

House Proposal of Amendment to Senate Proposal of Amendment

H. 171

An act relating to adult protective services

The House concurs in the Senate proposal of amendment with further proposal of amendment thereto by striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 5. EMERGENCY HOUSING TRANSITION; LEGISLATIVE INTENT;
PURPOSE

(a) Vermont's pandemic-era General Assistance Emergency Housing Program is ending on June 30, 2023, and approximately 1,200 households are transitioning out of the Program.

(b) It is the intent of the General Assembly:

(1) that vulnerable Vermonters should continue to be housed while sufficient time is allocated for developing alternative housing placements, including emergency housing beds, and furthering community collaboration;

(2) to establish legislative oversight for the transition efforts;

(3) that the exits from hotel and motel accommodations occur through an intentional transition process that provides dignity, oversight, collaborative efforts, and coordinated service delivery;

(4) that all households find or are offered alternative housing options;
and

(5) that the Agency of Human Services negotiate rate reductions with the participating hotels and motels, with a goal of achieving rates that are at least 50 percent lower than those in effect in June 2023.

(c) The purposes of Secs. 5–10 of this act are:

(1) to direct the Joint Fiscal Committee to monitor the efforts of the Agency of Human Services in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program and into post-pandemic housing; and

(2) to allow the Agency financial flexibility and resources, if needed, to provide transition and supportive services for the vulnerable Vermonters described in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(33)(A), which was added by 2023 Acts and Resolves No. 3, Sec. 45.

Sec. 6. EMERGENCY HOUSING TRANSITION; AGENCY OF HUMAN SERVICES; JOINT FISCAL COMMITTEE OVERSIGHT; REPORTS

(a) Not later than April 1, 2024, the Agency of Human Services, directly or through its community partners, shall assist in finding or offer to each household housed as of June 30, 2023 in a hotel or motel through the pandemic-era General Assistance Emergency Housing Program an alternative housing placement, unless a household secures its own housing placement. Except as provided in subdivision (2) of this subsection, the Agency shall continue to provide temporary hotel or motel housing to a household that was housed in a hotel or motel through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023 until such time as the Agency offers the household an alternative housing placement or the household secures its own housing placement, but in no event later than April 1, 2024.

(1) Beginning on July 1, 2023, in order to maintain eligibility for temporary, continued hotel or motel housing while awaiting a housing placement, households housed in a hotel or motel through this act shall:

(A) participate in the coordinated entry and case management processes, including cooperating with the Agency and services providers on screening and care planning for transitioning out of the pandemic-era General Assistance Emergency Housing Program and engaging in monthly eligibility reassessments;

(B) engage in their own search for alternative housing options and notify their case manager, reentry team, or Agency staff if they are successful in securing a housing placement; and

(C) contribute 30 percent of their gross household income toward the cost of their hotel or motel housing.

(2) Between July 1, 2023 and April 1, 2024, the Agency of Human Services shall no longer be required to pay for a household's hotel or motel housing if any one or more of the following occurs:

(A) the household is offered an alternative housing placement but does not accept the offer within 48 hours;

(B) the household secures its own housing placement;

(C) the household fails to comply with one or more of the responsibilities set forth in subdivision (1) of this subsection (a); or

(D) the household is asked to leave the hotel or motel housing due to misconduct.

(3) As used in this act, “alternative housing placements” may include shelter beds and pods; placements with family or friends; permanent housing solutions, including tiny homes, manufactured homes, and apartments; residential treatment beds for physical health, long-term care, substance use, or mental health; nursing homes beds; and recovery homes.

(4) The temporary, continued hotel or motel housing benefit offered pursuant to this subsection (a) while awaiting a housing placement shall not be considered an entitlement, is not available to new applicants, and is limited to households in the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023.

(b) On or before the last day of each month from July 2023 through March 2024, the Agency of Human Services, or other relevant agency or department, shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Joint Fiscal Committee on its progress in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements and on the creation of new, alternative housing solutions. Each update shall include:

(1) the number of households remaining in hotels and motels that have not yet been transitioned to an alternative housing placement by household size, by eligibility category, and by each Agency of Human Services district;

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

(3) of the households successfully transitioned to an alternative housing placement during the previous month, the number of households whose screening indicated a potential need for services from each department within the Agency;

(4) 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 in nursing homes and residential care homes for individuals whose screening indicates they could meet the clinical criteria for those settings and the number of emergency beds available for individuals whose screening indicates they do not meet the clinical criteria, including low-barrier shelters, beds for youth, and beds for individuals who have experienced domestic violence;

(5) of the households that were housed in a hotel or motel for four months or longer and transitioned out during the previous month, the number

that have had all or a portion of their security deposits returned to them since leaving the hotel or motel or are awaiting the return of these funds;

(6) of the households that were housed in a hotel or motel for less than four months and transitioned out during the previous month, the amount of security deposit funds refunded to the State by the hotels and motels during that month;

(7) the number of households that have been successfully transitioned to an alternative housing placement since the previous report, the types of housing settings in which they have been placed, and the supportive services they are receiving in conjunction with their housing;

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

(9) a projected timeline for transitioning the remaining households to alternative housing placements;

(10) the average negotiated rate for rooms that the Agency paid to the hotels and motels providing the temporary, continued hotel or motel housing during the previous month;

(11) the status of responding to and implementing the letters of interest from community partners and municipalities for housing and supportive services;

(12) the status of contracts for housing and supportive services resulting from the Agency's requests for proposals (RFPs), including the Agency's May 24, 2023 RFP for emergency shelter staffing and services;

(13) the status of grants awarded through the Housing Opportunity Program and how those grants relate to the Agency's efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(14) once the Adverse Weather Conditions Policy takes effect again in the fall of 2023, how the Agency plans to distinguish the households that become eligible for the General Assistance Emergency Housing Program under that Policy from the households that the Agency is assisting with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(15) the total amount of funds expended to date on housing placements and supportive services for households transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(16) beginning with the September 2023 reporting period, any State rules and local regulations and ordinances that are impeding the timely

development of safe, decent, affordable housing in Vermont communities in order to:

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

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

(c) On or before the last day of each month from July 2023 through March 2024, the Vermont Housing and Conservation Board shall report to the House Committees on Human Services and on General and Housing; the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee on:

(1) the status of the Board's initiatives to make additional housing units available and how those initiatives support the Agency of Human Services' efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(2) the status of the Board's efforts to expand emergency shelter capacity, including the number of new beds available since the previous report, the number of additional beds planned, and when the additional planned beds are likely to become available.

(d) The Agency may hire temporary employees or contract with community-based organizations, or both, as needed to support the Agency in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements; to support the creation of new, alternative housing solutions; and to collect and report on the information required by subsection (b) of this section.

(e) On April 1, 2024, the Agency shall report to the House Committees on Appropriations, on Human Services, and on Housing and General Affairs; the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee the number households, if any, that were not successfully transitioned out of the pandemic-era General Assistance Emergency Housing Program into alternative housing placements and the reason why each such household was not successfully placed.

Sec. 7. CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS;

APPROPRIATION

(a) In fiscal year 2024, the balance of the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and

Essential Investments established pursuant to 32 V.S.A. § 1001b, after all other transactions authorized from that subaccount by the fiscal year 2024 budget act have been satisfied, is appropriated to the Agency of Human Services to be used as needed to implement Secs. 5–10 of this act.

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at the Committee’s July meeting the amount of the balance that was made available to the Agency of Human Services pursuant to subsection (a) of this section.

(c) The Agency of Human Services shall report on the amount of unobligated funds remaining, if any, from the appropriation in subsection (a) of this section as part of the Agency’s fiscal year 2024 budget adjustment presentation.

Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL
YEAR 2024 BUDGET ADJUSTMENT

(a) The Agency of Human Services shall hold in reserve as much funding as possible from the Agency’s fiscal year 2023 closeout process as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program. The reserved funds shall not be used unless the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act.

(b) The Agency of Administration is authorized to use available resources as necessary to assist in the implementation of the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in Secs. 5–10 of this act.

(c) The Agency of Human Services shall include relevant language and amounts in its fiscal year 2024 budget adjustment recommendations, if needed, to complete the process of phasing out the pandemic-era General Assistance Emergency Housing Program.

Sec. 9. AFFORDABLE HOUSING DEVELOPMENT; FISCAL YEAR 2024
FUNDING

(a) Of the \$40,000,000.00 appropriated to the Vermont Housing and Conservation Board (VHCB) in the fiscal year 2024 budget act to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units:

(1) \$10,000,000.00 shall be used to provide support and enhance the capacity, availability, and utilization of manufactured homes in cooperatively owned, nonprofit, and privately owned manufactured home parks with vacant

and available lots. VHCB shall consult with the Department of Housing and Community Development to ensure that new investments prioritize individuals and families exiting from hotels and motels in accordance with this act.

(2) VHCB shall grant \$4,000,000.00 to the Vermont State Housing Authority for the Manufactured Home Improvement and Repair Program to prevent vulnerable mobile home park residents from becoming homeless.

(3) Notwithstanding 32 V.S.A. § 5(b), VHCB shall grant \$5,000,000.00 to the Department of Housing and Community Development to support the Vermont Housing Improvement Program.

(b) For fiscal year 2024, the VHCB shall increase its “Homeless Unit” set aside for housing projects seeking VHCB funding from 15 percent to 30 percent, with priority given to households exiting hotels and motels in accordance with this act.

Sec. 10. 2023 Acts and Resolves No. 47, Sec. 47 is amended to read:

Sec. 47. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) ~~Sees. Sec. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412) shall take effect on December 1, 2024, except for subdivision (1)(D) of Sec. 2, which shall take effect on July 1, 2023.~~

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Sec. 11. EFFECTIVE DATES

(a) Secs. 1–4 shall take effect on July 1, 2023.

(b) The remaining sections shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to adult protective services and emergency housing transition”