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TO: Chair Wood and the House Committee on Human Services
FROM: Maryellen Griffin, Staff Attorney, Vermont Legal Aid, Inc.
DATE: February 20, 2025
SUBJECT: Comments on H. 91

Thank you for the work this Committee has done to improve our systems of emergency housing to meet the crisis of homelessness we now face. This is an important bill, and Vermont Legal Aid supports most of it.

Introduction

Vermont Legal Aid and Legal Services Vermont represent Vermonters in a wide ranges of cases, but housing disputes, specifically evictions, are the biggest issue people come to us for help with.

Our most recent Housing Needs Assessment confirmed what you already know: Vermont is in the middle of an eviction crisis, and that is contributing to the homelessness crisis this bill is trying to address. Eviction filings are up, significantly. The number of people seeking advice from us about eviction is up 45%.

The cuts to federal housing subsidies are only going to deepen this crisis. Increasing rates of eviction means more and more households being forced out with little to no time to secure new permanent place so applying for emergency housing.

We support the elimination of the room cap, and we request a methodology for determining capacity and fiscal availability instead.

We support this bill's omission of the cap on the number of rooms that DCF can use to house eligible people. That cap led to the creation of the prioritization policy which has been so problematic.

We often hear from the Department that access to Emergency Housing is restricted because of lack of capacity or lack of available funds. However, it is not clear how capacity or fiscal availability is calculated.

Recommendation: Develop a transparent methodology for determining:

- When funds are available
- When rooms are available

We also support this bill's steps to address problems with imposing an 80 day limit on Emergency Housing. In this extremely unbalanced rental market, it is not at all surprising that many people cannot secure housing in 80 days. No one wants a repeat of the chaos and suffering that happened last fall when people ran out of 80 days.

Eligibility should stay at least where it was in the Big Bill last year

While the goal is for everyone who is unhoused to be sheltered, that is not the system we have now. Vermont already has very restricted eligibility for emergency housing. Please do not restrict it further.

- The disability variance form is already really challenging for people who are homeless and not connected with regular medical care. I frequently meet people who are homeless and report this as one of the reasons they can't get into Emergency Housing, and I talk with medical professionals who are wary of signing a form for a patient they just met or have not seen for a long time. Requiring a medical provider to attest a person's "disability is expected to be long-continuing or of indefinite duration" will exclude many people who are homeless and would be eligible, but for the fact that they are

unconnected to medical care. Moreover, “substantially impedes the individual’s ability to live independently” is way too high, limiting availability to people who probably qualify for long term care

Recommendation: Maintain current eligibility for: People with a disability that poses safety/welfare risk if temporary emergency housing is not authorized.

- People who are pregnant, people who experienced the death of a spouse, people who lived through a natural disaster and are now homeless are eligible for Emergency Housing under current law, but H.91 proposes restricting them to the 30 days after a loss or the third trimester of pregnancy. This will not save much money. These are already the three smallest categories of eligibility for Emergency Housing. Limiting emergency housing to only the third trimester of pregnancy does not adequately protect the health of women and babies. The academic research shows that health and self-care during the early stages of pregnancy have a huge impact on the health of the child, preventing problems that have a significant societal cost down the line.

In our cases at legal aid, we find that it takes people much more than 30 days to get back on your feet after suffering the death of a child or a spouse or a natural disaster. We also find that people in these situations turn first to informal networks – friends and family – and rely on those as long as they can. We want to encourage that and have Emergency Housing as a backup to those informal networks – not the first place to turn.

Recommendation: Maintain current eligibility for:

- Pregnant individuals (all trimesters)
- Those who lost housing due to death of family member
- Victims of natural disasters

The system should be more accessible to people with disabilities

The current system of emergency housing has numerous barriers to people with disabilities:

- You have to call on the phone, repeatedly, and sit on hold. There is no way to apply in person and if you call one day and no room is available, you have to call the next day. We impose this system on households in unstable situations, and without reliable phone service.

Recommendation: Allow in-person applications

- As I mentioned before, you have to have a medical professional sign your disability variance form, which excludes people who are disconnected from the health care system.

Recommendation: Keep the disability variance form simple, so that a provider can evaluate a person even on the first visit.

- We have also seen many people excluded from the hotels, often for unlawful reasons. Many hotels will not take service animals, and we have had a number of clients who are eligible for emergency housing, but who cannot find a room to accommodate them.

We have also talked with increasing numbers of people who are eligible for emergency housing but cannot get a room because they are on a do not rent lists. These are lists maintained by the hotels, and there is no way to appeal or dispute being put on one. The people we have talked to most often report being put on Do Not Rent lists for disability related conduct – a mental health incident, having a service animal, or other disability related behavior. But these effectively exclude people from Emergency Housing.

Recommendation: Develop housing options for those excluded from hotels

- Award letters are not issued. If you are approved for GA, you are told that over the phone and sent to a hotel. If that hotel has you on a do not rent list or otherwise decides not to rent to you, you have to call back the next day and try to get approved for another hotel. For some of our clients, this happens repeatedly.
But also, the Department doesn't tell you in writing how long you are approved for and does not send a notice when your time in the hotel is going to end. It is hard to keep this straight – and hard for advocates to know what

a person has been approved for and why. DCF routinely issues award letters for other programs, and they issue an award letter to the hotel. They should issue them to participants.

Recommendations: Provide written award letters with clear timelines

Finally, we have seen a lot of problems with denials of requests for reasonable accommodation.

The requirement to reasonably accommodate comes from federal and Vermont laws requiring government actors to ensure that people with disabilities have equal access to government programs.

To ensure equal access, the law requires the government to make reasonable accommodations to assure equal access for people with disabilities. A reasonable accommodation is “a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.” Joint Statement of the Department of Housing and Urban Development and the Department of Justice, FAQ 7, available at <https://www.hud.gov/sites/dfiles/FHEO/documents/huddojstatement.pdf>

We have seen a lot of problems with the reasonable accommodation process in our cases at Legal Aid. At a fair hearing last year in one of my cases, the Department witness testified that they had denied my client’s reasonable accommodation request because it was not on the right form. That is absolutely not legal – governments can offer forms to help people request reasonable accommodation, but you do not have to use a specific form to request a reasonable accommodation.

A colleague of mine also had a fair hearing at which the Department took the position that any change to a rule would be unreasonable. As the hearing officer in that case found, there are multiple state and federal laws requiring the Department to adjust rules when needed to allow a person with a disability equal access to emergency housing.

Recommendation: Require legally compliant reasonable accommodation processes

Appeals should be expedited

We fully support the provisions in H.91 which require notices to use plain language and to provide written notice in the household's preferred form of communication.

We ask that the appeal rights section require an expedited appeal process

The biggest issue we have had in appeals has not been at the Human Services Board, but at the Department – getting the records for the hearing. My colleague had a hearing yesterday, for someone who is unsheltered. The hearing was set a week after the appeal was filed, but she only got the documentation the afternoon before the hearing – six days after the appeal was filed. This is typical. This is not fair to appellants, and it delays the resolution of cases. Often, once everyone can see the records, the case resolves. So we do ask for an expedited hearing process to be included in the bill.

Recommendation: Create expedited appeal process:

- Same/next day supervisor review
- Immediate record transmission
- Preliminary decisions within 5 days
- Immediate implementation of favorable decisions

The data gathered and the advisory committee should look at the system as a whole

The homelessness crisis in Vermont is not going away. This was not a pandemic blip. To end this crisis, policy makers need better data about what is working and not working to end homelessness.

We also ask that the data requirements in H.91 be expanded. One piece of data that is particularly important is how and why people are becoming homeless. The

recent housing reports¹ that DCF submitted to the Legislature consistently show that about 500 people a month are entering Coordinated Entry.

More worrisome, though, is that about a quarter of the people entering Coordinated Entry had previously exited homeless to permanent housing. And now they are homeless again.

<i>Data based on Act 113 reports from DCF</i>	Total entering coordinated entry	Number returning to homelessness after exiting to permanent housing	Number returning to homeless after exiting to non-permanent placements	Total percent Return to homelessness after exiting homelessness
December, 2024	565	178 (31.5%)	91 (16%)	47.5%
November, 2024	403	115 (28.5%)	79 (19.6%)	48.1%
October, 2024	532	110 (20.67%)	122 (23%)	43.67 %
September, 2024	495	132 (26.66%)	93 (18%)	44.66%

We know that the solution to homelessness is homes. We know that everyone can be safely and stably housed, and that housing is cheaper and better than shelters or hospitals or prison or the street. But it is clear that some housing, or a certain mix of types of housing, meets this need better than others. I suspect it is housing with the kinds of client centered support services that programs like Family Supportive Housing or Supportive Services for Veterans Families offer. But we need the data.

¹ January report on December <https://legislature.vermont.gov/assets/Legislative-Reports/Act-113-Monthly-Housing-Report-01.31.2025.pdf> Of 565 entering into coordinated entry in December, 178 were returning to homelessness after exiting to permanent housing, in addition to 91 returning from non-permanent placements.

December report on November <https://legislature.vermont.gov/assets/Legislative-Reports/Act-113-Monthly-Housing-Reporting-12.31.2024.pdf> In November, of the 403 people who became homeless, 194 were returning to homelessness after exiting the system, and 115 of those returnees had exited to permanent housing.

November report on October numbers <https://legislature.vermont.gov/assets/Legislative-Reports/Act-113-DCF-Housing-Report-11.30.2024.pdf> Of the 532 people who became homeless in October, 232 were returnees, and 110 had been in permanent housing.

October report, on September data <https://legislature.vermont.gov/assets/Legislative-Reports/Act-113-DCF-Housing-Report-10.31.2024.pdf> In September, 495 people became homeless. Of those, 225 were returnees including 132 from permanent placements

Policymakers need to know which of the publicly funded housing and support services are working to end homelessness, and which are not.

We support the creation of an advisory committee and ask that their charge be expanded to look at the system as a whole. Their charge should also include considering the needs of people experiencing homelessness who are excluded from Emergency Housing because they are not eligible or they cannot navigate the bureaucratic hurdles or they are on a do not rent list or for whatever reason.

Recommendations:

- Broaden advisory committee scope to analyze:
 - Who is excluded from emergency housing and why
 - Costs of exclusion
 - Policy options for those excluded from emergency housing

Conclusion

Thank you for considering our comments on House Bill 91. We look forward to working with you to move this important legislation forward.