

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Human services; housing; temporary emergency housing

4 Statement of purpose of bill as introduced: This bill proposes to establish the

5 Emergency Temporary Shelter Program to replace the General Assistance

6 Emergency Housing Program.

7 An act relating to the Emergency Temporary Shelter Program

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

9 * * * Legislative Intent * * *

10 Sec. 1. LEGISLATIVE INTENT

11 It is the intent of the General Assembly that the Emergency Temporary
12 Shelter Program established in 33 V.S.A. chapter 22 is the first step to ensuring
13 that:

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

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

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

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

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

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

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

11 * * * Emergency Temporary Shelter Program * * *

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

13 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

14 § 2201. DEFINITIONS

15 As used in this chapter:

16 (1) “Department” means the Department for Children and Families.

17 (2) “Household” means an individual and any dependents for whom the
18 individual is legally responsible and who live in Vermont. “Household”
19 includes individuals who reside together, including those who are married,
20 parties to a civil union, or unmarried.

1 (3) “Statewide vacancy rate” means the Vermont-specific quarterly
2 rental vacancy rate as reported by U.S. Census Bureau.

3 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER
4 PROGRAM

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

10 (b) Permissible shelter provided through this program shall:

11 (1) include temporary shelter provided by housing and shelter operators,
12 including shelters or temporary shelter for designated populations; and

13 (2) limit relocation between interim shelter sites.

14 (c)(1) Notwithstanding subsection (b) of this section, the use of hotel and
15 motel rooms may be utilized only after the Department has exhausted other
16 means of providing emergency temporary shelter. Annually, the Department
17 shall propose hotel and motel rates through the budget process for
18 consideration and approval by the General Assembly.

19 (2) The use of hotel and motel rooms shall be contingent on a
20 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 hospital or rehabilitation and nursing center within the last
20 30 days;

1 (4) is a child under 18 years of age, or 18 or 19 years of age and
2 attending secondary school on a full-time basis or an equivalent level of
3 vocational or technical training;

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

6 (6) has experienced the death of a spouse within the last 30 days;

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

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

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

14 § 2204. MAXIMUM DAYS OF ELIGIBILITY

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

18 (1) less than four percent at the household’s time of application, the
19 household shall receive a maximum of 90 sheltered days under this Program
20 for the following 12-month period; or

1 (2) is equal to or greater than four percent at the household’s time of
2 application, the household shall receive a maximum of 45 sheltered days under
3 this Program for the following 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 CONTRIBUTION AND PARTICIPATION

7 A participating household sheltered pursuant to this chapter shall:

8 (1) participate in the coordinated entry and case management processes
9 if temporary emergency shelter in excess of 14 days is required, including
10 cooperating with the Department and services providers on screening and care
11 planning; and

12 (2) contribute 30 percent of their gross household income toward the
13 cost of their shelter, unless the household can provide evidence of saving
14 towards permanent housing.

15 § 2206. APPLICATION; NOTICE; APPEALS

16 (a) Program applications shall use plain language.

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

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. ANNUAL REPORT

5 Annually, on or before January 15, the Department shall submit a report to
6 the House Committee on Human Services and to the Senate Committee on
7 Health and Welfare addressing the following:

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 beds available for emergency housing in each Agency
12 of Human Services district in the State, with separate reporting on the number
13 of beds available in nursing homes and residential care homes for individuals
14 whose screening indicates they could meet the clinical criteria for those
15 settings and the number of emergency beds available for individuals whose
16 screening indicates they do not meet the clinical criteria, including low-barrier
17 shelters, beds for youth, and beds for individuals who have experienced
18 domestic violence; and

19 (3) any recommendations for legislative action.

1 Sec. 3. EMERGENCY TEMPORARY SHELTER PROGRAM TASK

2 FORCE

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

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

9 (1) two individuals with lived experience of homelessness in Vermont,
10 appointed by Groundworks Drop-In Center and Overnight Shelter and
11 Northeast Kingdom Community Action;

12 (2) two professionals who provide direct services to individuals
13 experiencing homelessness, appointed by Spectrum Youth and Family Services
14 and the Upper Valley Haven;

15 (3) a representative, appointed by the Vermont Housing and
16 Conservation Board;

17 (4) two representatives, appointed by the Housing and Homelessness
18 Coalition of Vermont;

19 (5) a representative, appointed by the Vermont Network Against
20 Domestic Violence;

21 (6) a representative, appointed by Vermont Care Partners;

1 (7) a representative, appointed by the Long-Term Care Crisis Coalition;

2 (8) a representative, appointed by the Vermont Alliance for Recovery

3 Residences;

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

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

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

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

8 (13) the Secretary of Commerce and Community Development or

9 designee.

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

11 recommendations on the following:

12 (1) the process to establish a single, statewide, unified coordinated entry
13 system;

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

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

20 (4) the identification of a consistent lead agency for each geographic
21 region; and

1 (5) the identification of roles and responsibilities necessary in a lead
2 agency.

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 December 1, 2024, 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 from among its members at the
13 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 not otherwise compensated for
4 their participation shall be entitled to per diem compensation and
5 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
6 than eight meetings. These payments shall be made from monies appropriated
7 to the Department for Children and Families.

8 Sec. 4. RULEMAKING; EMERGENCY TEMPORARY SHELTER
9 PROGRAM

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

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

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

20 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

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

6 (1) an evaluation of the General Assistance program during the previous
7 fiscal year;

8 (2) any recommendations for changes to the program;

9 (3) a plan for continued implementation of the program; and

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

15 (5) other information the Commissioner deems appropriate.

16 Sec. 6. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
17 PROGRAM

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

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

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

9 * * * Effective Dates * * *

10 Sec. 7. EFFECTIVE DATES

11 This section, Sec. 1 (legislative intent), and Sec. 3 (Emergency Temporary
12 Shelter Program Task Force) shall take effect on July 1, 2024, and all
13 remaining sections shall take effect on July 1, 2025.