

To: The Senate Health and Welfare Committee
From: Alex Karambelas, Policy Advocate, ACLU of Vermont
Re: H. 91: *An act relating to the Emergency Temporary Shelter Program*
Date: 5/8/25

The American Civil Liberties Union of Vermont is highly supportive of legislative efforts to redesign Vermont's shelter and emergency housing system. We offer this feedback for [Draft No. 2.1 of H. 91- An act relating to the Emergency Temporary Shelter Program.](#) Below we have listed a handful of recommendations that we believe can strengthen the bill as it is currently written.



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1. We have large concerns regarding committee conversations surrounding durational residency requirements to receive emergency shelter. While this hasn't been explicitly proposed or put in language, we want to highlight the legal limitations of this issue. To quote a [2024 memo provided by VT legislative counsel](#), "A durational residency requirement as a condition for obtaining a benefit that is a necessity of life violates a citizen's constitutional right to travel and the Equal Protection Clause of the 14th Amendment, unless there is a compelling state interest for imposing the requirement. To date, no case reviewed by the U.S. Supreme Court involving welfare- and health-related benefits conditioned on durational residency requirements has identified a compelling government interest."

Additionally, the need to impose stricter limitations on durational residency requirements does not appear to be supported by data. According to [data presented by the Agency of Human Services \(AHS\) in 2024](#), only 4% of GA emergency housing participants came from out of state. This finding was also supported by [preliminary data](#) gathered by End Homelessness Vermont, showing that only 4% of GA emergency housing participants surveyed from 2023-2024 reported coming from out of state prior to experiencing homelessness, and moved to Vermont for various reasons such as reconnecting with family, fleeing domestic violence, or being referred for treatment. Given that Vermont shares a border with three other U.S. states, efforts to impose benefit access restrictions on people migrating to Vermont are not only legally unfounded, but also practically illogical. Proof of residency is exorbitantly difficult for homeless individuals to produce, particularly chronically homeless individuals and families. We urge the committee to consider how these conversations perpetuate the stigma homeless individuals face on a community-level, often materially resulting in barriers to shelter or affordable housing creation.

2. *Sec. 12. FUTURE APPROPRIATIONS; LEGISLATIVE INTENT* outlines the transfer of funding and activities to be administered by the VHEARTH program, including the GA Emergency Housing program and HOP. We want to raise the concern that funding for one of the core activities of the Community Action agencies, § 2206. *VHEARTH SERVICES (2) The Operation of Extreme Weather Event Shelters*, is omitted from funding and

programmatic transfers. We recommend that funding dedicated to [the most recent provision of this service](#) by the Department for Children and Families be identified and included in the transfer of funds to the VHEARTH program. This will ensure that Community Action Agencies are resourced adequately to provide this support.

3. Efforts to effectively and humanely decrease the usage of emergency shelter can only do so by reducing the *need* for emergency shelter, achieved by resolving homelessness for impacted individuals. Policy goals focused on decreasing reliance on supportive services should reflect this reality within this bill's language. We recommend § 2207. *USE OF HOTEL AND MOTEL ROOMS* (a) be changed to state, "*It is the intent of the General Assembly to decrease demand for hotel and motel rooms for emergency housing*"; and changed in section § 2202. *PURPOSE* (2) to state, "*reduce demand for the use of hotel and motel rooms.*"

4. *Sec: 2207. USE OF HOTEL AND MOTEL ROOMS* states that, "*as shelter capacity increases in each region of the State, the use of hotel and motel rooms for emergency housing in that region shall decrease by the same percentage as the increase in shelter capacity.*" We have concerns around this language and believe it will greatly limit the capacity for Community Action Agencies to meet the ongoing level of need for shelter. With only [655 community shelter spaces currently available](#) across the community; 1,100-1,400 hotel or motel rooms available at a given time; and [3,458 people experiencing homelessness](#) in Vermont, our current system leaves 1,403-1,703 people out of needed shelter services, depending on the number of allowable hotel room placements. As currently written, this language will continue to perpetuate this large disparity between need and capacity.

We recommend that this language be changed to "*as individuals experiencing unsheltered homelessness decreases across each region of the State, the use of hotel and motel rooms for emergency housing in that region shall decrease by the same percentage as the decrease in shelter need.*"



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