



**STATE OF VERMONT**  
GENERAL ASSEMBLY

## **MEMORANDUM**

**TO:** Legislative Committee on Administrative Rules

**FROM:** Theresa Wood, Chair, House Human Services Committee  
Virginia Lyons, Chair, Senate Health and Welfare Committee

**DATE:** October 12, 2026

**SUBJECT:** Emergency Rule 26-E03 – Vermont Homelessness Response Continuum

Thank you for your consideration of the following comments as they relate to the Committee's review of the above-referenced emergency rule.

Both of our committees have spent considerable time over the last several years trying to define policy that could bend the curve and address both the urgent and longer-term needs of individuals and families who face homelessness. This requires a thoughtful balance between securing safe, accessible emergency shelter/housing and longer-term work on permanent housing and other supportive services as needed by individuals and families. During the 2026 legislative session, H.938 (Act 143) was passed and signed by the Governor – this is policy that holds promise, but only if implemented as intended.

We first want to acknowledge the efforts of the Department for Children and Families as they faced short timeframes with which to offer emergency rules, given the complexity of the issue and the wide-ranging programs and services covered in the bill. We also want to deeply acknowledge the front-line work of so many community partners in their ongoing efforts to help some of the most vulnerable Vermonters.

Section 8(a)(1) states: "Emergency rules required by this subsection shall take effect on September 1, 2026, and shall, as a minimum, address the required topics listed in 33 V.S.A. Section 2216." Those required topics are:

1. Requirements for community providers participating in the Program
2. Standards for highly structured, low-barrier and specialized shelters
3. Documentation requirements for household eligibility, including disability
4. Required elements for supportive services, including case management
5. The creation of a brief, standardized initial assessment form that may be completed by hand, electronically, or by telephone
6. A process for issuing timely, written approval or denial notifications
7. A process for issuing advance notice to households when being terminated from the program
8. Applicant and household appeal procedures
9. Time limits for participation, including procedures for extensions
10. A process for reinstatement of services after a household's termination from the Program
11. Expectation for the oversight and quality monitoring, including performance measurements applicable to community partners and grantees
12. Other subjects as deemed necessary

We are providing comments on the emergency rules by each topic area and whether the emergency rule is consistent with legislative intent. *It was envisioned that FY 2027 would be a transition year (see Section 7) and thus we were not expecting any new or revised requirements for many of the elements in the continuum until FY 2028. However, given the specificity in section 8(a)(1) in terms of the adoption date and contents of the emergency rules, we expect the emergency rules to be consistent with these requirements.*

#### **Requirements for Community Providers**

The emergency rules for community providers reference existing grant, contract or other requirements that have been in place historically. ***This meets legislative intent for emergency rules.***

#### **Standards for Highly Structured, Low-barrier and Specialized Shelters**

The emergency rules for each type of shelter reference existing grant, contract or other requirements that have been in place historically. ***This meets legislative intent for emergency rules.***

#### **Required Elements for Supportive Services, Including Case Management**

The act references ten (10) different supportive services. The emergency rules go into depth for some supportive services and fail to recognize any mention of others. For instance, there appears to be no brief, standardized initial assessment. There is no mention of housing navigation or referral to other services such as substance use treatment, disability services or mental

health support. Instead, the use of the “HOU-SING Screening and Assessment Framework” is being used by the Department for intake assessment. However, this tool is not a brief, initial assessment form and seems more appropriate for use by a case manager once a relationship has been developed with a household. It also creates premature roadblocks and delays, keeping households unsheltered longer. ***This does not meet legislative intent for emergency rules.***

#### **Creation of a Brief, Standardized Initial Assessment Form**

The emergency rules refer to an individualized needs assessment; that IS NOT the same as a brief, standardized initial assessment form. The statute specifically states that the brief form may be completed by hand, electronically or by telephone. It was envisioned that this form could be completed by the applicants themselves, with little or limited formal assistance. The form that was created is a broader needs assessment and must be completed by a trained individual. We must note that even trained individuals are having difficulty completing the assessment. It is also expected that community partners will be involved in this process, and to date, it is exclusively done by DCF staff. Additionally, the assessment currently in use appears to create additional internal prioritization of individuals eligible for continuum services utilizing a “score”. This further prioritization was specifically not included in the statute. ***This does not meet legislative intent for emergency rules.***

#### **Process for Issuing Timely, Written Approval or Denial Notifications**

The intent of this requirement is to identify a time frame by which an individual will be notified of approval or denial of services. This is a requirement that pertains to the initial application, and the emergency rules do not appear to address this requirement. There is a section that outlines provision of a service agreement within 10 days; it is unclear whether this was intended to meet this requirement. ***This does not meet legislative intent for emergency rules.***

#### **Process for Issuing Advance Notice to Households When Being Terminated from the Program**

The emergency rules contain information regarding the issuance of advance notice, complete with timeframe. However, the timeframe for reinstatement for some sections is 12 months from the date of termination. ***The process for issuing advance notice meets legislative intent; however, we find the length of 12 months before reinstatement of services in some areas to be excessive and unduly punitive. It is also contrary to the broader statutory intent language that homelessness be rare, brief, and nonrecurring. This does not meet legislative intent for emergency rules.***

### **Appeal Procedures**

The emergency rules contain adequate information regarding appeal notice, time frames and procedures. We are noting, however, that certain procedures in long-standing guidance documents and interpretive memos employed by DCF prior to the enactment of Act 143 seem to have been discontinued. Items such as permitting (1) expedited emergency housing decisions, (2) officer decisions to stand as final Human Services Board orders, and (3) the Board to order benefits pending a final order are not currently in use. It was not the intent of the General Assembly that the Human Services Board appeals process would materially change during this time. ***The emergency rule contains adequate information; however, procedurally we request that DCF reinstate its prior guidance and interpretive memo with regard to emergency housing hearings before the Board and that the Human Services Board be so notified.***

### **Time Limits for Participation, Including Procedures for Extensions**

The emergency rules contain provisions for time limits on certain services and procedures for extensions. However, the emergency rules also insert “placement time frames” that are inconsistent with the intent of the law and also place an unnecessary burden on State administration of the program and on households. “Placement time frames” are not contemplated by Act 143. If appropriate case management services are provided, the periodic check in with that level of service is sufficient to ensure progress in meeting a household’s housing plan. ***The time limits identified do meet legislative intent for emergency rules. The “placement time frames” do not meet legislative intent for emergency rules.***

### **Process for Reinstatement of Services**

While the emergency rules state a process for reinstatement of services, as noted above for some households that could be as long as 12 months. The 12 month period is excessive and not within legislative intent. It is punitive and not proactive in solving whatever issues may have led to the termination. The process lacks specificity. ***This is also contrary to the broader statutory intent language that homelessness be rare, brief, and nonrecurring. This does not meet legislative intent for emergency rules.***

### **Oversight and Quality Monitoring, Including Performance Measurements Applicable to Community Partners and Grantees**

The emergency rules contain an applicable section on the above requirement. ***This meets the legislative intent for emergency rules.***

### **Municipal Grants**

The emergency rules limit municipal grants to extreme cold weather shelter. This is unnecessarily restrictive. The statute states, “The use of grant funding awarded pursuant to this subsection is *at the discretion of the municipality and shall include* the provision of basic life-sustaining shelter when the National Weather Service declares a cold weather advisory.” The municipal grant needs to include provisions for cold weather, but not to the exclusion of other services. ***This does not meet legislative intent for emergency rules.***

Overall, we find that much of the emergency rules contain language direct from the statute. While this can be helpful, the legislation itself is not intended to be sufficient to actually implement a program. And in contrast, some language has considerably more detail, not always in keeping with legislative intent. Prior to final rule development, we encourage and expect extended collaboration with community partners and individuals directly impacted by homelessness. We also encourage and expect the adoption of rules that are trauma informed and do not create unnecessary duplication of administrative procedures which are a drain on State and community partner staff, as well as difficult for households.

CC: Katie McLinn