

TO: House and Senate Appropriations Committees

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SUBJECT: Vermont Legal Aid's Opposition to the Department for Children and Families' Emergency Housing Initiative

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Chair Hooper, Chair Kitchel, and members of the Committees:

Thank you for the opportunity to comment on the Administration's budget proposal to redirect allocations for the Economic Services Division of the Department for Children and Families' General Assistance emergency housing program (GA motels) to the Office of Economic Opportunity to subgrant to community-based homelessness service providers. This proposal, referred to as the Emergency Housing Initiative¹ (EHI), is likely to lead to an exacerbation of the homelessness crisis, inequities across the state, and fewer rights for an extremely vulnerable population. Vermont Legal Aid encourages the committees to reject the reallocation proposed in the Emergency Housing Initiative.

The General Assistance emergency housing program ("GA motels") functions as a program of last resort for Vermonters experiencing homelessness. When shelters are full or otherwise unavailable, Vermonters without a home are able to access a motel room for a safe place to sleep, store their belongings, enjoy some privacy, and get on a path to securing permanent housing. Over the course of the pandemic, it has become clearer than ever that housing is essential for health, ideally as permanent housing, but in the alternative, as safe and stable shelter (whether in a community facility or motel). For something so essential to health and wellbeing as shelter, provision of service as a right to eligible Vermonters, in an equitable way, is critical.

By statute, the GA motel program functions as a right, consistent with available appropriations, to all eligible individuals. Rights matter. The GA program has clear rules about who is eligible. Participants and applicants are afforded basic due process, such as notice of decisions from the Department, a right to a fair hearing, and a further appeal to court. Because substantive legal rights are at issue regarding eligibility and terminations for GA, rules are promulgated pursuant to the Administrative Procedures Act. The rules are thereby subjected to public review and input, and can be challenged in court if they are unlawful. The reallocation proposal repeals the rights-based GA program in favor of community-based initiatives that do not function as an

¹ Available at <https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Human%20Services/AHS%20FY2022%20Proposed%20Budget/OEO/W~Sarah%20Phillips~OEO%20DCF%20Emergency%20Housing%20Initiative%20FY2022%20Proposed%20Budget~2-4-2021.pdf>

entitlement, and are not subject to rules promulgated through the APA. This leaves Vermonters without adequate protection. The framework of “rights” in the GA motel program is fundamental to ensuring equitable access to shelter and meaningful safeguards for Vermonters experiencing homelessness.

The Department’s goal of better addressing the needs of people experiencing homelessness is laudable, but ending the GA motel program is not the way to do that. Instead, it is likely to force more people into “literal” homelessness – in tents or cars or on the street – rather than in shelter and on a path to housing.

In the EHI outline, the Department indicates that community-based providers would be better able to meet the needs of people experiencing homelessness when shelters are full by managing provision of shelter in motels without the assistance of the Department and without being subject to restrictive GA motel program rules. Unfortunately, given the limited allocations, it is extremely unlikely that the community providers would be able to effectively meet the level of need. Further, if the Department believes the GA motel program rules are excessively restrictive, the best solution is to amend those rules within the existing model to better meet the needs of individuals and families – there’s no need to repeal the GA program rules in their entirety to do that. By repealing the GA motel program and putting the obligation on community-based providers to meet people’s basic need for shelter, it is extremely likely that inequities would develop across the State as providers struggle to address the conditions in their communities with inadequate resources.

The Department also indicates in its EHI proposal that community-based providers would be able to more effectively get Vermonters experiencing homelessness on a path to permanent housing if the providers were managing the motel program themselves. As we’ve seen during COVID, Vermonters in GA motels can be connected to services with community-based providers within the context of the GA program as it stands now. With additional funding and resources, the Department is able to contract for provision of those services with community providers without abdicating its responsibility to manage the GA motel program.

Vermont has an outline for how to end homelessness in our State: the Vermont Roadmap to End Homelessness.² In that plan, the way forward was identified as: (1) scale supportive housing to meet the need; (2) make “Coordinated Entry” fully effective to help people experiencing or at risk of homelessness connect to resources; (3) increase the supply of affordable rental housing; and (4) support innovative programs that work well, like the Vermont Rental Subsidy, Housing First programs, and so forth. The Roadmap did not indicate that the way to end homelessness and better meet the needs of Vermonters experiencing homelessness was to eliminate the GA motel program.

It is worthwhile to note that additional federal funding to help Vermont achieve our goal of ending homelessness is likely on the horizon, thus, ending the GA motel program now prematurely limits access to shelter when long-term solutions are near. Through the American Rescue Plan, the Biden Administration has proposed to deliver \$5 billion in emergency assistance to help individuals and families obtain stable housing, a first step in a comprehensive approach to make housing a right for all Americans. We have the opportunity, here in Vermont, to provide shelter as a matter of right, as a stepping stone to housing as a matter of right. Vermont Legal Aid urges you to reject the Administration’s Emergency Housing Initiative and its elimination of the General Assistance motel program.

2 Available at <https://www.vtaffordablehousing.org/wp-content/uploads/2019/01/VT-Roadmap-to-End-Homelessness-Final-Report-2016.12.20.pdf>.