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Testimony on H. 412

I appreciate the opportunity to testify on behalf of the ACLU regarding this important bill, especially on Homelessness Awareness Day.

Citizens experiencing homelessness are among the most vulnerable people in Vermont. Living on the streets and trying to find a place to sleep or attend to normal bodily functions make for a difficult and painful existence. These situations are only exacerbated when people are threatened with arrest or are excluded or discriminated against due to their lack of permanent housing and its sometimes attendant traits. The criminalization of homelessness does nothing to address the root causes of homelessness, makes it more difficult for people to transition out of homelessness, wastes public resources, and burdens the criminal justice system.

This is an opportune time for this bill. The ACLU, led by my colleague, Jay Diaz, recently took up the issue of criminalization of homelessness in Burlington. This summer, the city council passed a resolution calling for the drafting of an ordinance that created penalties for repeat offenders of violations like public urination, public drunkenness, and littering. We strongly oppose such ordinances, as they would only exacerbate people's dire situations and make it less likely that they would be able to exit homelessness. The city council has since ameliorated its proposals. The ACLU also sued to stop the removal of a homeless encampment in Burlington, objecting to punishing people for finding shelter as well as for the lack of due process and the lack of standard procedure in evicting people, protecting their belongings, and so on. We are currently working with the city to find a resolution that will ensure people experiencing homelessness and sheltering on public ground are protected.

We believe that, along with strengthening social and mental health services, having stronger statewide protections for the homeless could help to avoid or ameliorate some of these situations. We think H. 412 is a good start in creating such protections, and we commend Representative Stevens and the bill's cosponsors. Looking at bills and laws from other jurisdictions, such as Puerto Rico, Rhode Island, and California, may prove instructive as to how the bill can be amended – for instance, adding a private right of action could help to ensure the rights granted by the bill are enforced, while a right to occupy a motor vehicle that is legally parked, or even a right to shelter, would prevent the enactment of local ordinances preventing those experiencing homelessness from sleeping in their cars. We would be happy to work with the committee to strengthen this bill.

Again, thank you for the opportunity to testify on this important legislation. I look forward to answering any questions you may have.