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## TESTIMONY ON H.594 - VERMONT LEGAL AID COMMENTS

**TO:** Chair Wood and the House Committee on Human Services

**FROM:** Maryellen Griffin, Staff Attorney, Vermont Legal Aid, Inc.

**DATE:** January 27, 2026

**RE:** Comments on H.594 - Temporary Emergency Housing and Accountability Program

Thank you for the opportunity to comment on H.594. Vermont Legal Aid has serious concerns about this bill, which we believe would make Vermont's homelessness crisis worse, not better. While we appreciate efforts to improve accountability and support people transitioning to permanent housing, this bill imposes unconstitutional restrictions, creates punitive and discriminatory barriers for people in crisis, and fails to incorporate the evidence-based approaches that have successfully reduced homelessness elsewhere.

### I. CONSTITUTIONAL CONCERNS WITH RESIDENCY REQUIREMENTS

**The residency restrictions in Sections 4(a)(1) and 4(b) are unconstitutional.**

The bill requires people to prove "physical presence in Vermont" through Vermont-issued ID, Vermont leases, or Vermont provider documentation. For longer-term supports, it allows DCF to consider "domicile in and connection to Vermont."

**These requirements violate the constitutional right to travel.** In *Shapiro v. Thompson*, 394 U.S. 618 (1969), and *Saenz v. Roe*, 526 U.S. 489 (1999), the Supreme Court held that states cannot condition benefits on residency requirements or treat new arrivals differently than longer-term residents unless necessary to promote a compelling governmental interest. There is no compelling governmental interest here.

**Recommendation:** Remove all residency requirements from Section 4. Base eligibility solely on current need for emergency housing..

### II. THE "RETURN HOME PROGRAM" RAISES SERIOUS LEGAL AND ETHICAL CONCERNS

**Section 16 establishes a "Return Home Program" that would pay for relocation of people who are homeless to other states. This raises constitutional, statutory, and humanitarian concerns.**

The bill sets up a Return Home Program for people who "maintain legal residency in a state other than Vermont" and lack "a verifiable permanent address in Vermont" and conditions access to emergency housing on proof of residency in Vermont. This creates a perverse and

coercive incentive: deny people emergency shelter on the basis of residency, then offer to remove them from the state as the only available form of assistance.

This proposal rests on a false and unsupported assumption that Vermont is a “magnet” for people experiencing homelessness. Reporting by [VTDigger](#) shows **there is no data to support this claim**; the vast majority of people in Vermont’s emergency housing became homeless here, driven by Vermont’s housing shortage and rising rents - not by an influx from other states. Using this myth to justify residency restrictions creates a dysfunctional system that denies people emergency shelter by labeling them “non-residents,” then offers to bus them out of state as their only form of assistance. This approach is not evidence-based and fundamentally misunderstands who is experiencing homelessness in Vermont and why.

#### **Legal Problems:**

- **Constitutional concerns:** The program risks violating the constitutional right to travel by effectively coercing people to leave Vermont to access any assistance.
- **Voluntary participation doubts:** People desperate for any help may “volunteer” for relocation under duress. A 72-hour cooling-off period is inadequate protection for someone sleeping outside in January.
- **Lack of verification:** The bill requires DCF to verify people have somewhere to go but provides no mechanism to ensure that housing actually exists or is safe or appropriate.

#### **Practical Problems:**

- Research shows that [relocation programs often simply move homelessness from one jurisdiction to another](#) without addressing underlying issues
- People relocated without adequate support and housing often return to homelessness in their “home state”
- These programs have been used historically to remove people deemed undesirable from communities

**Recommendation: Eliminate Section 16 entirely.** Instead, invest those resources in evidence-based approaches that actually end homelessness.

### **III. PROBLEMATIC TIME LIMITS**

Section 6 imposes strict time limits: 60 days for Tier 1/1A placements and 180 days for Tier 2/2A. While the bill includes some hardship extensions, these limits are unrealistic given Vermont’s housing crisis.

**The Evidence:** DCF's own data shows that even with "significant services," only a small portion of people successfully transition to permanent housing within these timeframes. The [2025 Point-in-Time Count](#) shows that 76% of people experiencing homelessness have been unhoused for 91 days or longer, including 58% who have been homeless for 180 days or longer and 32% who have been homeless for more than a year. Sixty or even 180 days is simply not enough time to find affordable, accessible, stable housing in Vermont's current market.

Moreover, according to the [Vermont State Auditor's recent report](#), nearly half of the people being served by Coordinated Entry are returning to homelessness after previous placements. As the Auditor's report explains, we lack adequate data on which programs successfully prevent returns to homelessness - but the data we do have shows that time-limited programs are failing to achieve lasting housing stability and just perpetuating the homelessness crisis by forcing people into repeated cycles of homelessness and unstable housing.

**Recommendation:** Remove arbitrary time limits. Instead, tie continued eligibility to active participation in housing search and services, with individualized assessments of progress and barriers.

#### IV. PUNITIVE SANCTIONS HARM PEOPLE WITH DISABILITIES

**Section 5 imposes 30-day periods of ineligibility for various forms of "noncompliance" - effectively putting people on the street for a month.**

The bill lists sanctions for:

- Failing to check into assigned housing
- Refusing to comply with program commitments
- Declining alternative housing options
- Engaging in undefined "misconduct"

While Section 5(c) exempts noncompliance "primarily attributable to cognitive impairment, active mental health crisis, substance withdrawal, developmental disability, or other documented condition," this exception is inadequate. It:

- Places the burden on people in crisis to prove their noncompliance was disability-related
- Requires documentation that people who are homeless often cannot obtain
- Assumes clear lines between "disability-related" and other behavior

**Why This Approach Fails:** When a placement doesn't work, the response should be to find a different placement - not to put someone on the street for 30 days. Research demonstrates that people are most likely to stabilize when they are moved into safe, stable housing and simultaneously provided with services and supports to address underlying challenges. Punishing

people for placement failures - which often stem from disability, trauma, or simple mismatch between person and setting - undermines stability and prolongs homelessness.

**Our Casework Experience:** We regularly see people sanctioned and removed from motels or shelters for behavior that stems from disability or trauma. At fair hearings, motels often cannot prove any rule violation occurred, it's just that the person was acting like a person with disability or trauma. Yet people are left unsheltered for 30 days. This is the opposite of what evidence-based practice recommends.

**Recommendation: Eliminate periods of ineligibility (Section 5(b)).** Instead:

- When a placement doesn't work, provide a different placement, ideally one that is a better fit to the person's needs and wants
- Invest in a range of housing options including low-barrier shelter, non-congregate settings, and supportive housing
- Train staff and providers in trauma-informed care and disability accommodation and

## V. INADEQUATE DUE PROCESS PROTECTIONS

**The bill includes some due process protections, but people need clear information about program requirements and limits and prior notice before they lose their emergency housing.**

### A. Decision Notices

Section 7(b) requires written notice including the factual and legal basis for decisions, effective dates, and appeal rights. This is good and we support it. However, DCF does not give people prior written notice before people lose their emergency housing and, in the context of the *Groundworks* case, DCF has denied that they are required by law to do so. This violates due process and is also cruel and bad practice.

In many cases, people do not know they are being exited until the day they lose their emergency housing. This is particularly bad in times of mass exits, but it also happens in regular time. In a recent case of mine, my client, S.M., was told on Tuesday that she had been approved for another seven days of emergency housing, only to be woken up on Wednesday by a call saying she had to be out by 11 that same day. S.M. has serious medical problems and trauma from a recent criminal assault. She was crying uncontrollably when I met her. S.M. was actually eligible to remain in emergency housing, but it took several days to find out that DCF just wanted a copy of her cane prescription to confirm her eligibility. S.M. lost her emergency housing for five days before it was sorted. Had she gotten prior written notice, the paperwork issue could have been resolved without the traumatic, chaotic, and awful period of losing emergency housing due to a paperwork error.

It is extremely destabilizing to be homeless, and people need clear information about what housing and resources are and are not available to them.

**Recommendation:** Strengthen notice requirements by incorporating the following specific provisions:

**For Authorization Notices:**

- Provide written notice upon authorization that includes:
  - The authorization period for emergency housing assistance
  - Check-in and check-out dates, if applicable
  - If the household needs to reapply, the date the household must reapply and clear instructions about how to do so
  - If the benefit is time-limited, a statement of how much time remains (e.g., “you have used 40 of 80 days”)
  - Information about what the person needs to do to remain eligible, including both general program requirements and any individualized requirements
  - For people found eligible but not yet placed, clear instructions about next steps

**For Denial Notices:**

- For anyone denied emergency housing, send a written denial notice that includes:
  - The specific reason for denial in plain language
  - The household’s appeal rights, including timeline and process
  - Contact information for free legal assistance

**For Termination Notices:**

- For anyone in emergency housing, send written termination notice between three and five days before termination that includes:
  - The termination date
  - The specific reason for termination in plain language
  - The household’s appeal rights, including timeline and process
  - Contact information for free legal assistance

**General Notice Requirements:**

- All notices must be provided in the household’s preferred language and delivery method (email, multiple emails if there’s an authorized representative, or U.S. mail)
- Notices must be sent the same day as the decision

- All notices must comply with the AHS Accessible and Inclusive Communications Policy (using 8th grade reading level language, avoiding jargon, being clear and concise)
- All notices must include appropriate language access information
- Allow households to reapply at least 10 days in advance of authorization end date (or at any time for authorizations shorter than 10 days)
- Three to five days notice before an involuntary transfer of a household, such as from emergency housing at a hotel to a shelter. The household must be given the shelter exemption form as early as possible with reasonable time to complete it.

## **B. Expedited Appeals**

In our recent cases, we have documented severe delays in the appeals process:

- Records not produced for weeks despite regulatory requirements
- Hearings postponed multiple times
- Decisions taking over five weeks in cases where people are unsheltered

In addition, last fall DCF refused to apply a Human Services Board legal interpretation system-wide, forcing each household to appeal individually. This delayed people accessing needed emergency housing for which they were statutorily eligible and also wasted significant resources.

**Recommendation:** Establish a statutory expedited appeal process:

- Same- or next-day supervisor review based on a prepared packet of documents
- Simultaneous transmission of the packet of documents to the Board, appellant, and representative
- Hearing officer decision within 5 days of appeal filing
- Immediate implementation of hearing officer recommendations
- Continuation of emergency housing while a fair hearing is pending
- Requirement that DCF follow Human Services Board legal interpretations system-wide unless reversed by Supreme Court
- Mechanism for consolidating appeals raising identical legal issues

## **C. Reasonable Accommodations**

Section 5(a)(2) requires compliance with the Americans with Disabilities Act and Section 504. This is good and necessary. However, the bill should go further.

**The Problem:** In our casework, we see persistent problems with DCF's reasonable accommodation process:

- Denials based on failure to use a specific form (legally wrong)
- Claims that any rule change would be “unreasonable” (legally wrong)
- Failure to proactively identify and offer accommodations
- Requiring people to know what accommodations to request

**Recommendation:** Include specific provisions requiring:

- Proactive identification of accommodation needs by trained staff
- Acceptance of any format for accommodation requests (not just specific forms)
- Presumption that requested accommodations are reasonable unless DCF can show undue burden
- Training for all staff on disability rights and accommodation obligations

## VI. TIERED SHELTER SYSTEMS CREATES HARM AND DISCRIMINATION

The bill’s reliance on tiered shelter and housing systems is deeply concerning. Tiered systems inherently create a framework of “deserving” versus “less deserving” people, forcing individuals and families experiencing homelessness to compete against one another for safety and stability.

**The Problem:**

- This approach encourages discrimination against people with complex needs, including those with disabilities, trauma histories, substance use disorders, or criminal records
- Pits our most vulnerable neighbors against one another for limited shelter resources
- Reinforces stigma rather than recognizing homelessness as a systemic failure, not an individual moral one

**Recommendation:** Housing instability should not be managed through sorting mechanisms that reward perceived compliance or stability. Evidence-based practice shows that people are more likely to stabilize when provided with low-barrier, non-punitive access to shelter and housing. Prohibit tiered shelter models that create discriminatory access to safety.

## VII. SHELTER CAPACITY AND THE REALITY ON THE GROUND

A fundamental unanswered question in this bill is: where are people supposed to go?

Vermont's existing shelters are already at or over capacity and critically understaffed. The bill contemplates reducing or eliminating use of the hotel/motel program without ensuring that sufficient alternative shelter options actually exist. Building new shelters, expanding capacity, or developing appropriate non-congregate options takes significant time, funding, and workforce investment.

**The Workforce Crisis:** Vermont's shelter system is already underfunded and stretched thin. Shelter workers face challenging conditions, low pay relative to the demands of the work, and limited professional development opportunities. Asking shelter providers to do more with less puts both staff and residents at risk. Any expansion of shelter capacity must be accompanied by significant investment in:

- Competitive wages and benefits for shelter staff
- Comprehensive training in trauma-informed care and disability accommodation
- Adequate staffing ratios to ensure safety and quality services
- Career advancement opportunities and professional development
- Support services for staff dealing with secondary trauma

If the motel/hotel program is closed or sharply reduced before alternatives are operational and adequately staffed, people will be left with no options. In the interim, this bill effectively increases unsheltered homelessness by design.

**Cutting hotel/motel access does not solve homelessness; it displaces people into encampments, emergency rooms, and the criminal legal system, dramatically increasing costs to hospitals, courts, and municipalities while worsening human harm.**

## **VIII. COORDINATED ENTRY AND SUBSIDIZED HOUSING BARRIERS**

We support increased funding for Coordinated Entry and related housing navigation services. Many, if not most, people who are homeless cannot secure stable housing on their own while homeless.

**The Problem:** There is currently a long wait for Coordinated Entry case management, and many people in the emergency housing program receive no case support at all.

Yet stable housing, particularly subsidized housing, is very difficult to access without help. Most subsidized landlords in Vermont will deny admission to anyone who has been evicted or who has poor credit – which is most people who are homeless. You can appeal those denials, but the property manager has a lot of discretion in whether or not to grant the appeal, and so, for most people, successfully appealing requires both skill and support.

Moreover, applications for subsidized housing are often complex, paperwork-heavy, and difficult to access without consistent internet, phone service, or transportation. If your application is not legible or is missing some necessary documents, it will be denied. During the years long wait for your name to come up on the list, if you miss a mailing, you will be denied. Some subsidized landlords, like Burlington Housing Authority, will not permit you to reapply for three years after a denial.

The barriers to stable housing are often insurmountable without intensive, ongoing support. Unfortunately, due to inadequate funding, being enrolled in Coordinated Entry does **not** mean receiving case management. Many people on the Coordinated Entry list just do not have a case manager helping them navigate these complex systems.

**Recommendation:**

- Significantly increase funding for Coordinated Entry
- Ensure case management ratios reflect the complexity of need
- Require DCF to work with subsidized housers to identify and reduce the barriers to access for people who are experiencing homelessness
- Prioritize funding for programs that provide intensive, ongoing case management

**IX. CONCERNING PROVISIONS ABOUT HOTEL/MOTEL USE**

**Section 8 caps hotel/motel rooms at 400 in FY2027 with intent to minimize use in FY2028.**

We understand the desire to transition away from hotels/motels to more sustainable housing. However:

**The Problem:** The bill puts the cart before the horse. It caps hotel/motel use before ensuring adequate alternatives exist. Section 8(d) includes an exception for situations where “no safe, reasonable alternative exists,” but this creates a situation where:

- DCF will face pressure to claim alternatives exist even when they don’t
- People will be forced into inappropriate placements to avoid hotel/motel use
- The shortage of rooms will create impossible choices for case managers

**Recommendation:**

- Remove the specific room cap
- Instead, require DCF to develop and report on concrete expansion of alternatives (shelters, transitional housing, permanent supportive housing, improved access to subsidized housing)

- Only reduce hotel/motel use as documented alternative capacity becomes available
- Require monthly reporting on capacity across all housing types vs. demand

## **X. MISSING ELEMENTS: DATA AND OVERSIGHT**

**The bill includes reporting requirements (Sections 14 and 15), which is good. However, critical elements are missing:**

### **A. Incomplete Data Requirements**

Section 15(a) requires reporting on numbers served, expenditures, transitions to permanent housing, and other metrics. **This is helpful.** However, the bill should also require data on:

- **Who is excluded from emergency housing and why** - How many people are denied? What are the reasons? How many have disabilities?
- **Return to homelessness after permanent housing placement** - The bill mentions this in Section 15(a)(4), and should require detailed analysis of why people return and what types of housing/services are most successful in supporting people to secure stable housing.
- **Appeals data** - How many denials are appealed? How many are overturned? What are the most common reasons for successful appeals?
- **Demographic data** - Race, ethnicity, disability status, age, household composition to identify disparities

### **B. Rulemaking Process Needs Improvement**

Section 13 requires emergency and permanent rules “as soon as feasible.” Based on our experience, this is inadequate:

**The Problem:** In 2025, DCF assured the Legislative Committee on Administrative Rules that emergency housing rules would be promulgated by May 1, 2025. However, those rules were never finalized and have now expired. It is now operating with no rules in place, contrary to the requirement in last year’s budget bill.

The emergency housing program has been operating under a series of emergency rules for years now, which is not adequate or appropriate for such a life-saving program.

**Recommendation:** Section 13 should:

- Require emergency rules within 60 days of passage
- Require emergency rules to maximize community input

- Require DCF to consider and respond to public input in writing
- Set a deadline for proposing final rules (e.g., within 180 days)
- Require regular reports to this Committee on rulemaking progress

## XI. WHAT WOULD ACTUALLY WORK: EVIDENCE-BASED APPROACHES

**This bill focuses on restrictions, sanctions, and forcing people through a tiered system. The evidence shows this approach doesn't work.**

The United States has cut veterans' homelessness [in half](#) through a consistent [strategy](#) that included three key elements:

1. **A commitment to housing everyone who is homeless** - not just those deemed "worthy." The Veterans Administration consistently prioritized moving people into stable housing first, then providing services and supports to address underlying challenges. People can most successfully address problems like substance use disorder and mental illness when they are safely housed and their autonomy is respected. Decades of [research shows](#) this approach works to improve outcomes and end homelessness.
2. **Access to permanent affordable housing** that is accessible to people with disabilities, eviction history, and criminal records. The shortage of accessible housing is expensive - bouncing people with serious mental illness between the streets, hospitals, and the criminal justice system wastes taxpayer money. [One study](#) estimated that the annual cost of a punitive approach to homelessness was three times higher than supportive housing, not even counting emergency room use, hospitalization, incarceration, childhood trauma, lost education and work, and lost lives.
3. **Developing and supporting a skilled workforce.** The people who provide housing support in Vermont are so underpaid and unsupported that it is hard to find and keep people to do that work. In 2024, Vermont had to pay an [out-of-state for-profit company](#) to hire temporary shelter staff at \$107.50 an hour and "program managers" at \$325 an hour. Instead, Vermont should commit to creating a real career path for Vermonters to do housing support work - continuing education and training, career advancement opportunities, supported and safe working conditions, and decent salaries.

### What Vermont Needs:

- A commitment to housing everyone experiencing homelessness, prioritizing moving people into stable housing and providing all necessary support services
- Significant investment in permanent supportive housing accessible to people with disabilities and complex needs

- Fair wages and professional development for Vermont’s housing support workforce, plus significant funding to expand that workforce
- Expand funding for Coordinated Entry and housing navigation to reflect real-world barriers

## **XII. SPECIFIC RECOMMENDATIONS FOR IMPROVEMENT**

If this Committee moves forward with this bill despite our objections, we urge the following amendments:

Critical Changes:

1. Remove Section 16 (Return Home Program) entirely
2. Remove residency requirements from Section 4
3. Remove periods of ineligibility from Section 5(b)
4. Remove time limits from Section 6

Important Improvements:

5. **Improve notice requirements** in Section 7, including specific requirements for prior notice of termination, as outlined above
6. **Add expedited appeals process** to Section 7, including specific provisions to resolve appeals faster and more efficiently, as outlined above
7. **Strengthen reasonable accommodation requirements** in Section 5(a)(2)
8. **Remove hotel/motel cap** from Section 8 until alternatives are documented and adequately staffed
9. **Expand data requirements** in Section 15 as outlined above
10. **Improve rulemaking requirements** in Section 13 with specific deadlines and community input mandates

**Technical Improvements:**

12. **Define “misconduct”** in Section 5(g) with specific examples and clearer limits
13. **Clarify “alternative housing options”** in Section 2(2) - what makes an option “reasonable” or “suitable”?
14. **Require transparency** in tier placement decisions with written explanations

## **XIII. CONCLUSION**

Vermont is in a homelessness crisis. We need evidence-based solutions that house people and help them stabilize, not policies that ration shelter, impose unconstitutional barriers, and push people into deeper crisis.

We urge this Committee to fundamentally reconsider this approach and to prioritize policies that reflect the realities facing people experiencing homelessness in Vermont today.

Thank you for your consideration. I am happy to answer questions.