

H.772 Testimony Brenda Siegel, End Homelessness Vermont Senate Judiciary

For the record, I am Brenda Siegel, the Executive Director of End Homelessness Vermont.

We cannot support H.772 as drafted. This bill as drafted does not create a balance as many have said. And instead it creates a faster eviction process, in what is already an imbalanced landlord tenant system in Vermont. I will include with my written testimony a chart, with comments on the language of the bill.

There are no disability protections in this bill. A rapid process with no disability protections means that some people will be cut out. And something that I want to share with you and you will see in our research is the number of people experiencing homelessness, who have had an eviction, and who live with a disability.

End Homelessness Vermont

End Homelessness Vermont is a statewide Lived Experience Expert led organization that works toward the goal of ending poverty and disability discrimination and homelessness in Vermont. We provide a data-driven safety net to the safety net that is trauma-informed and rooted in compassion, empathy and Housing First principles. We are effective in working closely with teams of providers, helping people remain sheltered when possible and have the support they need, as well as addressing systemic barriers to accessing or remaining sheltered and ultimately becoming housed.

Our primary clients are people living with disabilities, health conditions or complex needs or in a complex situation. We also work in an ongoing capacity with over 600 households who need additional support due to their complex needs and help more than 300 people with renewing their vouchers due to the severity of their disability, health condition or trauma. I will go into what that looks like in a few minutes.

End Homelessness Vermont has two departments:

1. The Office Of Housing Advocate - our direct service arm. We have five people on staff and work with four volunteer nurses as well.
2. The Office of Research and Advocacy - Through this department we are in the middle of a longitudinal study. I am waiting for the full report on our phase 2 research to be reviewed by a public health researcher. However, what I can share are our slides.

What we do that works

End Homelessness Vermont uses a no reject policy, meaning that no one is turned away and the level of support that they are given is based on their need. That means that the

number of people with highly complex needs who receive a full suite of support is very limited. The next level we offer is ongoing guidance in order to help them get through the emergency housing process, but we do not make the actual calls, we help them navigate the system. And finally, there are a number of individuals and providers who just need one time or light touch support. Sometimes just a referral, just to understand a change in the law or rules, or a provider might need to talk through a systemic challenge. We are always available for this.

With our highest needs clients, we are very hands on. We help people who struggle with communication or who can't read or write, or with severe medical conditions, disabilities or dementia get through the renewal process. We connect them to services. We do adult lit referrals to bring teams together. We are ALWAYS coordinating services with other providers. We seek to make an incredibly complex system more simple so that people can make it to housing. We are just about to launch our Make It Home program that brings all of our disability specific services together. And we continue to do all of the emergency support that we have. We work with 4 volunteer nurses, 5 disability specific non categorical case managers, and I am a technical expert. We also consult with Legal Aid and other attorneys as we work our way through the processes. Our goal is to never give up on someone and to help people in every way that we can until they make it home, and by home I mean whatever home is for them.

What We Did in 2025

In 2025 we answered more than 3,000 hotline calls and responded to hundreds of referrals. We were in front of the Human Services Board more than 250 times while representing people with disabilities in Fair Hearings as non-attorney advocates. We supported more than 250 people with ongoing support in assisting them with emergency housing, 500 people ongoing in other capacities, and worked with providers across the state. And in the last 12 months, we housed 80 people with complex needs with only 2 returning to homelessness and 1 has already returned to permanent housing. We have a 97.5% housing retention rate using this program. With the right tools and resources we can get even more people into housing.

We have several concerns and I'm going to highlight a few of them today in testimony. But I want to start by just sharing a little bit of the Research that End Homelessness Vermont has done.

RESEARCH SLIDES

HOP PROCESS

When someone is not able to afford rent, they can apply for a HOP grant, as long as they have not applied for one in the last 12 months. It might cover some of the rent, but the process is not quick.

Here is a real life example of how it works.

We have a client named Teddy. We worked with him a little over a year and finally were able to support him in finding housing. About 6 months after he entered housing he lost his job. He was furiously trying to find a new job, but fell behind in rent. We worked with him and SEVCA to

make a plan and also he had to be established at the new job before we could get support from HOP funds. We were able to make a payment plan with SEVCA and our client and he was able to catch up in full and is still safely housed today. That process took 3 months.

How Eviction Works for People In Poverty Living With Disabilities:

We have a client, Darron, who was evicted for “damaging the apartment”. The truth is, his apartment was not truly accessible and so his wheelchair was running into walls. He has MS and ended up outside twice, unable to eat, bathe, use a bathroom and almost freezing to death. The landlord gave a bad reference, despite a court order that they were not supposed to. This almost prevented him from getting approved for Section 8. Through an appeal with the Rutland Housing Authority we were able to get him into low income housing, where he is safely today. This bill would have made his life more challenging, not less. He had little recourse. There are not adequate disability protections in the bill.

How Eviction Works For People In Poverty:

This one is closer to home. In my life, I lost my housing and all of my belongings 2 times in my life and moved 6 times before my child was 11 and several times floated from temporary situation to temporary situation. When we finally got housed one of the times, it was with another slum lord, and we lived there for 4 years. Throughout that time, my landlord came and left without notice, without knocking. I was a young single woman alone with a baby and regularly, I would be stepping out of the shower and hear his voice calling to me from downstairs. If I complained about this, he would threaten to essentially falsely accuse me of things to the housing authority so that I would lose my power. I needed to keep a roof over my head and my son, Ajna's. The house had black mold in it. There were rats in the kitchen, they were coming in through a hole behind my stove. At one point, the upstairs bathroom started pouring into the kitchen and that happened for months. Eventually I withheld rent, my landlord evicted me, or tried. He also went to the housing authority and made up lies about me, essentially an attestation. I was lucky, I was raised with privilege and lived a lifestyle where I understood my tenant rights. I got a hold of legal services, which took a long time. They helped me write a response, which took a while. Eventually I won in pre-trial negotiations, did not have to return the rent and the landlord had to give me \$500 additionally, but I did have to leave.

Once I finally found a stable setting with a decent landlord, I remain housed there to this day.

HIGH LEVEL CONCERNS:

1. There are no disability protections in the bill. There are several areas where it would be critical to add them. In the homelessness response bill, it states things about disability in

multiple sections. I can work through some examples or suggestions and will include this with my written comments. Here are a few examples of places where this comes up.

- a. Definition Section: Actual Notice. Including email, means that if someone can't or does not check email, has a new email address or can't afford access to a device and/or internet, they may not receive notice. The ability for the landlord to tack no matter what, is essentially shaming people in the public square. And in both instances above, if you can't read or right, if you blind or visually impaired, if you have a learning disability. You are not protected to be able to find help because the timeframe is not reasonable.
- b. Termination section for threatening behavior. We have clients who needed support, not to lose their housing when this was related to their disability. There should be some disability protections drafted in this section.
- c. Termination for late payment. Let's say you have a stroke or a heart attack and you are keeping up with the rent, but, late while you are recovering. There is no protection for a catastrophic event, disability or sudden medical condition.
- d. In the judicial process. What if you need help just finding help to understand that you need to reply and with your reply? Then what?

2. The tenant has to "file an answer in the time provided", or there can be a motion for default judgement. What if they are in a medical emergency? What if they don't understand? What if they can't read or write? Already this is a process heavily weighted to the landlord and the tenant burden is higher than the landlord. This also flips the burden from the landlord to the tenant, which is improper.

3. If the tenant fails to appear, or to file an affidavit, statement or memorandum. The plaintiff SHALL be entitled to judgement by default for immediate possession of the premises. What if the person just had a heart attack, a car accident? What if they can't read or write? This says "SHALL". This means that the landlord gets the default judgement regardless of the cause.

4. Payment of rent into court. To make it full payment UNLESS the tenant files a motion. Again, putting the entire burden on the tenant. As someone who represents marginalized people as a non attorney advocate in front of the human services board. I KNOW that people need support to do these things, especially when they live with disabilities. Often the judge does have to bring up su espante, (on behalf) in order for them to even know that it is possible. Whereas in most cases a landlord can have a lawyer.

5. Property Removal: This should not change from current law. As someone who lost all of my belongings twice this is just a terrible thing to do to people. I see clients every day who could not recover from this. It took me years.

6. Threatening behavior: The lack of definition is severely problemate. Let me give you an example of how this could work:

We have a client who was texted a few days ago by their landlord and told that they had to leave on March 1st. This is a 70 year old woman with an adult disabled daughter. Why? Because her neighbor “saw someone visiting late at night” and so she must be “selling drugs”. The truth? Someone from the Montpelier COOP is delivering food to her family that they can’t afford, when their shift is over at night. A landlord attestation under this bill would leave this family with little resources to ensure they do not get evicted. Under current law we were able to advise the landlord and the tenant that the tenant has protections and we now have time to work with the landlord to try to address the issue. Her due process rights would be basically void under this bill and another 70 year old and adult with developmental disabilities would be out on the street. There are many other examples just like this one.

RECOMMENDATIONS:

1. Remove all sections pertaining to non payment of rent. I find it very concerning that non-payment of rent is conflated in this bill with the health and safety of the other tenants. Poverty, sudden loss of a job, a sudden medical condition, all of which were what we found in our research and what we have seen as providers as the main drivers for non-payment of rent. Not bad people. And the process for getting support for back rent is not a quick process. Let me lay it out for you: Including non payment cases as public records, essentially in most cases continues to shame and make public poverty and disability. So often clients of ours lose a job or even worse have a catastrophic medical event or sudden onset of a disability and that has caused the non payment. Even if that leads to eviction, being exposed means that as they get the support they need to make their way through this catastrophic period in their lives, they have an impossible time finding a place to rent again, are banned from low income housing and subject to homelessness and all the costs that come with it for a longer period of time. I doubt that anyone in this committee wants anyone who has suffered a tragedy, a loss of a loved one, a sudden medical event and so on to be impacted in this way. And as we are talking about writing access into every bill, which I make sure to bring up when I testify, that should include people with disabilities not having to fight for things like privacy.

2. This bill should instead be made into an eviction diversion study that addresses the concerns raised by nonprofit housers and homelessness service providers equally.

Any landlord tenant bills on the horizon should be rooted in equity and should be data driven. The foundation of landlord tenant law has to consider both the landlord and the tenant, and H.772 is really a landlord bill and essentially strips tenants of their rights.

A bill that is truly equitable does not create effortless evictions. This bill will create more homelessness. Several of the bills before you will create more homelessness and also a much more difficult time for individuals to get housed. Leaving people in poverty with no hope. It has been stated that the decision is to “create more homelessness by units coming off line OR create more homelessness by evicting people faster”. I want to make sure the committee is aware that evicting people faster will create exponentially more homelessness than taking

apartments off line, even if that is what happens. At EHVT this is exactly the work we do, and this bill is likely to rapidly increase our homelessness crisis in Vermont.

There is good data on why just cause eviction works. We know that MOST evictions make it through the process in 90 days and that there is no magic that will make being a landlord or a tenant easy, but we certainly can ensure it is scientifically driven with solutions that work. In closing, this bill will cause a much larger problem than the one it will solve and at a time when people are losing funding for subsidized housing and other supports. I urge the committee to not move this bill as drafted.