

To: Chair Theresa Wood and the House Committee on Human Services  
From: Alex Karambelas, Policy Advocate, American Civil Liberties Union of Vermont



PO Box 277  
Montpelier, VT 05601  
(802) 223-6304  
acluvt.org

James Duff Lyall  
*Executive Director*

Falko Schilling  
*Advocacy Director*

The ACLU of Vermont supports continued efforts to create a certification pathway for recovery residences in our state, vital programming that is essential to the health of our communities. We offer the following recommendations in recognizing the often compounding challenges facing individuals in recovery for Substance Use Disorder (SUD). Relapse is a common part of the recovery process for many, and we support efforts to strengthen processes that meet the safety and support needs of those who experience it. We also recognize the need to retain safe, substance-free places for other residents in treatment. Our goal is for our policies to ensure safety while upholding the rights of all residents. Vermont should take supportive over punitive responses wherever possible to individuals who are struggling, particularly those actively seeking help. We believe this is especially important in the context of residences, as our state is experiencing a housing and homelessness crisis that leaves very few options for those who are unable to access or remain in stable, permanent housing. We understand that required safety plans of certified residences currently work towards these goals, and we are supportive of efforts to continue enhancing safety and stability for all people in recovery.

### **Recommendations**

Vermont should ensure that people who are exited from a recovery residence are offered supportive treatment-oriented options if they choose. Existing statute requires that “the recovery residence has provided or arranged for a stabilization bed or other alternative temporary housing” as one prerequisite to immediately remove a resident. We think “alternative temporary housing” is too broad and should be further defined in this bill. For example, would a shelter bed constitute alternative temporary housing? We believe more specificity will clarify the option to still access supportive placements for people who are struggling. Additionally, increasing the capacity of stabilization beds across the state will help ensure that this option is available for those in need.

Vermont should provide adequate process protections for evicting a resident in all living arrangements, while still ensuring safety for all. We believe that all residential tenancies require formal eviction processes. The bill cites being “charged with a criminal offense” or “engaging in theft” as allowable grounds for being immediately exited from a recovery residence. The language as written appears to apply this not just to criminal convictions, but to criminal charges. This raises due process concerns; without an appeals process, there appears to be no statewide guidance needed to review and confirm the validity of these concerns. This is particularly important given that some infractions such as petty theft signal that a person may already be struggling to make ends meet. This section also appears to allow for removing residents based on activity that may not have occurred on or near the residential premises. Overall, we believe this criteria is too broad.

Exiting a person without adequate capacity across our system- stabilization beds, housing, shelter- poses risks to the health and safety of exited residents. This should be reserved for scenarios when the resident regularly refuses to engage in services or programming, interferes with the recovery of other residents, or engages in acts of violence that threaten the health or safety of other residents or recovery residence staff or volunteers.

- a. We recommend increasing resources for stabilization beds around the state to expand capacity and ensure geographic equity.
- b. We recommend removing “is charged with a criminal offense, engages in theft” from § 4452(b)(1)(c).
- c. We also recommend exploring the option of creating an appeals process for residents within this bill.



PO Box 277  
Montpelier, VT 05601  
(802) 223-6304  
aclvt.org

James Duff Lyall  
*Executive Director*

Falko Schilling  
*Advocacy Director*