



## STATE OF VERMONT

### Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

September 5, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, September 5, 2024, beginning at 10:00 a.m. in room 10 of the State House in Montpelier, Vermont.

The following members were present:

Sen. Mark A. MacDonald, Vice Chair  
Sen. Christopher Bray  
Sen. Virginia "Ginny" Lyons  
Sen. David Weeks

Rep. Seth Bongartz  
Rep. Mark Higley  
Rep. Carol Ode

Staff present:

Damien Leonard  
Jennifer Carbee  
Maria Royle  
Katie McLinn  
Lindsey Schreier

Committee Counsel  
Deputy Chief Counsel  
Legislative Counsel  
Legislative Counsel  
Administrative Assistant

#### **Approval of prior minutes**

On motion of Sen. Bray, the Committee unanimously approved the minutes.

#### **Review of rules**

The Committee reviewed the following rules:

#### **23-P44 – Department of Disabilities, Aging, and Independent Living/Residential Care**

**Home and Assisted Living Residence Licensing Regulations**. Stuart Schurr, General Counsel, Department of Disabilities, Aging, and Independent Living, explained the rule and answered questions from the Committee. Pamela Cota, Licensing Chief, Division of Licensing and Protection, Department of Disabilities, Aging, and Independent Living; Carolyn Scott, Department of Disabilities, Aging, and Independent Living; Suzanne Leavitt, State Survey Agency Director, Department of Disabilities, Aging, and Independent Living; Leah Burdick,

Staff Attorney, Elder Law Project, Vermont Legal Aid; Kaili Kuiper, State Long-Term Care Ombudsman, Vermont Legal Aid; and Helen Labun, Executive Director, Vermont Health Care Association, also testified on the rule and answered questions from the Committee.

This rule amendment proposes to update the Residential Care Home and Assisted Living Residence Regulations to address changes that have occurred since the regulations were adopted in 2000 and 2003, respectively.

On motion of Sen. Lyons, the Committee approved the rule (5 – 2 – 1) with the modifications proposed in memos from the Department of Disabilities, Aging, and Independent Living dated July 22, 2024 and August 29, 2024.

**23-P44 – Department of Disabilities, Aging, and Independent Living/Residential Care Home and Assisted Living Residence Licensing Regulations: Request to Extend Adoption Deadline.** Stuart Schurr, General Counsel, Department of Disabilities, Aging, and Independent Living, explained the reason for the requested extension and answered questions from the Committee.

On motion of Sen. Bray, the Committee unanimously granted an extension of the adoption deadline to October 14, 2024.

**24-P16 – Public Utility Commission/Rule 3.300 Disconnection of Residential Gas, Electric, and Water Service.** Daniel Burke, Staff Attorney, Public Utility Commission, explained the rule and answered questions from the Committee.

This rule amendment updates the rules regarding the disconnection of gas, electric, and water utility services to create a process for utilities to provide notice to the owner of a rented property and to allow for remote disconnection of utility services. These updates are required pursuant to 2023 Acts and Resolves No. 47, § 25a.

On motion of Rep. Higley, the Committee unanimously approved the rule.

**24-P17 – Public Utility Commission/Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service.** Daniel Burke, Staff Attorney, Public Utility Commission, explained the rule and answered questions from the Committee.

This rule amendment updates the rules regarding the disconnection of cable television and non-residential gas, electric, and water utility services to create a process for utilities to provide notice to the owner of a rented property and to allow for remote disconnection of utility services. These updates are required pursuant to 2023 Acts and Resolves No. 47, § 25a.

On motion of Rep. Higley, the Committee unanimously approved the rule.

**24-E06 – Department for Children and Families/General Assistance Emergency Housing Assistance Emergency Rules.** Heidi Moreau, Policy Analyst, Department for Children and Families, explained the rule and answered questions from the Committee. Brenda Siegel, Executive Director, End Homelessness Vermont; Leah Burdick, Staff Attorney, Elder Law Project, Vermont Legal Aid; and Nicole Tousignant, Economic Benefits Director, Economic Services Division, Department for Children and Families, also testified on the rule and answered questions from the Committee.

This emergency rule contains five amendments to the General Assistance program rules: (1) adds language regarding notices to terminate tenancy; (2) authorizes the Department for Children and Families to withhold payments to hotels and motels in violation of lodging licensing rules; (3) replaces the catastrophic and vulnerable populations eligibility with new eligibility criteria; (4) updates the basic needs standard chart; and (5) changes the methodology for calculating income.

On motion of Sen. Bray, the Committee voted to postpone action on this rule until September 19, 2024.

**Adjournment and next meeting**

The Committee adjourned at 12:15 p.m.

The next meeting of the Committee is scheduled for Thursday, September 19, 2024, beginning at 10:00 a.m. in room 11 of the State House in Montpelier, Vermont.

Respectfully submitted,

Damien Leonard  
Committee Counsel

cc: APA Clerk, Secretary of State  
ICAR, Agency of Administration