



Vermont Legal Aid
56 College Street, Montpelier, VT 05602
802-223-6377 ■ 800-789-4195
www.vtlawhelp.org ■ Fax: 802-223-7281

To: Senate Committee on Health and Welfare/House Committee Human Services
From: Leah Burdick, Staff Attorney, Elder Law Project, Vermont Legal Aid
Date: October 9, 2026
Re: Act 143 Implementation and Emergency Rules

1. VLA's Position on Act 143 Implementation

The Department's proposed emergency rules---and subsequent implementation of Act 143---are contrary to legislative intent. One of the more extreme examples is the Department's interpretation of Section 2210 of Act 143 as permitting a 12 month penalty period for reinstatement after termination from the program.

A. Part 10, Section 3.02: Timeframes for Reinstatement

Part 10, Section 3.02 of the rule imposes a 12-month penalty period of ineligibility from the continuum for these violations: 1) providing false, misleading, or incomplete demographic/eligibility information; 2) refusing suitable housing placements two or more times; and 3) criminal activity, or misconduct not related to disability or domestic violence.

But Act 143 does not authorize any penalty periods at all. Section 2210 of the Act gives the Department the authority to *terminate* benefits in these circumstances. Section 2216(10) directs the Department to adopt a rule for the process of reinstatement of services, but nothing in the Act grants the Department the authority to institute such a lengthy penalty for these specific criteria.

A 12-month penalty is inconsistent with VHRC's primary stated purpose of preventing and addressing homelessness. The Department characterizes this penalty as a "fixed 12-month bar" in their response to initial comments. Such a fixed concept violates the intent of Act 143, which created a continuum of services designed to be individualized and administered to promote maximum flexibility to meet the needs of these households. Being denied access to services for an entire year, regardless of the rationale for the termination, will have severe consequences, not only for the people out on the street, but also for the communities that now must find some way to support more people who are unsheltered due to this proposed rule. The 12-month penalty period is overly punitive, arbitrary, unreasonable and against legislative intent.

B. Part 8, Rule 5.00 Extensions for Level 4 Services

This rule limits the discretion of the Department to just four criteria for qualifying for an extension in the motel program when a person has run out of days. In response to earlier com-

ments on the rule, the Department stated that “The Department does not have the authority to expand its discretion to grant extensions beyond these four categories.”

The Department mischaracterizes that section of the statute, thereby violating legislative intent. Act 143 does not limit the Department’s discretion to the four listed categories. Section 2212 (b) explicitly says “The Department may grant extensions to the time limits established in subsection (a) of this section pursuant to criteria adopted in rule, *including for*” these specific criteria. If the legislature intended to limit Department discretion to only those four criteria listed in statute, they would have used the word “only.” Instead, the drafters used the word “including” to direct the Department’s attention to those categories of households they considered particularly vulnerable and appropriate for extensions. Nowhere in Act 143 does it dictate that the Department only consider extensions for those specific categories. The rule as written violates the intent and plain language of the Act.

C. Part 1, Rule 5.00 Prioritization and Assessments

Part 3, Rule 2.00 Individualized Needs Assessments

The Department’s assessment rules and procedures violate legislative intent by requiring repeated assessments, creating bureaucratic barriers to services. Section 2204(1) of Act 143 directs the OEO to conduct a “brief, standardized initial prevention and diversion assessment” for all households upon request of assistance. Section 2216(5) directs the Department to adopt a rule for the “creation of a brief, standardized initial assessment form that may be completed by hand, electronically, or by telephone.” Section 2203 (c) states that OEO or community partners “shall” offer to place the household at the appropriate level of care, upon assessment of the household’s needs.

Act 143 repeats the word “brief” in two different sections. Instead, the Department has created three different required assessments in their VHRC Level 4 housing guide. First, the eligibility assessment at application. Second, a health checklist. Third, they are referred to an assessment specialist for the complex HOU-SING assessment, which will be scored and used to prioritize eligible households under certain risk categories when capacity is limited. And the applicant must also agree to a coordinated entry assessment, per Section 2210(a)(2). Instead of a brief, standardized process, the applicant is now subjected to three assessments before they can access Program services, and an additional coordinated entry assessment when they finally do access services.

These assessments are not happening quickly. Act 143 directed the Department to create a process for a brief, standardized assessment, not three different assessments with multiple agency staff before services are provided. This is not the intent of the Act—to ensure that emergency housing assistance is available in a manner that encourages efficient and accountable use of taxpayer funds. The use of taxpayer funds isn’t just referencing the cost of the motel room—it’s also the cost to the taxpayer for program administration. Multiple and potentially duplicative assessments requiring hours of additional DCF worker time is not an efficient use of taxpayer funds.

3. Human Services Board Appeals Process

The Department is no longer treating continuum appeals as expedited under the fair hearing process. Historically, for the last 40 years, General Assistance benefit appeals—including emergency housing--were considered expedited due to the urgent nature of these life-saving benefits. Expedited appeal recommendations by Hearing Officers were immediately followed by the Department. But now, the Department will not commit to implementing a hearing officer's recommendation before the Human Services Board has made a final decision. The Human Services Board meets once a month. There is every likelihood that people will be out of shelter when they are eligible for benefits because the Department is no longer following a long-standing procedure of implementing the Hearing Officers' recommendations before a final Board decision.

Our request is straightforward: that Act 143 be implemented in a manner consistent with what the Legislature intended, particularly when it comes to protecting Vermonters' access to the continuum and their rights to a fair hearing. Thank you for the opportunity to testify.