

STATE OF VERMONT
EXECUTIVE DEPARTMENT
ADDENDUM 7 TO EXECUTIVE ORDER 03-23
[TEMPORARY EMERGENCY HOUSING]

WHEREAS, on Sunday, July 9, 2023, the Governor issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to the July 2023 severe storm (“Flood of 2023”); and

WHEREAS, on July 10, 2023, the President declared that an emergency exists in the State of Vermont; and

WHEREAS, once it became clear flood damage and mudslides from a storm in the Killington area July 7, 2023, and excessive rain, flooding, water runoff, erosion and resulting damages statewide during the period July 9-11, 2023, were not going to be isolated incidents, but rather part of series of events which would continue throughout the coming week, with widespread flooding, repeated flash flooding, water runoff, erosion and mudslides due to inundated soils and slope instability, statewide, the Governor, in consultation with the Federal Emergency Management Agency (FEMA), requested a Presidential Declaration of a Major Disaster for the period July 7, 2023, and continuing; and

WHEREAS, on July 14, 2023, the President issued a Major Disaster Declaration based on flooding beginning on July 7, 2023, through and including July 21, 2023 (the “Major Disaster Declaration”); and

WHEREAS, the scope and severity of the Flood of 2023 may exceed that of Hurricane Irene in 2011; and

WHEREAS, the current emergency demands swift and continued action to achieve the necessary hazard mitigation, provide critical support response and emergency recovery efforts to preserve public safety and property in Vermont; and

WHEREAS, FEMA has undertaken to exercise its authority to provide direct housing assistance in one or more Vermont communities pursuant to its authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. §§ 5121-5207) (the “Stafford Act”); and

WHEREAS, FEMA's emergency direct housing assistance is developed by FEMA, using FEMA employees and contractors who will be carrying out an essential federal disaster relief function, that being the provision of emergency temporary housing to Vermont flood victims before the onset of winter; and

WHEREAS, while I believe the Stafford Act preempts State and local law and regulation that would otherwise prohibit or substantially frustrate FEMA from providing direct housing assistance for the health and safety of Vermont flood victims, in order to ensure State and local cooperation in this regard, I am exercising my emergency authority as well to temporarily suspend State and local regulatory permitting processes to provide temporary housing for disaster victims.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Vermont and Commander-in-Chief, Vermont National Guard by the Constitution of the State of Vermont, Chapter II, Section 20, and pursuant to the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws and the Emergency Management Assistance Compact, 20 V.S.A. Chapter 4:

IT IS HEREBY ORDERED:

1. Recognizing time is of the essence in light of the approach of winter, pursuant to 20 V.S.A. §§ 8, 9, 11 and 34, I hereby suspend all State and local requirements, laws, rules, ordinances, and permit requirements that would prohibit or substantially frustrate FEMA and its employees (and other federal agencies, employees and contractors working at the direction of FEMA), from providing direct housing assistance under the Stafford Act for group housing sites, including the Montpelier Group housing site. This suspension includes, but is not limited to, 10 V.S.A. Chapter 151.

This suspension of applicable law and rules is essential to providing temporary housing for the victims of the severe storm and flooding events from July 7 through and including July 21, 2023.

This suspension of applicable law and rules shall be effective for 60 days in accordance with 20 V.S.A. § 34 and shall not take effect until the date FEMA has commenced construction. In the event weather conditions warrant delays in construction, the 60 days shall be considered construction days and not narrowly considered consecutive days.

2. In accordance with 20 V.S.A. §§ 8 and 9, I hereby direct all existing officers of Vermont cities and towns to extend such services and facilities as FEMA may require to provide direct housing to disaster victims in accordance with this Executive Order.
3. State law, rules and permitting suspended in accordance with this order shall not be enforced retroactively by State permitting and regulatory bodies.

4. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time-to-time issue recommendations, directives and orders as circumstances may require.

This Executive Order shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 21st day of November, 2023.

A handwritten signature in blue ink, reading "Philip B. Scott", is written over a horizontal line. The signature is stylized and cursive.

Philip B. Scott
Governor

By the Governor:

A handwritten signature in black ink, reading "Brittney L. Wilson", is written over a horizontal line. The signature is cursive and legible.

Brittney L. Wilson
Secretary of Civil and Military Affairs

EXECUTIVE ORDER 03-23 – Addendum 7