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**To:** Hotels, Motels, and Lodging Establishments

**From:** Sean Brown, Deputy Commissioner  
Department for Children and Families' Economic Services Division

**Date:** April 7, 2020

**Subject:** ESD General/Emergency Assistance clients in a hotel/motel/lodging cannot create a tenancy under Vermont Law

In 2015, 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 a recipient of General Assistance or Emergency Assistance for temporary housing. 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, regardless of whether the occupancy is subject to a tax levied under 32 V.S.A. chapter 225.... (9 V.S.A. 4452).

This exclusion means that a landlord/tenant relationship cannot be created between an ESD client and the hotel/motel/lodging while the client is receiving temporary housing assistance from ESD regardless of the number of days that the ESD client stays at the hotel/motel/lodging.

