

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: H.750

Name of Bill: An act relating to providing Adult Abuse Registry information to housing authorities

Agency/ Dept: AHS/DAIL

Author of Bill Review: Clayton Clark and Stuart Schurr

Date of Bill Review: 2/23/2014

Status of Bill: (check one):

XXXX Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☐ Support XXXX Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill proposes to make information from the Adult Abuse Registry available to local and regional housing authorities. It would accomplish this by adding the following to 33 V.S.A. § 6911(c):

“(c) The Commissioner or the Commissioner's designee may disclose registry information only to:

(10) a local or regional housing authority for the purpose of evaluating a potential landlord to ensure that vulnerable adults are not placed in an unsafe residential rental housing environment.”

2. Is there a need for this bill? *Please explain why or why not.*

- APS tracks the relationship between the alleged victim and the alleged perpetrator. The most recent data reported on the program shows no housing-related relationships recorded. However, 29% of the relationships are listed as “Other”, so it could be possible for this to be hidden.
- Anecdotally, information from APS supervisory staff is that investigations where the alleged perpetrator is a landlord are infrequent, and that when there are issues it is typically with landlords that do not work with regional housing authorities or other governmental programs.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

- There will likely be an increase in Adult Abuse Registry checks. However, this process, which handled over 50,000 requests the past SFY, is efficient. It is unlikely that the increase in checks will result in significant fiscal or programmatic implications.
- There will likely be a small increase in the number of individuals who will seek to have their name removed from the registry, which would increase the burden on DAIL staff that process expungement requests.
Similarly, alleged perpetrators would be slightly more likely to appeal substantiation.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

If enacted, it is possible that the availability of rental housing could be diminished, thereby increasing the difficulty of state agencies involved with housing to find suitable housing for their clients.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)
Organizations involved with housing could be impacted if the availability of rental housing is diminished.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Housing authorities and advocacy organizations that support vulnerable adults and/or victims would support this legislation because it gives them greater access to information they feel is relevant for their work. Gini Milkey, Director of the Community of Vermont Elders (COVE), is scheduled to testify before the House Committee on Human Services. It is anticipated, though not confirmed, that COVE will support this bill.

6.2 Who else is likely to oppose the proposal and why?

Allen Gilbert, Executive Director of the Vermont ACLU, is scheduled to testify on this bill. It is anticipated that the ACLU will oppose this bill, although neither that fact nor the grounds for such opposition are known to this reviewer.

7. Rationale for recommendation: *Justify recommendation stated above.*

DAIL opposes this bill for the following reasons:

- There is no evidence there is a significant problem with the abuse/neglect/exploitation of vulnerable adults by individuals involved in the residential rental environment.
- There is no evidence that the Adult Abuse Registry can be predictive in identifying individuals that should not serve as landlords to vulnerable adults.
- Although DAIL acknowledges the importance of protecting vulnerable adults from abuse, neglect and exploitation and, in principle, supports the strengthening of statutory language to do that, it is unclear whether this bill does, in fact, protect vulnerable adults in public housing. Identifying a landlord as an individual listed on the Registry does not necessarily serve to protect vulnerable adults.
- This bill could result in the reduction the availability of public housing. Such a significant consequence may not be justified in the absence of evidence that the proposed measure protects vulnerable adults.
- In the absence of evidence that this is an effective response, we must be sensitive to the privacy rights of those on the Registry, as well as the implications on the livelihood of those whose names would be disclosed.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

During our testimony we should encourage the Legislature to provide more specific information regarding the purpose of the release and what information they would want to see distributed.