

TO: House Committee on Appropriations

FROM: Providers of Shelter and Services to Homeless Vermonters

SUBJECT: Appropriations for the Department for Children and Families' General Assistance Emergency Housing Program

DATE: March 5, 2020

Vermont has led the nation in maintaining low COVID-19 infection rates and deaths, and a critical component of our success is attributable to Vermont's provision of comprehensive housing protections to the most vulnerable Vermonters, including non-congregate shelter through the General Assistance ("GA") motel program to all Vermonters experiencing homelessness. The GA program is currently providing shelter to over 1900 households with motel vouchers, and services are being provided in partnership with community-based agencies, helping some of our most vulnerable residents get on a path to obtaining safe and stable housing.

We write to encourage the legislature to allocate an appropriate amount of funding to this essential program and to mandate amendment of GA program rules to ensure ongoing access to shelter for Vermonters experiencing homelessness.

- I. Interim GA eligibility rules should be maintained while FEMA is offering a 100% reimbursement rate.

The GA program's interim eligibility rules have successfully allowed almost all Vermonters experiencing homelessness to access non-congregate shelter, and during the state of emergency, the interim rules should remain in place. FEMA is covering the cost of provision of non-congregate shelter through the GA program at a 100% federal cost share until September 30, 2021, or until the end of the state of emergency. As long as Vermont continues not to incur any costs to provide this essential service during the pandemic, there is no reasonable basis to reintroduce self-payment rules or other restrictive measures as proposed by the Department.

Appropriations to the Department should be paired with a mandate to retain the GA program's interim eligibility rules while FEMA is reimbursing Vermont at a 100% cost share.

- II. Sufficient appropriations should be allocated to the Department to meet the shelter needs of vulnerable Vermonters, necessitating emergency amendment of the program rules.

Upon expiration of Act 140¹ on March 31, 2021, the Department has indicated that it intends to revert to its pre-pandemic categorical eligibility program rules – rules the Department itself describes as “deeply inequitable” and “arbitrary.”² Sufficient funding should be allocated to the

¹ Act 140, Sec. 13, granted the Agency of Human Services the authority to modify existing rules or adopt emergency rules to protect access to human services under the Agency's jurisdiction.

² Memo of Geoffrey Pippenger, p. 7, February 22, 2021 (available at <https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Human%20Services/AHS%20FY2022%20Proposed%20Budget/OEO/W~Geoffrey%20Pippenger~Follow->

GA program with a mandate that the Department undertake emergency rulemaking to avoid the exponential increase in literal homelessness that would result from a return to the old rules.

Under normal categorical eligibility GA program rules, a household qualifies for 28 days of assistance if they are within a “vulnerable population,” and 84 days if they qualify based on “catastrophic” circumstances. “Vulnerable” households include families with children under 7, seniors, people on SSI or SSDI, and several other categories. “Catastrophic” circumstances include condemnation of a person’s home, domestic violence, or death of a spouse. But most applicants for GA who are genuinely homeless do not fall into the “vulnerable” or “catastrophic” definitions, or they have simply run out of time after 28 or 84 days. In fact, the majority of persons qualifying for GA are only able to do so during “adverse weather conditions,” *i.e.*, when the temperature falls below 20 degrees.³

Limiting access to the GA program by reinstating the categorical eligibility rules and the program’s time limits is not a sensible approach. Only 3% of Vermonters experiencing homelessness obtain permanent stable housing within 28 days, and the average length of time it takes to achieve such a result is 125 days. Why is access to GA limited to only 28 days when almost no households secure permanent housing within such a short period of time? An 8-year-old child is just as vulnerable as a 6-year-old child. Why do the rules make one categorically eligible for assistance but not the other? The distinctions in the rules do not have a rational basis, and neither do the arbitrary GA time limits we impose upon them.

We believe that with additional appropriations, the Department, together with community-based agencies, members of relevant policy committees, and other stakeholders can work together to develop rules that better meet the needs of Vermonters.

III. Creative solutions should be explored to provide housing and shelter for Vermonters experiencing homelessness.

Thanks to the current and continuing influx of pandemic-related federal funding, significant investments in the development of new affordable housing and rehabilitation of our existing housing stock are on the horizon or are already underway. This request for an increased appropriation for the GA program is not, by necessity, an expenditure that will be necessary year after year. We believe that pathways to permanent housing are on the horizon, and that this investment is a bridge to help us end homelessness in Vermont.

We recognize the cost pressures of running the GA program, but creative opportunities for provision of housing and shelter may reduce costs.

For instance, we can keep Vermonters sheltered, support the struggling hospitality industry, and build the foundation for permanent housing solutions by converting GA motel occupants into month-to-month tenants, funded by Emergency Rental Assistance funding from H.R. 133, the Consolidated Appropriations Act of 2021. A motel occupant becomes a “permanent resident” once they have occupied their room for 30 consecutive days. *See* 32 V.S.A. § 9202(7). At that point, unless their occupancy fee is paid by the GA motel program, the “permanent resident” is

[up%20to%20Proposed%20Emergency%20Housing%20Initiative%20in%20FY2022%20Budget%20Proposal~2-23-2021.pdf](#)).

³ In 2018, for instance, of 11781 households eligible for the GA motel program, 2768 qualified as “catastrophic,” 1937 qualified as “vulnerable,” and 7009 qualified only on “adverse weather condition” nights.

considered a tenant. *See* 9 V.S.A. § 4452(4, 8). Although the terms of the new Emergency Rental Assistance program have not yet been finalized by the Vermont State Housing Authority, according to Section 501(c)(2)(A)(i) of H.R. 133, funds can be used to pay prospective rents for 12-15 months. Such payments can be made in three-month increments, subject to ongoing eligibility determinations. *See* Section 501(c)(2)(B)(i). Payments are not subject to a monthly cap on rents. We believe that once FEMA's 100% federal cost share ends, the Department would be able to negotiate monthly rates for many motel rooms to create month-to-month tenancies for Vermonters who have yet to retain other housing. The cost of these rooms could be covered by the new Emergency Rental Assistance program, keeping motels occupied and financially stable as the economy transitions back to its pre-pandemic state. Further, given that additional funds expected through H.R. 1319, the American Rescue Plan Act,⁴ Subtitle B, are extremely likely to be able to be used to purchase motels and to convert them into permanent housing, this may serve as a bridge to stable housing for many Vermonters who lack other viable options.

Keeping Vermonters housed has been essential to keeping them healthy and to our State's successful response to the pandemic. Adequate GA funding and sensible rule changes are needed now to keep Vermonters in stable shelter and to preserve their health and well-being.

Thank you for your consideration of this request. For more information, please contact:

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⁴ Current status available at <https://www.congress.gov/bill/117th-congress/house-bill/1319/text>.

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