

**Legislative Report**

# **General Assistance Emergency Housing Task Force**

**January 15, 2025**

**Issued by Task Force Co-Chairs; Sarah Russell & Jubilee McGill**

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## Executive Summary

For many years, the State of Vermont General Assistance Emergency Housing Program (GA-EHP) has provided emergency shelter accommodations as a safety net when traditional emergency shelter operates at maximum capacity. Following the Covid-19 Pandemic, the GA-EHP shifted to being the primary method of shelter, providing a non-congregate public-health response for people experiencing homelessness. Post-pandemic and as we see homelessness raise in Vermont, it's crucial to examine the entire response system including emergency shelter, housing support services, homeless prevention services, and how the GA-EHP can play a critical role in avoiding unsheltered homelessness.

[Act 113](#) created the General Assistance Emergency Housing Task Force to provide recommendations to the General Assembly regarding the statewide and local operation and administration of the General Assistance Emergency Housing Benefit. The Task Force, consisting of 14 members, was allowed eight meetings between September and December 2024. We wish to express our sincere appreciation for the time, effort, and dedication of the members who spent many hours discussing strengths, limitations, and recommendations outlined in this report:

**Miranda Gray**, Deputy Commissioner, Economic Services Division, Department for Children and Families  
**Lily Sojourner**, Director, Office of Economic Opportunity, Department for Children and Families  
(Appointed by DCF's Commissioner)

**Elizabeth Gilman**, Executive Director, United Way and Vermont 211

**Molly Dugan**, Director of Policy and Strategic Initiatives, Cathedral Square - Rep for Long-Term Care Crisis Coalition

**Brenda Siegel**, Director of End Homelessness Vermont - Rep for Vermont Center for Independent Living

**Frank Knaack**, Executive Director, Housing and Homeless Alliance of Vermont

**Amy Johnson**, Government Affairs and Communications Director, Vermont Care Partners

**Jubilee McGill**, House Human Services Representative (member with lived experience)

**Sarah Russell**, Special Assistant to End Homelessness, City of Burlington (member with experience operating an emergency shelter)

**Shaun Gilpin**, Housing Division Director, Agency of Commerce and Community Development (Appointed by ACCD's Commissioner)

**Pollaidh Major**, Director of Policy and Special Projects, Vermont Housing and Conservation Board

**Shelby Lebaron** (Member with lived experience)

**Christopher Louras**, Homeless Response Coordinator, City of Rutland (Appointed by Vermont Leagues of Cities and Towns)

This Task force was challenged by being charged with twelve directives and only being allowed to meet eight times. The mandated composition of the Task Force did include critical stakeholders to contribute in meaningful ways over the course of this work. Further, without guidance provided for how/whether to consider budgetary implications, some discussion was stunted. In the future, more specific instruction detailing need for philosophical/budgetary approach would be helpful and more deeply inform recommendations.

Due to time constraints, the Task Force worked diligently to ensure discussion aligned with the directives charged by the legislature however, we would be remiss not to mention a theme that was

woven through each of the directives: the need for stability and adequate funding for homeless response and prevention services. It became clear that providers across the state are struggling with inadequate funding to attract, hire, retain, and support a healthy workforce. Further, instability of shelter and service options leads to an unstable system and is a disservice to the households we strive to serve. It is imperative that the system stabilizes with regard to consistent access to shelter and systemically. Providers cannot continue to plan using annual funding cycles, nor can they be called upon to fill gaps without consistent funding to support administrative functions to maintain healthy organizations.

While outside the scope we would like to lift peer-lead service models. Peer-lead services strengthen both our ability to support households in an ongoing manner, and to broaden and supplement a challenged workforce. We hope the legislature will consider allocating funding for peer-lead models across the spectrum of social services as a best practice and promising way to increase the efficacy of long-term impact.

In closing, we submit the General Assistance Emergency Housing Task Force Report not as a destination; but as a direction for Vermont's leaders to lean. The recommendations herein reflect the perspective, expertise, and insight of Task Force members and feedback we learned during public forums, including the experience of people with lived experience of homelessness and housing insecurity. This Report is an opening for exploration and meaningful discussion to determine what is necessary to prevent unsheltered homelessness and ensure homelessness is rare, brief and non-recurring.

Respectfully,

Sarah Russell, Co-Chair  
Jubilee McGill, Co-Chair

## General Assistance Emergency Housing Task Force

The General Assistance (GA) Emergency Housing Task Force was created through Act 113 of 2024 to provide recommendations to the General Assembly regarding the statewide and local operation and administration of the General Assistance Emergency Housing benefit.

### Duties:

The Task Force was charged with examining and providing recommendations on the following:

1. household eligibility; maximum days of eligibility; application, notice, and appeals processes; participant requirements; and annual reporting requirements;
2. the process to establish a single, statewide, unified coordinated entry system with participation from the Department;
3. the current organization of roles and responsibilities within the Department for Children and Families' Office of Economic Opportunity and the Division of Economic Services;
4. the number and types of emergency shelter spaces needed and currently available for each geographic region in the State, with a preference for non-congregate shelter spaces;
5. the identification of a consistent lead agency for each geographic region;
6. the identification of role and responsibility assigned to the lead agency;
7. potential adjustments to emergency housing policy during cold weather months;
8. a process to enable participating households to place a percentage of the household's gross income into savings, which shall be returned to the household for permanent housing expenses when the household exits the General Assistance Emergency Housing;
9. a mechanism for addressing potential conduct challenges posed by a member of a participating household served in a motel, hotel, or shelter;
10. the identification of any State rules and local regulations and ordinances that are impeding the timely development of safe, decent, affordable housing in Vermont communities in order to:
  1. identify areas in which flexibility or discretion are available; and
  2. advise whether the temporary suspension of relevant State rules and local regulations and ordinances, or the adoption or amendment of State rules, would facilitate faster and less costly revitalization of existing housing and construction of new housing units;
11. a mechanism to ensure that eligible households are sheltered until transitional or permanent housing is available; and
12. strategies to reduce reliance on hotels and motels for emergency housing.

### Membership

The Task Force was composed of the following members:

1. Sarah Russell, Co-Chair, Special Assistant to End Homelessness, City of Burlington (member with experience operating an emergency shelter)
2. Jubilee McGill, Co-Chair, House Human Services Representative (member with lived experience)
3. Molly Dugan, Director of Policy and Strategic Initiatives, Cathedral Square - Rep for Long-Term Care Crisis Coalition
4. Elizabeth Gilman, Executive Director, United Way and Vermont 211
5. Shaun Gilpin, Housing Division Director, Agency of Commerce and Community Development (Appointed by ACCD's Commissioner)
6. Miranda Gray, Deputy Commissioner, Economic Services Division, Department for Children and Families
7. Amy Johnson, Government Affairs and Communications Director, Vermont Care Partners
8. Frank Knaack, Executive Director, Housing and Homeless Alliance of Vermont
9. Shelby Lebaron (Member with lived experience)
10. Christopher Louras, Homeless Response Coordinator, City of Rutland (Appointed by Vermont Leagues of Cities and Towns)
11. Pollaidh Major, Director of Policy and Special Projects, Vermont Housing and Conservation Board
12. Brenda Siegel, Director of End Homelessness Vermont - Rep for Vermont Center for Independent Living
13. Lily Sojourner, Director, Office of Economic Opportunity, Department for Children and Families (Appointed by DCF's Commissioner)

There was a transition in task force membership midway when Pollaidh Major went on leave and was replaced by Elise Greaves as the representative from VHCB.

## Committee Process

Task force members met eight times over the course of the spring, summer, and fall. Meetings were originally 2 hours, but given the number and breadth of the charges of the task force, they were extended to 4 hours, then to all day meetings for the final ones, to ensure we could cover as many of the topics as possible. Meetings were hybrid, with some joining in person and some virtually.

Given the wide range of perspectives and experience, we considered and voted on recommendations for each charge one by one, rather than collectively. Members were encouraged to present recommendations for consideration and others were submitted as suggestions through public comment at the start of each meeting.

The recommendations in this report were approved by a majority of task force members, with those who voted in the minority given the option to submit a minority report.

There were some instances where we agreed change was necessary but did not have the time to come to a consensus, we have included those in with the recommendations and noted that a vote was not taken.

An initial report was released to the public for review and an opportunity for public comment. All public comments are attached to this report in the appendix and any that the Task Force Co-Chairs thought especially noteworthy have been included in the Additional Considerations section.

## Recommendations

1. household eligibility; maximum days of eligibility; application, notice, and appeals processes; participant requirements; and annual reporting requirements;

### Household Eligibility

Criteria shall include a household that has a member of the family who:

- a. Is 60 years of age or older; or
- b. Is pregnant; or
- c. Is experiencing domestic violence, dating violence, sexual assault, stalking, human trafficking, hate violence, or other dangerous or life threatening conditions that relate to violence against the individual or a household member that caused the household to lose its housing; or have experienced domestic violence, dating violence, sexual assault, stalking, human trafficking, hate violence, or other dangerous or life threatening conditions that relate to violence against the individual or a household member while in a GA funded motel or while living unsheltered or in precarious housing; or
- d. Has a child aged 19yr or younger; or
- e. Is a youth exiting foster care, aged 19-24yrs; or
- f. Has a disability, defined by ADA, and:
  - i. written verification of the disability from a professional licensed by the State to diagnose and treat the disability and certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently;
  - ii. written verification from the Social Security Administration;
  - iii. receipt of a disability check;
  - iv. intake staff-recorded observation of a disability that, not later than 45 days after the application for assistance, is confirmed and accompanied by evidence of this; or
  - v. other documentation approved by either the Department or the U.S. Department of Housing and Urban Development; or
  - vi. a form developed by the Department as a means of documenting a qualifying disability or health condition that requires:
    1. the applicant's name, date of birth, and the last four digits of the applicant's Social Security number or other identifying number;
    2. a description of the applicant's disability or health condition;



3. a description of the risk posed to the applicant’s health, safety, or welfare if temporary emergency housing is not authorized pursuant to this section; and
  4. a certification of a health care provider, as defined in 18 V.S.A. § 9481, that includes the provider’s credentials, credential number, address, and phone number
- g. Is homeless due to natural disaster; or
  - h. Is homeless due to death of a child or partner; or
  - i. Is homeless due to constructive eviction.

\*Task Force Vote: Yes-6, No-0 (Not voting; Abstained-2, Absent-5)

Furthermore, the Task Force recommends removing the resource test entirely so that savings are not taken into consideration when determining eligibility and self-pay nights.

\*Task Force Vote: Yes-9, No-0 (Not voting; Abstained-2, Absent-2)

### Maximum Days of Eligibility

Households will be eligible for GA-EHP motel stay until:

- a. Homelessness is resolved; or
- b. Household has refused to engage in Coordinated Entry and/or adequate housing case management; or
- c. Household becomes ineligible, based on above criteria
- d. HH used max length of stay within a 12-month period<sup>1</sup>

Legislature should look at the existing requirement around accepting alternative shelter and housing to ensure it meets the needs of households and there should be a legal review to make sure our state is complying with the Olmstead decision.

\* Task Force Vote: Yes-9, No-1 (Not voting; Abstained-2, Absent-1)

### Application, Notice, and Appeals

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<sup>1</sup> Maximum length of stay shall be equivalent to the average length of stay as determined by Measure 1 from the HUD System Performance Measures:

Measure 1 – Length of Time Clients Experience Homelessness:

Metric 1a uses actual time in Emergency Shelter and Safe Haven (and includes Transitional Housing in part of the metric) to determine the median and average length of stay for clients served during the reporting year.

Metric 1b builds on Metric 1a but adds the “Approximate date homelessness started” response to the beginning of each client’s stays before calculating the average and median.

The Task Force has determined notice, application, and appeals process must be clearly defined, and provided in writing to all households, minimizing the level of discretion of AHS currently has to develop Rules for program execution and implementation. Denial letters will be issued at each denial. All denial letters from ESD must include the reason for the denial, clear instructions for appeal process, contact information for legal services, and participant rights related to Reasonable Accommodation.

Households may apply either in-person or over the phone. A mechanism for virtual application, income reporting, etc. should be developed by ESD (via app, portal, etc.).

Protections must be in place, and developed by the Vermont Network, to ensure households that experience domestic violence (etc.) during motel stay to ensure continued eligibility.

\* Task Force Vote: Yes-8, No-0 (Not voting; Abstained-2, Absent-3)

Households will be sheltered for duration of appeal process and through determination to the extent there is capacity, except in instances where behavior threatens the health and safety of others at the motel. The legislature should develop language to ensure there is equitable and non-discriminatory definition of behavior that threatens health and safety.

\* Task Force Vote: Yes-6, No-2 (Not voting; Abstained-3, Absent-2)

### **Program Requirements**

Households deemed eligible under the above criteria must meet the following requirements:

- a. Engagement with Coordinated Entry and/or approved housing case management. Activities shall include one of the following:
  - i. completing the coordinated entry assessment; or
  - ii. engaging with providers to secure an alternative housing placement; or
  - iii. addressing barriers to permanent housing; or
  - iv. applying for permanent housing voucher
- b. Income certification with ESD every 90 days instead of the current practice of upon receipt of a paycheck or monthly benefit

Legislature should look at the existing requirement around accepting alternative shelter and housing to ensure it meets the needs of households and there should be a legal review to make sure our state is complying with the Olmstead decision.

\* Task Force Vote: Yes-8, No-0 (Not voting; Abstained-2, Absent-2)

### Reporting Requirements

AHS will provide monthly reports detailing the following, statewide and by-district:

- a. Households served; population break-down
- b. Households eligible but not able to serve due to room capacity
- c. Number of motel rooms
- d. To the extent possible, number of households exited for reasons in the following categories:
  - i. Ineligible, based on criteria
  - ii. Behavior-based
  - iii. Obtained permanent housing
  - iv. Obtained community-based shelter bed
  - v. Other

In all instances above, data should not be provided publicly in cases where number is below 12 to protect confidentiality, however local data may be shared with CE Lead Agency, when households are enrolled in CE. ESD will designate a representative in each district to serve as point-of-contact for Lead Agencies. ESD point-of-contact will attend local case conferencing circles (when CE ROI is in-place).

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

## 2. the process to establish a single, statewide, unified coordinated entry system with participation from the Department;

There is agreement that a single, statewide, unified coordinated entry system exists and the system must be improved with benchmarks and tied to funding. In partnership with Chittenden County Homelessness Alliance (CCHA) and the Balance of State CoC, OEO will determine benchmarks, requirements, and outcomes which include the following:

- a. Expanded standards for service provision:
  - i. Field-based services, opposed to office-based services,
  - ii. Scope of service related to engagement, role of case management, performance indicators,
  - iii. Training and professional development for case management staff,
    - 1. Adequate funding to reduce wait-times for connection to case management services
    - 2. Adequate funding to reduce wait-times for CE assessment and enrollment

There is agreement that AHS (and its contractors) must engage with and participate within the coordinated entry system, to include:

- a. Adequately funding and training for AHS contractors to provide housing-related case management
- b. Investing in workforce development for direct service workers, including providing professional development
- c. There is acknowledgement that the needs of households have shifted in acuity and require intervention that is, at times, clinical in nature, and therefore, AHS (ESD, DAIL, FSD, DMH, VDH, DCF, etc.) and AHS contractors<sup>2</sup> (including but not limited to AAAs, MH and SUD designated agencies, and CDD/Parent-Child Centers) must engage in and provide coordinated entry assessment and housing navigation services; training in housing navigation must be provided to AHS staff and contractors; housing navigation must be part of the role of staff and contractors
- d. Utilization of the Homeless Management Information System (HMIS) across AHS staff and contractors
- e. Each AHS department must identify point-of-contact to participate in local case conferencing activities

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

### 3. the current organization of roles and responsibilities within the Department for Children and Families' Office of Economic Opportunity and the Division of Economic Services;

There is agreement that AHS must shift to a role of "shelter provider" with regard to the GA-EHP and hold accountability for the participants within this program, providing data and reports

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<sup>2</sup> AHS "Contractors" should encompass both contractors and grantees to align with the intention behind this recommendation

statewide and regionally, as outlined above. The department should always have the ability to make reasonable accommodations.

There is agreement that AHS (and its contractors) must participate in the statewide coordinated entry system, including utilization of HMIS, as outlined above.

AHS will develop contracts with motel/hotel owners indicating agreements around participant conduct, habitability standards, and owner responsibilities. AHS will consider purchase of motel/hotel in instances when available to operate site as shelter, with consideration of transition to permanent housing (and/or in partnership with non-profit housing provider).

AHS will designate staff to be assigned and on-site at each motel/hotel, or multiple motels/hotels (numbers-dependent) to coordinate services and serve as liaison between owner, case managers, and households.

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

#### 4. the number and types of emergency shelter spaces needed and currently available for each geographic region in the State, with a preference for non-congregate shelter spaces;

The Housing & Homelessness Alliance of Vermont will work with community and State partners and both Continua of Care to develop an annual report to detail scale and type of emergency shelter required to meet the need.

\* Task Force Vote: Yes-9, No-0 (Not voting; Abstained-1, Absent-3)

#### 5. the identification of a consistent lead agency for each geographic region;

Each region currently has a lead agency for administration of the coordinated entry system. The State must ensure adequate funding for each lead agency. Lead agencies will be required to determine benchmarks and procedure related to:

- a. Identifying CE System Lead (staff member(s))
- b. Defining roles and responsibilities for outcomes of the CE System Lead to include:
  - i. Wait-time for assessment
  - ii. Interim service provision until household can be assigned to case management
  - iii. Timely data entry for HMIS
  - iv. Complete assessment data entered into HMIS (include all areas of CE assessment)
    - 1. Contingency-planning when there is a wait-time to conduct assessment and/or connection to case management
    - 2. Process for communication and work-flow when case manager is not connected to the CE system
    - 3. Policies for expansion of CE partners within the region and statewide

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

## 6. the identification of role and responsibility assigned to the lead agency;

See 5 above.

## 7. potential adjustments to emergency housing policy during cold weather months;

AWC must include relaxed eligibility requirements to avoid exposure death, to align with closure of VT State Parks for the season: October 15 – April 15. There is agreement that adequate funding and support for seasonal low-barrier shelter must be provided.

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

8. a process to enable participating households to place a percentage of the household's gross income into savings, which shall be returned to the household for permanent housing expenses when the household exits the General Assistance Emergency Housing;

The Task Force recommends changes to the current practice of income contribution and self-pay nights. We ultimately did not come to a final decision, as the topic is more complicated than we had time to take on and would require collaboration with other state agencies who were not members of the task force. Three options that we discussed and agreed to pass along to the legislature in this report for them to consider in their deliberations:

- a. There should be no income contribution due to the majority of people who are in the program having significantly low incomes. The income contribution is difficult to manage and prevents available resources for housing.
- b. Income contribution should follow a standard similar or identical to the Section 8 calculation of any income contribution and that contribution should go toward savings to access to housing needs, like furniture, kitchen supplies, basic needs or returned to household after exit.
- c. 30% Income contribution for households above 200% poverty line
  - i. 50% of income contribution will defray the cost of motel stay
  - ii. 50% of income contribution will be placed in savings escrow, to be returned to the household upon exit from the EHP

\* Task Force Vote: Yes-9, No-0 (Not voting; Abstained-2, Absent-2)

9. a mechanism for addressing potential conduct challenges posed by a member of a participating household served in a motel, hotel, or shelter;

The members of the Task Force agree:

- a. Periods of ineligibility shall be removed
- b. Challenges related to either conduct or more often a person's disability should instead be addressed using the same principles as a Housing First Model. Individuals should be met where they are at to work with them on addressing these challenges, and when necessary, working with clients to move households to an environment that has a better chance at success, understanding that this may take multiple tries.
- c. This does not prohibit a hotel from getting a no trespass, addressing challenges through the criminal legal system, or choosing not to renew a household.

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

10. the identification of any State rules and local regulations and ordinances that are impeding the timely development of safe, decent, affordable housing in Vermont communities in order to:

1. identify areas in which flexibility or discretion are available; and
2. advise whether the temporary suspension of relevant State rules and local regulations and ordinances, or the adoption or amendment of State rules, would facilitate faster and less costly revitalization of existing housing and construction of new housing units;

This committee recognizes that there is work being led by the Affordable Housing Development Regulatory Incentives Study committee established by Act 181 S 37 to make recommendations related to these issues. Their work has involved extensive input of stakeholders, led by the Vermont Department of Housing & Community Development with participation by VHCB staff. Their final report is not yet complete, but it is anticipated to be comprehensive in nature, addressing detailed recommendations regarding obstacles to affordable housing development.

This committee recognizes that the in-depth work of the Act 181 committee will be of value in considering a variety of steps to reduce barriers to expedited development and does not want to duplicate these efforts.

In the meantime, we highlight and recommend several key priorities be pursued, including:

- a. Ensuring that there is consistent capital available to fund projects that are moving through the development pipeline. Without confidence in the availability of funding, it is impossible for developers to advance critically needed housing projects.
- b. Speeding up and streamlining the appeals process, to include:
  - i. Provide an expedited and consolidated appeal review for PHP, affordable, inclusionary zoning, or projects that meet a threshold for affordability. Provide for certainty about the timeline for consideration.
  - ii. Affordable housing developed in the 1A tier should be excluded from appeals. These areas have already been planned for development.
  - iii. For both Tier 1A and 1B, consideration should be given for moving from an opt in to an opt out approach to minimize the potential for some communities to maintain higher barriers to affordable housing than others.



This committee also recommends the following:

- a) The Corrective Action Plan process currently can take as much as a year to complete, slowing down projects and therefore increasing costs. We recommend that efforts be made to reduce the timeline to no more than 6 months.
- b) That any building that has been zoned for use as a hotel or motel be automatically allowed to be converted for use as a shelter and permanent supportive housing for households exiting homelessness.

In addition, the GA-EHP Task Force recommends the Act 181 Committee and legislature consider the following questions:

- a) Explore mechanism to ensure no other zoning conditions exist which impact capacity of developed shelter and/or permanent supportive housing units is not decreased during conversion from motel use

\* Task Force Vote: Yes-7, No-0 (Not voting; Abstained-3, Absent-3)

### 11.a mechanism to ensure that eligible households are sheltered until transitional or permanent housing is available; and

See Section 1: Maximum Days of Eligibility

### 12.strategies to reduce reliance on hotels and motels for emergency housing.

The Task Force received a number of recommendations for this charge and did not have time to consider them all. We also expect to receive additional recommendations through public comment that we are sure will deserve review and consideration by the legislature. We decided not to take a vote and instead have included the barriers and recommendations we discussed. Further recommendations from the public and service providers will be included in the appendix in the final version of this report.

- b) The Legislature should solicit feedback from providers to determine impediments to development of emergency shelter
- c) Increased funding for agency infrastructure (HR, accounting, etc.)
- d) Lack of clinical expertise due to acuity of need (MH, SUD, medical challenges, etc.) must be addressed;

- e) Increased disability supports and services
- f) Lack of physical space; buildings, etc. to adequately provide congregate, semi-congregate, and non-congregate shelter options
- g) Alternative Housing Options:
  - i. Dormitories
  - ii. Tiny Homes with zoning changes that allow for them
  - iii. Individual or campus with community space model. Mixed or low income.
  - iv. Single room occupancies
  - v. Habitat for humanity
  - vi. Determine feasibility for partnership with HomeShare Vermont
- h) Consider the needs and preferences of those experiencing homelessness, including pets, smoking, criminal history, transportation options, proximity to services, etc.)
- i) Systemic Changes:
  - i. Additional rental vouchers (VSHA; expansion of the Family Unification Voucher, etc.)
- j) Regulation:
  - i. Address regulations that prevent shelter and combat NIMBY ordinances
  - ii. Adjust regulatory hurdles for tiny homes, single room occupancies, dormitories, etc.
- k) Consider statewide regulation on Short-term rentals regulation similar to the model used by Burlington Increased resources for home- and community-based care
- l) Service providers need significant additional funding to carry out increased engagement with households and provide robust wrap around services, including peer-lead models and housing retention services. There needs to be increased investment in the service sector so that providers can recruit and retain support staff.
- m) A housing first model should be implemented to ensure that services are robustly available, but not required in order to create a client centered and client directed model of care. When necessary nontraditional case management should be implemented to address barriers.

# Appendix A: Public Comments

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**Comment On Disability Recommendations:**

**Amy Johnson (VCP), Brenda Siegel (VCIL, EHVT) & Shelby Lebarron (Lived Experience)**

Please consider the following recommendations for the people living with disabilities that the following members presented, but the committee did not give full consideration due to time. We support the language and voted in the affirmative on all charges, but, we believe more consideration and protection needs to be afforded for those living with disabilities.

These recommendations come from:

Amy Johnson representing Vermont Care Partners

Brenda Siegel representing Vermont Center For Independent Living, Executive Director of End Homelessness Vermont

Shelby Lebarron representing a member with lived experience

There is a significant lack of support as well as high barriers for people living with disabilities at the intersection of homelessness. Additionally some of the administrative rules create discriminatory practices that we are concerned both marginalize those in this population, as well as violate aspects of the American With Disabilities Act.

**Charge 3:**

**Disability Recommendation:**

The department should always have the ability to make reasonable accommodations and/or exceptions that may include but not limited to adjustments to shelter policy and day limits and this should be clearly stated in statute.

No rule or policy should be made that deprioritizes people living with disabilities regardless of age.

There should be access to emergency shelter for people living with disabilities as defined by the ADA as well as those with significant health conditions, if there is no other emergency shelter that meets the needs of the individual or household in the district in which the households presents they should always have access to GA as an alternative means.

For health, safety and reasonable accommodation, hotels taken offline by the state for non health violation related reasons should still be accessible to people who have complex needs in which such a hotel is the only option available at that time that meets the needs of an individual or household when that hotel is accepting vouchers.

While we don't recommend any day limits, any day limits should allow for a clear power to make a reasonable accommodation for people living with disabilities and complex needs to remain Sheltered.

### **Reasonable Accommodations for Shelter Access:**

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act of 1990, as amended and the Vermont Public Accommodations requirement found at 9 V.S.A. 4502 the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available, if that is a solution that is possible for the individual or household without disrupting their medical care or service needs. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. To maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility or as long as is required for their disability or medical condition. During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.

"Accessible motel room" means a room that complies with ADA standards for accessible design and Vermont's Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility). Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability triggered by secondhand smoke may request to be housed in a smoke-free motel. As required, the Department will make

The Department will not authorize payment for temporary housing if appropriate, accessible

shelter space is available. Clients requesting a reasonable accommodation to be housed in a motel rather than a shelter must submit a completed Form 218M or submit a letter from a medical professional which effectively answers the questions on the form.

**Charge 2:**

**Case Management and Coordinated Entry**

We want to make a note that we do agree with the recommendation made on this and voted in the affirmative. However, we have this additional recommendation that is necessary for people living with disabilities.

We recommend allowance for non traditional/non categorical case management alternatives. We also recommend instead of ESD workers who do not have a working knowledge of each individual “tasking” individuals with ways to work on their housing barriers that may not be appropriate for them as individuals or households, it is rather addressed in the care team, with a client centered and client buy in approach so that people are given the right supports. A necessary addition of allowed case management is disability centered programs as an alternative to state funded housing partners.

**From:** Tom Morgan <[communityminister@cvuus.org](mailto:communityminister@cvuus.org)>  
**Sent on:** Tuesday, January 7, 2025 11:13:40 PM  
**To:** Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>; Jubilee McGill <[JMcGill@leg.state.vt.us](mailto:JMcGill@leg.state.vt.us)>  
**Subject:** Comment on GA EH Task Force Recommendations

Dear Special Assistant Russell (Sarah) and Rep. McGill (Jubilee) -

Thank you for the long, hard work you accomplished leading the GA EH Task Force. I support your findings and recommendations, but I would like to add some comments.

Tonight, I was helping a couple figure out how to pay their share of their motel shelter stay for January. They had paid what they thought was their share according to ESD, and spent the rest of their money getting their vehicle (which is their home when they're not in shelter) repair. But apparently, ESD made a mistake, and they actually own more. Like almost all the intersectionally impoverished folx I help in our community ministry, I know this couple. I have a relationship with them. I first met them over a year ago when I was leading Addison County's outreach effort, and a business owner was yelling at them to get off his property. The husband of the couple replied, "we're going! Do you think we want to live like this?!" I have dozens of these stories, and more this past six months than the previous.

I represent a faith tradition that believes in the equal inherent worth and dignity of every human life and the interdependence of us all. I know Vermont lawmakers have difficult choices to make. But we cannot begin by subordinating the needs of the marginalized to the needs of the privileged.

Vermont needs:

- A medium-/long-term strategy to end chronic homelessness
- A re-imagined system of services and support delivered to housing-insecure and homeless neighbors wherever they are
- More direct faith-based representation and citizen involvement in state oversight of homelessness assistance programs (grant oversight, service delivery, etc. They system is currently a "black box" to most Vermonters, and we cannot continue to outsource responsibility only to social service organizations)
- A state-wide "indications & warning" system, which delivers helpful data to localities/municipalities/community organizations that might help them anticipate and plan for needs instead of constantly reacting to them.

Thank you again for your work. Please keep us informed of your progress. Tom

**Comment On GA-EHVT Recommendations: Amy Johnson (VCP), Brenda Siegel (VCIL Rep, EHVT), Shelby Lebarron (Lived Experience Expert)**

The following recommendations were presented but not considered due to the time available in the task force. The language of the recommendations are available on the GA Emergency Housing Task force web page. We would ask that the legislature consider these recommendations. In the interest of keeping it brief, we are including the recommendation title in bullets as the full recommendations can already be viewed on the web page. We want to note that we support and voted in the affirmative on all of the Task Force Recommendations as well.

Charge 1:

1. Notice Of Change To Program/Rules Or Benefits

Charge 2:

1. Case Management and Coordinated Entry

Charge 3:

1. CHINS
2. DCF Relationship to Providers and lived experience experts:
3. Habitability Standards
4. Disability Recommendation
5. Reasonable Accommodations for Shelter Access

Charge 6:

1. Lead Agencies

Charge 11:

1. Funding proportionality and innovation
2. Provider Supports
3. People Centered District Guidelines

Charge 11 & 12

1. Recommendation For Reducing Need for Emergency Hotel/Motel Shelter While Keeping People Sheltered Until They Are Permanently Housed:

Charge 12:

1. Permanent Housing Alternative Voucher Proposal



**From:** Brill, Jason M. (he/him/his) <[Jason.Brill@va.gov](mailto:Jason.Brill@va.gov)>

**Sent:** Thursday, January 2, 2025 2:15 PM

**To:** Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>; Frank Knaack <[fknaack@hhav.org](mailto:fknaack@hhav.org)>

**Subject:** FW: CCHA January Steering Committee Meeting

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Afternoon,

Just as a f/u to my comments this AM at the CCHA re: GA Task Force Report public comment....

I would advocate to have VA disability determinations count in the same way that SSDI and SSI count for verification of disabling conditions in determining GA eligibility.

VA has 2 categories of disability.

1. VA Service Connected Disability. This is most like SSDI.
2. VA Non-Service Connected Pension. This is most like SSI.

Information on each can be found here:

[VA Disability Compensation | Veterans Affairs](#)

[Eligibility For Veterans Pension | Veterans Affairs](#)

If more information is needed on either or my reasons for wanting to advocate for this, please let me know.

Thanks,

Jason

Jason Brill, LICSW

*HUD-VASH Program Coordinator*

*VT VAHCS Coordinated Entry Representative & VT CoC Representative for Veterans*

*VT Veterans Committee on Homelessness-Chair*

**From:** mark flynn <[markdentonflynn@gmail.com](mailto:markdentonflynn@gmail.com)>  
**Sent on:** Saturday, December 28, 2024 7:00:43 PM  
**To:** Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>

**Subject:** Public Comment - Draft Report to Legislature

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Preface

"U.S. Supreme Court  
Goldberg v. Kelly, 397 U.S. 254 (1970) ...

Argued October 13, 1969 (oral arguments were recorded and are archived with the court and available publicly online for free).

Decided March 23, 1970

Syllabus

\*\*\*\* New York City residents receiving financial aid under the federally assisted Aid to Families with Dependent Children program or under New York State's general Home Relief program who allege(d) that officials administering these programs terminated, or were about to terminate, such aid without prior notice and hearing, thereby denying them due process of law.

"The District Court held that only a pre-termination evidentiary hearing would satisfy the constitutional command, and rejected the argument of the welfare officials that the combination of the existing post-termination "fair hearing" and informal pre-termination review was sufficient.

"Held:

1. Welfare benefits are a matter of statutory entitlement for persons qualified to receive them, and procedural due process is applicable to their termination. Pp. 397 U. S. 261-263.

2. The interest of the eligible recipient in the uninterrupted receipt of public assistance, which provides him with essential food, clothing, housing, and medical care, coupled with the State's interest that his payments not be erroneously terminated, clearly outweighs the State's competing concern to prevent any increase in its fiscal and administrative burdens. Pp. 397 U. S. 264-266.

3. A pre-termination evidentiary hearing is necessary to provide the welfare recipient with procedural due process. Pp. 397 U. S. 264, 397 U. S. 266-271.

(a) Such hearing need not take the form of a judicial or quasi-judicial trial, but the recipient must be provided with timely and adequate notice detailing the reasons for termination, and an effective opportunity to defend by confronting adverse witnesses and by presenting his own arguments and evidence orally before the decisionmaker. Pp. 397 U. S. 266-270. Page 397 U. S. 255

(b) Counsel need not be furnished at the pre-termination hearing, but the recipient must be allowed to retain an attorney if he so desires. P. 397 U. S. 270.

(c) The decisionmaker need not file a full opinion or make formal findings of fact or conclusions of law, but should state the reason for his determination and indicate the evidence he relied on. P. 397 U. S. 271.

(d) The decisionmaker must be impartial, and, although prior involvement in some aspects of a case will not necessarily bar a welfare official from acting as decisionmaker, he should not have participated in making the determination under review. P. 397 U. S. 271."

Dear Committee and Community:

In establishing official eligibility criteria the resulting class of intended welfare beneficiaries are individually entitled to due process. This does NOT routinely happen as it should and Constitutional violations are all too frequent in Vermont.

It has been established policy and practice in Vermont to punish persons who refuse a specific shelter placement selected by a social worker (or 211 operator). Either accept what is selected (meaning the person is program eligible) for you without complaint or suffer a punitive suspension of eligibility.

These are exactly the core facts upon which Goldman et al sued New York officials and resulted in our nation's highest court spelling-out what protections must be afforded. These are the minimum standards. Vermont can set the bar higher and grant/guarantee additional legal rights. But it must comply completely with the Goldberg decision.

Likewise, nowhere does the court's opinion provide an exception to allow for-profit staff at motels and hotels to de facto decide (via motel rules published and unpublished) who is entitled to shelter under such government programs. Their discretionary business practices can not legally be allowed to preempt State welfare eligibility and Constitutionally guaranteed procedural rights.

Discrimination and prejudice against the homeless is rampant. Mental illness is prevalent (often untreated as well as undiagnosed) but this disabled subpopulation is legally entitled to reasonable accommodation for such disabilities. Summary termination from shelters (whether motels or non-profits) without a fair process and unlawful refusal to reasonably accommodate the disabled is the elephant in the room.

The Supreme Court's recent *Grant Pass* decision has established a national policy of internal exile for the destitute. The freedom to reside or travel freely is abridged by permitting creation of jurisdictions of internment for persons suffering the status of dire poverty.

Centuries of common law duty to care for indigenous poor (See Poor Law of 1601, more formally

43 Eliz. 1. c. 2, long title: An Acte for the Releife of the Poore (repealed: 1967 after 350 years) and Vermont's analogs (enacted in the founding era) has recently been whitewashed from American jurisprudence.

Misrepresented as the long established police power to punish vagrancy (or be "warned out of town"), there has long co-existed a municipal duty to charitably care for the poor (Poor houses and Poor Farms were once ubiquitous institutions in Vermont and other states)(cf., "debtors prisons" and "houses of correction").

*Grant Pass* and other jurisdictions have succeeded in a revolutionary overturning of the common law duty to also charitably care and recently been given unprecedented power to solve the problem of their own home-grown poverty by export. Using criminal punishment to force their lowest class to relocate to more tolerant jurisdictions. It should surprise no one that the statistic for homelessness has recently doubled.

This cruel dance of the lemons is a race to the bottom incompatible with American ideals, history and tradition, and the norms of international law. As a national policy it profoundly undermines Vermont's genuine efforts such that by legislative resolution should be strongly condemned.

Sincerely,

/s/ Mark Flynn

Housing Insecure Person

Denizen and Citizen of the State of Vermont

**From:** mark flynn <[markdentonflynn@gmail.com](mailto:markdentonflynn@gmail.com)>  
**Sent on:** Monday, December 30, 2024 5:08:44 PM  
**To:** Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>  
**Subject:** Public Comment (Part Two: Recommendations) - Draft Legislative Report

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Dear Committee Members and Community:

Making truly informed recommendations to the General Assembly sometimes requires expertise beyond common knowledge and personal experiences of the committee. The committee's status as an official government body addressing a matter of great public concern provides an appropriate basis to additionally obtain specific expert legal knowledge from the State's Attorney General (individually requested or collectively by the committee).

Questions concerning your official duties as well as questions of law impacting your report are all appropriate submissions to the Attorney General for an authoritative (supporting) legal opinion(s).

Opinions of the OAG are published and frequently include historical facts in the development of the relevant law as well as other significant context towards greater public understanding the logic and the law's original intent.

For example, whereas your draft report recommends certain notification and procedures, the failure, by the State, to already provide such process is arguably a pre-existing Constitutional violation. A legal opinion could clarify such process now belatedly urged as due (fair) isn't merely a recommendation for discretionary improvement to one or more programs but absolute Constitutional requirement.

Likewise, given that the housing insecure population suffers from qualifying protected disabilities at significantly higher percentage than the general public (and the program is focused towards their eligibility) the obligations of shelter providers (religious, non-profit, for-profit, and governmental) is SIGNIFICANT to make accommodations in compliance with disability law (ADA, Rehabilitation Act, Federal Regulations and State Disabilities law and Administrative Code) and is all too relevant. Please consider that mental illness (including substance abuse disorders - largely exempted from ADA protection) and physical disabilities are enormous factors in the ultimate success of any program to reduce housing insecurity. Nonetheless your report takes a one-sided client-is-blame-worthy approach that makes no acknowledgement or provisions for the conduct of any shelter provider being criminal, illegal, or tortious against a very vulnerable population. When even our U.S. President-elect is a convicted felon it should be acknowledged that the profit-driven hospitality industry (as well as

other entities and persons) can not, and should not, be given a blanket presumption of innocence (in regards to complex regulations). Anti-discrimination laws exist because of recurring systemic offenses. Inappropriate behavioral responses by clients with (and without) mental disabilities can be triggered by another party's serious (or minor) wrongful offenses being the precipitating root cause particularly when justice is denied again and again.

Inspector General. Such needy and challenged population which suffers frequent discrimination and abuse lacks (in general) the skill-set to vindicate their own privileges and immunities (available in theory rather than actual practice). Even when they have educational attainment and adequate skills, it is reasonable to presume they are already overwhelmed (plate full of problems and injustices) and in crisis mode from financial stressors and instability. Thus, recommending oversight by Inspector General(s) to ensure (complex) regulatory compliance by departments/agencies/contractors/public-private partnerships can be an invaluable proven tool in addition to other (more costly) case-by-case procedural due processes. Please also consider other Special Advocates (See e.g., C.A.S.A., court appointed special advocate programs for children in multiple States as an existing model to reinvent/tailor for client advocacy).

The United States of America has officially recognized the human right to housing in the Universal Declaration of Human Rights as well as a number of other international covenants and declarations. See e.g: Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), Art. 25; International

Convention on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52. Art. 11(1); International Convention on Civil and Political Rights G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52; International Convention on the Elimination of all forms of Discrimination, 660 U.N.T.S. 195, entered into force Jan. 4, 1969, Art. 5; International Convention on Civil and Political Rights G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, Art. 12, 17.

"The mandate by the United Nations has been to 'examine, monitor, advise, and publicly report' on human rights problems through 'activities undertaken by special procedures, including responding to individual complaints \*\*\* conducting studies, providing advice on technical cooperation at the country level, and engaging in general promotional activities."

This includes the appointment of Special Rapporteurs e.g., Professor Philip Alston.

"Last Friday (June 4, 2018-Washington, D.C.), the top United Nations expert on poverty and human rights Philip Alston issued his official report on his mission to the United States in December 2017." "Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America."

Several related UN reports (e.g., as recent as 2024) have specifically addressed homelessness as well as public policy failures, offered expert insights, analysis, recommendations, and, of course, provided an international human rights perspective frequently citing violations to

specific articles & provisions. Rapporteurs have called for (inter alia) implementation of homeless bills of rights, including the Right To Rest Acts (introduced in several state legislatures to prevent criminalization). One report states, "Homelessness on this scale is far from inevitable and reflects political choices to see the solution as law enforcement rather than adequate and accessible low-cost housing, medical treatment, psychological counseling and job training."

"Enhanced Interrogations" is now largely synonymous with the United States significant use of torture in the modern era in egregious violation of international law, multiple treaty obligations, and domestic law. Suffice, the Federal government and States frequently fail to comply with international treaties which often have no provisions for the discrete victims of those human rights violations to enforce. Nonetheless each State in principal is obligated to uphold numerous human-rights-based agreements. Restated, each level of government including legislative advisory committees have human rights obligations. Not just Generals but the lowly troops. Yet this important legal perspective is often overlooked in the formation/revision of municipal, county, and State level programs. Despite the failure to consider international human rights obligations - most Americans strongly oppose violations by our government of recognized human rights. International treaties via our Federal Constitution is domestic law and hence should not be overlooked especially as to necessitating State and local programs (and funding) for the protection of specific human rights.

Have you been asked to tacitly violate a ratified International Treaty on human rights that is binding domestic law? Although you may have no direct personal liability (civil or criminal) what are your thoughts and feelings about being complicit in perpetuating systemic human rights violations? You are likely to be surprised at the high level of duty owed to protect ALL human beings from suffering. If this gives your conscience pause, ask your attorney for a legal opinion (it cost you nothing). The U.S. soldiers at Abu Ghraib did not have so convenient a resource regarding their duties under international law. As one soldier (an Abu Ghraib prison guard) explained to me, "it was mostly Mossad" (an abbreviation for the Hebrew phrase ha-Mossad le-Modiin ule-Tafkidim Meyuhadim, which translates to "The Central Institute for Intelligence and Special Operations." The Mossad is Israel's national intelligence agency). What is your excuse? Ignorance is bliss? Mostly someone else? Is it reasonable to assume that our citizen Legislature of mostly retirees knows more on this subject than this blue-ribbon panel? If so, why the are you here?

The U.S. Supreme Court relied on the liberal construction of the term "controversies between two or more States" (in the U.S. Constitution) when it enunciated *Rhode Island v. Massachusetts*, and Chief Justice John Marshall fortified in dictum in *Cohens v. Virginia* that "it is entirely unimportant, what may be the subject of controversy. Be it what it may, these parties have a constitutional right to come into the Courts of the Union." The national controversies on the radar of most Vermonters are reproductive freedom and LGBTQ+ rights as our nation fractures in the culture wars with sister-states enacting opposing public policies."

The result has been women seeking abortion access beyond their home states. As well as persons seeking protection for their gender identity and sexuality, thus refugees from other States political persecutions. Thankfully our Constitution guarantees freedom of interstate travel.

That said, when other jurisdictions criminalize homelessness without providing shelter the foreseeable result is to burden those States that do. There is a consistent line of adjudications from the U.S. Supreme Court equitable dividing resources between States and enjoining States from financially harming others. The day may come when litigation is appropriate to ensure the fiscal health of our housing for the needy and equitable distribution of federal resources for disadvantage U.S. citizens (the unsheltered are no less refugees entitled to find sanctuary within our borders). Besides fiscal planning for what may become unavoidable litigation, the Legislature and Executive Branches may want to consider one or more Resolution(s) to remind the Federal Government of domestic international human rights obligations and appropriate public policy for domestic tranquility and prosperity particularly as housing insecurity grows exponentially in the United States and its territories.

#### Additional Considerations & Appendix.

Few Vermonters would view favorably a report to the General Assembly on the fossil fuel industry that omitted mention of global warming and an international perspective. Likewise, a report on abortion access post Dobbs but without mentioning such case and significant changes occurring in numerous states particularly as to criminal and civil liability. Nor would any report on the arrest process be complete without reference to Miranda. The trifecta for those affected by housing insecure are 1.) Goldman; 2.) Grant Pass; and 3.) A global HUMAN RIGHTS rights perspective recognizing fundamental rights of human dignity, to safe affordable shelter in their chosen community, and the inclusion and protection of the disabled and other marginalized individuals.

Please consider that a Legislature that tasks & asks the wrong questions can end up with the wrong answers to solve the problem. It is wholly appropriate to condition your answers/recommendations while revealing more informed lines of inquiry needing to be comprehensively considered so as to in good faith complete a very complex assignment.

"Additional Considerations" and an "Appendix" should provide the appropriate context, disclosures, and disclaimers as required to address the Legislature's framing to an otherwise complicated and vexing problem centuries old.

Respectfully /s/ Mark Flynn

Housing Insecure Person,

Citizen & Denizen of the State of Vermont



**From:** Fred Breunig <[fmbreunig@comcast.net](mailto:fmbreunig@comcast.net)>  
**Sent on:** Wednesday, January 8, 2025 9:04:27 PM  
**To:** [JMcGill@leg.state.vt.us](mailto:JMcGill@leg.state.vt.us); Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>

**Subject:** Public Comment GA Emergency Housing Task Force

Dear Rep. McGill and Ms. Russell,

Thank you for your work on the GA Emergency Housing Task Force. I realize that I am getting in just under the wire with my comments. I am a member of Guilford Community Church, UCC, and an active participant in Vermont Interfaith Action's Affordable Housing and Homelessness organizing committee.

While it is wonderful—and vital—that millions of dollars were allocated for housing over the last several years, we need solutions to keep people sheltered and safe while we wait for those dollars to transform the housing market. What is the role of state government if not that? It is not fair to push the responsibility onto strapped local governments and nonprofits which are already doing as much as possible to alleviate suffering.

And the program needs to be reliably funded—not one that changes every six months. Both providers and those sheltered will benefit from a predictable approach.

And where will the money come from? When people's lives are at stake, is any cost too great? Tax burdens are high, yes, but aren't human lives worth saving?

Fred Breunig  
126 Prospect St.  
Brattleboro VT 05301

802-254-9019  
<[fmbreunig@comcast.net](mailto:fmbreunig@comcast.net)>

he, his, him



1-800-834-7890  
1-802-229-1355  
info@disabilityrightsvt.org  
disabilityrightsvt.org  
141 Main St. Ste 7  
Montpelier, VT 05601

January 8, 2025

**Disability Rights Vermont: Public Comments on GA Emergency Housing Task Force:**

Disability Rights Vermont (DRVT) is the Protection and Advocacy Agency for the State of Vermont, and the Mental Health Care Ombudsman as well. DRVT is a non-profit legal organization that defends and protects the rights of individuals with all disability types. DRVT is concerned that the GA Emergency Housing Task Force did not discuss the disability needs of people experiencing homelessness with enough time to truly address current administrative rules that will impact disability rights. DRVT additionally asserts that there is a need to further address concerns around the Olmstead decision and Vermont's legal obligation to provide services in the least restrictive setting possible to meet a person's needs.

DRVT respectfully asks that the legislature fully examine any rules or laws that force people to be institutionalized by giving them a false choice, or that require them to participate in services rather than offer robust service options that are person-centered and directed.

DRVT understands that the following recommendations were made but ultimately not considered.

**Disability Recommendation:**

The department should always make reasonable accommodations and/or exceptions (absent an affirmative defense supported by evidence, e.g. undue burden) that may include but are not limited to adjustments to shelter policy and day limits, and this should be clearly stated in statute.

No rule or policy should be made that deprioritizes people living with disabilities regardless of age.

There should be access to emergency shelter for people living with disabilities as defined by the ADA as well as those with significant health conditions, if there is no other emergency shelter that meets the needs of the individual or household in the district in which the households present they should always have access to GA as an alternative means.

For health, safety and reasonable accommodations, hotels taken offline by the state for non-health violation related reasons should still be accessible to people who have complex needs in which such a hotel is the only option available at that time that meets the needs of an individual or household when that hotel is accepting vouchers.

While we don't recommend any day limits, any day limits should allow for a clear process to make a reasonable accommodation for people living with disabilities and complex needs to remain sheltered.



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#### **Reasonable Accommodations for Shelter Access:**

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act of 1990, as amended and the Vermont Public Accommodations requirement found at 9 V.S.A. 4502 the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available, if that is a solution that is possible for the individual or household without disrupting their medical care or service needs. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. To maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility or as long as is required for their disability or medical condition. During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.

"Accessible motel room" means a room that complies with ADA standards for accessible design and Vermont's Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility). Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability



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-  [disabilityrightsvt.org](http://disabilityrightsvt.org)
-  141 Main St. Ste 7  
Montpelier, VT 05601

triggered by secondhand smoke may request to be housed in a smoke-free motel.

The Department will not authorize payment for temporary housing if appropriate, accessible shelter space is available. Clients requesting a reasonable accommodation to be housed in a motel rather than a shelter must submit a completed Form 218M or submit a letter from a medical professional which effectively answers the questions on the form.

#### **Case Management and Coordinated Entry**

We recommend allowance for non-traditional/ non categorical case management alternatives. We also recommend instead of ESD workers, who do not have a working knowledge of each individual, "tasking" individuals with ways to work on their housing barriers that may not be appropriate for them as individuals or households, it is rather addressed in the care team, with a person-centered and person-buy in approach so that people are given the right supports and the greatest opportunity to be successful. A necessary addition of allowed case management is disability centered programs as an alternative to state funded housing partners.

Thank you,

*Lindsey Owen*

Lindsey Owen, Esq.  
Executive Director

## **Sarah Launderville VCIL: Public Comments On GA Emergency Housing Task Force:**

While we had a seat on the General Assistance Emergency Housing Task Force, our representative tried several times working on several of the charges to include support and protection for people living with disabilities. This issue needs a lot more focus and attention. The majority of people experiencing homelessness also live with a disability and they do not received proper support or protections in General Assistance Emergency Housing. We were disappointed that every time this issue came up, there was significant push back.

We are glad that there was a single line taken from the below recommendation included and that there was agreement to explore the Olmstead Decision. We are concerned that there is still language about refusal to accept shelter or housing placements. Those do not comply with the Olmstead decision according to all disability rights, including us.

We are in support of the recommendation to use the ADA definition of disability and the multiple forms of verification. We would encourage that the Department of Children and Families not be allowed to require more than is already required to verify a disability and not be allowed to deprioritize people living with disabilities.

There were a number of funding and services recommendations as well that we would encourage the legislature to consider.

The following recommendation were made and were not considered:

### **Disability Recommendation:**

The department should always have the ability to make reasonable accommodations and/or exceptions that may include but not limited to adjustments to shelter policy and day limits and this should be clearly stated in statute.

No rule or policy should be made that deprioritizes people living with disabilities regardless of Age.

There should be access to emergency shelter for people living with disabilities as defined by the ADA as well as those with significant health conditions, if there is no other emergency shelter that meets the needs of the individual or household in the district in which the households presents they should always have access to GA as an alternative means.

For health, safety and reasonable accommodation, hotels taken offline by the state for non health violation related reasons should still be accessible to people who have complex needs in which such a hotel is the only option available at that time that meets the needs of an individual or household when that hotel is accepting vouchers.

While we don't recommend any day limits, any day limits should allow for a clear power to make a reasonable accommodation for people living with disabilities and complex needs to remain sheltered.

### **Reasonable Accommodations for Shelter Access:**

For temporary housing recipients requiring accessible housing or another reasonable housing accommodation, as defined by the Americans with Disabilities Act of 1990, as amended and the Vermont Public Accommodations requirement found at 9 V.S.A. 4502 the Department will authorize payment for temporary housing at accessible motel rooms, or motel rooms otherwise accommodating a disability, as follows:

1. The Department will first attempt to house the recipient in an accessible room, or room otherwise reasonably accommodating a disability, located in a motel on the Department's list of least expensive motels within the district.
2. If no room is available for the recipient at a motel on the above list, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel within the district at the least expensive rate available.
3. If no room is available within the district, the Department will authorize payment for an accessible room, or room otherwise reasonably accommodating the disability, at a motel nearest to the district, at the least expensive rate available, if that is a solution that is possible for the individual or household without disrupting their medical care or service needs. The Department will pay for accessible transportation to the motel at the least expensive mode and rate available.
4. To maintain housing for recipients requiring accessible housing or another reasonable housing accommodation, the Department will book the motel for the entire time of the recipient's potential eligibility or as long as is required for their disability or medical condition. During this time, the recipient must maintain all eligibility requirements. The recipient is required to give 24-hour notice of a change of eligibility status. Should eligibility change, the Department will cancel the motel booking.

"Accessible motel room" means a room that complies with ADA standards for accessible design and Vermont's Accessibility Standards for Public Buildings. These are the architectural requirements a building must comply with to be accessible for individuals with a wide variety of physical disabilities (e.g. people who are blind, deaf, or have limited mobility).

Individuals with disabilities may also require reasonable accommodations that are not addressed by accessible design. For example, an individual with a respiratory disability

triggered by secondhand smoke may request to be housed in a smoke-free motel. As required, the Department will make The Department will not authorize payment for temporary housing if appropriate, accessible shelter space is available. Clients requesting a reasonable accommodation to be housed in a motel rather than a shelter must submit a completed Form 218M or submit a letter from a medical professional which effectively answers the questions on the form.

**Case Management and Coordinated Entry**

We recommend allowance for non traditional/ non categorical case management alternatives. A necessary addition of allowed case management is disability centered programs as an alternative to state funded housing partners.



**From:** joey corcoran <[joey.mindfulrest@gmail.com](mailto:joey.mindfulrest@gmail.com)>  
**Sent on:** Tuesday, January 7, 2025 3:03:04 AM  
**To:** Sarah Russell <[srussell@burlingtonvt.gov](mailto:srussell@burlingtonvt.gov)>; [JMcGill@leg.state.vt.us](mailto:JMcGill@leg.state.vt.us)

**Subject:** support for GA Task Force recommendations

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Co-Chairs of the GA Task Force:

I'm a resident of Burlington and while these comments do not represent Vermont Interfaith Action, I am and have been a member of their Affordable Housing & Homelessness committee for the past three years.

I support the recommendation regarding maximum days of eligibility for unsheltered individuals until homelessness is resolved.

I walk my dog in Burlington and often find people tenting in public parks. Recently I talked with a man who had built a small fire outside his tent in a public park to keep warm. "Aren't you afraid of attracting attention and being kicked out?" I asked. "I've already been told of 26 complaints over the last 30 days, and the ranger made me move and never returned my bed." Where was he supposed to go?

I support recommendation #7 that AWC must include relaxed eligibility to avoid exposure death and align with the closure of VT State Parks for the season, Oct. 15 - April 15.

On Thanksgiving, before the Adverse Weather Conditions allowed unhoused people to be provided with emergency shelter, I walked down to the encampments on the waterfront. Upon approaching a tent, I called out: "Anybody home? I have food." An older, neatly dressed man partially unzipped the opening of the tent. It was a cold day. In a covered area in the front of the tent, there was a walker and a folded wheelchair. "Who's there?" a woman's voice called out. "A surprise," he replied. A surprise indeed—for both of us. What are we prioritizing that an older man and a disabled woman were tenting in cold November weather?

I support adequate funding and support for seasonal low barrier shelters.

I've continued to be in touch with the Elmwood transitional housing in Burlington known as the "pods". I see it as a successful effort to maintain a low barrier shelter with adequate and consistent staffing for the residents. Why aren't we building more of them?

I support recommendation #8 which proposes that in cases in which households have income, that an escrow account be created to allow households a percent of their income to be available to them when they exit General Assistance, when they most need it.



I, of course, support recommendation #10 expediting the development of, I would specify, “deeply’ affordable housing. Not long ago Mike Pieciak, Vermont’s State Treasurer invited a University of WA professor to present his findings regarding the causes of homelessness. The number one cause he found was a low rental vacancy rate. With Burlington’s vacancy rate hovering around 0.5%, it’s clear that we need to continue to develop affordable housing for lower income people who can be one eviction away from homelessness alongside affordable housing for service providers and other members of the workforce.

Thank you for your work on this challenging topic. I hope your recommendations take root in the legislature.

Respectfully,  
Joey Corcoran (she/her)



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**TO:** Chairs of the General Assistance Emergency Housing Task Force:  
Representative Jubilee McGill and Sarah K. Russell, Special Asst. to End  
Homelessness, City of Burlington

**FROM:** Deanna Hartog, Poverty Law Fellow for Homelessness  
Rebecca Plummer, Deputy Director  
Sandra Paritz, Project Director, Poverty Law Project  
Michael Benvenuto, Project Director, Elder Law Project  
Leah Burdick, Staff Attorney, Elder Law Project  
Maryellen Griffin, Staff Attorney, Poverty Law Project

**SUBJECT:** VLA Comments on the Draft Report of the General Assistance Emergency  
Housing Task Force

**DATE:** January 8, 2025

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Vermont Legal Aid appreciates the arduous work of all members on the General Assistance (GA) Emergency Housing Task Force in drafting these recommendations to improve implementation of the GA Housing Program. We support most of the policy recommendations of the Task Force.

We offer these additional recommendations from our perspective as a law firm representing vulnerable people with disabilities who experience homelessness.

**Eligibility Requirement: Eviction**

For many years now, GA Housing has been available to people who became homeless due to a “a court-ordered eviction or constructive eviction” *See* GA Rule 2652.2(g)(1)(iii)(H). The GA Task Force omitted “court-ordered” from the eligibility categories in its recommendation, which we suspect is inadvertent. This is an important group of people who need emergency housing, and historically have been served by the GA program. Eligibility by reason of eviction should continue to include court-ordered as well as constructive.

**Eligibility Requirement: Disabled**

The Task Force recommended that people who are homeless and disabled be eligible for GA Housing. We ask that the Task Force remove from the report the first definition of disability, which includes the requirement that a person have a substantial reduction in their ability to live

independently. This standard is far too restrictive for the people whom the GA program is trying to reach.

### **Notice of Benefits**

The Task Force did not provide a specific recommendation that the Department provide automatic notice of the award of emergency housing. We strongly urge the Task Force to recommend that the Department must send award notices to every person, each time the Department grants them GA housing. The current Notice provisions do not require the Department to send written notices when granting an application for benefits. The Department only sends written notice of the award if the participant asks for one. Because of the rolling re-authorization periods, we repeatedly hear from clients and community partners that participants do not know the specific details of their benefit and when it may end.

The Department routinely sends approval notices for multiple types of other public benefits, including Medicaid, 3SquaresVT, and fuel assistance. The GA Housing Program should be no different. For an approved application, the individual must understand the income contribution requirements, how their household was determined, eligibility criteria, the obligations to continue to seek housing and other program rules, their right to continue to receive emergency housing up to the 80-day limit, and when that 80-day limit will expire. Requiring a written grant notice will provide a clear record of the grant and make the program more accessible for people with disabilities.

The Department thus far has refused to provide automatic award notices, citing the limitations of their computer operating system. However, the Department must routinely send a standardized authorization form 218EHA to the hotel staff for each participant housed to process the motel's payment (see attached). Form 218EHA includes the name of the participant, their eligibility criteria, household composition, and check-in/check-out dates. This is all vital information for participants, and the Department should routinely provide it to participants when emergency housing is provided.

Moreover, the Department should improve its system of sending denial notices to ensure that people received the notice. At the October 8, 2024 meeting of the Task Force, the witness for the Department stated that when they have mailed denial letters in the past to applicants and users of GA Housing, many, many, many of them have been returned to the Department. This is because mailing notices to someone who is homeless and unsheltered is not an effective method of notice. The Task Force should recommend that the Department use technology (email, text, online benefit portal) and other options to ensure that people receive denial notices when they are issued.

Our specific recommendations to the Task Force are to recommend these GA notice requirements:



- The Department should provide written notice to participants upon approval in all cases.
- The written approval notice should specify the basis for their eligibility, including category.
- The written notice should advise the individual of the number of days they are authorized for and the number of remaining days under the 80-day cap.
- The Department should deliver approval and denial notices in such a way as to optimize the chances that they are received. If the applicant and Department use an online portal, use the portal.
- All notices should advise individuals of their right to appeal, including the right to request continuing benefits, include information about requesting reasonable accommodation under AHS policy, and information about how to request an appeal and contact information for Vermont Legal Aid (800-889-2047).

### **Reasonable Accommodations and Shelter Exemptions**

The Task Force made no explicit recommendation regarding the Department’s current practice for those requesting a reasonable accommodation to be exempted from the “Shelter First” policy based on their disability. The Department is now placing the burden on an applicant or participant to physically go to a shelter and ask shelter staff to determine if the shelter can accommodate their disability. The Department will routinely terminate a person’s motel voucher when an available shelter bed becomes available, even if the person is requesting a shelter exemption. The Department’s expectation that a disabled person, who may or may not have access to reliable transportation, physically take their exemption form to a shelter to be evaluated for an accommodation, and then lose their motel room if the shelter is not appropriate, is patently unreasonable and places unnecessary barriers on disabled participants.

The proposed “Provisional Housing” rule at 2652.j. grants up to four days of housing while the person provides verification of eligibility. We suggest that the Task Force recommend that this rule be revised to allow provisional housing when a person must verify that a congregate shelter or institutional setting is appropriate for their needs and whether such placement may accommodate their disabilities under the Reasonable Accommodation Rule 2652.h.1.i. Allowing provisional housing in these circumstances would give participants and shelters adequate time to determine appropriateness of placement and whether the available shelter may accommodate their disability, without losing the motel room or the available shelter bed.

Our specific recommendations to revise in the rule are as follows:

- Incorporate the word “appropriate” to the language describing alternative housing placements.
- Allow participants adequate time to request a shelter exemption without losing their current motel room.

- When a participant requests a shelter exemption, the Department should facilitate the expediency of the request. The Departments should not demand that the person with the disability to physically take their shelter exemption form to the shelter.
- When the placement is available at the end of a person's authorization period, grant provisional housing of up to four nights when a person requests a shelter exemption to allow sufficient time for the shelter to respond to the accommodation request.

### **Removing Periods of Ineligibility**

We particularly support the Task Force's recommendation in response to charge 9: to end the practice of periods of ineligibility, and instead develop a practice to work with people who are not succeeding in one environment to help them move to an environment that has a better chance at success, understanding that this may take multiple tries.

There are three reasons why the use of periods of ineligibility does not serve the public policy goals of the program. First, in our work, we have seen that motel staff, who may be inexperienced or biased and are likely not trauma-informed, have been able to kick out emergency housing participants with impunity. Yet, when the resulting POI was challenged through a fair hearing, the motels often cannot or do not provide any proof of the violation, the decision is reversed. It is in the public interest to minimize the cost to families and the Department of unfair treatment by hotels by simply relocating people when necessary, without an intervening period of unsheltered homelessness.

Second, in our experience, periods of ineligibility are much more often imposed on people with disabilities than on people who are not disabled. POIs are often imposed because of behavior that stems from a person's disability or trauma history, when they might be better served by being placed in a different setting. While these situations may be addressed by requests for reasonable accommodations if the person is lucky enough to be assisted or informed or aware of this, many people with disabilities are simply kicked out and unsheltered for thirty days. That is not fair and not consistent with the goals of the program. Removing periods of ineligibility will help make the program more fair and more accessible to all eligible people.

Finally, thrusting someone into unsheltered homelessness is not a viable method of conflict resolution. In fact, it typically aggravates any issues that led to the period of ineligibility in the first place. It does not serve the person who is ejected, and it places an unfair burden on the community into which the person is ejected.

We very much support the Task Force's recommendation to develop methods of conflict resolution that are more humane, effective, and protective of the wider community.

## **Conclusion**

Thank you again to all the members of the Task Force for your service to the people of Vermont and for serving on this Task Force in particular. Thank you also for considering our comments.