

VERMONT LEGAL AID, INC.

OFFICES:

BURLINGTON
RUTLAND
ST. JOHNSBURY

264 NORTH WINOOSKI AVE.
BURLINGTON, VERMONT 05401
(802) 863-5620 (VOICE AND TTY)
FAX (802) 863-7152
(800) 747-5022

OFFICES:

MONTPELIER
SPRINGFIELD

January 12, 2018

Hon. Helen Head
Housing Committee on General, Housing and Military Affairs
115 State Street
Montpelier, VT 05633-5301

Re: Testimony of Jessica Radbord, Staff Attorney, Vermont Legal Aid, Inc.

Thank you, Chairwoman Head and Members of the Committee, for inviting testimony on H.412. Vermont Legal Aid represents hundreds of Vermonters who are experiencing homelessness or are at risk of homelessness every year and supports a Homeless Bill of Rights. We encourage the committee to revise the draft bill to ensure that it adequately reflects the priorities of people experiencing homelessness, builds on some of the advances made in other states looking to enact homeless bill of rights legislation, and includes an enforcement mechanism and implementation plan so the law ultimately has a positive and measurable impact.

People experiencing homelessness are regularly specifically targeted for harassment and discrimination, violating their fundamental rights, and making it ever harder for them to obtain permanent housing. Please allow me to share a couple of case examples.

Just a few months ago, I was working with a client whose rental home was sold and her tenancy lawfully terminated. Tenants do not always get a lot of notice that they have to move, even if they've done nothing wrong: 30 or 60 days, depending upon the length of the tenancy. In this case, my client simply did not find a new home in time. Had she remained in her home in spite of the lawful termination, she would be subject to eviction, caused significant economic damage to her landlord, and put her Section 8 voucher rental assistance at risk. So she left, and she was placed in emergency shelter through the Department for Children and Families' General Assistance program. I reached out to a landlord to ask her to expedite review of my client's application because of her desperate need for housing, only to be asked, "What did she do to end up at Harbor Place?" This question reflects a prejudicial view that a person experiencing homelessness must have done something wrong and must be an unworthy rental applicant. A landlord may lawfully reject a homeless applicant because she has a negative rental history, or caused damage at an apartment, but homelessness alone should not be a permissible basis to exclude a person from housing.

Allow me to share another story that shows how the criminalization of homelessness can affect housing. Over the course of 4 years of homelessness, our client was arrested 17 times, 14 of which were dismissed by the state or the court, often without finding of probable cause. Many of the arrests were based on our client's presence in a particular area of the city. A "no trespass order" had been issued by the police that barred our client from an entire municipal fire district

(rather than a particular private property), including the central downtown area, so just by walking from one appointment to another, or even taking the bus, he could find himself “trespassing” and subject to arrest. These arrests and interactions with the police were profoundly traumatic for the client, and he felt like he had been labeled a criminal simply for existing in space. Later, when the client applied for permanent supportive housing, his application was denied because of his “numerous arrests and contacts with the police,” which the housing provider determined made him “too high risk” for their program. Thankfully, with legal assistance, he was able to get that decision reversed and get into a safe home with appropriate services. A Homeless Bill of Rights that bars criminalization based on homelessness, similar to the draft language of H.412 would prevent arrests such as the ones experienced by this client and thereby free them from yet another barrier to obtaining permanent housing.

According to the State of Working Vermont Report, our poverty rate in Vermont is on the rise, going from 10.2% in 2015 to 11.9% in 2016. In 2017, our point-in-time count of people in shelters and on the streets was over 1200 people, an increase over the previous year. Looking to the Agency of Education’s data, which includes doubled up families in its definition of homelessness (and the same definition of homelessness used in H.412), we see that in 2016, 1098 Vermont schoolchildren experienced homelessness. Homelessness and poverty are on the rise, making a Homeless Bill of Rights an imperative at this time. Aside from the human costs, the longer a family remains homeless, the higher the cost to our state, through our schools, Economic Services, the Office of Economic Opportunity, and so forth. We should be doing everything we can to protect homeless persons from discrimination and criminalization that creates barriers to their ability to obtain stable housing.

Vermont Legal Aid supports a Homeless Bill of Rights, and we encourage revisions to H.412 to protect this vulnerable population. We would welcome the opportunity to contribute to technical revisions to the bill. We thank the Committee for its interest in protecting homeless Vermonters.