

## Support H.132 – Recognize and Protect the Rights of Unhoused Vermonters

### H.132 would:

- Extend anti-discrimination protections to unhoused people, including protections when seeking housing (sale or rental), employment, and/or access to places of public accommodation.
- Provide unhoused people with the following rights without discrimination on the basis of the individual's housing status:
  - To move freely in public places in the same manner as any other individual.
  - To equal treatment by State and municipal agencies.
  - To emergency medical care.
  - To vote, register to vote, and receive documentation necessary to prove identity for voting.
  - To a reasonable expectation of privacy in the individual's personal property.
- Provide that no individual shall be subject to civil or criminal sanctions for soliciting, sharing, accepting, or offering food, drink, money, or other donations in a public place.
- Prohibit any law, rule, or ordinance that would adversely impact or penalize an individual based on:
  - The individual's housing status.
  - The provision of supports or services to the individual based on the individual's housing status.
  - The individual engaging in harmless activities that are associated with homelessness.
- A private right of action if rights provided under this bill are violated.

**Vermont has one of the highest rates of unhoused people in the country.** As we learned from the most recent (2023) Point in Time count, Vermont had the 2<sup>nd</sup> highest rate of unhoused people per capita in the country.<sup>i</sup> And, Vermont's crisis is getting worse – with an 18.5 percent increase in unhoused people between 2022 and 2023 and a 218.4 percent increase in unhoused people between 2007 and 2023.<sup>ii</sup> Vermont has also seen the largest percentage increase in family homelessness since the pandemic began (a 213 percent increase or 794 more people between 2020 and 2023).<sup>iii</sup> While Vermont works toward a future where it has sufficient perpetually affordable housing to meet its demand, the Homeless Bill of Rights offers important tools to better protect the rights of its unhoused residents now.

**A Homeless Bill of Rights provides an opportunity to help move Vermont away from the criminalization of poverty.** Vermonters who lack access to private space can face prosecution for actions that are only offenses when they are done in public. These laws, in effect, criminalize acts that are a necessary part of everyday life (i.e. public urination or sleeping in public), thus criminalizing unhoused peoples' very existence. The Homeless Bill of Rights would prohibit any law, rule, or ordinance that would adversely impact or penalize an individual based on a person engaging in harmless activities that are associated with homelessness, thus protecting unhoused Vermonters from these and other harmful prosecutions, including the collateral harms that can accompany convictions for these offenses. The collateral harms of a criminal conviction can be tremendous – they inhibit pathways to rejoining communities, including making it more difficult for individuals to secure safe housing, meaningful education, gainful employment, and fines and fees push people further into cycles of poverty. These obstacles also increase the likelihood that individuals will reenter the criminal justice system.

**Vermont should join the growing list of our northeast neighbors in passing a Homeless Bill of Rights.** Connecticut<sup>iv</sup> and Rhode Island<sup>v</sup> have passed Homeless Bills of Rights. In addition, last year New York City became the first city in the nation to pass a homeless bill of rights, which includes the right to shelter, the right to sleep outside, and the right to vote.<sup>vi</sup> In addition, like H.132, Rhode Island and Illinois' legislation permits civil actions for violations of the law, including injunctive relief, actual damages, and reasonable attorney's fees.<sup>vii</sup> Particularly with the growing number of unhoused Vermonters, it is past time for Vermont to join our neighbors in protecting the basic rights of our unhoused population.

**The staggering racial bias in the enforcement of Vermont’s criminal laws coupled with the staggering racial disparity in the rate of unhoused Vermonters means the Homeless Bill of Rights is a racial justice imperative.** Black people account for just 1.4 percent of Vermont’s population,<sup>viii</sup> yet account for over eight percent of Vermont’s unhoused population in 2023<sup>x</sup> and seven percent of all arrests in 2022 (the most current year of FBI UCR data available).<sup>x</sup> As this data clearly show, the need to recognize and protect the rights of unhoused Vermonters – including moving away from the criminalization of poverty - can provide a step toward addressing these unconscionable facts.

## Support H.132 – Stop Discrimination Against Unhoused Vermonters

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<sup>i</sup> U.S. Dept. of Housing and Urban Development, The 2023 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1 - PIT Estimates of Homelessness, Dec. 2023, p. 16, available at <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf>.

<sup>ii</sup> *Id* at p. 113.

<sup>iii</sup> *Id* at p. 46.

<sup>iv</sup> State of Connecticut, Public Act No. 13-251, Approved July 11, 2013, available at <https://www.cga.ct.gov/2013/act/pa/2013PA-00251-ROOSB-00896-PA.htm>.

<sup>v</sup> R.I. Gen. Laws § 34-37.1-1-6 (Homeless Bill of Rights), available at <http://webserver.rilin.state.ri.us/Statutes/TITLE34/34-37.1/INDEX.htm>.

<sup>vi</sup> New York City Council, Law Number 2023/062, Enacted on May 29, 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5555530&GUID=44C45117-9A07-4077-86F4-49ACD8E18D6F&Options=&Search=>; see also, Robbie Sequeira, *As homeless people become more visible, some cities and states take a tougher line*, Washington State Standard, Jan. 3, 2024, available at <https://washingtonstatestandard.com/2024/01/03/as-homeless-people-become-more-visible-some-cities-and-states-take-a-tougher-line/>.

<sup>vii</sup> R.I. Gen. Laws § 34-37.1-4, available at <http://webserver.rilin.state.ri.us/Statutes/TITLE34/34-37.1/34-37.1-4.htm> & State of Illinois, Public Act 098-0516, Sec. 15, Effective on Aug. 22, 2013, available at <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=098-0516>.

<sup>viii</sup> Chittenden County Homeless Alliance & the Vermont Coalition to End Homelessness, Vermont’s Annual Point in Time Count (2023), p. 10, available at <https://helpingtohousevt.org/wp-content/uploads/2023/06/2023-Vermont-Point-in-Time-Report-6-6-23.pdf>.

<sup>ix</sup> *Id*.

<sup>x</sup> Federal Bureau of Investigation, Crime Data Explorer, Arrests in Vermont by Offense (2022), available at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest>.