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MEMORANDUM

TO: House Committee on General and Housing
FROM: Big Hartman, Esq. HRC Executive Director & General Counsel
DATE: January 21, 2026
RE: Fair Housing Enforcement and HUD Cooperative Agreement

This memo is to supplement my scheduled testimony at the House Committee on General and Housing on January 23, 2026.

The HRC is requesting an additional $25,000 to our General Fund appropriation in the Budget Adjustment Act for FY26. These funds are needed because we do not anticipate receiving any federal funds from HUD. We budgeted to receive about $92,000 from HUD related to our participation in HUD's Fair Housing Assistance Program. Under this program, HRC is an agency certified by HUD to conduct fair housing enforcement activities such as investigations into discrimination complaints, conciliation of those complaints, and civil litigation as needed. It's my understanding that HRC has participated in the Fair Housing Assistance Program (FHAP) for at least the past 30 years.

HUD's offices, personnel, and operations have changed drastically in the past year, especially in the past 6 months. To date, HUD has failed to send our office the necessary voucher for payment for FY25 fair housing cases completed by HRC pursuant to our cooperating agreement. Under that agreement, HRC should receive approximately $187,000 for our fair housing work completed in FY25. Typically, we complete the voucher process in or around September of each year for the prior year's payment, at the same time that we sign the new cooperating agreement.

To my knowledge, HUD has not processed payments to any FHAP agencies for FY25 cases. We also have not received a new cooperating agreement for FY26. While all the FHAP agency heads were told in October of 2025 that a new voucher process would be used this year, we received no additional information since that time. Many FHAP agencies in other jurisdictions are proceeding to request legislative appropriations necessary to maintain their operations without relying on HUD funding.

There is additional reason for concern. In October of 2025, HUD advised all FHAP agencies that we must agree to new "Mandatory Provisions" this year, which could run afoul of

Vermont's anti-discrimination protections as well as the mission of our agency. Specifically, receipt of HUD funds will require our office to commit to not "promoting gender ideology," and promise to abide by various Presidential Executive Actions including EO 14151 (attempting to end DEI programs), and decline to issue any findings utilizing disparate impact liability (a cornerstone of anti-discrimination enforcement). All in all, these new "mandatory provisions" are deeply offensive to the Human Rights Commission's fundamental purpose. We believe they are intended to thwart our agency's effectiveness in combatting discrimination, systemic oppression, and hate in Vermont.

To make matters worse, HUD has advised all FHAP agencies that they will be changing eligibility criteria for agencies in the program this year. We expect that any agency enforcing state or local fair housing laws that are more expansive than the federal Fair Housing Act will be deemed no longer "substantially equivalent" and therefore ineligible for participating in HUD's program. Vermont's Fair Housing and Public Accommodations Act has several legally protected categories in 9 V.S.A. §4503 that are not expressly protected under federal fair housing law, including gender identity, sexual orientation, receipt of public assistance, citizenship, and immigrant status. Therefore, despite a long history of participation in this program and a substantial equivalency review by HUD in the spring of 2025, we expect that HUD will remove HRC from the program some time in the next year.

For these reasons, it would be wholly unwise to plan on receipt of federal funds through HUD's FHAP program in FY26 and moving forward. Thankfully, we project that our office will be able to maintain adequate operations and remain fully staffed with 9 full-time employees with only a $25,000 increase in our General Fund Appropriations for FY26.