

Emergency Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). This emergency rule is necessary to continue providing emergency housing assistance in accordance with Act 81.

I approve the contents of this filing entitled:

Emergency Housing Transition Benefit

/s/ Todd W. Daloz

(signature)

, on 10/11/23

(date)

Printed Name and Title:

Todd W. Daloz, Deputy Secretary
Agency of Human Services

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

1. TITLE OF RULE FILING:

Emergency Housing Transition Benefit

2. ADOPTING AGENCY:

Agency of Human Services

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Heidi Moreau

Agency: Agency of Human Services, Department for
Children and Families

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,
VT 05671

Telephone: 802-595-9639 Fax:

E-Mail: heidi.moreau@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://dcf.vermont.gov/esd/laws-rules/current>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Jennifer Myka

Agency: Agency of Human Services, Department for
Children and Families

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,
VT 05671

Telephone: 802-798-9824 Fax:

E-Mail: jennifer.myka@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

3 V.S.A. § 801(b) (11); 33 V.S.A. § 105(b) (2)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

33 V.S.A. 105(b) (2) states that the Commissioner has the authority to "fix standards and issue regulations necessary to administer" the laws assigned to the Department. Under sec. 6 of 2023 Acts and Resolves No. 81, the Agency of Human Services 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.."

8. CONCISE SUMMARY (150 WORDS OR LESS):

Act 81 established an emergency housing transition benefit that provides continued housing in a hotel or motel for households that were housed through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023. Under Act 81, the transition benefit ends April 1, 2024. This emergency rule maintains the eligibility criteria initially established in 23-E05, with the following changes: 1) language clarifying that a household must accept and maintain a hotel or motel housing placement for the duration of the eligibility reassessment period to maintain eligibility for the transition benefit; 2) not including "upon expiration of the eligibility reassessment period" from rule 2652.5(D) (i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act; 3) new definition of misconduct; 4) language addressing hospital-level care and short-term alternative housing placements; and 5) language addressing notice and appeal rights.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

This emergency rule is necessary to continue providing the emergency housing transition benefit initially established in 23-E05.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

The Rules are not arbitrary, as that term is defined 8 V.S.A. § 801(b)(13)(A), because there is a factual basis for the decision to establish eligibility criteria for the emergency housing transition benefit. The emergency rule is rationally connected to this factual basis, and the decision herein would make sense to the reasonable person. The eligibility criteria in this emergency rule were developed based on the eligibility criteria for temporary housing assistance outlined in sec. 6 of Act 81. Adoption of this emergency rule is rationally connected to implementation of the Act as there are currently no eligibility criteria for providing emergency housing assistance to the populations defined in the Act. The emergency rule would make sense to a reasonable person because they are narrowly tailored to implement the Act. Therefore, the emergency rule is not arbitrary as that term is defined in Vermont's statutes.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Households eligible to continue receiving pandemic-era General Assistance emergency housing under Act 81; the Department for Children and Families; motels/hotels serving General Assistance clients; and shelters and organizations serving unhoused populations.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The Department estimates that the cost of providing housing from July 1, 2023 to April 1, 2024 to households eligible under Act 81 will be \$20,357,080. The Department anticipates a positive economic impact to: (1) households eligible for temporary housing assistance under the criteria established in the emergency rule; (2) motel/hotels serving these households; and (3) shelters and organizations serving unhoused populations.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. EMERGENCY RULE EFFECTIVE: 10/13/2023

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL

(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE):
03/31/2024

18. NOTICE OF THIS EMERGENCY RULE SHOULD BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Act 81

Emergency Housing

Transition Benefit

Motel Voucher Program

Pandemic-Era General Assistance Emergency Housing

280 State Drive - Center Building
Waterbury, VT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in blue ink, appearing to be 'Jenney Samuelson', written over the 'FROM:' line.

DATE: January 31, 2023

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Deputy Secretary of Human Services Todd W. Daloz as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3. V.S.A § 801 et seq.

Cc: Todd W. Daloz

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Emergency Housing Transition Benefit

2. ADOPTING AGENCY:

Agency of Human Services

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street, 5th Floor
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-2428

Kristin L. Clouser, Secretary

MEMORANDUM

TO: Copeland Hanzas, Secretary of State
FROM: Sean Brown, ICAR Chair
DATE: October 23, 2023
RE: Emergency Rule Titled ‘Emergency Housing Transition Benefit’ by the Agency of Human Services, Department for Children and Families

Sean
Brown

Digitally signed by
Sean Brown
Date: 2023.10.23
15:09:29 -04'00'

The use of rulemaking procedures under the provisions of 3 V.S.A. §844 is appropriate for this rule. I have reviewed the proposed rule titled ‘Emergency Housing Transition Benefit’, provided by the Agency of Human Services, Department for Children and Families, and agree that emergency rulemaking is necessary.

###

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.



1. TITLE OF RULE FILING:

Emergency Housing Transition Benefit

2. ADOPTING AGENCY:

Agency of Human Services

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Households eligible for continued pandemic-era General Assistance emergency housing: While the Department is unable to quantify the economic impact to these households, the Department anticipates a positive economic impact due to these households receiving

additional days of housing assistance they would not have otherwise been eligible for.

The Department estimates that the cost of providing continued temporary housing assistance to households eligible for continued pandemic-era General Assistance emergency housing will be \$20,357,080 from July 1, 2023 to March 31, 2023.

Motels/hotels serving General Assistance clients: The Department is currently paying motels/hotels an average nightly rate of \$129. The Department estimates that the average nightly rate will decrease incrementally each month to \$103 in March 2024. Temporary housing assistance clients are currently housed at 75 different hotels across the state.

Shelters and organizations serving unhoused populations: While the Department is unable to quantify the economic impact on these entities, the Department anticipates a positive economic impact due to reducing the burden on their capacity and resources.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impact.

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

Not applicable.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

While the Department is unable to quantify the impact on motels that are small businesses, the Department anticipates a positive economic impact resulting from an increase in payments to these motels for households that would have otherwise been ineligible to receive assistance.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The Department has determined that there will be no cost to small businesses associated with the proposed rule.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The emergency rule allows the Department to establish eligibility criteria to implement Act 81. Having no emergency rule would potentially result in inconsistent application of the Act.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department used knowledge of the system, data, as well as its experiences implementing the current General Assistance program to inform this economic impact analysis. The Department's process was sufficient because of the depth and breadth of the process and analysis.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Emergency Housing Transition Benefit

2. ADOPTING AGENCY:

Agency of Human Services

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
No impact.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
None.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
The emergency rule relates to providing housing assistance to unhoused populations and has no impact on any of the above areas. Therefore, this analysis sufficiently captures that there will be no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. **TITLE OF RULE FILING:**

Emergency Housing Transition Benefit

2. **ADOPTING AGENCY:**

Agency of Human Services

3. **PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:**

The Department will publish the emergency rule on its website and notify community partners and subscribers of the Department's electronic rules notifications. The Department will notify current recipients of General Assistance temporary housing assistance.

4. **BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:**

General Assistance program staff, Department for Children and Families general counsel and policy advisors, the Administration, the Office of Economic Opportunity, and Vermont Legal Aid.

Emergency Housing

EH-100 Emergency Housing Transition Benefit

A. Pursuant to 2023 Acts and Resolves No. 81, § 6(a) (the “Act”), households that were housed in a hotel or motel through the Pandemic-Era General Assistance Emergency Housing Program as of June 30, 2023, under the criteria established in 2023 Acts and Resolves No. 3, § 45, shall be eligible for temporary, continued hotel or motel housing until the Agency of Human Services offers the household an alternative housing placement or the household secures its own housing placement, but in no event later than April 1, 2024 (the “Emergency Housing Transition Benefit”). The temporary continued hotel or motel housing benefit offered under the Act and this Rule 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. Eligibility Reassessment Period

- i. Authorization for the Emergency Housing Transition Benefit shall be issued for periods up to 28 days (the “eligibility reassessment period”).
- ii. Beginning July 1, 2023, a household’s Emergency Housing Transition Benefit will terminate at the end of the eligibility reassessment period unless the Department has determined the household to be eligible under the Act and this Rule.
- iii. When a household has accepted an offer of an alternative housing placement or secured its own housing placement and the housing placement becomes available for occupancy, the household shall continue to be eligible for the Emergency Housing Transition Benefit for the duration of the eligibility reassessment period or 14 days, whichever is more.

C. Maintaining Eligibility (2023 Acts and Resolves No.81, § 6(a)(2))

To maintain eligibility for the Emergency Housing Transition Benefit, households must:

- i. participate in the coordinated entry and case management processes, including:
 1. cooperating with the Agency of Human Services and service providers on screening and care planning for transitioning off the Emergency Housing Transition Benefit, including completing a coordinated entry assessment and attending meetings with a case manager and accepting and maintaining hotel or motel housing for the duration of the eligibility reassessment period; and

Emergency Housing

2. engaging in monthly eligibility reassessments to determine continued compliance with the eligibility requirements set forth in the Act.
- ii. provide verification they have engaged in their own search for alternative housing options and notify their case manager, reentry team, or Agency of Human Services staff if they are successful in securing a housing placement; and
- iii. provide verification of income and contribute 30 percent of their gross household income in accordance with General Assistance rule 2652.4 toward the cost of the hotel or motel housing.

D. Termination (2023 Acts and Resolves No.81, § 6(a)(2))

- i. Eligibility for the Emergency Housing Transition Benefit shall terminate if:
 1. the household receives a written offer of an alternative housing placement but does not accept the offer within 48 hours;
 - a. if a household notifies the Department within 24 hours of the offer that the alternative housing placement poses a previously unidentified health or safety risk to a member of the household, the Department shall determine within 48 hours of notification whether the household must accept the offer;
 2. the household secures its own housing placement;
 3. the household was exited from the hotel or motel for actions constituting misconduct as follows:
 - a. violent criminal behavior;
 - b. non-violent criminal behavior that jeopardizes the health or safety of other hotel or motel guests or staff (for example, the sale, distribution, or manufacturing of illegal substances or tampering with fire safety equipment); or
 - c. repeated non-violent criminal behavior (for example, theft or disorderly conduct); or
 4. the household does not comply with requirements set forth in Rule EH-100 subsection (C).

Emergency Housing

- ii. If a household's Emergency Housing Transition Benefit is terminated for any of the reasons listed in subsections (i)(1)-(4), the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

E. Housing Maximums

The Emergency Housing Transition Benefit shall not count toward the 28- and 84-day housing maximums under General Assistance rules 2652.2 and 2652.3.

F. Loss of Housing Placement

If a household loses its alternative housing placement or housing placement secured on its own, the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

- i. A household or household member that enters hospital level of care for any reason (physical, mental health, substance use, etc.) for any amount of time is eligible for the Emergency Housing Transition Benefit upon leaving the hospital if no other alternative housing placement is available.
- ii. A household or household member that enters residential level of care for any reason (physical rehab, mental health, substance use) for 14 days or fewer is eligible for the Emergency Housing Transition Benefit upon leaving residential care if no other alternative housing placement is available. If they remain in residential care for more than 14 days, they will no longer be eligible for eligible for the Emergency Housing Transition Benefit

G. Periods of Ineligibility

A household that applies for temporary housing assistance under rule 2652.2 or 2652.3 after losing eligibility for the Emergency Housing Transition Benefit shall not be subject to a period of ineligibility regardless of the reason the household is no longer eligible for the Emergency Housing Transition Benefit.

- H. "Alternative housing placement" or "housing placement" 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 home beds; and recovery homes.

Emergency Housing

I. Lodging License Compliance

Persons who provide lodging to Emergency Housing Transition Benefit recipients must hold a lodging license issued by the Vermont Department of Health. These persons must comply with all applicable laws and rules, including but not limited to the Licensed Lodging Establishment Rule and the Vermont Fire and Building Safety Code. The Department may withhold full or partial payment to any person who violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. Specifically, the Department may withhold full or partial payment to persons to whom the Department of Health has issued a conditional license, abatement order, warning letter, or other notice of violation. Likewise, the Department may withhold full or partial payment to persons who have received notices from other government agencies that indicate that the person has violated a law or rule. Once the Department is satisfied that the person is complying with the law, the Department will begin or resume payments at the agreed-upon rate for lodging provided after the violation ended. The Department may provide all, some, or none of the payments withheld based on the nature and extent of the legal violations and the effects those violations had on Emergency Housing Transition Benefit recipients.

J. Notice and Appeal

The Department shall provide notice to all Applicant Households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions. The notice will inform the Applicant Household of their rights and the procedures applicable to such appeals.

Emergency Housing

EH-100 Emergency Housing Transition Benefit

A. Pursuant to 2023 Acts and Resolves No. 81, § 6(a) (the “Act”), households that were housed in a hotel or motel through the Pandemic-Era General Assistance Emergency Housing Program as of June 30, 2023, under the criteria established in 2023 Acts and Resolves No. 3, § 45, shall be eligible for temporary, continued hotel or motel housing until the Agency of Human Services offers the household an alternative housing placement or the household secures its own housing placement, but in no event later than April 1, 2024 (the “Emergency Housing Transition Benefit”). The temporary continued hotel or motel housing benefit offered under the Act and this Rule 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. Eligibility Reassessment Period

- i. Authorization for the Emergency Housing Transition Benefit shall be issued for periods up to 28 days (the “eligibility reassessment period”).
- ii. Beginning July 1, 2023, a household’s Emergency Housing Transition Benefit will terminate at the end of the eligibility reassessment period unless the Department has determined the household to be eligible under the Act and this Rule.
- iii. When a household has accepted an offer of an alternative housing placement or secured its own housing placement and the housing placement becomes available for occupancy, the household shall continue to be eligible for the Emergency Housing Transition Benefit for the duration of the eligibility reassessment period or 14 days, whichever is more.

C. Maintaining Eligibility (2023 Acts and Resolves No.81, § 6(a)(2))

To maintain eligibility for the Emergency Housing Transition Benefit, households must:

- i. participate in the coordinated entry and case management processes, including:
 1. cooperating with the Agency of Human Services and service providers on screening and care planning for transitioning off the Emergency Housing Transition Benefit, including completing a coordinated entry assessment and attending meetings with a case manager and accepting and maintaining hotel or motel housing for the duration of the eligibility reassessment period; and

Emergency Housing

2. engaging in monthly eligibility reassessments to determine continued compliance with the eligibility requirements set forth in the Act.
- ii. provide verification they have engaged in their own search for alternative housing options and notify their case manager, reentry team, or Agency of Human Services staff if they are successful in securing a housing placement; and
- iii. provide verification of income and contribute 30 percent of their gross household income in accordance with General Assistance rule 2652.4 toward the cost of the hotel or motel housing.

D. Termination (2023 Acts and Resolves No.81, § 6(a)(2))

- i. Eligibility for the Emergency Housing Transition Benefit shall terminate if:
 1. the household receives a written offer of an alternative housing placement but does not accept the offer within 48 hours;
 - a. if a household notifies the Department within 24 hours of the offer that the alternative housing placement poses a previously unidentified health or safety risk to a member of the household, the Department shall determine within 48 hours of notification whether the household must accept the offer;
 2. the household secures its own housing placement;
 3. the household was exited from the hotel or motel for actions constituting misconduct as follows:
 - a. violent criminal behavior;
 - b. non-violent criminal behavior that jeopardizes the health or safety of other hotel or motel guests or staff (for example, the sale, distribution, or manufacturing of illegal substances or tampering with fire safety equipment); or
 - c. repeated non-violent criminal behavior (for example, theft or disorderly conduct); or
 4. the household does not comply with requirements set forth in Rule EH-100 subsection (C).

Emergency Housing

- ii. If a household's Emergency Housing Transition Benefit is terminated for any of the reasons listed in subsections (i)(1)-(4), the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

E. Housing Maximums

The Emergency Housing Transition Benefit shall not count toward the 28- and 84-day housing maximums under General Assistance rules 2652.2 and 2652.3.

F. Loss of Housing Placement

If a household loses its alternative housing placement or housing placement secured on its own, the household is no longer eligible for the Emergency Housing Transition Benefit; however, the household may apply for temporary housing assistance under General Assistance rule 2652.2 or 2652.3.

- i. A household or household member that enters hospital level of care for any reason (physical, mental health, substance use, etc.) for any amount of time is eligible for the Emergency Housing Transition Benefit upon leaving the hospital if no other alternative housing placement is available.
- ii. A household or household member that enters residential level of care for any reason (physical rehab, mental health, substance use) for 14 days or fewer is eligible for the Emergency Housing Transition Benefit upon leaving residential care if no other alternative housing placement is available. If they remain in residential care for more than 14 days, they will no longer be eligible for eligible for the Emergency Housing Transition Benefit

G. Periods of Ineligibility

A household that applies for temporary housing assistance under rule 2652.2 or 2652.3 after losing eligibility for the Emergency Housing Transition Benefit shall not be subject to a period of ineligibility regardless of the reason the household is no longer eligible for the Emergency Housing Transition Benefit.

- H. "Alternative housing placement" or "housing placement" 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 home beds; and recovery homes.

Emergency Housing

I. Lodging License Compliance

Persons who provide lodging to Emergency Housing Transition Benefit recipients must hold a lodging license issued by the Vermont Department of Health. These persons must comply with all applicable laws and rules, including but not limited to the Licensed Lodging Establishment Rule and the Vermont Fire and Building Safety Code. The Department may withhold full or partial payment to any person who violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. Specifically, the Department may withhold full or partial payment to persons to whom the Department of Health has issued a conditional license, abatement order, warning letter, or other notice of violation. Likewise, the Department may withhold full or partial payment to persons who have received notices from other government agencies that indicate that the person has violated a law or rule. Once the Department is satisfied that the person is complying with the law, the Department will begin or resume payments at the agreed-upon rate for lodging provided after the violation ended. The Department may provide all, some, or none of the payments withheld based on the nature and extent of the legal violations and the effects those violations had on Emergency Housing Transition Benefit recipients.

J. Notice and Appeal

The Department shall provide notice to all Applicant Households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions. The notice will inform the Applicant Household of their rights and the procedures applicable to such appeals.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 001 : General Provisions

(Cite as: **3 V.S.A. § 801**)

§ 801. Short title and definitions

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) “Contested case” means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) “License” includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) “Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the

agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) "Procedure" means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) "Incorporation by reference" means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) "Adopting authority" means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components,

the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time employees.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

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Title 33 : Human Services

Chapter 001 : Department for Children and Families

Subchapter 001 : Policy, Organization, Powers, and Duties

(Cite as: **33 V.S.A. § 105**)

§ 105. Commissioner; appointment, term, duties, and powers

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department, and he or she shall determine the policies of the Department.

(b) In addition to other duties imposed by law, the Commissioner shall:

(1) administer the laws assigned to the Department;

(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department;

(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department, unless otherwise specifically provided by law.

(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State.

(d) The Commissioner, with the approval of the Attorney General, may enter into reciprocal agreements with social and child welfare agencies in other states in matters relating to social welfare, children, and families.

(e) The Commissioner shall ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the Secretary of Education and the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living in accordance with the provisions of chapter 43 of this title.

(f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on him or her by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

(g) The Commissioner may publicly disclose findings or information about any case of child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality or until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier. (Added 1967, No. 147, § 1; amended 1973, No. 101, § 6; 1983, No. 175 (Adj. Sess.); 2013, No. 131 (Adj. Sess.), § 6, eff. May 20, 2014; 2015, No. 29, § 11; 2021, No. 20, § 273.)



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Deadline For Public Comment

Deadline: Unavailable.

The deadline for public comment is unavailable for this rule. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	23-E12
Title:	Emergency Housing Transition Benefit.
Type:	Emergency
Status:	Adopted
Agency:	Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)
Summary:	Act 81 established an emergency housing transition benefit that provides continued housing in a hotel or motel for households that were housed through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023. Under Act 81, the transition benefit ends April 1, 2024. This

emergency rule maintains the eligibility criteria initially established in 23-E05, with the following changes: 1) language clarifying that a household must accept and maintain a hotel or motel housing placement for the duration of the eligibility reassessment period to maintain eligibility for the transition benefit; 2) not including “upon expiration of the eligibility reassessment period” from rule 2652.5(D)(i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act; 3) new definition of misconduct; 4) language addressing hospital-level care and short-term alternative housing placements; and 5) language addressing notice and appeal rights.

Persons Affected:

Households eligible to continue receiving pandemic-era General Assistance emergency housing under Act 81; the Department for Children and Families; motels/hotels serving General Assistance clients; and shelters and organizations serving unhoused populations.

Economic Impact:

The Department estimates that the cost of providing housing from July 1, 2023 to April 1, 2024 to households eligible under Act 81 will be \$20,357,080. The Department anticipates a positive economic impact to: (1) households eligible for temporary housing assistance under the criteria established in the emergency rule; (2) motel/hotels serving these households; and (3)shelters and organizations serving unhoused populations.

Posting date:

Oct 13,2023

Hearing Information

There are not Hearings scheduled for this Rule

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary

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Agency: Department for Children and Families, Agency of Human Services

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 Email: heidi.moreau@vermont.gov

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Website Address: <https://dcf.vermont.gov/esd/laws-rules/current>

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Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
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Keyword Information

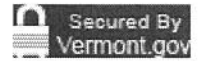
Keywords:

- Act 81
- Emergency Housing
- Transition Benefit
- Motel Voucher Program
- Pandemic-Era General Assistance Emergency Housing

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