

To: Hotels, Motels, and Lodging Establishments

From: Sean Brown, Commissioner, Department for Children and Families 

Date: March 30, 2022

Subject: ESD General/Emergency Assistance clients and Transitional Housing/Emergency Rental Assistance recipients in a hotel/motel/lodging establishment cannot create a tenancy under Vermont Law

In 2015 and 2022, the Vermont Law regarding Residential Rental Agreements was updated to include an exclusion for occupants of hotels, motels, and other lodging establishments when the occupant is either: (1) a recipient of General Assistance or Emergency Assistance for temporary housing; or (2) a recipient of federal Emergency Rental Assistance administered by the Department for Children and Families (DCF). This exclusion can be found in Title 9 Chapter 137. It states in relevant part:

Unless created to avoid the application of this chapter, this chapter does not apply to any of the following: ... transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, or occupancy in a hotel or motel funded by federal Emergency Rental Assistance administered by the Department for Children and Families through September 30, 2025, regardless of whether the occupancy is subject to a tax levied under 32 V.S.A. chapter 225 ... (9 V.S.A. § 4452(8)).

This exclusion means that a landlord/tenant relationship cannot be created between a DCF client and the hotel/motel/lodging establishment while the client is receiving General/Emergency Assistance temporary housing assistance or Transitional Housing Program assistance from DCF regardless of the number of days that the DCF client stays at the hotel/motel/lodging establishment.

