

## Comments on Bulletin 24-14, draft rule

**Rule References: 2650; 2652.2; 2652.3; 2652.4**

Submitted by: Paul Dragon, Executive Director of the Champlain Valley Office of Economic Opportunity, on behalf of the Vermont Community Action Partnership  
October 24, 2024

My name is Paul Dragon, and I am the Executive Director of the Champlain Valley office of Economic Opportunity. I am here representing the Vermont Community Action Partnership, a group of five Community Action Agencies serving close to 50,000 Vermonters each year. We want to thank you for this opportunity and for your work to draft this rule.

**The Vermont Community Action Agencies believe that every person in Vermont can and must have shelter every day and every night, as well as a path to a place they can call their own. We believe the General Assistance Emergency Housing Assistance Rules should begin with this premise.** We have concerns about several aspects of the draft rule, especially considering the current crisis we are in. We also have suggestions about how to better address some of the issues facing our state regarding people who are experiencing unsheltered homelessness.

### *The Current Crisis*

First, as you are aware, our staff and our communities, over the past few years, have witnessed an unprecedented increase in homelessness - including unsheltered homelessness - which has culminated today in a health and social crisis. Older Vermonters, children with disabilities, adults with chronic health conditions and people with severe and persistent mental health conditions are homeless and unsheltered in numbers we have never witnessed and can no longer adequately and safely serve and support.

### *The Opportunity We Have Right Now with These Rules*

The State of Vermont - our government and our people - can make the choice to shelter and support every person in Vermont. We know that shelter provides people with a stable foundation to access services that improve the safety and well-being of individuals and communities. Right now, with these Rules, we can begin to make policy choices to create systems and structures that all people can count on in times of crisis.

Specifically, we request the following:

1. Eliminate the room cap
2. No maximum allotment
3. Every person and family who wants or needs shelter must have access to a safe, private space every day and every night, year-round.

Align the GA Emergency Housing rule with Fair Housing laws – specifically allowing and creating a clear and simple process for Reasonable Accommodation (**Please refer to our written testimony for our four suggestions regarding GA Housing and Fair Housing Rules**)

*Fair Housing laws.* Under Vermont (9 V.S.A. § 4500) and Federal (42 U.S.C. 3601 et seq.), a person with a disability has the right to request a Reasonable Accommodation including a request for a change to a policy or practice that allows a person equal access to housing and services. The General Assistance rules as written do not include a provision for individuals with disabilities to be provided with information about their rights to

request Reasonable Accommodations under Fair Housing law, nor is there a defined process for people to request such accommodations.

Examples of reasonable Accommodation requests include extension of their stay at a hotel/motel; assistance moving belongings, and access to storage space for medical equipment/belongings. Denying a Reasonable Accommodation request could be viewed as discriminatory under Vermont and federal fair housing law. The 80-day limit as defined in the GA rules doesn't allow for extensions, but not providing information about Reasonable Accommodation rights or accepting requests from people with disabilities could be a violation of state and federal fair housing law.

Regarding Reasonable Accommodation and Fair Housing, we request that the Rules include:

1. Include information about the right of a person with a disability to request Reasonable Accommodation with any notice that the person receives about their situation. This would be consistent with including the household's appeal rights in a notice of denial of services (2652.2p "Appeal Rights").
  - a. We do NOT support an 80-day limit and absolutely believe this should be removed. However, if the 80-day limit is not removed, any notice related to the limit must include information about the right to request Reasonable Accommodation. This information should be provided to all people, and it should be clear who has the right, so the person can determine if it applies to them.
2. In section 2652.2o, under "Rights of People with Disabilities," the rules include a statement of rights and that a person can request a hearing or file a complaint if they feel their rights have been violated. This information should be clearly stated on the DCF website and in materials provided to the applicant/participant.
3. Add "Reasonable Accommodation" to the list of definitions in section 2603.
4. Add a basic anti-discrimination statement that lists the federal and state protected classes.

### *Income Test*

We also request that the income test be raised to 200% of the poverty level, so that people are not required to pay 30% of their income until they reach this threshold. The proposal to tether this test to those people just above the Reach Up threshold makes little sense because Reach Up participants make well below 100% of the poverty level and asking people in extreme poverty to divest what few resources, they have in order to qualify for crisis services will just perpetuate the cycle of poverty and the need for shelter and housing.

These requests are not an endorsement of the hotel program, but rather they reflect the recognition that we as a State have not yet developed a plan for affordable permanent housing nor an adequate shelter system for all who need it. If we don't make this long-term and sustained effort through the GA Emergency Housing program, we will continue to see the economic and public health costs to our communities and our state. Sheltering people is not only a moral imperative, but also the most affordable choice at the moment. We at VCAP are ready to work with the State of Vermont on a longer-term plan; however, we must address the crisis we are in right now.

Thank you for considering these comments, and we look forward to seeing them incorporated into the General Assistance Emergency Housing final rule.