

Vermont Homelessness Response Continuum Emergency Rule Summary of Public Comments and DCF's Response

On July 17, 2026, the Department posted notice of two public hearings on the VHRC emergency rule. The first hearing was held on July 20, 2026. The second hearing was held on July 21, 2026. The deadline for written comment was July 27, 2026, unless extended as a reasonable accommodation.

The recordings and transcripts from the public hearings are available at:

[VHRC Public Meeting, Monday, July 20](#) (Recording) (YouTube)

[VHRC Public Meeting, Monday, July 20](#) (Transcript) (PDF)

[VHRC Public Meeting, Tuesday, July 21](#) (Recording) (YouTube)

[VHRC Public Meeting, Tuesday, July 21](#) (Transcript) (PDF)

Copies of the written comments are available upon request.

The Department has reviewed and considered all comments received. A discussion of the substantive concerns expressed by commenters and any related changes to the emergency rule follows.

Time Frame and Format for Public Comment

The Department received multiple comments expressing concern that the emergency rulemaking process did not provide sufficient opportunity for meaningful public input. Specifically, commenters noted that one-day notice and the hybrid meeting format created barriers to participation and limited engagement, and they recommended that the Department allow additional time for public comment.

The Department was required to act within a compressed timeframe to ensure continuity of services and compliance with Act 143 requirements. As a result, the public

comment period was necessarily shorter than that provided in standard rulemaking processes.

Despite these constraints, the Department made efforts to solicit and receive public input, including providing offering a hybrid meeting format to allow both in-person and remote participation. The hybrid format was intended to maximize accessibility; however, the Department acknowledges that this format may not have fully met the needs of all participants.

The Department values meaningful public engagement and will take this feedback into consideration for future rulemaking efforts, including evaluating options to improve participation formats and, where feasible, allowing additional time for public comment. Additionally, the Department will continue to accept and consider public feedback during the emergency rule's effective period and in the subsequent permanent rulemaking process.

Program Administration

Commenters expressed concern that the rules do not clearly explain the role of community partners in administering the program.

The Department appreciates the concern that the role of community partners in administering the emergency housing program may not be fully clear at this time. Implementation will be phased, and for fiscal year 2027, community partners will operate in accordance with the terms of their current grants. Language regarding the phased implementation was added to the rule.

Access to Services

Commenters raised concerns about services being subject to capacity, staffing, and geographic accessibility. Commenters noted that these limitations create inequitable access to services.

The Department recognizes that subjecting services to "capacity, staffing, and geographic accessibility" may, in practice, produce unequal access, particularly for people in rural areas, those with limited transportation, or communities where provider networks are thin. At the same time, Act 143 and the emergency rule reflect operational realities that the state and its partners face in delivering safe, effective, and sustainable services. While the constraints are real, the Department is committed to minimizing their disparate effects. The Department will continue to work with community partners to strengthen implementation so that these practical limits do not become entrenched barriers for the people the program is designed to serve.

Application

Commenters requested clarification regarding administration of the application process, including which entity is responsible and the intended meaning of the term “community partner.”

Commenters also noted that the governing statute permits applications to be completed by hand and expressed concern that the rule does not reflect this option.

In addition, commenters recommended that the fraud warning language be removed from the program application.

For State Fiscal Year 2027, the Department will administer the application process. The use of the term “community partner” is intended to provide flexibility to allow community-based organizations or other partners to administer portions of the program in the future, as appropriate.

The Department has revised the rule to include the option to complete applications by hand.

With respect to the inclusion of fraud warning language in the application, Act 143 requires the Department to “provide clear written notice to all applicants regarding penalties for fraud at the time of application.” See 33 V.S.A. § 2210(b)(1). Accordingly, the Department has retained this language to comply with statutory requirements.

Verification Requirements

Commenters raised concerns that the proposed verification requirements are overly burdensome and may create barriers to access. They recommended allowing greater flexibility in verification methods, including the use of self-attestation and acceptance of alternative forms of documentation.

Commenters also objected to the inclusion of an “order of preference” for verifying homelessness or risk of homelessness, stating that it is not supported by statute, is inconsistent with legislative intent, and should be removed.

In addition, commenters recommended revisions to the provisions related to verification of domestic violence and related conditions to better align with existing state law. Specifically, they suggested allowing verification through documentation from victim service providers, court-issued protection orders, law enforcement, health care providers, government agencies, or the Office of Economic Opportunity Certification form.

Commenters further recommended removing the requirement to submit additional verification of medical vulnerability for population-specific hotels or motels and permitting verification from appropriately licensed or certified health care providers practicing in other states.

In response to comments requesting greater flexibility, the Department revised the rule to clarify the applicability of self-attestation. Specifically, the self-attestation provision was relocated within the rule to make clear that it may be used, as appropriate, across all categories of verification. The Department revised the provisions governing verification of domestic violence and related conditions and constructive eviction to better align with existing state law and to reflect a broader range of acceptable documentation. The Department also removed the verification requirements for population-specific hotels or motels.

With respect to comments concerning the “order of preference” for verification of homelessness or risk of homelessness, the Department has determined that no changes are necessary. The Department included this framework to align with established U.S. Department of Housing and Urban Development (HUD) verification standards, which prioritize more objective and reliable forms of documentation where available.

The order of preference is intended to promote consistency and integrity in eligibility determinations by guiding staff to seek the highest-quality verification that can be reasonably obtained, while still allowing for alternative forms of documentation when preferred sources are not available. This approach supports equitable access by ensuring that households are not denied assistance solely due to an inability to produce specific documents, particularly in emergency situations.

The Department made no change to the requirements for health care providers. Act 143 requires the health care provider to be licensed or certified and practicing in Vermont (see 33 V.S.A. § 2211(b)(1)(A)).

Other verification requirements will remain unchanged. These requirements are intended to promote consistency in program administration and to help ensure that limited program funds are used appropriately and reach those who meet the eligibility criteria.

The Department recognizes the importance of minimizing barriers to access and will continue to monitor implementation and consider feedback to identify opportunities for improving the process.

Assessment

Commenters expressed concern about a lack of transparency regarding the assessment tool referenced in the rule and questioned whether the use of a scored assessment tool is authorized under Act 143.

Commenters also recommended that assessments not duplicate existing assessment processes and that the full assessment, rather than only the resulting score, be maintained in the case file.

In addition, commenters requested clarification regarding the purpose and limitations of the assessment tool.

The Department intends to make the assessment tool available once it is finalized to provide greater transparency regarding its content and use. The assessment is designed specifically for VHRC and is intended to support consistent program administration.

It is not the intent for the VHRC assessment to supplant other assessments. The tool is not a clinical assessment and is not used to determine treatment recommendations or replace Medicaid or agency-specific assessment processes. The Department will continue to consider feedback regarding alignment with existing assessments.

The Department revised the rule to state that a copy of the assessment shall be maintained in the case record.

Rights of People with Disabilities

Commenters expressed concern that the rules do not provide adequate protection of the rights of people with disabilities. Specifically, commenters raised concerns that the rules could be interpreted to require participation in treatment or services as a condition of receiving assistance.

Commenters noted the absence of explicit references to protections under the Americans with Disabilities Act (ADA).

In addition, commenters raised concerns that certain program practices could result in segregation of individuals with disabilities, potentially implicating requirements under the *Olmstead v. L.C.* decision. Commenters noted that the use of the term “behavioral health” is inappropriate and stigmatizing.

Commenters urged the Department to consider the needs of individuals with developmental disabilities, in particular, individuals residing with aging caregivers.

The Department shares the concern that the emergency rules must fully protect the rights of people with disabilities and ensure equal access to assistance.

The Department has revised the rule to add an explicit reference to the Americans with Disabilities Act (ADA) and to clarify that, to maintain eligibility for the VHRC program, engagement in VHRC case management and other services is required to the extent of the household's ability. The Department has also revised language that could have been read to require placement in a population-specific motel, so that the rule no longer suggests mandatory segregation based on disability or any other protected characteristic. Finally, the Department has removed the term "behavioral health" from the rule.

The Department is committed to administering the VHRC program in a manner that provides equal access, reasonable accommodations when required, and compliance with applicable civil rights laws. Nothing in the rule is intended to limit the rights of individuals with disabilities or to conflict with ADA obligations or the principles recognized in *Olmstead v. L.C.* The Department will continue to review implementation of the program to ensure that individuals with disabilities are served in the most integrated setting appropriate and that program practices do not result in unlawful discrimination or segregation.

Engagement in Program Services

Commenters recommended that the rules reflect a collaborative approach to working with households and define what constitutes meaningful engagement.

The Department agrees that engagement in program services should be collaborative and has included a collaborative process and criteria for meaningful engagement in the section of the rules governing case management and supportive services.

Periodic Reviews

Commenters opposed the periodic review process. Commenters noted that engagement with case management obviates the need for periodic reviews.

The Department agrees that periodic reviews would be duplicative of work performed by case managers. Relevant content from the periodic review section has been incorporated into the section governing case management and supportive services.

Notice

Commenters recommended that the Department set forth uniform notice requirements in Part 1 – General Provisions and include a provision in the rules stating that notice is

required when a household's level of service changes. Commenters noted that the presumption that notice is received within three days is unrealistic.

The Department agrees that the rules should more clearly address notice practices and the timing of receipt of notice. In response, the Department added a new section setting forth overarching notice requirements, and it also included in the part covering case management and supportive services a provision to address modifications to the housing plan when services change. The Department revised the rule to distinguish between methods of delivery: notice sent via email is presumed to be received within 3 days, and notice sent via USPS is presumed to be received within 14 days, unless the household provides documentation showing otherwise.

Prioritization

Commenters opposed the requirement that a household must belong to a prioritized group to receive level 4 services (placement in a hotel or motel) and the further prioritization of these groups through an assessment tool.

The Department understands these concerns but is retaining prioritization for level 4 services under the authority of 33 V.S.A. § 2211. Prioritization is necessary to administer the program in a manner that is responsive to the program's available resources.

The Department also retains the use of the assessment tool because it assists in determining the appropriate scope and duration of services for a household, consistent with the Department's program administration responsibilities. In the context of limited funds and limited hotel capacity, the Department must make allocation decisions that ensure the program can serve the households with the most urgent needs while using available resources as effectively and fairly as possible. The Department believes this approach supports equity by allowing scarce emergency housing resources to be directed where they are most needed.

Authorization Periods

Commenters objected to the 7, 14, and 28-day authorizations for placement in a hotel or motel.

The Department recognizes that incremental authorization periods linked to assessment scores may create instability for households experiencing homelessness. In response to this feedback, the Department has revised the rule to provide all households that qualify for Level 4 services with an initial seven-day hotel/motel placement (subject to room availability), followed by subsequent 28-day placements contingent upon the development and implementation of an individualized housing plan.

Extensions

Commenters recommended several changes to the process for requesting and determining eligibility for extensions to the 70-day limit on hotel and motel placements including: expanding the categories of households eligible for extensions; removing the assessment score from the eligibility criteria; and adding a process for how the length of extensions will be granted, as well as what circumstances will prematurely end an extension period.

Act 143 gives the Department discretion to grant extensions to four specific categories of households. The Department does not have the authority to expand its discretion to grant extensions beyond these four categories.

The Department agrees that the criteria for determining eligibility for an extension should not include an assessment score and has removed that provision from the rule. In addition, the Department has added language addressing how the length of the extension will be determined and that extensions are subject to the same termination criteria as other program services.

Room Caps

Commenters recommended that the Department establish an emergency authority process for temporarily adjusting room caps.

The Department does not have authority under Act 143 to adjust the room caps.

Termination

Commenters recommended that termination based on criminal activity should require a clear connection between criminal conduct and a threat to the health or safety of others. In addition, commenters recommended that the rules define “suitable housing placement.”

Commenters objected to the grounds for termination as exceeding the scope of the Department’s authority as well as defining “repeatedly” as “two or more times” in the context of refusing a suitable housing placement.

The Department appreciates the comment suggesting that termination based on criminal activity should require a clear connection between criminal conduct and a threat to the health or safety of others. Act 143 did not require a nexus between criminal activity and the health and safety of others, as it did with misconduct. The Department has determined that some instances of criminal activity may not directly impact the

health or safety of others but are incongruous with the provision of program services and may therefore constitute grounds for termination under the rules.

In response to request for a definition of “suitable housing placement,” the Department has revised the rule to refer to a suitable housing placement “as defined in the household’s housing plan.” The Department is refraining from adopting a universally applicable definition because the suitability of a housing placement will vary based on a household’s individual circumstances, needs, and preferences as identified through the development of the housing plan.

All grounds for termination are based on the criteria in Act 143. Specifically, termination for “knowingly provides false, misleading, or incomplete information regarding residency, disability status, household composition, or other eligibility criteria” is authorized by 33 V.S.A. § 2210(b)(3), termination for refusing suitable housing placements is authorized by 33 V.S.A. § 2210(c), termination for criminal activity or misconduct is authorized by 33 V.S.A. § 2210(d), termination for not engaging in case management and supportive services is authorized by 33 V.S.A. § 2210(a)(3), and termination for not meeting eligibility criteria is authorized by 33 V.S.A. § 2210(a)(1) and 33 V.S.A. § 2201(9).

The Department acknowledges that “repeatedly” is subjective and adopted a threshold of two instances of refusing a suitable housing placement to promote consistency, clarity, and equitable application of the rule across cases. Establishing a clear numerical threshold reduces ambiguity in interpretation and supports uniform decision-making by staff, thereby minimizing the risk of inconsistent or subjective determinations.

Reinstatement

Commenters opposed the 12-month bar on reinstatement as arbitrary and punitive.

After careful consideration, the Department is retaining the 12-month bar on reinstatement for individuals who were terminated from the program for fraud, repeatedly refusing suitable housing placements, and criminal activity or misconduct.

Program services operate under constrained funding, staffing, and availability. A fixed 12-month bar helps ensure that scarce slots are allocated to households that are actively working toward program goals and have not engaged in serious violations, thereby advancing equitable access across the applicant pool.

Extreme Cold Weather Shelters

Commenters recommended that funding under Extreme Cold Weather Shelters be expanded to include other forms of extreme weather including dangerous heat.

Commenters expressed concern that the 10-degree cut off does not prioritize public health and safety.

Commenters objected to the inclusion of “insufficient local emergency shelter or motel capacity” to the activation criteria as beyond the Department’s scope of authority under Act 143. In addition, commenters objected to the set time frame in which for the authorization of extreme cold weather shelters.

The Department acknowledges that other forms of extreme weather and temperatures above 10 degrees pose risks to health and safety; however, Act 143 explicitly defined funding for extreme cold weather shelters as limited to temperatures at or below 10 degrees Fahrenheit.

While Act 143 does not explicitly enumerate this “insufficient local emergency shelter or motel capacity,” the Department has included it to ensure responsible and targeted use of limited program funds.

Requiring an assessment of existing local capacity helps direct resources to communities where unmet need is greatest and where existing shelter options are insufficient to ensure health and safety during extreme weather conditions. This approach supports equitable allocation of resources across the state and avoids duplicative expenditures in areas where adequate capacity already exists.

The rule designates a set time frame in which extreme cold weather shelters will be authorized and also gives the Department discretion to extend the ECWS operations based on weather history, program resources, or operational need. Defining a time frame for operations promotes predictability and consistency in how services are delivered by establishing clear expectations for when services begin and end.

Rental Assistance

Commenters requested rulemaking on the Vermont Rental Assistance Bridge Program and the allocation of rental assistance vouchers for people with intellectual and developmental disabilities.

The Department acknowledges the commenters’ concerns regarding rental assistance; however, rental assistance is outside the scope of the Department’s rulemaking authority under 33 V.S.A. § 2216.