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H.91

Introduced by Representatives McGill of Bridport, Cole of Hartford, Cordes of
Bristol, Garofano of Essex, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Human services; shelter; emergency temporary shelter

Statement of purpose of bill as introduced: This bill proposes to establish the
Emergency Temporary Shelter Program to replace the General Assistance
Emergency Housing Program.

An act relating to the Emergency Temporary Shelter Program

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that the Emergency Temporary
Shelter Program established in 33 V.S.A. chapter 22 is a step toward ensuring
that:

(1) unsheltered homelessness be eliminated in Vermont and interim
shelter opportunities be available to provide a stable pathway to permanent
housing for all Vermonters experiencing homelessness;

- 1 (2) arbitrary time limits, night-by-night shelter, relocation between
2 interim housing sites, and other disruptions in housing stability be eliminated;
3 (3) noncongregate housing be used to the greatest extent possible;
4 (4) Vermont’s emergency housing statutes, rules, policies, and practices
5 incorporate Housing First principles, trauma-informed practices, and emerging
6 best practices, including:
7 (A) immediate access to shelter without housing readiness
8 requirements; and
9 (B) voluntary supportive services designed to support housing
10 stability; and
11 (5) Vermont increase the supply of interim shelter that is geographically
12 and physically accessible to individuals with a disability and that addresses the
13 range of needs among individuals with a disability.

14 * * * Emergency Temporary Shelter Program * * *

15 Sec. 2. 33 V.S.A. chapter 22 is added to read:

16 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM
17 § 2209. EMERGENCY TEMPORARY SHELTER PROGRAM ADVISORY
18 COMMITTEE

19 (a) Creation. There is created the Emergency Temporary Shelter Program
20 Advisory Committee to provide advice and recommendations to the
21 Commissioner regarding the implementation, administration, and operation of

1 the Emergency Temporary Shelter Program from the perspective of individuals
2 with lived experience of homelessness.

3 (b) Membership. Each coordinated entry lead agency shall appoint an
4 individual with lived experience of homelessness in Vermont to serve on the
5 Advisory Committee established in this section. The Advisory Committee's
6 membership shall reflect the growing diversity among Vermonters, including
7 individuals who are Black, Indigenous, and Persons of Color, as well as with
8 regard to socioeconomic status, geographic location, gender, sexual identity,
9 and disability status.

10 (c) Assistance. The Advisory Committee shall have the administrative,
11 technical, and legal assistance of the Department for Children and Families.

12 (d) Meetings.

13 (1) The Commissioner shall call the first meeting of the Advisory
14 Committee to occur on or before July 15, 2025.

15 (2) The Committee shall select a chair or co-chairs from among its
16 members at the first meeting.

17 (3) A majority of the membership shall constitute a quorum.

18 (e) Compensation and reimbursement. Members of the Advisory
19 Committee shall be entitled to per diem compensation and reimbursement of
20 expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings

1 annually. These payments shall be made from monies appropriated to the
2 Department.

3 Sec. 3. REPEAL; EMERGENCY TEMPORARY SHELTER PROGRAM

4 ADVISORY COMMITTEE

5 33 V.S.A. § 2209 (Emergency Temporary Shelter Program Advisory
6 Committee) is repealed on July 1, 2029.

7 Sec. 4. 33 V.S.A. chapter 22 is amended to read:

8 CHAPTER 22. EMERGENCY TEMPORARY SHELTER PROGRAM

9 § 2201. DEFINITIONS

10 As used in this chapter:

11 (1) “Commissioner” means the Commissioner for Children and
12 Families.

13 (2) “Community-based shelter” means a shelter that meets the Vermont
14 Housing Opportunity Grant Program’s Standards of Provision of Assistance.

15 (3) “Department” means the Department for Children and Families.

16 (4) “Household” means an individual and any dependents for whom the
17 individual is legally responsible and who live in Vermont. “Household”
18 includes individuals who reside together as one economic unit, including those
19 who are married, parties to a civil union, or unmarried.

20 (5) “Statewide vacancy rate” means the Vermont-specific rental vacancy
21 rate as reported by the U.S. Census Bureau.

1 § 2202. ESTABLISHMENT; EMERGENCY TEMPORARY SHELTER

2 PROGRAM

3 (a) The Emergency Temporary Shelter Program is established within the
4 Department for Children and Families for the purpose of temporarily sheltering
5 households pursuant to the eligibility criteria in section 2203 of this chapter in
6 a manner that ensures participant dignity and leads to greater stability.

7 (b) Permissible shelter provided through this Program shall:

8 (1) include:

9 (A) community-based shelter provided by housing and shelter
10 operators, including community-based shelters for designated populations; and

11 (B) hotel and motel rooms only after the Department has exhausted
12 other means of providing community-based shelter; and

13 (2) limit relocation between community-based shelter sites.

14 (c)(1) If there is inadequate community-based shelter space available for a
15 household within the Agency of Human Services district in which the
16 household presents itself, the household shall be provided shelter in a hotel or
17 motel within the district, if available, until adequate community-based shelter
18 space becomes available in the district.

19 (2) Annually, the Department shall propose hotel and motel rates
20 through the budget process for consideration and approval by the General
21 Assembly. If the Department determines that a contractual agreement with a

1 hotel or motel operator to secure temporary emergency shelter capacity is
2 beneficial to improve the quality, cleanliness, or access to services for those
3 households temporarily sheltered in the facility, the Department shall be
4 authorized to enter into such an agreement in accordance with the per-room
5 rate established by the General Assembly; provided, however, that in no event
6 shall such an agreement cause a household to become unhoused. The
7 Department may include provisions to address access to services or related
8 needs within the contractual agreement.

9 (3) The use of hotel and motel rooms shall be contingent on a
10 participating hotel or motel complying with the public accommodation act
11 pursuant to 9 V.S.A. chapter 139, holding a lodging license issued by the
12 Vermont Department of Health, and complying with the Licensed Lodging
13 Establishment Rule and the Vermont Fire and Building Safety Code. The
14 Department may withhold full or partial payment to any hotel or motel
15 operator who violates any law or rule or whose lodging license is suspended,
16 revoked, expired, or otherwise invalid. Specifically, the Department may
17 withhold full or partial payment to hotel or motel operators to whom the
18 Department of Health has issued a conditional license, abatement order,
19 warning letter, or other notice of violation. Likewise, the Department may
20 withhold full or partial payment to hotel or motel operators who have received
21 notices from other State agencies that indicate that the hotel or motel operator

1 has violated a law or rule. Once the Department is satisfied that the hotel or
2 motel operator is complying with the law and any corresponding rules, the
3 Department shall begin or resume payments at the contracted rate for lodging
4 once the violation ended. The Department may provide all, some, or none of
5 the payments withheld based on the nature and extent of the legal violations
6 and the effects of those violations on Emergency Temporary Shelter Program
7 households.

8 § 2203. HOUSEHOLD ELIGIBILITY

9 To be eligible for the Program established in this chapter, a household shall
10 attest to lack of a fixed, regular, and adequate nighttime residence and have a
11 member who:

12 (1) is 60 years of age or older;

13 (2) has a disability that can be documented by:

14 (A) written verification of the disability from a professional licensed
15 by the State to diagnose and treat the disability and certification that the
16 disability is expected to be long-continuing or of indefinite duration and
17 substantially impedes the individual's ability to live independently;

18 (B) written verification from the Social Security Administration;

19 (C) receipt of a disability check;

1 (D) intake staff-recorded observation of a disability that, not later
2 than 45 days after the application for assistance, is confirmed and accompanied
3 by evidence of this; or

4 (E) other documentation approved by either the Department or the
5 U.S. Department of Housing and Urban Development;

6 (3) is experiencing a serious short-term medical condition or has been
7 discharged from a health care facility where the individual was being treated
8 for a serious short-term medical condition within the last 30 days;

9 (4) is a child under 19 years of age;

10 (5) is in the third trimester of pregnancy or is experiencing an at-risk
11 pregnancy;

12 (6) has experienced the death of a spouse or domestic partner within the
13 last 30 days;

14 (7) has experienced a natural disaster, such as a flood, fire, or hurricane,
15 within the last 30 days;

16 (8) is under a court-ordered eviction or constructive eviction due to
17 circumstances over which the household has no control; or

18 (9) is experiencing domestic violence, dating violence, sexual assault,
19 stalking, human trafficking, hate violence, or other dangerous or life-
20 threatening conditions that relate to violence against the individual or a
21 household member.

1 § 2204. MAXIMUM DAYS OF ELIGIBILITY

2 (a) The maximum number of days that a household receives shelter in a
3 hotel or motel under this Program, per 12-month period, shall be determined
4 by the statewide vacancy rate. If the statewide vacancy rate is:

5 (1) less than five percent at the household's time of application, the
6 household shall receive a maximum of 90 sheltered days under this Program
7 per 12-month period; or

8 (2) is equal to or greater than five percent at the household's time of
9 application, the household shall receive a maximum of 45 sheltered days under
10 this Program per 12-month period.

11 (b) No periods of ineligibility shall be imposed on the use of a household's
12 maximum permitted sheltered days.

13 § 2205. HOUSEHOLD PARTICIPATION

14 Unless the head of the household has a disability as evidenced by
15 subdivision 2203(2) of this chapter that prevents the head of household's
16 ability to participate in coordinated entry and case management processes, a
17 participating household sheltered pursuant to this chapter shall participate in
18 coordinated entry and case management processes if temporary emergency
19 shelter in excess of 14 days is required, including cooperating with the
20 Department and service providers on screening and care planning.

1 § 2206. APPLICATION; NOTICE; APPEALS

2 (a) All program applications and notices shall use plain language.

3 (b) The Department shall provide written notice, and notice in the
4 household's preferred form of communication, of appeal rights related to
5 departmental decisions made in the course of administering the Program
6 established in this chapter, including appeal rights related to the denial of an
7 initial application.

8 (c) A household sheltered in accordance with this Program may continue to
9 remain sheltered while the appeal is pending until the household's maximum
10 sheltered days for the current 12-month period have expired.

11 § 2207. MONTHLY REPORTING

12 Monthly, the Department shall post the following on its website:

13 (1) the annual total and average monthly number of households
14 participating in the Program by household size, by eligibility category, and by
15 each Agency of Human Services district;

16 (2) the number of alternative housing placements made during the
17 previous reporting period compared with the targeted number of placements
18 for that period;

19 (3) of the households successfully placed in alternative housing during
20 the previous month, the number of households whose screening indicated a

1 potential need for services from each department within the Agency of Human
2 Services;

3 (4) the number of beds available for emergency housing in each Agency
4 of Human Services district in the State, with separate reporting on the number
5 of beds available in nursing homes and residential care homes for individuals
6 whose screening indicates they could meet the clinical criteria for those
7 settings and the number of emergency beds available for individuals whose
8 screening indicates they do not meet the clinical criteria, including low-barrier
9 shelters, beds for youth, and beds for individuals who have experienced
10 domestic violence;

11 (5) the number of households that have been successfully transitioned to
12 an alternative housing placement since the previous report was issued and the
13 types of housing settings in which they have been placed;

14 (6) the outlook for transitioning additional households to alternative
15 housing placements in the coming months, including an estimate of the number
16 of households likely to be placed per month;

17 (7) the number of and demographic information for households
18 obtaining shelter due to adverse weather conditions pursuant to section 2208 of
19 this chapter; and

1 (8) the total amount of funds expended during the most recent quarter on
2 housing placements and supportive services for households transitioning from
3 the Program established in this chapter.

4 § 2208. WINTER SHELTER

5 To the extent funding and capacity exists and notwithstanding any
6 provisions of this chapter to the contrary, the Department shall provide shelter
7 to households lacking a fixed, regular, adequate, nighttime residence between
8 November 15 and April 15. If there is inadequate community-based shelter
9 space available within the Agency of Human Services district in which the
10 household presents itself, the household shall be provided shelter in a hotel or
11 motel within the district, if available, until adequate community-based shelter
12 space becomes available in the district. Shelter in a hotel or motel provided
13 pursuant to this section shall not count toward the maximum days of eligibility
14 per 12-month period provided in section 2204 of this chapter.

15 * * *

16 Sec. 5. RULEMAKING; EMERGENCY TEMPORARY SHELTER
17 PROGRAM

18 On or before February 15, 2026, the Department for Children and Families
19 shall file an initial permanent proposed rule with the Secretary of State
20 pursuant to 3 V.S.A. § 836(a)(2) for the administration of the Emergency
21 Temporary Shelter Program established pursuant to 33 V.S.A. chapter 22.

1 Prior to the adoption of the permanent rule, the Department shall file an
2 emergency rule, which shall be deemed to have met the emergency rulemaking
3 standard in 3 V.S.A. § 844(a), to enable the operation of the Emergency
4 Temporary Shelter Program beginning on July 1, 2026.

5 * * * Sunset of General Assistance Emergency Housing Program * * *

6 Sec. 6. 33 V.S.A. § 2115 is amended to read:

7 § 2115. ~~GENERAL ASSISTANCE PROGRAM REPORT~~

8 ~~On or before September 1 of each year, the Commissioner for Children and~~
9 ~~Families shall submit a written report to the Joint Fiscal Committee; the House~~
10 ~~Committees on Appropriations, on General, Housing, and Military Affairs, and~~
11 ~~on Human Services; and the Senate Committees on Appropriations and on~~
12 ~~Health and Welfare. The report shall contain the following:~~

13 ~~(1) an evaluation of the General Assistance program during the previous~~
14 ~~fiscal year;~~

15 ~~(2) any recommendations for changes to the program;~~

16 ~~(3) a plan for continued implementation of the program;~~

17 ~~(4) statewide statistics using deidentified data related to the use of~~
18 ~~emergency housing vouchers during the preceding State fiscal year, including~~
19 ~~demographic information, client data, shelter and motel usage rates, clients'~~
20 ~~primary stated cause of homelessness, and average lengths of stay in~~
21 ~~emergency housing by demographic group and by type of housing; and~~

1 ~~(5) other information the Commissioner deems appropriate. [Repealed.]~~

2 Sec. 7. SUNSET; GENERAL ASSISTANCE EMERGENCY HOUSING
3 PROGRAM

4 The General Assistance Emergency Housing Program shall cease to exist
5 on July 1, 2026 and all related rules shall become ineffective on that date,
6 including those portions of Department for Children and Families, General
7 Assistance (CVR 13-170-260) as amended by the Department for Children and
8 Families under Secretary of State rule filing number 24-P42 and any future
9 rule adopted by the Department pertaining to emergency housing.

10 * * * Effective Dates * * *

11 Sec. 8. EFFECTIVE DATES

12 This section, Sec. 1 (legislative intent), and Sec. 2 (Emergency Temporary
13 Shelter Program Advisory Committee) shall take effect on passage, and all
14 remaining sections shall take effect on July 1, 2026.