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**MEMORANDUM**

**TO:** House Committee on General, Housing and Military Affairs  
House Committee on Human Services

**FROM:** Grace B. Pazdan, Housing for Everyone Law Project (HELP) Team Leader  
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**SUBJECT:** Vermont Emergency Rental Assistance Program (VERAP)

**DATE:** October 18, 2021

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Dear Committee Members:

On April 6, 2021, the state, through its program administrator Vermont State Housing Authority (VSHA), began accepting online applications for the Vermont Emergency Rental Assistance Program (VERAP), a \$110M federally-funded program designed to preserve rental housing for tenants financially affected by the COVID –19 pandemic. Per federal guidance, qualifying tenant-households with incomes no greater than 80% of Area Median Income are entitled to have up to 15 months of rent paid directly to their landlords. But tenants and landlords have had great difficulty accessing these payments in Vermont. The first six months of the program has been plagued with persistent problems, making it difficult for many tenants, and certainly the most vulnerable tenants - disabled, elderly, and limited English proficient - to apply and resulting in inordinate delays in the processing of submitted applications. Due to its poor administration, VERAP has failed to live up to its promise of providing housing stability for Vermont tenants while keeping landlords afloat in the midst of an unprecedented public health and economic crisis. Similarly, the VERAP utility program, administered by Department of Public Service, suffers from many of the same inadequacies and has resulted in eligible applicants unnecessarily being subject to utility shut offs. Given the overwhelming lack of affordable housing across communities in Vermont and the unprecedented federal appropriation to the state for rental assistance, it is critical that VERAP becomes accessible, consistent and efficient at distributing funds to ensure that no Vermont tenant is evicted or goes without necessary utilities merely as a result of a COVID-related financial hardship.

Vermont Legal Aid is a provider of Housing Stability Services via a grant with the Agency of Human Services. Pursuant to our grant, Vermont Legal Aid’s Housing for Everyone Law Project (HELP) has to date provided legal advice and assistance to hundreds of Vermont tenant-households experiencing problems accessing VERAP benefits. The VERAP Helpline that I supervise as a Team Leader is staffed by advocates who respond to calls from tenants at risk of eviction for nonpayment of rent and those in need of assistance navigating all aspects of VERAP – from applying to determining application status to appealing wrongful denials. Through our

work with clients, as well as our close relationship with community partners serving tenants across the state, we have found that more than six months after the rollout of VERAP, vulnerable Vermont tenants who clearly meet the VERAP eligibility requirements continue to face significant barriers to applying for rental assistance and are often subject to unacceptably long delays in application processing, inaccurate requests for documentation, and erroneous eligibility denials. Further, when tenants are erroneously denied VERAP benefits, they are not afforded the basic due process rights that are fundamental to ensuring a fair and equitable benefits program.

We recognize that VSHA has worked over the months to improve access to and administration of the program; however, the pace of progress thus far has simply been insufficient to address the many barriers faced by tenants seeking rental assistance. We further understand that several changes to the program are planned for the beginning of November, and we hope those improvements will result in a more accessible and effective program. Nonetheless, we feel it is critical that the legislature and the public are made aware of the magnitude of the problems that tenants seeking VERAP have faced over the initial six months of the program.

Based on our work, we have identified four main areas of concern with the implementation of the VERAP rental assistance program that have proven to be significant barriers to eligible tenants receiving benefits and must be addressed immediately: (1) Accessibility of the Application; (2) the Call Center Experience; (3) Application Review and Processing; and (4) Appeal Rights.

## I. APPLICATION ACCESSIBILITY

All Vermont tenants must have access to a VERAP application that is user-friendly, reliable, and efficient.

- A. **The online application does not provide applicants an option to Save and Resume.** This results in tenants having to complete an entire VERAP application, consisting of six separate sections, in one sitting, a task that is nearly impossible for working individuals, people living with disabilities, caretakers and those living with others from whom they cannot readily access required application information.
- B. **The application is poorly organized and confusing and requests unnecessary information, making it prohibitively time-consuming and difficult to complete correctly.** The VERAP application should be reorganized and streamlined to require only information necessary to determine tenant eligibility and benefit amounts. Headings should be clear, simple instructions should precede each section, and sections should be logically ordered. Currently, the application can take more than an hour to complete with the assistance of a trained advocate and is all but impossible for vulnerable tenants to complete on their own.
- C. **Requiring an email address to set up an applicant account is burdensome for many tenants.** Currently, VERAP mandates that applicants have an email address, creating a burden for the most vulnerable tenants. VERAP applicants should be allowed to create a username without the need for an email address, as many elderly, low income, and disabled tenants simply do not use email.

- D. **The process for obtaining benefits via paper application is too burdensome.** Disabled tenants and those without technology resources must have equal access to the application. Tenants are discouraged from obtaining a paper application and those who are offered one sometimes report not receiving it for weeks after a request. Tenants who submit paper applications face lengthy delays in processing and a few have even reported that their applications were lost, with no record of them in the VERAP system.
- E. **Self-attestations must be streamlined and waiver of document requirements must be easily accessible to tenants who are disabled or lack technology.** Currently, tenants who fail to upload income or lease documents due to disability or technology challenges are not consistently informed of waiver or self-attestation options. Further, the only option to self-attest to income or rental obligation requires downloading, printing, signing, scanning and uploading a form, defeating the goal of removing barriers for disabled and low-tech tenants.

## II. CALL CENTER EXPERIENCE

The VERAP Call Center must be adequately staffed by well-trained, professional agents who understand the VERAP program requirements and can provide accurate information to applicants.

- A. **Call Center Staff are misinformed about the VERAP requirements and process.** Tenants and housing advocates regularly report receiving misinformation from the VERAP Call Center. *A CVOEO housing navigator reports that of the more than 50 VERAP applicants he assisted in the last quarter none of his clients reported receiving useful information and “About three-quarters of applicants reported that they received inconsistent or incorrect information from the call center.”* Call Center staff require in depth and ongoing training on program requirements and the application process to ensure their competence to respond to applicant inquiries.
- B. **Tenants are frequently subject to long holds, rude staff, and hang ups.** Advocates and tenants alike report that when they choose the option to have the Call Center call them back rather than remain on hold a long hold (20+ minutes), they rarely receive a return phone call. The Call Center experience should not discourage tenants from applying or finalizing their applications. The Call Center must be adequately staffed and all calls should be recorded and reviewed by supervisors for training and quality control purposes.
- C. **Tenants do not have access to records of their communications with VERAP.** VERAP must implement a record keeping policy for all communications related to a tenant’s application. To ensure tenants have a clear understanding of their application status and the steps required to complete an application, they and their advocates should have easy access via the Applicant Portal to all communications with VERAP whether by telephone or via written notice. Such a record would also provide critical evidence for wrongly denied applicants seeking to appeal.

## III. APPLICATION REVIEW AND PROCESSING

VERAP must efficiently process applications and disburse benefits based on reasonable and transparent policies and timeframes.

- A. **VERAP must provide clarity about how applications are processed.** VERAP should publish, in detail on its website, the specific procedures it follows after a tenant submits an application, including steps and timelines from submission to final determination of an application and disbursement of funds. The lack of transparency around the process leads to frustration and stress on the part of tenants, many of whom are at risk of eviction if they fail to timely receive VERAP benefits.
- B. **Tenants do not consistently receive clear, written notifications of application status or timeline to disbursement of funds.** Advocates and tenants alike report that some notifications are never received by tenants and that tenants often receive duplicative missing document notices even after submitting the documents. Further, VERAP does not provide applicants with a timeline for disbursement of benefits, and tenants often linger in “Approved” status for weeks without benefits being disbursed while some tenants report their application status changing without explanation. Notices should clearly and consistently communicate the status of an application and the timeline to disbursement and, if information is missing, identify the specific steps to complete the application. *Recently, an elderly disabled tenant reported that he applied on June 5 and initially received notice he was approved. Weeks later he was notified that he was denied, then approved again, and finally denied again in early October. Only after a VLA advocate escalated his case, was he finally informed that his application would be approved for disbursement to the landlord – more than four months after he initially applied.*
- C. **A landlord’s failure to participate should not result in lengthy delays.** When a landlord fails or refuses to participate, VERAP should move quickly to approve the tenant to be paid directly. If the landlord fails to respond after three attempted contacts in five days, the application should be quickly processed for direct payment to the tenant.

#### IV. APPEAL RIGHTS

VERAP must establish a fair and efficient appeal process for denied applicants that meets due process requirements and results in eligible applicants timely receiving assistance.

- A. **A timely appeal process is necessary to avoid the dire consequences of delay in benefits for tenants wrongly denied.** When applicants seek appeal there are often no appeal hearing times available for many weeks. Further, tenants and advocates alike report that the Call Center often does not call applicants at the appointed hearing time or calls hours after the scheduled hearing. These applicants are effectively denied due process and are at risk of losing their housing as a result.
- B. **Trained, independent hearing officers should conduct appeals.** Under the current appeal process, Call Center staff are responsible for conducting appeal hearings. A fair and impartial hearing officer should be appointed and adequately trained to hear appeals, to ensure fair and consistent decisions on VERAP applications.
- C. **Where the basis for denial of benefits is missing documents and documents are subsequently received, applications should be approved.** While the VERAP Administrative Plan contemplates an “appeal bypass” process where a tenant denied for missing documents subsequently provides all required documents, it currently requires

tenants to call the Call Center to initiate the process. Instead, when new documents are uploaded to the tenant's online portal, VERAP should review and approve the application without additional burdensome steps on the part of the tenant.

Finally, the VERAP utility program administered by Department of Public Service likewise suffers from significant challenges. Tenants and community partners alike have had difficulty navigating the program, and tenants regularly report receiving utility shut off notices even after submitting applications. There is poor communication with applicants about the amount and timeline of disbursements made to utility providers and the application does not readily allow tenants to seek additional utility assistance after an initial application. Unlike the VERAP rental assistance program, the Department does not appear to have an administrative plan for the utility program which is critical to ensuring transparency and consistency.

Vermont Legal Aid has long advocated for healthy, affordable and sustainable housing for all Vermonters. The pandemic has simply exacerbated the crisis of affordable housing that has existed in our state for many years. We were hopeful that the new attention on the housing crisis brought about by the pandemic, coupled with the influx of unprecedented federal funding directed toward tenants, would translate to far fewer evictions of cash-strapped tenants. That simply has not turned out to be the case. While we believe it is still possible for VERAP to play a key role in keeping Vermonters housed, with literally tens of millions of dollars in the state coffers specifically appropriated for the benefit of struggling tenants, VERAP requires far greater state oversight and a systemic overhaul of its procedures to make good on its promise.

Sincerely,

/s/ Grace B. Pazdan

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