

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 a step toward 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 § 2207. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY

15 COMMITTEE

16 (a) Creation. There is created the Emergency Temporary Shelter Program
17 Advisory Committee to provide advice and recommendations to the
18 Commissioner regarding the **implementation,** administration, and operation of
19 the Emergency Temporary Shelter Program from the perspective of individuals
20 with lived experience of homelessness.

1 **(b) Membership.** Each **coordinated entry** lead agency shall appoint an
2 individual with lived experience of homelessness in Vermont to serve on the
3 **Advisory** Committee established in this section. The Advisory Committee’s
4 membership shall reflect the growing diversity among Vermonters, including
5 individuals who are Black, Indigenous, and Persons of Color, as well as with
6 regard to socioeconomic status, geographic location, gender, sexual identity,
7 and disability status.

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

10 **(d) Meetings.**

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

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

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

16 **(e) Compensation and reimbursement.** Members of the Advisory
17 Committee not otherwise compensated for their participation shall be entitled
18 to per diem compensation and reimbursement of expenses as permitted under
19 32 V.S.A. § 1010 for not more than **12** meetings annually. These payments
20 shall be made from monies appropriated to the Department.

1 **Sec. 3. 33 V.S.A. chapter 22 is amended to read:**

2 **CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM**

3 § 2201. DEFINITIONS

4 As used in this chapter:

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

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

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

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

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

16 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER
17 PROGRAM

18 (a) The Emergency Temporary Shelter Program is established within the
19 Department for Children and Families for the purpose of temporarily sheltering
20 vulnerable households pursuant to the eligibility criteria in section 2203 of this

1 chapter in a manner that ensures participant dignity and leads to greater
2 stability.

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

4 (1) include community-based shelter provided by housing and shelter
5 operators, including community-based shelters for designated populations; and

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

7 (c)(1) Notwithstanding subsection (b) of this section, the use of hotel and
8 motel rooms may be utilized only after the Department has exhausted other

9 means of providing community-based shelter. If there is inadequate

10 community-based shelter space available for a household within the Agency of

11 Human Services district in which the household presents itself, the household

12 shall be provided shelter in a hotel or motel under this Program until adequate

13 community-based shelter space becomes available in the district.

14 (2) Annually, the Department shall propose hotel and motel rates

15 through the budget process for consideration and approval by the General

16 Assembly.

17 (3) The use of hotel and motel rooms shall be contingent on a

18 participating hotel or motel complying with the public accommodation act

19 pursuant to 9 V.S.A. chapter 139; holding a lodging license issued by the

20 Vermont Department of Health; and complying with the Licensed Lodging

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

17 § 2203. HOUSEHOLD ELIGIBILITY

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

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

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

2 (A) written verification of the disability from a professional licensed
3 by the State to diagnose and treat the disability and certification that the
4 disability is expected to be long-continuing or of indefinite duration and
5 substantially impedes the individual’s ability to live independently;

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

7 (C) receipt of a disability check;

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

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

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

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

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

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

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

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

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

9 § 2204. MAXIMUM DAYS OF ELIGIBILITY

10 (a)(1) The maximum number of days that a household receives shelter
11 under this Program, per 12-month period, shall be determined by the statewide
12 vacancy rate. If the statewide vacancy rate is:

13 (A) less than five percent at the household’s time of application, the
14 household shall receive a maximum of 90 sheltered days under this Program
15 for the following 12-month period; or

16 (B) is equal to or greater than five percent at the household’s time of
17 application, the household shall receive a maximum of 45 sheltered days under
18 this Program for the following 12-month period.

19 (2) No periods of ineligibility shall be imposed on the use of a
20 household’s maximum permitted sheltered days.

1 **(b) Notwithstanding subsection (a) of this section, households shall not**
2 **have a cap on the number of days in shelter under this Program if a member of**
3 **the household:**

4 **(1) is experiencing domestic violence, dating violence, sexual assault,**
5 **stalking, human trafficking, hate violence, or other dangerous or life-**
6 **threatening conditions that relate to violence against the individual or a**
7 **household member;**

8 **(2) is a child under 18 years of age, or 18 or 19 years of age and**
9 **attending secondary school on a full-time basis or an equivalent level of**
10 **vocational or technical training**

11 **(3) is 65 years of age or older;**

12 **(4) receives Social Security Income or Social Security Disability**
13 **Insurance; or**

14 **(5) is experiencing an at-risk pregnancy.**

15 § 2205. HOUSEHOLD PARTICIPATION

16 Unless the head of the household has a disability as evidenced by
17 subdivision 2203(2) of this chapter that prevents participation in coordinated
18 entry and case management processes, a participating household sheltered
19 pursuant to this chapter shall participate in coordinated entry and case
20 management processes if temporary emergency shelter in excess of 14 days is

1 required, including cooperating with the Department and service providers on
2 screening and care planning.

3 § 2206. APPLICATION; NOTICE; APPEALS

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

5 (b) The Department shall provide written notice, and notice in the
6 household’s preferred form of communication, of appeal rights related to
7 Departmental decisions made in the course of administering the Program
8 established in this chapter, including appeal rights related to the denial of an
9 initial application.

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

13 * * *

14 § 2208. MONTHLY REPORTING

15 On or before the last day of each month, the Department shall post the
16 following on its website:

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

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

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

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

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

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

1 (7) the number of and demographic information for households
2 obtaining shelter due to adverse weather conditions pursuant to section 2209 of
3 this chapter; and

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

7 § 2209. ADVERSE WEATHER CONDITIONS

8 To the extent funding and capacity exists and notwithstanding any
9 provisions of this chapter to the contrary, the Department shall provide shelter
10 in a hotel or motel to households lacking a fixed, regular, adequate, nighttime
11 residence during adverse weather conditions when appropriate community-
12 based shelter space is not available between November 15 and April 15.

13 Sec. 4. EMERGENCY TEMPORARY SHELTER PROGRAM TASK
14 FORCE

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

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

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

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

5 (3) a representative, appointed by the Vermont Housing and
6 Conservation Board;

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

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

9 (6) a representative, appointed by the Vermont Alliance for Recovery
10 Residences;

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

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

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

14 (10) the Commissioner for Children and Families or designee; and

15 (11) the **Commissioner of Housing and** Community Development or
16 designee.

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

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

- 1 (2) the reorganization of roles and responsibilities within the
2 Department for Children and Families’ Office of Economic Opportunity and
3 the Division of Economic Services;
- 4 (3) the number and types of emergency shelter spaces needed and
5 currently available for each geographic region in the State, with a preference
6 for non-congregate shelter spaces;
- 7 (4) the identification of a consistent lead agency for each geographic
8 region;
- 9 (5) the identification of roles and responsibilities necessary in a lead
10 agency;
- 11 (6) potential adjustments to the adverse weather conditions established
12 in 33 V.S.A. § 2209;
- 13 (7) a process to enable participating households to place a percentage of
14 the household’s gross income into savings, which shall be returned to the
15 household for permanent housing expenses when the household exits the
16 Program;
- 17 (8) a mechanism for addressing potential **conduct** challenges posed by a
18 member of a participating household **served in a motel or hotel; and**
- 19 (9) the identification of any State rules and local regulations and
20 **ordinances that are impeding the timely development of safe, decent,**
21 **affordable housing in Vermont communities in order to:**

1 (A) identify areas in which flexibility or discretion are available; and
2 (B) advise whether the temporary suspension of relevant State rules
3 and local regulations and ordinances, or the adoption or amendment of State
4 rules, would facilitate faster and less costly revitalization of existing housing
5 and construction of new housing units.

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

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

12 (f) Meetings.

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

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

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

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

20 (g) Compensation and reimbursement.

1 (1) For attendance at meetings during adjournment of the General
2 Assembly, a legislative member of the Task Force serving in the member’s
3 capacity as a legislator shall be entitled to per diem compensation and
4 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight
5 meetings. These payments shall be made from monies appropriated to the
6 General Assembly.

7 (2) Other members of the Task Force not otherwise compensated for
8 their participation shall be entitled to per diem compensation and
9 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
10 than eight meetings. These payments shall be made from monies appropriated
11 to the Department for Children and Families.

12 Sec. 5. RULEMAKING; EMERGENCY TEMPORARY SHELTER
13 PROGRAM

14 On or before December 1, 2024, the Department for Children and Families
15 shall file an initial permanent proposed rule with the Secretary of State
16 pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency
17 Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.
18 Prior to the adoption of the permanent rule, the Department shall file an
19 emergency rule, which shall be deemed to have met the emergency rulemaking
20 standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency
21 Temporary Shelter Program beginning on July 1, 2025.

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

2 Sec. 6. 33 V.S.A. § 2115 is amended to read:

3 § 2115. ~~GENERAL ASSISTANCE PROGRAM REPORT~~

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

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

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

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

13 ~~(4) statewide statistics using deidentified data related to the use of~~
14 ~~emergency housing vouchers during the preceding State fiscal year, including~~
15 ~~demographic information, client data, shelter and motel usage rates, clients²~~
16 ~~primary stated cause of homelessness, and average lengths of stay in~~
17 ~~emergency housing by demographic group and by type of housing; and~~

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

1 Sec. 7. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
2 PROGRAM

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

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

10 (2) Department for Children and Families, General Assistance (CVR 13-
11 170-260) as amended by Department for Children and Families under
12 Secretary of State emergency rule filing number 23-E11 or any future identical
13 emergency rule adopted by the Department.

14 Sec. 8. REPEAL; EMERGENCY HOUSING TRANSITION

15 2023 Acts and Resolves No. 81, Secs. 5–9 shall be repealed on July 1, 2025.

16 * * * Effective Dates * * *

17 Sec. 9. EFFECTIVE DATES

18 This section, Sec. 1 (legislative intent), Sec. 2 (Emergency Temporary
19 Shelter Program Advisory Committee), and Sec. 4 (Emergency Temporary
20 Shelter Program Task Force) shall take effect on July 1, 2024, and all
21 remaining sections shall take effect on July 1, 2025.