

Honorable Chair Lyons and Senators,

April 16, 2024

We appreciate and recognize the commitment of the House Committee on Human Services to gather information and input from key stakeholders to address homelessness in Vermont. We also greatly appreciate the opportunity to work on this bill with the Senate Health and Welfare Committee. Addressing homelessness is a shared goal, and we look forward to continuing to partner with you in developing solutions.

In reviewing the proposed Emergency Temporary Shelter Program language, the Agency of Human Services believes that without significant changes to spur the creation of housing units in Vermont this proposal does not significantly change the trajectory for Vermonters experiencing homelessness. That said, we have three other major areas of concern:

1. The budgetary and staffing implications are significant, not yet fully assessed, not in the Governor's SFY25 proposed budget, and not addressed in this language. The Governor's recommended SFY '25 budget contains \$8.3M of base funding, \$7.5M for emergency housing and \$839K for security. The estimated cost of this bill for SFY26 is \$54.2M depending on clarification of intent. The full budget impact cannot be identified without further clarity on the intended SFY '25 eligibility as well as the intended process to transition from current to new eligibility.
2. The issues and priorities raised in the proposed program could be addressed by the Task Force within the context of the General Assistance Emergency Housing Program. We recommend that the Definitions, Household Eligibility, Maximum Days of Eligibility, Applications, Notices, Appeals, Participant Requirements (Coordinated Entry Assessment, etc.) and Annual Report be shifted to items for the Task Force to act on as part of their body of work with more time and the opportunity for greater input. The Agency looks forward to being on and collaborating with the Task Force.
3. As drafted, the Department for Children and Families (DCF) would not be able to implement this law given the need for extensive additional clarification of terminology and intent. Below is a list of some identified specific concerns:



- “interim shelter” - The Agency recommends “emergency shelter.”
- “disruptions in housing stability be eliminated” - The Agency recommends “disruptions in shelter stability.”
- “Housing First” - The Agency is seeking additional guidance on how the Committee is using this term. Is the intent to prioritize efforts to connect people to permanent housing instead of shelter? Is the intent to ensure that permanent housing projects for people exiting homelessness would incorporate Housing First principles? Is this instead meant to indicate low-barrier practices at emergency shelters?
- “Vermont increase the supply of shelter that is geographically and physically accessible to individuals with a disability and that addresses the range of needs among individuals with a disability.” The Agency would like clarity on who is responsible for increasing the supply of shelter. Additionally, is the intent for shelter supply to be increased only for individuals with a disability?
- Advisory Committee – The Agency values the perspectives of people with lived experience. Providing the adequate level of support for this committee requires significant staff time and will therefore reduce staff time available for other key functions involved with administering this and related programs – serving participants, monitoring, training, and technical assistance, and communicating with key stakeholders.
- Advisory Committee – compensation. An estimated \$14,400 would be required to pay for the 12 people with lived experience.
- Census Bureau Quarterly Data – Please provide a link to the data to ensure that the Agency is referencing the accurate data point. Also, this data is published with a margin of error, should that be incorporated in determining the percentage? The Census Bureau data will show vacancy rates from the previous quarter which might not accurately represent the vacancy rates at the time of application.
- “include community -based shelter provided by housing and shelter operators, including Community- based shelters for designated populations” - A suggestion for alternative language is “leverage existing emergency shelter provided by the network of emergency shelters throughout Vermont.” Most shelters do not exist for only designated populations and not all shelters in Vermont are funded by DCF.
- “receipt of a disability check” – Would short term disability and worker’s compensation be included in this category?
- “intake staff-recorded observation of a disability that...” - Most people apply for housing assistance over the phone. Also, “observing of a disability” is inequitable as not all disabilities are visible, and not all medical challenges cause disability. This language will create inconsistency for eligibility determination and result in an increased number of fair hearings.
- “other documentation approved by either the Department or the U.S. Department of Housing and Urban Development” Other documentation leaves room for inconsistency.
- “is experiencing a serious short-term medical condition or has been discharged from a health care facility where the individual was being treated for a serious short-term medical condition within the last 30 days; ESD suggests removing the “is experiencing a serious short-term medical condition” as this causes inconsistency. ESD seeks definition on health care facility and duration. Does this include a drug treatment facility. If someone is in a hospital for 24 hrs would they still qualify?
- “ has experienced the death of a spouse or domestic partner within the last 30 days” – This language is very restrictive.
- “has experienced a natural disaster, such as a flood, fire, or hurricane within the last 30 days” – This



language (and others that follow with 30 day limits) is very restrictive, given that households can often find temporary accommodation but may still find themselves homeless after 30 days.

- “Maximum Days of Eligibility” – The Agency is seeking additional clarity on how to manage the two different periods of eligibility. Households do not use all their nights at one time. If a household is first assessed at a time when they are eligible for 90 days, exits the program, and reenters when the eligibility is changed to 45, how should eligibility be determined?
- “The maximum number of days that a household receives shelter in a hotel or motel under this section, per 12-month period, shall be determined by the statewide vacancy rate. If the statewide vacancy rate is” Vacancy rates are posted quarterly, this means the State would be using a previous quarter’s data to assign the length of eligibility in the current quarter. What would happen if the 4<sup>th</sup> quarter data from 2023 indicated 45-day eligibility for everyone who applied in January, February and March 2024, but when the 1<sup>st</sup> quarter data is posted for 2024 it would indicate that the vacancy rate was lower, and eligibility should have been at 90 days?
- “Period of Ineligibility” – The Agency is concerned with the complete removal of the period of ineligibility. If there are no consequences for violent, life-threatening behavior it puts other guests at risk and motels will not participate in the program.
- “Appeal Process” – The Agency has concerns as sometimes the fair hearing process goes beyond 45 days and other programs administered by the Agency do not allow for continued benefits during a period of appeal.
- “participate in the coordinated entry and case management processes if temporary emergency shelter in excess of 14 days is required, including cooperating with the Department and service providers on screening and care planning” – The Agency suggests clarifying language as this conflates the Coordinated Entry Assessment and housing case management. If the intent is to require a household to complete the Coordinated Entry Assessment that should be specified. If the intent is to ensure households are participating in housing case management that language should be used. Additional clarification is needed regarding the expectation for “screening and care planning,” is this an additional requirement, please provide a definition. These requirements have implications for Economic Services and community providers that need to have the resources to appropriately support the expectation and assess compliance. In addition, does the 14 days requirement mean that it becomes a requirement at the point when a household is in a motel for 14 days? Or is there supposed to be some sort of assessment conducted at application to determine that they require more than 14 days of shelter?
- “Reporting by eligibility category” – The Agency would need additional clarification. Household composition is not static. Households are often eligible for multiple categories and can change throughout the year.
- “alternative housing” - Please define.
- “targeting number of placements for the period” - Please define.
- “screening” - Please define. If this screening is referencing Comcare, it is no longer a system that DCF uses to screen individuals experiencing homelessness. If the intent is to start using Comcare again, it would require additional funding.
- “the number of beds available for emergency housing in each Agency of Human Services district in the State, with separate reporting on the number of beds available....” - The Agency requests that the Committee provide additional details, clarification, and definition on each type of number of beds described in this section. The Agency is not clear on some of the data being requested in this section.





- “low-barrier shelters” - The Agency requests guidance on how the Committee is defining “low-barrier.”
- “types” - The Agency requests clarification on how the Committee is defining “types” of shelter beds.
- “the outlook for transitioning additional households...” There are multiple variables impacting this data and the Agency does not believe it could accurately predict this. This would also require an incredibly intense level of case management and tracking to know at the state level when households are preparing to move into housing. This would require significant staff/agency time.
- “the total amount of funds expended during the most recent quarter on housing placements and supportive services for households transitional from the Program established in this chapter.” - The Agency requests additional detail on what is meant by “funds expended” and “housing placements and supportive services” to assess if this data is available. The agency interprets that this could be incredibly difficult and labor intensive to track.
- “Shelter in a hotel or motel provided pursuant to this section shall not count toward the maximum days of eligibility per 12-month period provided in subsection 2204 of this chapter.” This will create a large group of people exiting the hotels on July 14<sup>th</sup>, 90 days after the end of Adverse Weather. Pre-Covid policy counted Adverse Weather toward the maximum days of eligibility, which allowed for a more even distribution of the timing of people exit the program. It is estimated that approximately 1100-1350 people would lose eligibility on the same day under this policy.
- The Agency recommends a representative from each HUD-recognized Continuum of Care as Task Force members as the Continua would be the entities to ultimately make decisions regarding Coordinated Entry.
- “consistent lead agency” - The Agency would recommend clarity on this or suggest an alternative term to “lead agency,” there are currently Coordinated Entry Lead Agencies in each local Continuum of Care.
- “the identification of any State rules and local regulations...”- The Task Force is charged with addressing a wide range of programmatic and legal issues in a short time. The Agency recommends restructuring the committee or limiting priorities to ensure the scope is adequately addressed.
- Sunset of the GA rules – the GA rules govern several benefits other than emergency housing (rental assistance, personal needs, emergency medical needs, etc.). The rules governing these benefits should not be repealed. Only sections 2652.2, 2652.3, 2652.4 and all references to those sections should be repealed. In addition, section 2852.2 of the Emergency Assistance rules governs a TANF-funded emergency housing benefit that is identical to catastrophic emergency housing under section 2652.2 of the GA Rules. Section 2852.2 should also be repealed.

Thank you for your consideration.

Sincerely,

Chris Winters  
Commissioner of the Department for Children and Families

