

Brenda Siegel Testimony
4/17/2024

GA Modernization
Senate Health and Welfare
Recommendations Addendum

Three Top Priority Recommended Changes H.879

1. **Change the definition of disability to meet the American With Disabilities Act Definition.**

This is the definition copied directly from the ADA Website: *note: The definition has three bullets, but, for clarity and this need the first bullet is the relevant part of the federal definition. Happy to provide the full definition if needed.*

The ADA defines a person with a disability as someone who:

- **“Has a physical or mental impairment that substantially limits one or more major life activities”**

2. **Add a seat for Vermont Center For Independent Living to the Task Force.** It is critical to have a Disability Rights Organization who works on Emergency Housing and truly understands the American With Disabilities Act and the needs of this population as it pertains to the program on the Task Force. This is supported by Vermont Legal Aid and HHAV.
3. **Keeping people continuously sheltered is our position. At the minimum, we ask you to stay with the House position of 90 days in addition to expanded eligibility for Winter Conditions shelter from November 15th to April 15th. Two important notes on this.** A. This still leaves people outside for 4 months out of the year. Anything longer would leave them outside in months where there are cold days and children will have more months outside during the school year as well as people with severe medical conditions and disabilities being at risk B. Going to 60 days is less than most people have in the current system of shelter.

By Section Recommended Changes to H.879

Section 4 2203: Household Eligibility:

- **NUMBER 1:** The age 60 better supports the health and safety risks associated with aging Vermonters and we would recommend returning to the Age identified by the House. It has been extremely challenging for Vermonters as they age to live on the street.
- **2 and 2A: Change the definition of disability to the American With Disabilities Act Definition of Disability.** This is the broadly accepted definition of disability and ensures that our state is following the spirit and guidance of this important law and federal guidance. It is the same definition used in the Fair Housing Act. Our state has a history of not always following the federal definition of disability. It is important that this clear federal guideline and most respected definition be the one that is used in this law. It is also most appropriate for the particular risks associated with sleeping outside.. It is the definition supported by Vermont Legal Aid, Vermont Center For Independent Living and Disability Rights Vermont as well as our Organization. These are the organizations who work most closely with people living with disabilities and understand the laws and impacts of these laws on people with disabilities.

It reads as follows:

“The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity.”

The definition currently in the bill is based on an exception that I myself have with HUD for my section 8 voucher, so, I know this exception well. It was based on an illness that I live with and used to be much more severe and a need to live in housing free of mold as well as the potential that one day I would not be able to live on my own. It allowed me an exception from several rules. While the definition applied matches that definition for this singular exception and is applied appropriately for permanent housing needs with a section 8 voucher, it does not apply appropriately to this situation and doesn't make sense to determine the risk of someone sleeping outside.

I am also concerned based on my experience with the current GA Systems that it leaves open a broad likelihood to interpret or misinterpret the law as not intended. We saw in the implementation of the Budget Adjustment Act and the subsequent lawsuit that when the legislature is not explicit it leaves room for misinterpretation that is difficult to challenge. The

ADA Definition with use of the Emergency Housing Disability Variance Request Form as one option for verification, closes that possibility of misinterpretation.

- **2D: Include the Emergency Housing Disability Variance Request Form that was approved by this body as a form of proof of a disability.** Currently it says “other documentation approved by”, I noticed that the Commissioner Winter’s letter also noted that this was too broad and we agree. This form should be specified, again we saw in the recent lawsuit, that it is critical that the legislature be explicit or it leaves too much room for misinterpretation that can not be challenged. My team and I are amenable to it being the form recently approved as part of the social work construct bill. This form allows the Americans With Disabilities Act definition to be followed and medical providers to determine need.
- **3: Several short term medical conditions can be severe while discharge from a hospital was longer than 30 days prior.** We have had several clients whom have recent heart attacks, strokes, surgery or more. We believe that the severity of the medical condition and recovery needs should be determined by a provider. I recommend that this instead be defined by use of the Emergency Housing Disability Variance form approved by this body.
- **4: I would recommend clarifying this to 19 years of age or under.** Many 19 year olds are still in secondary school. Especially when they have had a disruption in their housing due to the experience of homelessness.
- **5: Include the entire pregnancy.** I don’t feel like this should need further explanation. Third trimester is not enough.
- **6: We agree with the Department that this should include the Death of a Minor Child, we also agree that the time limit “within the last 30 days” is far too restrictive.** Recovery from those losses does not have such a brief and limited time frame and can be quite traumatic and destabilizing.
- **7: Again I agree with the Department that limiting this to 30 days post for flood, fire or natural disaster is far too restrictive.** Often times people have somewhere to go for the first month following a natural disaster. This rule would have eliminated everyone who was in a Red Cross Shelter after the July Flood and hadn’t found housing by August. It should be within the same 12 month period.
- **8: We recommend using the Human Services Board definition of Court Ordered and constructive eviction** This has been defined by the human services board very clearly for the last 20 years, but the

department has not adopted that definition. I would ask that this bill adopt the Human Services Board repetitive recommendation as they have been consistent for the last twenty years. This is based on repeated findings between 2003 and 2023. According to numerous Human Services Board decisions, constructive eviction requires only that a person was living in a place with the expectation that they would be able to stay for a specific or open-ended period of time, and was made to leave that place. Yet the Department frequently denies emergency housing to people with informal living arrangements and informal terminations of those arrangements, both of which are especially common for people who are precariously housed and at risk of homelessness.

- **2204** I have very serious concerns about the 60 day time limit. Anything less than 90 days, plus Winter Weather from November 15th to April 15th, leaves people outside for more than 4 months a year with no way to avoid dangerously cold weather. There are already people for whom survival will not be possible. Children who will be deeply destabilized and many who will have their health and safety in jeopardy with 4 months outside. I urge the committee to keep people continuously sheltered. It is important to note that 60 days would represent a shorter time period than many people receive currently. So, it rolls back, not increases protections.
- **2205:** Here it is critical to change to the American With Disabilities Act Definition. Because this law requires reasonable accommodation under this definition. That means that requirements must be adjusted to need or made accessible to the client with disabilities. This makes clear another reason why it is critical to use the definition of the American With Disabilities Act. For the purpose of reasonable accommodation, in access to legally afforded benefits, this definition must be followed.
- **Section 5:** Emergency Task Force: Include a seat for Vermont Center For Independent Living. A disability rights lens is very important to this task force. It is critical here to include a seat for those working with people with disabilities specifically in General Assistance Emergency Shelter and a disability rights organization as among those experiencing homelessness there is a large group living with disabilities. We recommend that Vermont Center For Independent Living have a seat on the task force. HHAV /Housing and Homelessness Alliance of Vermont and Vermont Legal Aid are both in support of this.

As I testified in committee. Since February 27th, our Hotline Calls have gone up three to four times than ever before. The importance of simplifying and making explicit the rules is critical. We also are behind on meeting the definition of the ADA and that is something that is very important. In the last week or two, I have helped a 69 year old woman on oxygen whom was

originally given a 6 month period of ineligibility. A man who is not mobile and does not have the care he needs in the hotels and was dangerously close to ending up outside and still may. A person who just had his leg amputated. I have helped a young man who has autism and needs mental health support, but, instead keeps getting exited from hotels. It is important to note that these examples are not infrequent enough to call them rare. I have 400 clients with a disability or complexity great enough to need ongoing care and 95 for whom they have a need so great that they need support each week or month in the renewal of their vouchers. The House did phenomenal work and took a lot of testimony. Some minor tweaks are needed, but, they are minor It is important to move this bill and create a system with far more dignity and far less complexity.