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An act relating to the Emergency Temporary Shelter Program

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

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

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

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

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

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

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

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

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

4 * * * Emergency Temporary Shelter Program * * *

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

6 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

7 § 2209. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY

8 COMMITTEE

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

14 (b) Membership. Each coordinated entry lead agency shall appoint an
15 individual with lived experience of homelessness in Vermont to serve on the
16 Advisory Committee established in this section. The Advisory Committee's
17 membership shall reflect the growing diversity among Vermonters, including
18 individuals who are Black, Indigenous, and Persons of Color, as well as with
19 regard to socioeconomic status, geographic location, gender, sexual identity,
20 and disability status.

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

3 (d) Meetings.

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

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

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

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

14 Sec. 3. REPEAL; EMERGENCY TEMPORARY SHELTER PROGRAM
15 ADVISORY COMMITTEE

16 33 V.S.A. § 2209 (Emergency Temporary Shelter Program Advisory
17 Committee) is repealed on July 1, 2029.

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

19 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM
20 § 2201. DEFINITIONS

21 As used in this chapter:

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

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

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

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

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

12 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER
13 PROGRAM

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

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

19 (1) include:

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

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

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

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

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

20 (3) The use of hotel and motel rooms shall be contingent on a
21 participating hotel or motel complying with the public accommodation act

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

1 § 2203. HOUSEHOLD ELIGIBILITY

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

5 (1) is 60 years of age or older;

6 (2) has a disability that can be documented by:

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

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

12 (C) receipt of a disability check;

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

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

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

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

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

3 (6) has experienced the death of a spouse or domestic partner within the
4 last 30 days;

5 (7) has experienced a natural disaster, such as a flood, fire, or hurricane
6 within the last 30 days;

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

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

13 § 2204. MAXIMUM DAYS OF ELIGIBILITY

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

17 (1) less than five percent at the household's time of application, the
18 household shall receive a maximum of 90 sheltered days under this Program
19 per 12-month period; or

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

4 (b) No periods of ineligibility shall be imposed on the use of a household's
5 maximum permitted sheltered days.

6 § 2205. HOUSEHOLD PARTICIPATION

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

14 § 2206. APPLICATION; NOTICE; APPEALS

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

16 (b) The Department shall provide written notice, and notice in the
17 household's preferred form of communication, of appeal rights related to
18 Departmental decisions made in the course of administering the Program
19 established in this chapter, including appeal rights related to the denial of an
20 initial application.

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

4 § 2207. MONTHLY REPORTING

5 Monthly, the Department shall post the following on its website:

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

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

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

16 (4) the number of beds available for emergency housing in each Agency
17 of Human Services district in the State, with separate reporting on the number
18 of beds available in nursing homes and residential care homes for individuals
19 whose screening indicates they could meet the clinical criteria for those
20 settings and the number of emergency beds available for individuals whose
21 screening indicates they do not meet the clinical criteria, including low-barrier

1 shelters, beds for youth, and beds for individuals who have experienced
2 domestic violence;

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

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

9 (7) the number of and demographic information for households
10 obtaining shelter due to adverse weather conditions pursuant to section 2208 of
11 this chapter; and

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

15 § 2208. WINTER SHELTER

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

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

5 * * *

6 Sec. 5. EMERGENCY TEMPORARY SHELTER PROGRAM TASK

7 FORCE

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

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

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

16 (2) five representatives, appointed by the Housing and Homelessness
17 Alliance of Vermont;

18 (3) a representative, appointed by the Vermont Housing and
19 Conservation Board;

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

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

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

2 Residences;

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

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

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

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

7 Towns;

8 (11) the Commissioner for Children and Families or designee; and

9 (12) the Commissioner of Housing and Community Development or
10 designee.

11 (c) Powers and duties. The Task Force shall examine and provide
12 recommendations on the following:

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

15 (2) the reorganization of roles and responsibilities within the
16 Department for Children and Families' Office of Economic Opportunity and
17 the Division of Economic Services;

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

1 (4) the identification of a consistent lead agency for each geographic
2 region;

3 (5) the identification of roles and responsibilities necessary in a lead
4 agency;

5 (6) potential adjustments to the adverse weather conditions established
6 in 33 V.S.A. § 2208;

7 (7) a process to enable participating households to place a percentage of
8 the household's gross income into savings, which shall be returned to the
9 household for permanent housing expenses when the household exits the
10 Program;

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

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

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

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

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

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

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

9 (f) Meetings.

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

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

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

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

17 (g) Compensation and reimbursement.

18 (1) For attendance at meetings during adjournment of the General
19 Assembly, a legislative member of the Task Force serving in the member's
20 capacity as a legislator shall be entitled to per diem compensation and
21 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight

1 meetings. These payments shall be made from monies appropriated to the
2 General Assembly.

3 (2) Other members of the Task Force shall be entitled to per diem
4 compensation and reimbursement of expenses as permitted under 32 V.S.A.
5 § 1010 for not more than eight meetings. These payments shall be made from
6 monies appropriated to the Department for Children and Families.

7 Sec. 6. RULEMAKING; EMERGENCY TEMPORARY SHELTER
8 PROGRAM

9 On or before February 15, 2025, the Department for Children and Families
10 shall file an initial permanent proposed rule with the Secretary of State
11 pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency
12 Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.
13 Prior to the adoption of the permanent rule, the Department shall file an
14 emergency rule, which shall be deemed to have met the emergency rulemaking
15 standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency
16 Temporary Shelter Program beginning on July 1, 2025.

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

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

19 § 2115. ~~GENERAL ASSISTANCE PROGRAM REPORT~~

20 ~~On or before September 1 of each year, the Commissioner for Children and~~
21 ~~Families shall submit a written report to the Joint Fiscal Committee; the House~~

1 ~~Committees on Appropriations, on General, Housing, and Military Affairs, and~~
2 ~~on Human Services; and the Senate Committees on Appropriations and on~~
3 ~~Health and Welfare. The report shall contain the following:~~

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

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

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

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

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

14 Sec. 8. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
15 PROGRAM

16 The General Assistance Emergency Housing Program shall cease to exist
17 on July 1, 2025 and all related rules shall become ineffective on that date,

18 including:

19 (1) Department for Children and Families, Emergency Housing
20 Transition Benefit (EH-100), adopted under Secretary of State emergency rule

1 filing number 23-E12 or any future identical emergency rule adopted by the
2 Department; and

3 (2) Department for Children and Families, General Assistance (CVR 13-
4 170-260) as amended by Department for Children and Families under
5 Secretary of State emergency rule filing number 23-E11 or any future identical
6 emergency rule adopted by the Department.

7 Sec. 9. REPEAL; EMERGENCY HOUSING TRANSITION

8 2023 Acts and Resolves No. 81, Secs. 5–9 shall be repealed on July 1, 2025.

9 * * * Effective Dates * * *

10 Sec. 10. EFFECTIVE DATES

11 This section, Sec. 1 (legislative intent), Sec. 2 (Emergency Temporary
12 Shelter Program Advisory Committee), and Sec. 5 (Emergency Temporary
13 Shelter Program Task Force) shall take effect on passage and all remaining
14 sections shall take effect on July 1, 2025.