

Falko Schilling Advocacy Director ACLU of Vermont
H.492 Homeless Bill of Rights
House General Housing and Military Affairs Committee
1/31/20

Introduction

- We appreciate the opportunity to testify before the committee today and are happy to offer our support for H.492.
- People experiencing homelessness are among the most marginalized people in our communities. 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.



PO Box 277
Montpelier, VT 05601
(802) 223-6304
acluvt.org

James Duff Lyall
Executive Director

Falko Schilling
Advocacy Director

ACLU of Vermont's Recent Advocacy for People Experiencing Homelessness

- The ACLU of Vermont has settled three lawsuits with the city of Burlington around issues that relate to people experiencing homelessness in just over 2 years
 - In *Ploof v. City of Burlington*, the ACLU challenged a Burlington "No Trespass" ordinance that barred individuals from visiting City Hall Park if they had committed prior offenses there. The City settled that case earlier this year, agreeing to policy changes that guarantee an individual's rights to challenge the no-trespass order and to exercise constitutionally protected activities on City properties.
 - *Croteau v. City of Burlington* was filed following reports that Burlington was evicting residents from local sheltering sites and seizing and destroying their personal property, despite city officials' knowledge that shelters were full. Under the terms of the settlement agreement, Burlington agreed to policy changes that require it to advise individuals of the specific reason their sheltering site is being considered for removal, provide an opportunity to object to that removal, give adequate notice before taking property from sheltering sites, and store that property for at least 30 days.
 - In *Montagno v. City of Burlington*, the ACLU challenged the City's role in evicting tenants who called for police assistance "too frequently." The City settled that case in early 2018, paying compensation and agreeing to policy changes that protect the rights of marginalized tenants.
- In August 2018, the ACLU of Vermont sent letters to six Vermont cities and towns, urging them to repeal anti-panhandling ordinances that infringe on the free speech rights of Vermonters in need. The letters were part of a nationwide effort among 18 organizations in 12 states that targeted more than 240 similar outdated ordinances. We joined this effort because it should never be illegal to ask for help.

H.492 Can Help Address Some of the Issues People Face When Experiencing Homelessness

- We want to thank the bill sponsors for recognizing that stronger statewide protections for people experiencing homelessness, along with strengthening social and mental health services, could help ameliorate some of the challenges they face daily.
- We know that this is something the committee has been looking at for several years and appreciate that some of the suggestions we provided to this committee in in the previous biennium have been incorporated in the bill.

Specifically

- §274(c) Explicitly protects a person's right to solicit or accept donations in a public place.
- § 274 (e) Ensures that all the rights protected by the Homeless Bill of Rights are redressable in court and, in allowing for reasonable costs and fees, makes it more likely that attorneys will be willing to take these cases when they have merit. As the committee continues to work on this bill, we would also suggest including language stating that this right of action does not substitute for or foreclose any other available relief.

Conclusion

- Punishing people with fines, fees, or arrests is not a solution for addressing homelessness – it just makes the problem worse. We applaud the legislature for recognizing this fact and urge you to move this bill forward to protect the legal rights and dignity of our friends, family, and neighbors experiencing homelessness.



PO Box 277
Montpelier, VT 05601
(802) 223-6304
aclvt.org

James Duff Lyall
Executive Director

Falko Schilling
Advocacy Director