



February 27, 2018

Honorable Helen Head, Chair
House General, Housing and Military Affairs Committee
Vermont State House
115 State Street, Room 44
Montpelier VT 05633

Dear Chairperson Head:

On February 20, I wrote to the committee that the Vermont League of Cities and Towns had no need to testify on H.412. That was because, after we reviewed Draft 1 of the bill (dated February 16, 2018), the section with which we were concerned had been deleted.

In section 1, Findings, the bill states that according to the Vermont Constitution, all Vermonters are equally free and independent, and that as a result “a person should not be subject to discrimination based on his or her housing status or being homeless.” We agree with this statement. As you know, Vermont’s cities and towns are often on the front lines of helping those who find themselves without a home. As Agency of Human Services Secretary Al Gobeille wrote in his agency’s Vermont Point-in-Time Annual Statewide Count of the Homeless – 2017, “through the work of local communities, thousands of Vermonters who became homeless last year, found a safe place to stay and the resources to get back into stable housing.” He also acknowledged that we still have much work to do.

We understand now that the committee is re-considering H.412 and will likely include language from Draft 1 (dated January 30, 2018) at Section 2, 1 V.S.A. § 274 (c) stating, “No person shall be subject to civil or criminal sanctions for soliciting, sharing, accepting or offering food, water, money or other donations in public places.” While sharing, accepting or offering water, money or other donations in public places may be appropriate and hard to regulate, we are most concerned with the inclusion of the word “soliciting.”

Both municipalities and the state are working hard to grow the economy and make our downtowns welcoming places for all who want to go there. Downtowns are centers for all kinds of special festivals and activities, as well as locations for retail stores, restaurants, craft brew enterprises and much more. Soliciting outside those businesses that have cast their fate with the success of downtowns is frequently a deterrent to people entering those businesses and spending the money that keeps them afloat, and soliciting at busy intersections is a public safety risk to both pedestrians and drivers. It is the act of soliciting, the lack of balance between soliciting and economic growth, and not the status of the person’s housing that is problematic for municipalities.

If soliciting is protected speech under the United States Constitution, then a Vermont law protecting the same speech is unnecessary. If the term “soliciting” has yet to be directly defined by the US Supreme Court or types of panhandling categorized pursuant to court cases or if certain categories of panhandling are determined to constitute invading

Sponsor of:

VLCT Employment
Resource and Benefits
Trust, Inc.

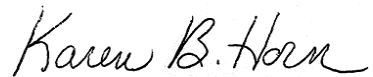
VLCT Municipal
Assistance Center

VLCT Property and
Casualty Intermunicipal
Fund, Inc.

another person's privacy, tranquility, or public safety, the legislature should hold off on including the act of soliciting in H. 412, titled the Homeless Bill of Rights. A Columbia Law Review Note, *Panhandling Regulation After Reed v. Town of Gilbert*, by Anthony D. Lauriello, (Vol. 116, No. 4), raises still more questions about how and in which circumstances panhandling could be regulated by cities and towns across the country. We believe those questions have yet to be resolved.

Thank you for providing the opportunity to comment. We urge you not to address "soliciting" in H.412.

| Sincerely,

A handwritten signature in cursive script that reads "Karen B. Horn".

Karen B. Horn, Director
Public Policy and Advocacy