

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION
DOCKET NO. 21-CV-01703

TINA GRAY-RAND, MICHAEL)
HAMMOND, WILLIAM ROYALS,)
TAYLOR COOK, and others similarly)
situated,)
)
Plaintiffs,)
)
v.)
)
VERMONT AGENCY OF)
HUMAN SERVICES,)
MICHAEL SMITH, Secretary of the)
Agency of Human Services,)
SEAN BROWN, Commissioner of the)
Department for Children and Families,)
)
Defendants.)

STIPULATED TEMPORARY ORDER

This action was commenced on June 28, 2021, in Vermont Superior Court seeking emergency *ex parte* relief. The Defendants filed a notice to remove the action to Federal Court on June 29, 2021. The parties stipulate to this Temporary Order in order to allow an opportunity to seek any potential resolution of the merits.

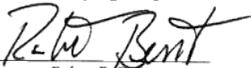
The parties, through undersigned counsel, hereby stipulate to the following Temporary Order:

1. Participants in the General Assistance Emergency Housing Program will be offered the option to elect either (1) the \$2500 one-time essential payment or (2) the opportunity to remain in GA emergency housing and self-attest that the participant has a disability and should be eligible for continued assistance.
2. Participants that elect to remain in housing under the grounds set out in paragraph 1 above will be offered 14 days to obtain confirmation from a healthcare provider and submit such confirmation and any additional documentation supporting that they have a disability as defined in the June 1, 2021 Emergency Housing Waiver and Variance of Rules. The participant will continue to be offered GA emergency housing during this additional 14 day period. The Defendants agree to make a determination on whether the individual qualifies as a person with a disability as defined in the June 1, 2021 Emergency Housing Waiver and Variance of Rules based on the information provided.

3. If the participant is subsequently determined by Defendants not to have a disability as defined in the June 1, 2021 Emergency Housing Waiver and Variance of Rules, they will be given prompt notice of that determination and the opportunity for a fair hearing before termination. Participants shall be eligible for the \$2500 essential payment upon termination of GA emergency housing on the election of the participant during the 14 day period or after the determination by the Defendants.
4. The parties agree that this Order may remain in effect for 15 days. The parties agree to stipulate to suspend any action, including stipulating to an extension of any applicable deadline, during this period. The parties agree that this Stipulated Temporary Order will be filed in Federal Court. No party shall file for ex parte relief during the pendency of this order.
5. Plaintiffs continue to dispute the definition of disability in the June 1, 2021 Emergency Housing Waiver and Variance of Rules and the legal validity of the eligibility criteria. Plaintiffs do not waive any claims in the pending litigation.

SO ORDERED.

Electronically signed pursuant to V.R.E.F. 9(d)


Robert R. Bent, J
Judge

Stipulated and Agreed:

/s/ Jessica Radbord
Jessica Radbord, Esq.
Vermont Legal Aid, Inc.
Attorney for the Plaintiffs

/s/ Rachel Smith
Rachel Smith, Esq.
Office of the Attorney General
Attorney for the Defendants