant is not eligible for transitional housing.
15. The Owner shall have the right to terminate the Occupancy Agreement if the Occupant(s) vacates or abandons the premises. In such case, the Owner may remove all belongings, including any personal property, from the premises only after the Owner makes a good faith attempt to contact the Occupant(s) and verify that they will not be returning to the motel.
16. The Owner must accept a security deposit paid on behalf of the Occupant(s) through the Transitional Housing Program and that the security deposit will be the sole source of reimbursement for repairs to the property.
17. The Owner shall return the security deposit directly to the Occupant(s), minus any portion retained for repairs caused by the Occupant, except ordinary wear and tear, if the Occupant(s) lived in the unit for at least four months and provided requisite notice before vacating the premises.

TH-109 Payment Process

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Payments by the Department to a motel owner will begin only after (1) the Applicant Household has executed an Occupancy Agreement with the motel owner, and (2) the motel owner has completed all the attestations required by TH-117.

An Occupancy Agreement must be approved by the Department before payments begin. If a motel owner refuses to participate in the Transitional Housing Program, the Department will refer the Applicant Household to Vermont Emergency Rental Assistance Program.

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The Department will provide a security deposit to the motel on behalf of the Eligible Household. The amount of the security deposit shall not exceed \$3,300.

Motel owners must return the security deposit to the Department if the household occupied a living unit for fewer than four months. The security deposit must be returned to the Department within 30 days of termination of the Occupancy Agreement if there are no documented damages to the unit. The motel owner must provide the Department with pictures of the damages and the estimated cost of repair

within two weeks of the Occupant vacating the motel if the motel owner intends to retain all or part of the security deposit to pay for repairs.

Motel owners must return the security deposit to the Occupant after termination of the Occupancy Agreement if there are no documented damages to the unit and if the Occupant occupied a unit for a minimum of four months.

TH-111 Calculation of ERAP Monthly Eligibility

Participants may obtain up to a lifetime maximum 18 months of Transitional Housing. If a participant uses ERAP funding or state-funded Transitional Housing assistance for only one day in a calendar month, that usage counts as a "monthly benefit" for purposes of calculating the 18-month maximum.

When members of the Applicant Household have previously received ERAP, the household's remaining months of eligibility for transitional housing will be determined based on the member of the household with the most months of Transitional Housing assistance received.

TH-112 Provisional Housing for Homelessness Category 1 Applicant Households

The Department will pay for up to 28 days of housing in a motel, on a daily basis, for Applicant Households who:

1. are not living in a shelter or General Assistance Emergency Housing at the time of application for transitional housing, and when shelter space is unavailable; and
2. belong to HUD homelessness category 1.

TH-113 Continuing Eligibility Review

The Department must review an Eligible Household's eligibility for transitional housing assistance every 90 days. At the time of review, the Eligible Household must report any changes in members of the household or household income and provide the Department with verification of a current Occupancy Agreement.

TH-114 Coordinated Entry

Eligible Households must participate in the Coordinated Entry process to find long term housing. Eligible Households without good cause for not participating in the Coordinated Entry process to find long term housing will be ineligible for further transitional housing assistance at the time of review. Good cause includes: disability or medical condition rendering the adult members of the household unable to participate in the Coordinated Entry process; households that have already secured permanent housing; and other circumstances as determined by the Department.

TH-115 Persons Difficult to House

The Department, in its sole discretion, may elect to make a one-time payment, in addition to the security deposit, to a motel owner to secure housing for an Eligible Household if, during the preceding 12 months, a member of the household was:

1. evicted (including being refused continued lodging due to failure to abide by the terms of the Occupancy Agreement);

2. aged out of foster care or similar arrangements; or
3. convicted of a criminal offense or released from incarceration.

TH-116 Rehousing

The Department will help Eligible Households refused continued lodging due to failure to abide by the terms of Occupancy Agreement obtain another Occupancy Agreement. Any additional Occupancy Agreements must be obtained by the Eligible Household without assistance from the Department. In extenuating circumstances, as determined by the Department, the Department may help in obtaining subsequent Occupancy Agreements for households refused continued lodging for failure to abide by the terms of an Occupancy Agreement.

If, through no fault of the Eligible Household, a motel owner is no longer willing to provide housing to the household or the household is otherwise refused continued lodging, the Department will help the household obtain another Occupancy Agreement.

The Department cannot guarantee that it will be able to find another owner who will agree to enter into an Occupancy Agreement with the Eligible Household.

TH-117 Motel Owner Participation

A motel owner must complete an attestation agreeing to the following conditions in order to participate in the Transitional Housing Program:

1. The owner must accept payment directly from the Department on behalf of an Applicant Household;
2. The owner must return or retain the security deposit in accordance with rule TH-110; and
3. The owner must return to the Department any payments as required by TH-120.

TH-118 Prioritization

If there is limited motel capacity, the Department will prioritize applications with: (1) incomes less than 50 percent of area median income; or (2) households with one or more individuals that have not been employed for the 90-day period preceding the date of application.

TH-119 Referral to the Vermont Emergency Rental Assistance Program (VERAP)

The Department will refer Applicant Households that do not meet the eligibility criteria for participation in the Transitional Housing Program (for example, households with a signed agreement that does not comply with rule TH-108, households entering into agreements with motel owners who refuse to participate in the program) to the Vermont Emergency Rental Assistance Program.

TH-120 Recoupment

A motel owner must return transitional housing assistance payments to the Department in the following cases:

1. Payments are made in error (for example, the household is no longer eligible for transitional housing assistance);
2. Payments are found to be a duplicate payment with another ERAP program; and
3. The eligible household had to exit the room due to the motel owner's failure to comply with the Licensed Lodging Establishment Rule.

TH-121 Notice and Appeal

The Department shall provide notice to all Applicant Households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions. The notice will inform the Applicant Household of their rights and the procedures applicable to such appeals.

TH-121 Severability

If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

280 State Drive - Center Building
Waterbury, VT 05671-1000



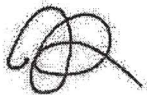
OFFICE OF THE SECRETARY
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JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Jim Condos, Secretary of State
FROM: Jenney Samuelson, Secretary, Agency of Human Services 
DATE: April 1, 2022
SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Deputy Secretary of Human Services Todd W. Daloz as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3 V.S.A. § 801 et seq.

Cc: Todd W. Daloz

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 001 : General Provisions

(Cite as: 3 V.S.A. § 801)

§ 801. Short title and definitions

(a) This chapter may be cited as the "Vermont Administrative Procedure Act."

(b) As used in this chapter:

(1) "Agency" means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) "Contested case" means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) "Practice" means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) "Procedure" means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

employees.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

The Vermont Statutes Online

Title 33 : Human Services

Chapter 001 : Department For Children And Families

Subchapter 001 : Policy, Organization, Powers, And Duties

(Cite as: 33 V.S.A. § 105)

§ 105. Commissioner; appointment, term, duties, and powers

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department, and he or she shall determine the policies of the Department.

(b) In addition to other duties imposed by law, the Commissioner shall:

(1) administer the laws assigned to the Department;

(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department;

(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department, unless otherwise specifically provided by law.

(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State.

(d) The Commissioner, with the approval of the Attorney General, may enter into reciprocal agreements with social and child welfare agencies in other states in matters relating to social welfare, children, and families.

(e) The Commissioner shall ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the Secretary of Education and the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living in accordance with the provisions of chapter 43 of this title.

(f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on him or her by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

(g) The Commissioner may publicly disclose findings or information about any case of

child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality or until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier. (Added 1967, No. 147, § 1; amended 1973, No. 101, § 6; 1983, No. 175 (Adj. Sess.); 2013, No. 131 (Adj. Sess.), § 6, eff. May 20, 2014; 2015, No. 29, § 11; 2021, No. 20, § 273.)



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Deadline For Public Comment

Deadline: Unavailable.

The deadline for public comment is unavailable for this rule. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	22-E15
Title:	Transitional Housing Program Emergency Rules.
Type:	Emergency
Status:	Adopted
Agency:	Department for Children and Families, Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)
Summary:	The purpose of the Transitional Housing Program is to offer more stability to households experiencing homelessness. The Transitional Housing Program provides financial assistance to eligible households for up to 18 months in the form of direct monthly

payments to motel and hotel owners who have executed an Occupancy Agreement with an eligible household. This emergency rule is substantially similar to the emergency rule adopted March 31, 2022, with the following additions: (1) language addressing the use of state funding; (2) deadline of October 1, 2022 for new applications; and (3) limit of \$5,250 on monthly financial assistance and \$3,300 on security deposits (the limit on security deposits was implemented via procedures when the Department adopted the first emergency rule).

Persons Affected:

Vermonters experiencing homelessness; motels and hotels providing housing to Vermonters experiencing homelessness; nonprofit community agencies that provide social services to homeless individuals; the Department for Children and Families.

Economic Impact:

The Transitional Housing Program will be funded through the federal Emergency Rental Assistance Program and state funds appropriated in 2022 Acts and Resolves No. 185, Sec. C. 102(b)(10). The Transitional Housing Program will have a positive economic impact on Vermonters experiencing homelessness. The Transitional Housing Program may have a positive economic impact on motels and hotels that choose to participate in the program. The Office of Economic Opportunity provides additional funding through the federal Emergency Rental Assistance Program (ERAP) to Coordinated Entry Lead Agencies to provide services to Transitional Housing Program recipients.

Posting date:

Sep 26,2022

Hearing Information

There are not Hearings scheduled for this Rule

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

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Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

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Keyword Information

Keywords:

transitional housing
 emergency housing
 emergency rental assistance
 ERAP
 motel voucher
 general assistance

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