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Part 1 General Provisions

1.00 Authority

This rule is adopted pursuant to 2026 Acts and Resolves No. 143, Sec. 8(a)(1).

2.00 Purpose

This rule establishes the requirements for the continuum of services available under the Vermont Homelessness Response Continuum program (the Program) to provide a coordinated response that connects people experiencing homelessness or at risk of experiencing homelessness with supportive services and emergency housing placements.

3.00 Program Components

The Program offers the following services to eligible households:

- (a) Case Management Services
- (b) Level 1: Prevention and Diversion Services
- (c) Level 2: Shelter Services
- (d) Level 3: Specialized Service Shelters
- (e) Level 4: Hotel or Motel Placement
- (f) Permanent and Family Supportive Housing
- (g) Other Emergency Housing Services

4.00 General Eligibility Criteria

- 4.01 A household shall be eligible for the Program if the household is homeless or at risk of homelessness, as defined in these rules, and is physically present and intends to reside in Vermont as evidenced by active participation in a housing, employment, or other Agency of Human Services (AHS) recognized plan.
- 4.02 A household's eligibility for Program services is subject to capacity, staffing, and geographic accessibility.

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5.00 Prioritization

- 5.01 The Department shall prioritize services to eligible households as determined by a needs assessment screening tool established and maintained by the Department.
- 5.02 The Department shall use the screening tool to assess the relative need of eligible households.
- 5.03 The screening tool criteria shall be based on the prioritized groups set forth in 33 V.S.A. § 2211.

6.00 Authorized Representatives

A household applying for or participating in the Program may designate an authorized representative to act on its behalf in connection with the application process and ongoing Program participation.

7.00 Reasonable Modifications and Accessibility

- 7.01 The Department and community partners shall comply with the Americans with Disabilities Act, 42 U.S.C. §§ 12101–12213, and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, for the purposes of providing reasonable modifications, effective communication, and accessible placements.
- 7.02 Program rules and case management requirements shall be reasonably modified, including with the use of plain language, as necessary to avoid discrimination against eligible households with a member who has a disability.

8.00 Plain Language

The Department shall ensure that all written and oral communications to applicants and eligible households are provided in plain language.

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9.00 Notice

9.01 The Department or community partner shall provide written notice of any action or decision affecting a household's eligibility, benefits, or services. The notice shall state:

- (a) The specific factual basis for the action;
- (b) The specific legal basis for the action, including the applicable rule, statute, or policy;
- (c) The effective date of the action;
- (d) The household's right to appeal the action; and
- (e) The procedure for requesting continuation of benefits or services pending appeal, if applicable, including any applicable deadline.

9.02 The Department or community partner may deliver the notice in person, electronically, or by mail.

- (a) The Department shall select the method of delivery that is reasonably calculated to be received by the household.

10.00 Phased Implementation

10.01 In state fiscal year 2027, the Department shall implement each component of the Program to the fullest extent practicable based on available funding, staffing, infrastructure, and contractual or grant agreements.

10.02 Notwithstanding anything to the contrary in Act 143 or these rules, for state fiscal year 2027, community partners providing Program services shall do so in accordance with the terms of their Agency of Human Services grants or contracts.

11.00 Severability

If any part of these rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the rules invalid.

Part 2 Definitions

1.00 Definitions

As used in this rule:

Agency of Human Services recognized plan. Any program, service, or coordinated set of activities administered, funded, or formally recognized by the Agency of Human Services (AHS) that is intended to support an individual's economic stability, health, safety, or well-being. Such plans include:

- (a) Economic assistance programs, including Reach Up, General Assistance, Fuel Assistance, and 3SquaresVT;
- (b) Child care assistance programs and associated service plans;
- (c) Family services case plans or safety plans;
- (d) Health care programs, including Medicaid-related care plans, substance use disorder treatment plans, or mental health service plans; and
- (e) Any other assistance or service administered or recognized by the Agency that includes participant obligations or engagement requirements.

An AHS recognized plan may be documented through a case plan, service agreement, or other comparable written or electronic record maintained by the administering department or provider.

Alternative housing options. Housing options including shelters, specialized shelters, transitional housing, recovery residences, shared housing arrangements, host-home models, master-lease units, and rapid rehousing placements.

Applicant. A household that applies for the Program.

Approve. The action the Department or community partner takes when it determines at the time of initial application or request for reinstatement that a household is eligible for the Program.

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At risk of homelessness. A household that is precariously housed without sufficient income, resources, or support to prevent homelessness. The Department shall conform to the U.S. Department of Housing and Urban Development's (HUD) definition of "at risk of homelessness," including any subsequent regulatory updates or guidance issued by HUD that clarify or modify that definition

Authorized representative. A person or entity designated, via a form provided by the Department, by a household to act responsibly in assisting the household with their application and other ongoing communications with the Department. An authorized representative must be an adult and knowledgeable of the household's circumstances. A judicially appointed legal guardian or legal representative automatically meets the criteria for an authorized representative.

Case management services. Individualized supportive services provided to eligible households.

Community partner or provider. An entity, other than a State agency, providing Program services.

Constructive Eviction. (1) Any disturbance caused by a landlord, or someone acting on the landlord's behalf, that makes the dwelling unfit for occupation. The motive for the disturbance, which may be inferred from the act, is the eviction of the occupant. A situation in which the landlord has not provided heat, utilities, or water within a reasonable period of time and there is an agreement to furnish these items shall be considered a constructive eviction when the applicant is pursuing legal resolution of these offenses through the Vermont Department of Health or appropriate local officials, such as the local housing inspector or town health officer. The Department shall not deny benefits to an individual in a constructive eviction situation because the individual chooses not to pursue legal action such as withholding rent, obtaining a court order, suing the landlord, or terminating the rental agreement;

(2) Written or verbal notice of a termination of tenancy for no cause from the landlord to the tenant. A no cause termination means the tenancy is being terminated and it is not the fault of the tenant. If a termination notice includes

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multiple reasons for terminating the tenancy, but one of the reasons for termination is not the fault of the tenant, the Department will consider the termination a no cause termination. The applicant must provide verification of the existence of a tenancy and termination of the tenancy. A tenancy exists when the landlord is the owner, lessor, or sublessor of a residential dwelling unit or building and the tenant has the right to exclude anyone else from the dwelling unit or building, including the landlord if the landlord has not given proper notice. A residential dwelling unit includes a room if the tenant has the right to lock anyone out of the room, including the landlord; or

(3) A natural disaster, fire, flood, storm, or other catastrophe beyond the tenant's or homeowner's control that renders a dwelling uninhabitable.

Coordinated entry. The standardized process for households at risk of homelessness or experiencing homelessness to access and be assessed for and referred to the housing and services that a household needs for housing stability.

Department. The Department for Children and Families.

Deny. The action the Department or community partner takes when it determines at the time of initial application or request for reinstatement that a household is ineligible for the Program.

Disability. A physical, sensory, cognitive, developmental, or mental health condition or substance use disorder that substantially limits one or more major life activities, or that requires ongoing support, accommodation, or treatment to maintain an individual's health, safety, or independence. The term includes chronic or episodic conditions that significantly impact daily functioning, regardless of whether the individual is receiving, or is eligible to receive, federal disability benefits.

Diversion. A strategy aimed at preventing homelessness by helping households find immediate alternative housing options instead of entering shelters. Diversion focuses on addressing the needs of those who have recently lost their housing.

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Economic unit. Two or more individuals who reside together and share income and expenses.

Eligible household. A household that is at risk of homelessness or homeless and is physically present and intends to reside in Vermont as evidenced by active participation in a housing, employment, or other AHS recognized plan. Active participation for the purpose of this definition means the household is currently receiving benefits or services under a housing, employment, or other AHS recognized plan.

Emergency cold-weather shelter. Publicly funded shelter beds made available to households during periods when the National Weather Service is forecasting temperatures at or below 10 degrees Fahrenheit including windchill for the region in which the shelter is located.

Emergency Housing. Temporary shelter, lodging, or other housing support, or related services provided to eligible households to protect the health, safety, and welfare of an eligible household when no safe housing option is immediately available.

Highly structured sheltered. A shelter that provides programming that emphasizes case management, housing stability, employment, education, or treatment services, as well as other services as appropriate, in a manner that accommodates an eligible household's disability, if any.

Homeless. A household that:

- (a) lacks a fixed, regular, and adequate nighttime residence;
- (b) is facing imminent loss of a primary nighttime residence;
- (c) is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, and other dangerous or life-threatening conditions that relate to violence against a household or household member that either takes place in the primary nighttime residence or causes the household or household member to be afraid to return to the primary nighttime residence;
- (d) resides in a place not meant for human habitation, such as cars, parks, abandoned buildings, or streets; or

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(e) otherwise meets the definition of homeless under federal law.

Household. An individual or group of individuals, with or without children, including individuals who reside together as one economic unit, who are married, parties to a civil union, or unmarried.

Housing plan. A documented plan, developed collaboratively with an eligible household, that sets forth the actions, supports, and timeframes necessary to secure or maintain safe, stable, and permanent housing.

Low-barrier shelter. A shelter that minimizes barriers to entry by reducing the rules and programmatic requirements found in highly structured shelters, while still providing case management and other housing support services in a manner that accommodates an eligible household's disability, if any.

Minor child. An individual under 18 years of age.

Misconduct. Documented behaviors that materially endanger the safety of others, involve the intentional destruction of property, or constitute illegal activity.

Needs assessment. A structured evaluation conducted by the Department or community partner to identify an eligible household's service needs for the purpose of determining the appropriate Program service level.

Performance standards. Quantifiable indicators used to assess provider effectiveness, quality, and compliance.

Prevention. Services intended to prevent a household from becoming homeless, including housing relocation or stabilization services or short-term rental assistance, including rental arrearage.

Prioritized group. An eligible household that meets the criteria for one of the six populations designated by 33 V.S.A. § 2211 for priority access to Program services.

Program. The Vermont Homelessness Response Continuum.

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Quality monitoring. The systematic review of provider performance, compliance, and service outcomes.

Shelter. A facility that meets the Department's shelter standards.

Specialized shelter. A facility that meets the Department's shelter standards and applicable standards for the delivery of additional services, including health care, mental health services, or services related to substance use disorder.

Supportive services. Individualized supports that assist a household in obtaining and maintain housing. Supportive services shall include the supports listed in 33 V.S.A. § 2201(24).

Service agreement. A written document that identifies the eligible household's recommended level of service and options for engaging in services and states whether an emergency housing placement is available, and, if available, specifies the type, duration, and conditions of that placement.

Termination. The Department or community partner's action of ending a household's participation in the Program.

Part 3 Application and Individualized Needs Assessment

1.00 Application

- 1.01 Applications for the Program may be completed in person, by phone, electronically, or by hand.
- 1.02 The application shall include at a minimum:
 - (a) Applicant name and contact information;
 - (b) Household composition;
 - (c) An initial assessment that includes:
 - (1) Current housing situation;
 - (2) Contact information for any current service provider;
 - (3) Agreement to engage, to the best of the applicant's ability, in a coordinated entry assessment;
 - (4) Agreement to engage, to the best of the applicant's ability, with a case manager to develop a housing plan;
 - (d) Notice of fraud penalties; and
 - (e) Household's consent for the Department to verify and share information in accordance with these rules.

2.00 Individualized Needs Assessment

- 2.01 Upon completion of the application, applicants who meet the definition of "eligible household" shall participate in an individualized needs assessment interview. The interview shall be conducted in person or by phone.
- 2.02 The needs assessment shall identify at a minimum:
 - (a) Prioritized group status
 - (b) Health and safety risks
 - (c) Shelter suitability
 - (d) Connection to services

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- 2.03 The Department or community partner shall use the needs assessment to determine the appropriate level of service for an eligible household and shall conduct the assessment in a manner designed to minimize delay in delivering services.
- 2.04 The Department or community partner shall maintain a copy of the needs assessment in the case record and shall provide the eligible household with a copy of the needs assessment upon request.

3.00 Verification Requirements

- 3.01 The Department or community partner shall require verification of information necessary to determine eligibility and prioritized group status.
- 3.02 Unavailability of third-party verification must not prevent a household from accessing the Program. The Department or community partner shall permit self-attestation, subject to third-party verification, if applicable, within 30 days, when other documentation is not reasonably available at the time of application.
- 3.03 The Department or community shall verify homelessness or risk of homelessness as follows, listed in order of preference:
 - (a) Third party verification;
 - (b) Department or community partner staff observation; or
 - (c) Self-attestation from the applicant.
- 3.04 The Department or community shall verify Vermont residence by a copy of the applicant's current housing, employment, or other Agency of Human Services-recognized plan.
- 3.05 The Department or community partner shall verify prioritized group status, when applicable, as follows:
 - (a) 65 years of age or older shall be verified by any document that shows date of birth, if the household member's age has not

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already been documented by the Department or community partner.

- (b) (1) Disability shall be verified by:
 - (i) a health care provider licensed or certified and practicing in Vermont; or
 - (ii) a determination or certification from a State- or federally recognized agency or program that provides services to individuals with disabilities;
- (2) An eligible household with a member who has provided verification of a lifelong disability, such as an intellectual or developmental disability, shall not be required to provide verification of the disability upon subsequent applications to the Program.
- (c) Minor child shall be verified by any document that shows date of birth, if the child's age has not already been documented by the Department or community partner.
- (d) Pregnancy shall be verified by a health care provider if the pregnancy has not already been documented by the Department or community partner;
- (e) Domestic violence, dating violence, sexual assault, stalking, human trafficking, or other dangerous or life-threatening conditions shall be verified by a program that assists victims of domestic violence, sexual assault, stalking, human trafficking, or child abuse, restraining orders, documentation from law enforcement, a court, and health care providers, or government agency, including the Office of Economic Opportunity Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking form; and
- (f) Court-ordered eviction or constructive eviction due to circumstances over which the household has no control shall be verified by eviction paperwork, documentation from a landlord, documentation from a housing inspector the Department of Health or another authority for cases involving habitability, or other third-party documentation showing that a dwelling has been rendered uninhabitable.

- 3.06 The household has the right to refuse to give the Department or community partner information, to refuse to submit required

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verification, or to refuse to allow the Department or community partner to contact others. However, refusing to provide information or access to the information necessary to establish eligibility or level of need will result in the denial of the application or an inaccurate needs assessment.

4.00 Eligibility Determination

- 4.01 The Department or community partner shall determine the applicant's eligibility for the Program based on the application and available verification.
- 4.02 A household that the Department determines to be eligible for the Program shall be eligible for a continuous period of 12 months commencing on the date of the eligibility determination unless terminated in accordance with these rules.
- 4.03 The Department or community partner shall issue a written notice of the Program eligibility decision consistent with Part 1 section 9.00.

5.00 Service Agreement

- 5.01 No more than ten calendar days after a household is determined eligible for the Program, the Department or community partner shall provide eligible households with a written service agreement, consistent with Part 1 section 9.00, that includes the following:
 - (a) The recommended level of service;
 - (b) Availability, or lack thereof, of an emergency housing placement under level 2, 3, or 4, if applicable; and
 - (c) A clear description of the next steps for service engagement.
- 5.02 The Department or community partner shall update the service agreement whenever there is change in the recommended level of service or availability of an emergency housing placement.

Part 4 Case Management and Supportive Services

1.00 Assignment of Case Manager

- 1.01 Eligible households shall be assigned a case manager, except where specifically exempted for certain services and subject to capacity, staffing, and geographic accessibility, responsible for coordinating services, maintaining regular contact, and ensuring implementation of the household's housing plan.
- 1.02 The case manager may be from any Agency of Human Services department or a community partner.
- 1.03 Case management shall be trauma-informed and culturally responsive.

2.00 Development of Housing Plan

- 2.01 Case managers shall develop, in collaboration with the household, a written, individualized housing plan that identifies goals, required supportive services, timelines, and responsible parties.
- 2.02 Case managers shall work with the household to update the plan as needed to reflect any changes in the household's circumstances, needs, or goals.

3.00 Individualized Housing Supportive Services

- 3.01 All housing supportive services shall be tailored to the specific needs, strengths, and preferences of the household, as identified through assessment and reflected in the housing plan.
- 3.02 Households shall engage in the supportive services outlined in the housing plan to the best of their ability, including:

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- (a) Attending scheduled appointments, meetings, or activities required by the housing plan. Engagement may be shown by attending most scheduled appointments, meetings, or activities identified in the housing plan, and by working with the case manager to reschedule when conflicts, health needs, or other barriers arise.
- (b) Completing tasks, activities, or program requirements within reasonable timeframes. Engagement may be shown by taking steps to complete tasks, activities, or program requirements within time frames that are reasonable given the household's circumstances, and by communicating with the case manager if additional time or support is needed.
- (c) Maintaining communication with the case manager. Engagement may be shown by maintaining regular, two-way communication with the case manager in a manner that is accessible and safe for the household, including responding to outreach attempts, sharing updates about changes in circumstances or barriers, and collaborating on adjustments to the housing plan as needed.

4.00 Case Manager Contact and Progress Review

- 4.01 Case managers shall maintain regular contact with the household through in-person meetings, by telephone, or through other Department-approved means, provided that the method allows for meaningful evaluation and documentation of the household's circumstances.
- 4.02 Case managers shall review a household's progress toward housing plan goals on an ongoing basis, including, as applicable, working with the household to reassess needs and adjust supportive services.

Part 5 Level 1 Services – Prevention and Diversion

1.00 Description of Services

Pursuant to 33 V.S.A. § 2204, level 1 services are intended to prevent households from becoming homeless through services such as housing relocation or stabilization services or short-term rental assistance, including rental arrearage, and help households that have recently lost their housing find immediate alternative housing options without the use of shelter or hotel or motel placements.

2.00 Fiscal Year 2027

Notwithstanding anything to the contrary in Act 143 or these rules, for state fiscal year 2027, community partners providing the services listed in section 1.00 of this Part and other similar services shall do so in accordance with the terms of their Housing Opportunity Program Grant.

Part 6 Level 2 Services – Shelter Services

1.00 Description of Services

Pursuant to 33 V.S.A. § 2205, level 2 services provide temporary emergency housing and supportive services through either a highly structured shelter model or low-barrier shelter model to eligible households experiencing homelessness when the household's needs cannot be met with level 1 services.

2.00 Fiscal Year 2027

Notwithstanding anything to the contrary in Act 143 or these rules, for state fiscal year 2027, community partners providing emergency shelter shall do so in accordance with the terms of their Housing Opportunity Program Grant.

Part 7 Level 3 Services – Specialized Shelter Services

1.00 Description of Services

Pursuant to 33 V.S.A. § 2206, level 3 services provide temporary emergency housing and specialty supportive services, such as services for substance use disorder and mental and physical health conditions, in a highly structured shelter to eligible households experiencing homelessness when the household's needs cannot be met with level 1 or level 2 services.

2.00 Fiscal Year 2027

Notwithstanding anything to the contrary in Act 143 or these rules, for state fiscal year 2027, community partners providing services comparable to those described in section 1.0 of this Part shall do so in accordance with the terms of their AHS grants.

Part 8 Level 4 Services – Hotels and Motels

1.00 Description of Services

Pursuant to 33 V.S.A. § 2207, Level 4 services provide temporary emergency housing in a hotel or motel and supportive services to eligible households experiencing homelessness when the household's needs cannot be met by levels 1 through 3. The Department's utilization of hotels and motels is subject to availability of funds, capacity, staffing, and geographic accessibility.

2.00 Time Limits

2.01 April 1 through November 30

Between April 1 and November 30 of each year, the maximum number of days an eligible household may receive housing at a hotel or motel with supportive services shall not exceed 70 days per rolling 12-month period as calculated from the date of eligible household's application through the same day of the month 12 months later.

2.02 December 1 through March 31 – Winter Weather Services

Between December 1 and March 31 of each year, Level 4 services for eligible households shall be exempt from and shall not count toward the 70-day limit.

2.03 Fiscal Year 2027

In fiscal year 2027, eligible households utilizing General Assistance emergency housing in a hotel or motel during the previous fiscal year shall not be subject to a reset of the 70-day limit until the eligible household's 12-month anniversary of their fiscal year 2026 application.

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3.00 Room Caps

3.01 April 1 through November 30

Between April 1 and November 30 of each year, the utilization of hotel or motel rooms shall be capped at 700 rooms per night.

3.02 December 1 through March 31

Between December 1 and March 31 of each year, the utilization of hotel or motel rooms shall be capped at 1,000 rooms per night.

4.00 Placement Time Frames

4.01 The Department shall offer an eligible household initial placement in a hotel or motel for up to seven days to allow the household an opportunity to develop a housing plan.

4.02 After a housing plan has been established, the Department shall offer the household placement in a hotel or motel for up to 28 days.

4.03 The Department shall offer the household subsequent placements in a hotel or motel, in increments of up to 28 days, in accordance with the housing plan.

4.04 If the housing plan indicates that the household needs less than 28 days of temporary emergency housing, the Department shall offer the household placement in a hotel or motel for the number of days indicated in the housing plan.

4.05 The Department shall issue a new service agreement for each hotel or motel placement.

4.06 In accordance with Part 11, section 1.00, a household may appeal all hotel or motel placement decisions.

5.00 Extensions

- 5.01 The Department may grant extensions to the 70-day limit for the following households:
- (a) An eligible household actively awaiting a placement in housing, treatment, or other services.
 - (b) An eligible household with a member for whom continued placement in a hotel or motel is medically necessary to ensure the household's ability to access a course of treatment or post-treatment care that would be materially disrupted or rendered ineffective by a loss of housing during the treatment episode;
 - (c) An eligible household with a member with a disability for whom there are no reasonable alternative accessible placements.
 - (d) An eligible household with a member for whom unsheltered homelessness poses a documented imminent risk to the member's health or safety.
- 5.02 The household or the household's case manager must provide documentation to the Department that the household meets at least one of the criteria listed in subsection 5.01 of this Part and that the household is making progress toward the goals identified in the housing plan.
- 5.03 A household must be engaged in the services set forth in household's housing plan, as described in Part 4 section 3.00, to be eligible for and maintain an extension.
- 5.04 The Department shall make a determination to deny or approve the extension request within 10 calendar days.
- 5.05 The Department may approve an extension for a period determined appropriate based on the household's circumstances, housing plan progress, and continued need for assistance.
- 5.06 The Department shall provide written notice, consistent with Part 1 section 9.00, to the household of its decision to approve or deny the request for extension.

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- 5.07 The termination criteria in Part 10 section 1.00 apply to households receiving services pursuant to an extension.

6.00 Population-Specific Hotels or Motels

- 6.01 The Department may designate certain hotels or motels as population-specific to ensure appropriate placement, safety, and service delivery for eligible households.
- 6.02 Population-specific hotels or motels may be designated to serve the following populations:
- (a) Families with children, defined as households that include at least one dependent child under the age of 18; and
 - (b) Eligible households with a member who is medically vulnerable, defined as individuals who have a documented physical or mental health condition that substantially impairs their ability to safely reside in a congregate or non-specialized setting.
- 6.03 Eligible households may be offered placement in population-specific hotels or motels consistent with the household's composition and needs.
- 6.04 Hotels or motels designated as population-specific must comply with all applicable program requirements and any additional standards established by the Department for the designated population, including safety protocols, accessibility requirements, and coordination with service providers.

7.00 Hotel and Motel Requirements

- 7.01 The Department shall determine which hotels and motels are approved for use under the Program.
- 7.02 Hotels and motels housing eligible households must comply with all applicable laws, including the Department of Health's Licensed

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Lodging Establishment Rule and the Department of Public Safety's Vermont Fire and Building Safety Code.

- 7.03 The Department may withhold full or partial payment to any hotel or motel operator that violates any law or rule or whose license is suspended, revoked, expired, or otherwise invalid. Specifically, the Department may withhold full or partial payment to hotel or motel operators that have been issued a conditional license, abatement order, warning letter, or other notice of violation from the Department of Health. Likewise, the Department may withhold full or partial payment to hotel or motel operators that have received notices from other government agencies that indicate that the hotel or motel operator has violated a law or rule. Once the Department is satisfied that the hotel or motel operator is complying with the law, the Department will begin or resume payments at the agreed-upon rate provided after the violation ended. The Department may provide all, some, or none of the payments withheld based on the nature and extent of the legal violations and the effects those violations had on Program participants.

Part 9a Permanent Supportive Housing Assistance

1.00 Description of Services

- 1.01 Permanent Supportive Housing Assistance (PSHA) provides services as authorized by Vermont's Global Commitment to Health 1115 Demonstration Waiver to adults who live with disabilities who are at risk of homelessness or experiencing homelessness.
- 1.02 PSHA provides the following services subject to availability of funding:
 - (a) Pre-tenancy support services – services that assist individuals with finding and obtaining permanent housing;
 - (b) Tenancy sustaining services – services that support individuals' ability to meet tenancy obligations and maintain housing; and
 - (c) Community transition assistance – funding for one-time services, goods, expenses, and modifications necessary to enable an individual to establish a basic household.

2.00 Eligibility for PSHA Services

- 2.01 To be eligible for PSHA services, individuals must:
 - (a) Be enrolled in Vermont Medicaid;
 - (b) Be 18 years of age or older;
 - (c) Be eligible for full Medicaid State Plan Benefits;
 - (d) Meet at least one of the following health needs:
 - (1) Mental health need, where there is a need for improvement, stabilization, or prevention of deterioration of functioning (including ability to live independently without support) resulting from the presence of a serious mental illness;
 - (2) Substance use need, where an assessment using the American Society of Addiction Medicine (ASAM) criteria

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indicates that the individual meets at least an ASAM level 1.0, indicating the need for outpatient Substance-Use Disorder (SUD) treatment;

- (3) Assistance with one or more activities of daily living (ADLs), instrumental activities of daily living (IADLs), or other daily life skills resulting from the presence of an acquired brain injury;
- (4) Individuals assessed to have a need for assistance, demonstrated by the need for assistance with two or more ADLs; or hands-on assistance with one or more ADL; or
- (5) Individuals assessed to have a complex physical health need, where there is a need for improvement, stabilization, or prevention of deterioration of functioning (including the ability to live independently without support), resulting from the presence of a continuing, progressive, or indefinite physical condition, development, or cognitive disability, or an emotional medical condition; and

(e) Meet at least one of the following risk-based criteria:

- (1) At risk of homelessness;
- (2) Homelessness;
- (3) History of frequent (one or more stays within the past 12 months) or lengthy (28 or more consecutive days) stays in institutional or residential settings;
- (4) Two or more emergency department visits or hospitalizations within the past six months or a history of four or more emergency department visits or hospitalizations within a year;
- (5) One or more moves or loss of housing within the past six months due to mental health or SUD symptoms; or
- (6) At serious risk of institutionalization due to lack of available community supports.

2.02 Services are authorized by conflict free case managers, as required by the Vermont's Global Commitment to Health 1115 Demonstration Waiver.

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- 2.03 Eligible individuals will be prioritized for services in accordance with the [Vermont Medicaid PSH Assistance Program Provider Manual](#).

3.00 Discontinuation of Services

- 3.01 PSHA services may be discontinued if:

- (a) The individual voluntarily elects to discontinue services;
- (b) Goals and objectives in the housing plan have been met;
- (c) The individual becomes eligible for and chooses to receive Pre-Tenancy Support or Tenancy Sustaining Services through another program;
- (d) The individual is no longer eligible for Medicaid;
- (e) The individual or their household present safety risks for staff;
- (f) The individual moves out of the contracted provider's service area;
- (g) There is sustained loss of contact, as defined by the provider's policy, despite consistent, assertive engagement;
- (h) The individual is incarcerated or institutionalized, and the expected duration exceeds the time allowed for non-engagement as written in provider policies; or
- (i) The individual has needs that exceed PSHA service capacity, and alternative care is available.

4.00 Contracted Providers

- 4.01 An agency serving as a contracted provider must have experience providing similar services and support and must be enrolled or become enrolled with Medicaid in Vermont as a PSH provider.
- 4.02 Contracted providers shall comply with the standards for service delivery established in the [Vermont Medicaid PSH Assistance Program Provider Manual](#).

Part 9b Family Supportive Housing

1.00 Description of Services

Family Supportive Housing (FSH) provides intensive, customized case management services and service coordination to families experiencing homelessness with circumstances involving a higher degree of complexity and service need.

2.00 Eligibility for FSH Services

2.01 To be eligible for FSH services, a family must:

- (a) Have minor children;
- (b) Meet the definition of homelessness or at risk of homelessness;
and
- (c) Affirmatively indicate that it wants to participate in FSH services
and is willing to engage with the services offered.

2.02 Families will be prioritized for services in accordance with the [FSH provider manual](#).

3.00 Discontinuation of Services

3.01 FSH services may be discontinued if:

- (a) The family voluntarily elects to discontinue services;
- (b) The family no longer contains a minor child;
- (c) Goals and objectives in the housing plan have been met;
- (d) No one in the family is eligible for Medicaid;
- (e) A member of the family presents safety risks for staff;
- (f) The family moves out of the FSH provider's service area; or
- (g) The family is no longer engaging in FSH services.

4.00 Family Supportive Housing Providers

4.01 To qualify as an FSH provider, an agency must:

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- (a) Be a Vermont 501(c)(3) non-profit organization; and
- (b) Be enrolled or become enrolled with Medicaid in Vermont as an FSH provider.

4.02 FSH providers shall comply with the provider requirements established in the [FSH Provider Manual](#).

Part 10 Termination and Reinstatement

1.00 Criteria for Termination

- 1.01 A household that knowingly provides false, misleading, or incomplete information regarding residency, disability status, household composition, or other eligibility criteria shall be terminated from the Program no sooner than 30 days after receiving written notice from the Department or a community partner.
- 1.02 A household may be terminated from the Program for refusing suitable housing placements, as defined in the household's housing plan, two or more times following documented suitability assessments and reasonable accommodations recorded in the housing plan no sooner than 10 days after receiving notice from the Department or community partner.
- 1.03 A member or members of an eligible household may be subject to immediate termination from the Program for the safety of Program staff, community partners, or other Program participants if the member or members are engaged in:
 - (a) criminal activity; or
 - (b) misconduct that is not related to a disability or to victimization related to abuse, sexual assault, or stalking.
- 1.04 A household shall be terminated from the Program no sooner than 10 days after receiving written notice from the Department or a community partner for not engaging in case management and supportive services as required by these rules.
- 1.05 A household shall be terminated from the Program no sooner than 10 days after receiving written notice from the Department or community partner when the Department or community partner has determined that the household no longer meets the eligibility criteria in Part 1, section 4.01.

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2.00 Notice of Termination

- 2.01 The Department or community partner shall provide the household with written advance notice of termination, consistent with Part 1 section 9.00, in accordance with the time frames set forth in section 1.0 of this Part, except where immediate termination is required.
- 2.02 In addition to the requirements of Part 1 section 9.00, the notice shall include:
- (a) Any corrective action the household may take to avoid termination, if applicable; and
 - (b) The household's right to request reinstatement and the length of time before a household is eligible for reinstatement.

3.00 Reinstatement following Termination

3.01 Eligibility for Reinstatement

A household may be eligible for reinstatement if:

- (a) The applicable time frame specified in section 3.02 of this Part has elapsed;
- (b) The basis for termination has been fully resolved; and
- (c) The household is otherwise eligible for the Program.

3.02 Time Frames for Reinstatement

- (a) A household or household member(s) that has been terminated from the Program or services under sections 1.01, 1.02, or 1.03 of this Part may be eligible for Program reinstatement 12 months from the date of termination.
- (b) A household that has been terminated from the Program under section 1.04 of this Part may be eligible for Program reinstatement any time after reengaging with case management.

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- (c) A household that has been terminated from the Program under section 1.05 of this Part may be eligible for Program reinstatement any time after the household subsequently meets the eligibility criteria in Part 1, section 4.01.

3.03 Request for Reinstatement

- (a) A household may request Program reinstatement by updating the household's most recent application for the Program.
- (b) A request for reinstatement shall not reset the household's rolling 12-month period.

3.04 Notice of Decision

The Department or community partner shall issue a written notice of decision, consistent with Part 1 section 9.00, approving or denying the request for reinstatement.

Part 11 Appeal Rights

1.00 Right to Request a Fair Hearing

A household may request a fair hearing before the Human Services Board pursuant to 3 V.S.A. § 3091 if:

- (a) The Department or community partner denies an application, in whole or in part;
- (b) The Department or community partner terminates, reduces, or suspends the household's Program services; or
- (c) The household believes that Program services have not been provided in accordance with applicable rules or policies.

2.00 Timeframe for Requesting a Fair hearing

A household must request a fair hearing within 60 days from the date on the written notice of the decision they want to appeal.

3.00 Process for Requesting a Fair Hearing

A request for a fair hearing may be made in either of the following ways:

- (a) By contacting the Human Services Board directly, using any method the Board accepts; or
- (b) By submitting the request to the Department or community partner. The Department or community partner shall promptly forward the request to the Human Services Board.

4.00 Continuation of Services Pending Fair Hearing

- 4.01 If a household requests a fair hearing within 14 days after it receives written notice that the household's participation in the Program is denied, reduced, suspended, or terminated, the Department or community partner shall continue to provide, without interruption, any Program services the household was receiving at the time of the notice until the Human Services Board issues a decision, unless section 4.02 applies.

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(a) A household is presumed to have received the written notice:

- (1) three days after the date of the notice if the notice was sent via email; or
- (2) 14 days after the date of the notice if the notice was sent via the United States Postal Service.

(b) The household may provide documentation that it received the notice on a different date.

4.02 The Department or community partner shall not continue services if:

- (a) The household voluntarily waives continued services pending the outcome of the fair hearing; or
- (b) The Department determines, based on specific and documented information, that the continued receipt of services by the household or a household member poses a risk to the safety of others.

4.03 When services are not continued under section 4.02(b) based on safety risk, the Department shall provide written notice to the household that:

- (a) Describes the specific safety basis for the decision;
- (b) Informs the household of its right to request a fair hearing regarding the decision not to continue services; and
- (c) Explains any available alternative supports or referrals, if applicable.

Part 12 Extreme Cold Weather Shelters and Municipal Supports

1.00 Extreme Cold Weather Shelters

1.01 Purpose

- (a) Funding for Extreme Cold Weather Shelters (ECWS) supports community-based emergency shelter operations during periods of extreme cold for individuals experiencing homelessness who have no other safe housing option, in order to prevent cold-related illness or death.
- (b) The rule is intended to ensure that ECWS services are delivered in a safe and equitable manner order consistent with applicable federal and state law.

1.02 Administration

The Department shall enter into an agreement with a community partner to be the ECWS program administrator responsible for administering ECWS operations.

1.03 Operational Period

- (a) The ECWS operational period shall run from December 1 through March 31 unless extended or shortened by the Department based on weather history, program resources, or operational need.
- (b) The operational period shall serve as the framework for monitoring weather conditions and determining whether shelters may be activated for ECWS reimbursement and participation.

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1.04 Application

An entity seeking ECWS funding shall submit an application to the ECWS program coordinator in a form and manner approved by the Department.

1.05 Shelter Activation

(a) ECWS reimbursement and participation shall be limited to periods when the National Weather Service is forecasting severe weather involving cold temperatures at or below 10 degrees Fahrenheit, including wind chill for the region in which the shelter is located.

(b) In addition to the weather criterion, activation shall require:

- (1) insufficient local emergency shelter or motel capacity;
and
- (2) a determination that the applying shelter provider can safely operate under the expected conditions.

(c) A community-based shelter may operate independently under its own local criteria, but ECWS reimbursement shall be available only when the ECWS program coordinator has issued activation for the applicable period and region in which the shelter is located.

1.06 Notification

(a) The ECWS program coordinator shall monitor weather forecasts and conditions and notify community-based shelters when conditions suggest possible activation.

(b) When activation criteria are met, community-based shelters shall receive formal notification authorizing shelter opening and the duration of the activation.

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1.07 Site and Facility Approval

All sites and facilities used for ECWS shall be identified in advance and approved for the intended use and capacity by the ECWS program coordinator and applicable state and local officials.

1.08 Accessibility

All sites and facilities used for ECWS shall be maintained in compliance with applicable federal, state, and local accessibility requirements, including the Americans with Disabilities Act and implementing accessibility standards.

1.09 Operations and Safety Standards

(a) The ECWS program coordinator shall ensure that each shelter develops and maintains an updated operational plan and shall be equipped to function safely and efficiently during activation periods.

(b) The ECWS program coordinator shall verify that the operational plan for each shelter includes at minimum:

- (1) A clear list of rules and expectations for guests;
- (2) Intake and documentation procedures;
- (3) Defined staff roles and responsibilities;
- (4) Emergency contact information and communication protocols;
- (5) De-escalation and conflict resolution guidance.

(c) All staff and volunteers shall be trained and supported to respond to guest needs in a manner that promotes a safe, secure, and supportive environment.

(d) Discharge of a guest shall be a last resort and may be considered only after reasonable efforts to resolve noncompliance have been exhausted.

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1.10 Intake Requirements

Each shelter shall implement an intake procedure to:

- (a) Verify that an individual seeking to stay at the shelter meets the definition of homeless and has no other safe shelter option;
 - (1) Individuals may self-attest to homelessness.
- (b) Collect basic demographic information;
- (c) Ensure shelter guests complete intake paperwork including a certification that they understand shelter rules and requirements.

1.11 Staffing Requirements

- (a) Shelters shall have qualified paid or volunteer staff sufficient to support safe operation during activation periods.
- (b) Paid and volunteer staff shall be screened for suitability, and any staff member working directly with guests shall not appear on the AHS Child or Adult Abuse Registries.
- (c) The ECWS program coordinator shall provide training opportunities throughout the season for paid or volunteer staff working at shelter locations.

1.12 Exemption from Case Management and other Program Services

Shelter provided pursuant to this section shall not require participation in a coordinated entry assessment, case management, or other Program services as a condition of staying at the shelter.

2.00 Municipal Supports

2.01 Grants

The ECWS program coordinator shall administer grants to provide funding to municipalities located in geographic areas of the State with a high incidence of unsheltered homelessness, including

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municipalities that have limited access to or are underserved by existing federal, State, or private funding sources.

2.02 Application

(a) A municipality seeking funding under this section shall submit an application to the ECWS program coordinator in a form and manner approved by the Department.

(b) The application shall include, at a minimum:

- (1) A description of the proposed use of funds, including how the municipality will ensure provision of basic, life-sustaining shelter during periods in which the National Weather Service has issued a cold weather advisory affecting the municipality;
- (2) An estimate of the total cost of the proposed activities; and
- (3) Identification of any other funding sources available or anticipated to support the proposal.

2.03 Use of Funds

Grant funds awarded under this section may be used at the discretion of the municipality, but must include the provision of basic, life-sustaining shelter during periods in which the National Weather Service has issued a cold weather advisory affecting the municipality.

2.04 Shelter Requirements

Shelters funded under this section must comply with the accessibility, operations and safety standards, intake requirements, and staffing requirements in subsections 1.08, 1.09, 1.10, and 1.11 of this Part.

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2.05 Exemption from Case Management and other Program Services

Shelter provided pursuant to this section shall not require participation in a coordinated entry assessment, case management, or other Program services as a condition of staying at the shelter.

Part 13 Oversight, Quality Monitoring, and Performance Standards

1.00 Purpose

This Part establishes standards for oversight, quality monitoring, and performance standards for Program service providers.

2.00 Provider Requirements

2.01 Providers shall deliver services in accordance with:

- (a) Applicable federal and state laws;
- (b) Contractual or grant agreement terms; and
- (c) Program guidance issued by the Department.

3.00 Performance Measurement Framework

The Department shall establish and maintain standardized performance measures applicable to the service provided.

4.00 Data Collection and Reporting

4.01 Providers shall collect and report data in the format and frequency specified by the Department.

4.02 Providers shall:

- (a) Utilize designated data systems, as applicable;
- (b) Ensure data accuracy, completeness, and timeliness; and
- (c) Comply with all applicable data privacy and confidentiality requirements.

5.00 Quality Monitoring and Oversight

- 5.01 The Department shall conduct ongoing monitoring of provider performance and compliance.
- 5.02 Monitoring activities may include:
 - (a) Desk reviews of reports and data submissions;
 - (b) On-site or virtual monitoring visits;
 - (c) File reviews and case sampling; or
 - (d) Interviews with staff and Program participants.
- 5.03 If the Department identifies noncompliance or performance deficiencies, it may require the provider to work with the Department to develop a performance improvement plan.
- 5.04 The Department shall provide guidance and technical assistance to support providers in meeting the requirements of this Part.