

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 879 entitled “An act relating to the Emergency Temporary Shelter
4 Program” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 * * * Legislative Intent * * *

8 Sec. 1. LEGISLATIVE INTENT

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

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

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

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

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

1 (A) immediate access to shelter without housing readiness
2 requirements; and

3 (B) voluntary supportive services designed to support housing
4 stability; and

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

8 * * * Emergency Temporary Shelter Program * * *

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

10 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

11 § 22¹⁰. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY

12 COMMITTEE

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

18 (b) Membership. Each coordinated entry lead agency shall appoint an
19 individual with lived experience of homelessness in Vermont to serve on the
20 Advisory Committee established in this section. The Advisory Committee's
21 membership shall reflect the growing diversity among Vermonters, including

1 individuals who are Black, Indigenous, and Persons of Color, as well as with
2 regard to socioeconomic status, geographic location, gender, sexual identity,
3 and disability status.

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

6 (d) Meetings.

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

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

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

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

17 Sec. 3. REPEAL; EMERGENCY TEMPORARY SHELTER PROGRAM

18 ADVISORY COMMITTEE

19 33 V.S.A. § 2209 (Emergency Temporary Shelter Program Advisory
20 Committee) is repealed on July 1, 2029.

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

2 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

3 § 2201. DEFINITIONS

4 As used in this chapter:

5 (1) “Commissioner” means the Commissioner for Children and
6 Families.

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

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

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

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

16 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER
17 PROGRAM

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

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

2 (1) include:

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

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

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

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

13 (2) Annually, the Department shall propose hotel and motel rates
14 through the budget process for consideration and approval by the General
15 Assembly. If the Department determines that a contractual agreement with a
16 hotel or motel operator to secure emergency temporary shelter capacity is
17 beneficial to improve the quality, cleanliness, or access to services for those
18 households temporarily sheltered in the facility, the Department shall be
19 authorized to enter into such an agreement in accordance with the per-room
20 rate established by the General Assembly; provided, however, that in no event
21 shall such an agreement cause a household to become unhoused. The

1 Department may include provisions to address access to services or related
2 needs within the contractual agreement.

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

1 and the effects those violations on Emergency Temporary Shelter Program
2 households.

3 § 2203. HOUSEHOLD ELIGIBILITY

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

7 (1) is 65 years of age or older;

8 (2) has a physical or mental impairment that substantially limits one or
9 more major life activities that can be documented by:

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

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

15 (C) receipt of a disability check;

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

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

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

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

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

7 (6) has experienced the death of:

8 (A) a spouse, domestic partner, or child; or

9 (B) an individual close to the household whose lack of caregiving or
10 financial support leads to the household's loss of housing;

11 (7) has experienced a natural disaster, such as a flood, fire, or hurricane;

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

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

18 § 2204. MAXIMUM DAYS OF ELIGIBILITY

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

1 (1) less than five percent at the household’s time of application, the
2 household shall receive a maximum of 60 sheltered days under this Program
3 per 12-month period; or

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

7 (b) No periods of ineligibility shall be imposed on the use of a household’s
8 maximum permitted sheltered days.

9 § 2205. HOUSEHOLD PARTICIPATION

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

17 § 2206. APPLICATION; NOTICE; APPEALS

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

19 (b) The Department shall provide written notice, and notice in the
20 household’s preferred form of communication, of appeal rights related to
21 Departmental decisions made in the course of administering the Program

1 established in this chapter, including appeal rights related to the denial of an
2 initial application.

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

6 § 2207. **QUARTERLY** REPORTING

7 **Quarterly**, the Department shall post the following on its website:

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

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

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

18 (4) the number of beds available for emergency housing in each Agency
19 of Human Services district in the State, with separate reporting on the number
20 of beds available in nursing homes and residential care homes for individuals
21 whose screening indicates they could meet the clinical criteria for those

1 settings and the number of emergency beds available for individuals whose
2 screening indicates they do not meet the clinical criteria, including low-barrier
3 shelters, beds for youth, and beds for individuals who have experienced
4 domestic violence;

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

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

11 (7) the number of and demographic information for households
12 obtaining **winter** shelter pursuant to section 2208 of this chapter; and

13 (8) the total amount of funds expended during the most recent quarter on
14 housing placements and supportive services for households transitioning from
15 the Program established in this chapter.

16 § 2208. WINTER SHELTER

17 To the extent funding and capacity exists and notwithstanding any
18 provisions of this chapter to the contrary, the Department shall provide shelter
19 to households lacking a fixed, regular, adequate, nighttime residence between
20 November 15 and April 15. If there is inadequate community-based shelter
21 space available within the Agency of Human Services district in which the

1 household presents itself, the household shall be provided shelter in a hotel or
2 motel within the district, if available, until adequate community-based shelter
3 space becomes available in the district. Shelter in a hotel or motel provided
4 pursuant to this section shall not count toward the maximum days of eligibility
5 per 12-month period provided in section 2204 of this chapter.

6 **§ 2209. CLIENT HOUSING; CASE MANAGEMENT SERVICES**

7 Case management services provided by case managers employed by or
8 under contract with the Agency of Human Services or reimbursed through an
9 Agency-funded grant shall include assisting clients with finding appropriate
10 housing.

11 * * *

12 **Sec. 5. EMERGENCY TEMPORARY SHELTER PROGRAM TASK**
13 **FORCE**

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

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

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

1 (2) five representatives, appointed by the Housing and Homelessness

2 Alliance of Vermont;

3 (3) a representative, appointed by the Vermont Housing and

4 Conservation Board;

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

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

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

8 Residences;

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

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

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

12 (10) a representative, appointed by the Vermont League of Cities and

13 Towns;

14 (11) a representative, appointed by the Vermont Center for Independent

15 Living;

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

17 (13) the Commissioner of Housing and Community Development or

18 designee.

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

20 recommendations on the following:

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

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

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

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

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

13 (6) potential adjustments to winter shelter established in 33 V.S.A.
14 § 2208;

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

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

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

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

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

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

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

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

17 (f) Meetings.

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

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

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

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

4 (g) Compensation and reimbursement.

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

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

15 Sec. 6. RULEMAKING; EMERGENCY TEMPORARY SHELTER

16 PROGRAM

17 On or before February 15, 2025, the Department for Children and Families
18 shall file an initial permanent proposed rule with the Secretary of State
19 pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency
20 Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.
21 Prior to the adoption of the permanent rule, the Department shall file an

1 emergency rule, which shall be deemed to have met the emergency rulemaking
2 standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency
3 Temporary Shelter Program beginning on July 1, 2025.

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

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

6 § 2115. ~~GENERAL ASSISTANCE PROGRAM REPORT~~

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

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

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

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

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

21 ~~(5) other information the Commissioner deems appropriate. [Repealed.]~~

1 Sec. 8. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
2 PROGRAM

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

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

10 (2) sections 2652.2, 2652.3, 2652.4, and 2852.2 of Department for
11 Children and Families, General Assistance (CVR 13-170-260) as amended by
12 Department for Children and Families under Secretary of State emergency rule
13 filing number 23-E11 or any future identical emergency rule adopted by the
14 Department.

15 Sec. 9. REPEAL; EMERGENCY HOUSING TRANSITION

16 2023 Acts and Resolves No. 81, Secs. 5–9 shall be repealed on July 1, 2025.

17 * * * Effective Dates * * *

18 Sec. 10. EFFECTIVE DATES

19 This section, Sec. 1 (legislative intent), Sec. 2 (Emergency Temporary
20 Shelter Program Advisory Committee), and Sec. 5 (Emergency Temporary

1 Shelter Program Task Force) shall take effect on passage and all remaining
2 sections shall take effect on July 1, 2025.

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10 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE