



Vermont Developmental Disabilities Council

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TO: Senate Health and Welfare Committee
RE: Vermont Developmental Disabilities Council Priorities 2024
FROM: Susan Aranoff, J.D., Senior Planner and Policy Analyst
DATE: March 29, 2024

The Vermont Developmental Disabilities Council

The Vermont Developmental Disabilities Council (hereafter “VTDDC”) is a statewide board created by the federal Developmental Disabilities Assistance and Bill of Rights (hereafter “the DD Act”), first adopted by Congress in 1970. Our constituents are health care users who have an important stake in the cost, quality, and availability of both traditional healthcare and disability long term services and supports. An estimated 86,000 Vermonters experience a developmental disability as defined by the DD Act, with approximately 5,100 receiving some type of community-based support through Medicaid.

VTDDC is charged under federal law with engaging at the state level in “advocacy, capacity building and systems change activities that... contribute to the coordinated, consumer-and-family-centered, consumer-and-family directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.”

Although the Council is housed in the Agency of Human Services, we have a memorandum of understanding with AHS guaranteeing our independence. The Council is free to advocate on behalf of Vermonters with disabilities and their family members, regardless of AHS positions.

You received our 4 plank platform in your mailboxes. Today I want to focus on our top priority which is creating a pathway to create housing for adults with disabilities.

Fund Service Supported Housing for Adults with Disabilities

In Act 186 of 2022, the Legislature commissioned research regarding the need for service supported housing in Vermont. According to the Act 186 Housing Report, the State of Vermont needs 602 additional units of service supported housing to meet the needs of adults with disabilities in Vermont today. [Read the Housing Brief here.](#)

The Legislature also funded 3 Pilot Planning Grants under Act 186 of 2022. These grants were recently awarded. There will be projects underway shortly in Waterbury, Monkton, Randolph, and Burlington.

The Center for Medicare and Medicaid Services (CMS) funds services for adults with disabilities in Vermont called Home and Community Based Services (HCBS). To receive federal Medicaid funding for Home and Community Based Services, Vermont must obey CMS' Home and Community Based Services rules.

CMS adopted new HCBS rules in 2014 and 2023. The 2014 Rule is called the Person-Centered Planning Rules. Vermont is out of compliance with the 2014 Person-Centered Planning Rule. AHS is operating under a corrective action plan (CAP) ¹because our service delivery system is rife with conflicts of interest expressly prohibited by the 2014 Person-Centered Planning Rule.

The Rule CMS promulgated in March, 2023 is called the Settings Rule. The Settings Rule governs the settings or locations where Medicaid-funded HCBS services can be provided. The Settings Rule requires people with Medicaid-funded HCBS services be given choices about where they live that are not available to people in Vermont today.

The Agency of Human Services' corrective action plan for violations of the Settings Rule includes the housing that will be created by the Act 186 planning grants.

Notwithstanding the fact that the service-supported housing pilot planning grants are part of the State's Corrective Action Plan, there is no funding in the Governor's recommended budget to build service supported housing. The pilot grants are for planning dollars only. There is no money in the Governor's budget to build any actual housing for adults with disabilities in Vermont.



Construction on the housing that will be built as a result of planning grants can begin this summer.

Please support language in the budget or in the housing bill for the creation of pipeline for housing through VHCB. Please add language to move the Act 186 projects to the front of the pipeline.

More than half the comments received by the appropriations committees this session are about the need for service supported housing for adults with disabilities.

Good News

The good news is H.829 strengthens housing access, specifically adding people with disabilities to the Vermont Housing Improvement Program and to Vermont Housing and Conservation Board's priorities.

Conclusion

Please talk with the advocates of Green Mountain Self-Advocates and the families who are part of the Developmental Disabilities Housing Initiative (DDHI) - the parent -run volunteer organization of over 100 Vermont families who need affordable, permanent, service-supported housing for their family members.

In their stories, you will hear that hundreds of Vermont adults with disabilities need housing choices. Hundreds of adults are living with their parents when they would rather live independently or with their friends.

Many of the families that make up DDHI consist of aging parents- average age of 65- caring for adults, average age of 27.

These families urgently need housing options that address their needs and provide choice in permanent service supported housing that passes muster with CMS.

Create a pipeline through the Vermont Housing and Conservation Board for service supported housing and move the Act 186 projects to the front of the pipeline. Adding people with disabilities to Vermont's housing programs like the housing improvement program will support the creation of accessible housing in Vermont.

Thank you for listening and thank for your service.