Emergency Rule 26-E03 – Vermont Homelessness Response Continuum

Implementation of Act 143, Municipal Support Grants, and Adverse Weather Conditions

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To the Members of the Legislative Committee on Administrative Rules:

I am submitting this public comment regarding Emergency Rule 26-E03 and the implementation of Act 143, specifically the provisions governing Municipal Support Grants, access to emergency housing, and protections during Adverse Weather Conditions (AWC).

I share the concerns raised by Chairs Theresa Wood and Virginia Lyons in their October 14, 2026, submission to LCAR regarding restrictions on municipal grant funding and their consistency with legislative intent. I would also like to draw attention to the practical consequences of implementing these emergency rules alongside the new Level 4 emergency housing requirements, particularly for young children and their families as we approach Vermont's winter months.

Today, I met with community stakeholders who expressed serious concerns that the current implementation of Act 143, without additional flexibility, could result in more families experiencing unsheltered homelessness during freezing temperatures.

In Chittenden County, family shelters have substantial waitlists, motel capacity is limited, and we are already aware of families with infants sleeping outside. Since the September 1 implementation of the new emergency housing requirements, we have witnessed how lengthy assessments, extended phone wait times, lack of afterhours motel voucher availability (211), limited motel availability, and requirements related to case management and housing plans can delay access to or continuation of emergency housing.

These administrative barriers become particularly concerning when the need for shelter is immediate and weather conditions threaten the health and safety of children. In years past, access to motels during adverse weather conditions (AWC) has been available to all who need shelter. Over the last two seasons, we have seen flexibility of AWC access reduce to those meeting categorical eligibility, reduced room caps, and now unrealistic program requirements (lengthy housing assessments and housing plans). These barriers have proved to be challenging to

navigate over the last month, but as the temperatures begin to dip, these barriers will become deadly for young children outside.

Statewide, we do not have community-based shelter capacity to accommodate every family experiencing homelessness. Some families may be ineligible for admission to community-based shelters because of criminal histories, program restrictions, or other circumstances. For these households, hotel and motel placements may be the only viable emergency housing option. A parent's criminal history or inability to meet a shelter's admission criteria should not determine whether their children have a safe place to sleep during freezing temperatures. Motels serve as an important safety net for families with children and are a critical supplement to community-based shelters.

The implementation of Act 143 and its accompanying emergency rules must account not only for whether shelter capacity exists, but whether that capacity is actually accessible and appropriate for the families who need it. The intention of Act 143 is to ensure vulnerable households have access to shelter during AWC. The implementation of assessment and housing plans do not achieve this goal – this prevents the intention from becoming reality.

We cannot expect every household experiencing homelessness to fit neatly into a prescribed administrative process, particularly when individuals are navigating trauma, disability, poverty, or immediate threats to their safety. This is especially true during the winter months.We anticipate child welfare implications when families are unable to access emergency shelter. If a family is left outside during dangerous weather because they cannot complete an assessment or housing plan, obtain a placement in motel, or access an appropriate shelter when the temperature falls below 32 degrees, mandated reporters are required to contact the Department for Children and Families because of immediate child safety concerns.

Family separation arising from an inability to access emergency shelter is deeply troubling. Families should not face additional instability and trauma because the emergency housing system cannot respond to their immediate circumstances.

We should not create nor endorse a homeless response system in which administrative barriers to emergency shelter contribute to the possibility of children being separated from their parents.

The financial consequences of these implementation challenges are also becoming increasingly apparent. At Harbor Place, we have already relied on limited alternative grant funding to temporarily house families with children who could not access Level 4 emergency housing assistance in a timely manner.

These families needed emergency shelter within Level 4 of the VHRC, but the current administrative process did not provide a timely pathway to placement. In the absence of accessible alternatives, nonprofit providers have stepped in to prevent families from becoming unsheltered.

This is precisely why flexibility within Municipal Support Grant funding is so important. The families we have temporarily housed are one example of a gap in the homelessness response

system that municipalities and community partners must be able to address. Communities face a range of circumstances in which existing programs, funding streams, and administrative processes do not adequately meet immediate needs.

Municipalities need the discretion to respond to these gaps as they arise, including when emergency accommodations are needed, when existing services cannot meet a household's needs, or when other critical homelessness-response needs fall outside the scope of available funding. These needs cannot always be anticipated in advance, nor can they all be addressed through a single intervention or program.

Nonprofit providers cannot continually be expected to identify alternative funding or absorb the costs when the State's emergency housing system cannot respond. Municipal Support Grants provide an important opportunity for communities to address these gaps locally. Preserving flexibility in the use of these funds is essential to allowing municipalities to direct resources where they can have the greatest impact, based on the needs and circumstances of their communities.

When the State's emergency housing system cannot respond, communities need flexible funding mechanisms that allow them to act immediately, rather than relying on nonprofit organizations to find alternative funding or absorb the cost themselves. The intention of the Municipal Support Grants was to ensure local leaders have access to flexible funding to respond to the needs within their communities.. Local leaders need the discretion to determine where these funds can have the greatest impact in their communities, rather than having their use limited to a single intervention or set of circumstances.

As Chairs Wood and Lyons have identified, Act 143 provides municipalities with discretion in the use of Municipal Support Grant funding, and the statute does not restrict that funding exclusively to extreme cold weather shelter operations. Restricting these funds to a narrow set of activities or weather conditions would limit municipalities' ability to respond to other urgent, locally identified needs. The rules should preserve the flexibility intended by the statute, allowing municipalities to determine how these resources can best address gaps in their local homelessness response systems.

I therefore urge LCAR to consider two specific concerns related to the current emergency rules and the implementation of Act 143:

First, preserve the flexibility of Municipal Support Grant funding consistent with legislative intent. Municipalities must retain the ability to respond to local emergency housing needs and gaps in the existing system. This may include hotel and motel accommodations when traditional shelter options are unavailable or inappropriate, as well as other locally determined responses to unmet needs. The rules should not unnecessarily restrict the use of these funds to a narrow set of shelter operations or make their use contingent on temperatures reaching a -20 threshold.

Second, remove the assessment requirements and housing plans to enable timely access to life-saving emergency housing, with particular urgency during Adverse Weather

Conditions (AWC). Since the September 1 implementation of Act 143, the assessment process has appeared lengthy and difficult for some households to navigate, even outside periods of dangerous weather. While I recognize the importance of assessing household needs, identifying appropriate services, and developing individualized housing plans, I remain concerned that the current process can delay access to emergency accommodations for people who have nowhere safe to sleep. Assessments are only helpful when they are not used as tools to gatekeep a sense of safety.

My broader concern is that an assessment should never become a barrier to accessing emergency shelter, regardless of the weather**.** The purpose of the Vermont Homelessness Response Continuum should be to connect people with appropriate housing and services, not to create additional obstacles between vulnerable households and immediate safety.

At a minimum, if the Administration intends to maintain the current assessment requirements, I strongly encourage LCAR to seek revisions ensuring that households are not required to complete lengthy assessments before accessing life-sustaining emergency accommodations during qualifying Adverse Weather Conditions, including hotel and motel placements when other shelter options are unavailable. Further, renewing housing plans every seven days over the course of the winter is an administrative burden for staff and exhausting for households. We do not currently have the case management capacity to meet this need.

Assessments, housing plans, and connections to case management can occur after a household has been brought safely indoors and is stabilized. This would preserve the intent of Act 143 by connecting households to appropriate services while recognizing that immediate protection from dangerous weather cannot depend on completing an administrative process.

We should not have to wait until temperatures become life-threatening to recognize that access to emergency shelter must be timely, accessible, and responsive to the circumstances of the people seeking assistance.

We cannot continue to develop homelessness policy around the term "households" without recognizing that these households include babies and young children whose safety depends on the decisions being made.

Vermont's winter weather is unforgiving. Our emergency housing system cannot be equally unforgiving.

We should not find ourselves choosing between babies sleeping in tents during freezing temperatures and the possibility of children being separated from their families because their parents could not navigate a cumbersome and complicated administrative process.

Thank you for considering these comments and for your attention to the safety and well-being of Vermont's most vulnerable residents.