

Comments of Maryellen Griffin, Staff Attorney, Vermont Legal Aid

House Committee on General, Housing and Military Affairs

January 11, 2018

Madame Chair and Members of the Committee:

Thank you for having me and for caring about the safety of Vermont tenants.

My name is Maryellen Griffin. I am a staff attorney at Vermont Legal Aid in St. Johnsbury, Vermont, and the chair of the Legal Aid Housing Task Force. I have been representing tenants in habitability cases in Vermont for 16 years. I was the lead attorney in the case *Alger v. Department of Labor and Industry*, which was a 2006 class action seeking to improve code enforcement in rental housing by what is now the Division of Fire Safety.

Legal Aid housing attorneys frequently represent individual tenants who face unsafe housing conditions. While our advocacy is typically enough to get the immediate problem fixed and, on occasion, get a little money for our individual clients, we do not have the resources to represent all tenants who need our help. The relatively few cases we are able to take on have not been enough to improve conditions statewide.

So we decided to pursue a different course, first by studying and describing the problem. That is the report you have today: ***Renters at Risk: the Cost of Substandard Housing***. In that report, we're trying to do three things:

1. Make visible the suffering of tenants in substandard housing and how it really hurts their – and their children's -- chances to lead healthy, productive lives.
2. Document, in a qualitative way, some of the costs to taxpayers. We did not intend to quantify these costs, but to convince you that you and all other taxpayers would save money – in the long run and the short run -- if our most vulnerable neighbors were not stuck in unsafe housing that made them sick.
3. Explain why the current system of code enforcement is not sufficient.

Amberly Bonilla and Dale Joy are here today to talk about what it was like for them to live in housing that had problems, so I will ask them to explain that themselves. There are nine tenants' stories in the report, scattered in text boxes throughout, and I would encourage you to read all of them to get a deeper sense of what Vermonters are going through.

As to the second point, we know that if people do not have safe, stable housing, they are not going to be able to take care of the rest of their lives. If you don't have a safe place to live, it is hard to keep down a job and make sure your kids get to school every day. It is hard to keep on top of your medications and appointments so your health remains good. In fact, the stress -- and the housing conditions themselves -- may

cause or aggravate health problems. For example, it is estimated that 21% of current asthma cases can be attributed to damp and/or moldy conditions in the home.

We know tenants bear the brunt of this suffering, but problems in rental housing also place an increased burden on our medical providers, schools, child welfare agencies, and social support network. Those are costs borne by all Vermonters. Not to mention the loss of property values and threats to the vibrancy and viability of our towns.

Finally, Vermont rental housing in general is some of the oldest in the country. The current system of code enforcement is not keeping up with the slow degradation of that stock. There are two main reasons why the current system of code enforcement is not sufficient: (1) it puts too much of the burden on tenants to enforce the code against a recalcitrant landlord, and (2) information regarding housing conditions is not available to the market.

As to the first, I am hoping Dale will talk some about this, but time and again I hear that tenants are afraid to ask for repairs, because they are afraid of retaliation. Yes, we have a statute to protect tenants from retaliation, but, in practice, it is hard to use. It is hard to have to fight with your landlord in court – more stress, more time missed from work, etc. It is hard to fight with your landlord at all! And most people do not want to. Most tenants would rather just keep their head down until they can move, but then some other tenant – or some community agency on behalf of the tenant -- pays a lot of money to move someone else into the same problematic housing, and the overall housing stock just gets worse and worse.

As to the second point, information is not easily available to lay people about where the problematic housing is. I can usually get reports from most of the town health officers, but it usually takes multiple calls to various numbers, sometimes a call to the Department of Health, before I can get the report, and I often don't get very much of the history, just because it is hard for people to find. But I have 16 years of experience tracking down THO reports. A tenant – or a lay person helping a tenant – a friend or family member or caseworker – generally cannot find those reports before agreeing to rent a place. That contributes to this problem of churning, people moving in and out of substandard housing, a new security deposit paid each time, while the property slowly degrades.

I think the market could correct a lot of the habitability problems we have in Vermont if the information on housing violations were available to the market.

There is a lot more information in the report – Renters at Risk ---, and I hope you will look through it. Before I close, I'd like to walk you through the Findings section of the report, which starts at page 9. Those findings are as follows:

1. The most common rental housing health code violations reported to the Vermont Department of Health relate to plumbing and pests.
2. Respiratory illness and mental health problems frequently result from substandard housing conditions.

3. Many tenants do not know or understand their rental rights.
4. Fear of eviction and lack of affordable housing options often prevent tenants from reporting rental housing health code violations.
5. Town Health Officers are commonly unpaid volunteers without the time or experience necessary to address health code violations.

Thank you for your consideration. We look forward to working with the committee and other stakeholders on how to address the problems identified in this report.

I believe next you will be hearing from Ms. Bonilla.