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

FROM: Leah Burdick, Staff Attorney, Elder Law Project

SUBJECT: Response to DCF's Memo on the General Assistance/Emergency Housing Rules, 24-P42

DATE: 3/31/2026

Vermont Legal Aid submits this memo in response to DCF's memo dated March 26, 2026, regarding their failure to properly adopt rules governing the General Assistance Emergency Housing program.

DCF promised LCAR it would amend the final rule and file it with the SOS.

After LCAR objected to the rule, DCF agreed to make two substantive changes to the final rule. At that hearing on March 13, 2025, DCF made assurances to the Committee that it would make these changes and file the revised final rule with the Secretary of State. Based on that assurance from DCF, LCAR withdrew its objection. DCF failed to file the final rule after that LCAR hearing. DCF offers no credible explanation or justification for not doing what it promised LCAR it would do.

Act 27 does not justify the failure to adopt the rules.

DCF claims they didn't file the rule because of the adoption of Act 27. However, Act 27 was passed in mid-May and signed by the Governor on May 21. The rule expired on May 15 and was no longer valid at the time of the passage of Act 27. Act 27 has no bearing on the failure to file the rule after that LCAR hearing in March.

The Legislature reasonably assumed that DCF would do what was promised.

In passing Act 27, the Legislature directed DCF to continue to utilize the LCAR-approved rules for the next fiscal year. The Legislature reasonably assumed those rules had been properly adopted as directed by LCAR in March, and did not know that DCF had failed to finalize them. The intent of the Legislature in Act 27 was "continue" final rules for the next year, not to supersede proper rule making or to undermine what LCAR had intended previously.

LCAR should object to the “rule” as invalid and direct DCF to correct its error.

DCF did not follow the Administrative Procedure Act to adopt rules for the program, creating even more confusion for vulnerable participants in the GA Housing Program. To provide much-needed clarity and predictability for people experiencing the instability of homelessness, Vermont Legal Aid respectfully requests that LCAR: 1) object to the “existing rule” as invalid pursuant to 3 V.S.A. Sec. 817(d) and 2) direct DCF to adopt proper rules under 3 V.S.A. Sec. 831(c).

We thank the Committee for consideration of these comments.