

**Elder Law Project**

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TO: Representative Trevor Squirrel, Chair of Legislative Committee on Administrative Rules

FROM: Leah Burdick, Staff Attorney, Elder Law Project

SUBJECT: Department of Children and Families Failure to Finalize General Assistance/Emergency Housing Rules, 24-P42

DATE: February 24, 2026

Dear Representative Squirrel:

Vermont Legal Aid writes to ask that the Legislative Committee on Administrative Rules (LCAR), pursuant to its authority under 3 V.S.A. § 817(c), conduct a public hearing on the Department of Children and Families' (DCF) now long-running failure to properly finalize its General Assistance Emergency Housing Program (GA) rules, 24-P42. As of the date of this letter, DCF is still operating the GA Emergency Housing Program without properly promulgated rules, in violation of Vermont's Administrative Procedures Act, 3 V.S.A. § 831(a) and Act 27.

The original set of General Assistance rules officially proposed by DCF and filed with the Secretary of State on September 18, 2024 were initially rejected by LCAR as contrary to legislative intent.¹ DCF responded to LCAR's objection by proposing revised rules.² In response to questions from this committee asking when these final revised rules would go into effect, DCF represented to LCAR that these rules "would go into effect fifteen days after we file it with the Secretary of State..."³ On that reassurance, LCAR approved the revised rules on March 13, 2025.

¹ See *Notice of Objection*, Feb. 18, 2025, available at <https://legislature.vermont.gov/Documents/2026/Workgroups/LCAR/24-P42%20-%20General%20Assistance%20Emergency%20Housing%20Assistance%20Rule/W~none~24-P42%20Notice%20of%20Objection~2-18-2025.pdf>

² See *DCF Response to LCAR*, February 20, 2025, available at <https://legislature.vermont.gov/Documents/2026/Workgroups/LCAR/24-P42%20-%20General%20Assistance%20Emergency%20Housing%20Assistance%20Rule/W~Heidi%20Moreau~24-P42%20Response%20to%20LCAR%20Objection~2-20-2025.pdf>

³ See *Recording of LCAR Hearing March 13, 2025*, starting at 5:09, available at <https://www.youtube.com/watch?v=JGKzTkWL6bs>

DCF never filed these final rules with the Secretary of State. The *Code of Vermont Rules* lists the previous rule set, CVR 13-170-260, as still governing the current program.⁴ Act 27 substantially revised eligibility criteria, as reflected in the proposed rules. A “rule” is defined as agency statements that have been adopted in the manner prescribed by the APA. 3 V.S.A. § 801(b)(9). The APA requires that rules be filed with the Secretary of State. 3 V.S.A. § 843. Filing the adopted rule is the last step in the rule making process. 3 V.S.A. § 836(a).

When drafting Act 27, the legislature reasonably assumed DCF would follow the law. DCF testified to this committee in March that they would send the finalized rules to the Secretary of State. There has never been any credible explanation by DCF as to why they failed to file the approved set. Instead, DCF has decided that, since Act 27 required applying the rules approved by LCAR, no further action on their part was necessary to comply with the APA.⁵ There were no GA rules in effect when Act 27 was passed—only proposed rules, and even those had expired. Governor Scott signed Act 27 on May 21, 2025. The proposed rules expired on May 16, 2025, eight months after the first iteration was originally filed with the Secretary of State on September 16, 2024. 3 V.S.A. § 843(c) (“An agency shall have eight months from the date of initial filing with the Secretary of State to adopt a rule.”). Thus, DCF has been operating the General Assistance Emergency Housing Program with no rules since May 22, 2025, in violation of Act 27 and the APA.

Winter Eligibility for Emergency Housing is set to end March 31, 2026. Vermont Legal Aid anticipates mass terminations from motels, along with all the chaos and confusion accompanying the end of housing stability for hundreds of vulnerable people currently in the program. On behalf of our clients experiencing homelessness, Vermont Legal Aid urges LCAR to conduct a public hearing regarding DCF’s actions and the unpromulgated General Assistance/Emergency Housing Rules.

Sincerely,
Leah Burdick
Staff Attorney
Vermont Legal Aid

⁴Available at: [CV 13-170-260. GENERAL ASSISTANCE \(2600\)](#)

⁵ See “Current ESD Rules” webpage: “In accordance with Act 27 (2025), from July 1, 2025 to June 30, 2026, ESD will apply the General Assistance Emergency Housing final proposed rules approved by the Legislative Committee on Administrative Rules on March 13, 2025 for the administration of emergency housing assistance.” Available at <https://dcf.vermont.gov/esd/laws-rules/current>