



Poverty Law Project
264 North Winooski Ave., Burlington, VT 05401
802-863-5620 ■
www.vtlawhelp.org ■ Fax: 802-863-7152

To: Chair Lyons and Members of the Senate Health and Welfare Committee
From: Deanna Hartog, Poverty Law Fellow, Vermont Legal Aid
Date: April 15, 2026
Re: Testimony on H. 938 - Vermont Homelessness Response Continuum

Good morning, Chair Lyons and members of the Committee. My name is Deanna Hartog, and I am the Poverty Law Fellow at Vermont Legal Aid. Thank you for the opportunity to testify on H. 938.

Vermont Legal Aid appreciates the significant work that has gone into this bill and the Legislature's commitment to building a more coordinated and thoughtful response to homelessness. This bill, while imperfect, represents a meaningful improvement over the status quo. We appreciate the Legislature's willingness to engage seriously with these complex and difficult issues, and support continued work on this legislation.

We share in some of the concerns that other advocates will testify about today. Those include concerns about the tiered shelter structure and the risk of segregation of people with disabilities, conditioning shelter on participation in treatment, the breadth of termination provisions, mischaracterization of permanent supportive housing, and the removal of the category for households experiencing catastrophic loss. We would welcome continued conversations with the Committee on all of those issues.

Today, however, I want to focus most of my time on Section 2215, the appeals section, because we believe it is essential to the integrity of this bill. As the Committee heard last week, the Agency proposed striking this entire section. We are very concerned about that proposal.

We acknowledge that even if the appeals section were removed, some decisions might still technically be appealable under existing law. However, removing Section 2215 would eliminate due process protections that ensure this system works predictably, transparently, and fairly – for households, for providers, and for the State.

First, one of the most immediate consequences of removing the appeals section from this bill is that households could lose their ability to remain housed pending appeal. Under the current existing framework, households can ask to be housed while the appeal is pending. The Hearing Officer then makes a determination based on case-specific factors on if the

Agency must keep the household housed during the appeal. This protection is critical. Appeals take time, and if there was a clear error, the household should not be unhoused for the entire appeal. If Section 2215 is struck, we would return to a deeply harmful and cruel reality: if a household is terminated improperly, they end up back on the street before the appeal is resolved.

Due process after someone has already lost shelter is not meaningful due process. If this bill is intended to reduce homelessness, it must not inadvertently increase unsheltered homelessness by eliminating the ability to remain housed during an appeal.

Second, the bill must clearly define how appeals function when community providers play a central role in the homelessness response continuum. Community providers are essential partners in this system. They bring expertise, trust, and deep commitment to supporting people experiencing homelessness. For that reason, it is important that the bill clearly establish where final legal responsibility sits and how disputes are resolved.

A workable and collaborative approach would be to provide that when a household seeks to challenge a decision made by or through a community provider, that grievance is reviewed by the Agency. The Agency would then either uphold or reverse the action, and the Agency's decision – not the provider's – would be appealable to the Human Services Board.

This type of structure preserves the collaborative role of community providers while ensuring that final determinations rest with the State, where legal responsibility properly belongs. It also provides a clear, navigable appeals path for households and avoids confusion about roles, process, or forum.

Third, without a clear and accessible administrative appeals process in statute, the only remaining way to challenge disputed decisions made by community providers is through affirmative civil litigation.

That outcome serves no one well. Litigation is slow, expensive, and highly burdensome – not just for people experiencing homelessness, but also for community providers and for the State. It diverts limited resources away from service delivery, places strain on already overextended nonprofit organizations, and introduces delay into situations where time is critical.

An administrative appeals process offers an accessible, efficient alternative. It allows disputes to be resolved quickly and consistently without forcing parties to expend scarce resources on court proceedings.

Fourth, clear notice requirements are essential to due process. Courts have recognized that emergency housing is a protected property interest, and recipients must be afforded

constitutionally sufficient notice before that housing is terminated. Recent litigation, including the *Groundworks* case, reinforces the need to write these protections directly into statute so they are consistently applied and understood by everyone in the system. When notice and appeals requirements are left to policy or practice rather than law, they become contested, inconsistently applied, or not provided at all, often after irreparable harm has already occurred.

Finally, I want to express our strong appreciation for the provision requiring the Agency to adopt the Human Services Board's interpretation after twenty substantially identical decisions. This language addresses a system failure we saw last year, when hundreds of households were forced to appeal the same legal issue. At Legal Aid alone, I was helping more than sixty clients with their appeals at one time. We had to eventually decide to only give pro se advice because our organization did not have the resources to help with hundreds of individual appeals. This provision promotes consistency, fairness, and efficient use of resources, and we strongly urge the Committee to keep it.

In closing, the appeals section of H. 938 is essential. It ensures that this continuum operates fairly, predictably, and constitutionally, and that households are protected from harm while disputes are resolved. We strongly urge the Committee to preserve Section 2215 in full.

Thank you again for your time and consideration. We appreciate your work on this legislation and would welcome the opportunity to continue working with you to improve it.