

MEMORANDUM

To: Senate Committee on Health and Welfare
From: Sandi Hoffman, Commissioner, Department for Children & Families
Subject: H.938 - An act relating to establishing the Vermont Homelessness Response Continuum
Date: May 8, 2026

Dear Chair Lyons and Members of the Senate Committee on Health and Welfare,

Thank you for your time and thoughtful consideration on H.938, An act relating to establishing the Vermont Homelessness Response Continuum. As the bill stands today, it is in a much stronger position, from the Department's perspective, than it was when passed by the House. However, there are still outstanding concerns that need to be addressed in order to ensure the administration can support this legislation. Previously submitted feedback letters contained sample language on several areas of concern.

Notification

The language requiring 30 days' notice before a household's participation the Program may be terminated, reduced, or suspended, cannot be operationalized as written. Currently, over half of the households enrolled in the GA Emergency Housing Program have authorizations for fewer than 14 days, making the proposed timeline unworkable. Additionally, the Department believes that additional language around notice timelines is unnecessary. When a household receives a Notice of Eligibility at the point of application, it alerts them of their approval or denial status, the number of days that they are approved for, the number of days they will have used of their benefit once their authorization ends, and provides instructions as to what the client must do in order to remain eligible. Additional notice is redundant, unnecessary, and will add confusion for clients.

In addition, the requirement that written notice be given in the "household's preferred manner of communication" is overly broad since DCF cannot provide notice via text. (§ 2215(a)(2)). DCF requests that this written communication be given based on the household's preference of either email or US Mail.



Termination for Misconduct

The Department has concerns regarding the disability-related carve-out in the immediate termination provision under Section 2210(d). As currently written, the bill would prohibit termination of a participant engaged in dangerous misconduct if that behavior is linked to a disability – but the safety of all program participants must be the paramount concern, regardless of the cause of the threatening behavior. When an individual poses an immediate risk to others in the program, the Department must have clear and unambiguous authority to ensure participant safety. The proposed carve-out also introduces significant legal and operational ambiguity: determinations about whether a given behavior is disability-related are complex, fact-specific, and contested, and will likely increase Human Services Board appeals, burdening both the Department and participants. Importantly, the bill itself recognizes that this is a nuanced area requiring careful policy development and directs the Department to establish guidelines for immediate termination due to disability-related misconduct through rulemaking. The Department agrees that rulemaking is the appropriate forum for developing these standards in a deliberate and collaborative manner and is committed to doing so.

Disability Definition

The Department also urges the Committee to narrow the definition of "disability" in Section 4. As currently drafted, the definition risks being interpreted extraordinarily broadly – particularly the phrase "or that requires ongoing support, accommodation, or treatment to maintain an individual's health, safety, or independence." Under this language, common and widely prevalent conditions such as diabetes, arthritis, asthma, hearing impairment, and dyslexia could all qualify, potentially capturing a significant portion of the general population. A definition of this breadth makes it functionally impossible for DCF to meaningfully prioritize services and resources among program participants, undermining the core purpose of establishing a structured continuum of care. The Department recommends replacing the current definition with a more precise standard drawn from established federal disability law: "Unable to engage in any substantial gainful activity because of a medically determinable physical or mental condition that is expected to result in death or has lasted, or is expected to last, at least 12 months." This definition provides a clear, administrable, and legally grounded threshold that will allow the Department to direct resources to those with the most acute and enduring needs.

Rulemaking Timeline

Finally, the Department requests the following updates to the rulemaking schedule to ensure a workable and legally sound transition. As noted in the current draft (2.1), current program rules should be extended and remain in effect until emergency rules are in place, providing continuity of operations and avoiding any gap in regulatory authority. However, there should be two changes to these existing rules reflected in H. 938. First, the budget currently provides sufficient funding only for 700 rooms with a maximum stay of 70 days, which should be reflected in the bill. Second, H. 938 should make clear that there is a 12-month lookback for use of motel rooms, not a July 1, 2026 reset, because such





a reset will create unnecessary disruption for those being served when households must exit the program and reapply en masse.

The Department would then file an emergency rule by **October 1, 2026**, establishing the immediate regulatory framework needed to implement the new program structure. Work on permanent rulemaking would follow, with a draft permanent rule to be completed by **July 1, 2027**, allowing for adequate stakeholder input and review. The permanent rule would then be finalized and in place by **October 1, 2027**. This schedule provides a clear and achievable path to full implementation while ensuring the Department has the time and process necessary to develop rules that are durable, operationally sound, and responsive to the needs of participants and community partners.

The Department looks forward to continued collaboration with the Committee to address these outstanding concerns and reach a final bill that is operationally sound, administratively workable, and protective of both program participants and Department staff. We remain committed to the shared goal of building a more effective and equitable homelessness response system in Vermont and appreciate the Committee's ongoing engagement and partnership in that effort.

Thank you for your time and consideration,

Sandi Hoffman
Commissioner
Department for Children and Families

