

VERMONT SUPERIOR COURT
Chittenden Unit
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CIVIL DIVISION
Case No. 24-CV-00999

Groundworks Collaborative, Inc. et al v. Vermont Agency of Human Services et al

ENTRY REGARDING MOTION

Title: Motion for Temporary Restraining Order (Motion: 1)
Filer: Maryellen Griffin
Filed Date: March 15, 2024

This motion seeks an emergency order today requiring the State to permit households in General Assistance emergency housing to stay there until they have been assessed for continuing eligibility under the Budget Adjustment Act.

A basic requirement for a temporary restraining order is that the plaintiffs are likely to suffer “irreparable harm” before a hearing can be held. V.R.C.P. 65(a). (“A temporary restraining order may be granted without written or oral notice to the adverse party or that party’s attorney only if it clearly appears from specific facts shown by affidavit or by the verified complaint that *immediate and irreparable injury, loss, or damage* will result to the applicant before the adverse party or that party’s attorney can be heard in opposition.”)(emphasis added).

The court accepts that the individuals who may soon be unhoused might well be facing irreparable harm. *See Duprey v. Samuelson*, 23-CV-2299 at 14 (Vt. Super. June 1, 2023) (Tomasi, J.) (“The Court agrees that removing persons from their rightful homes and subjecting them to homelessness is an irreparable harm.”); *Hagan v. City of Barre*,

No. 320-5-09 Wncv at 9 (Vt. Super. June 29, 2009) (Toor, J.) (“As other courts have

found, this court concludes that forced homelessness and the likely loss of housing benefits under Section 8 would meet the legal test for irreparable harm.”)(citing cases).

However, none of the individuals facing imminent homelessness are named as plaintiffs in this case. The organizations who are named as plaintiffs have not put forth evidence that *they* will suffer irreparable harm by being forced to divert their resources to the crisis management of trying to assist their clients in the next few days. The court is not persuaded by the one New York case that Plaintiffs cite—Step By Step, Inc. v. City of Ogdensburg, 176 F. Supp. 3d 112, 134 (N.D.N.Y. 2016)—suggesting that harm to the organization’s clients here can be the basis for a finding of irreparable harm to the organizations.

Courts have held that a forced significant change in an organization’s programs can constitute irreparable harm. *See, e.g., E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 678 (9th Cir. 2021) (“We agree with the district court that the Organizations have established that they will suffer a significant change in their programs and a concomitant loss of funding absent a preliminary injunction enjoining enforcement of the Rule. Both constitute irreparable injuries[.]”); Downtown Soup Kitchen v. Municipality of Anchorage, 406 F. Supp. 3d 776, 797 (D. Alaska 2019)(“Hope Center has established a sufficient likelihood of irreparable harm resulting from restrictions on Hope Center’s ability to provide overnight living space to homeless persons.”).

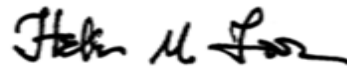
However, the harm alleged here is not so severe. Plaintiffs merely allege that they have “had to divert resources away from our core activities to try to help as many people as possible through this process. . .” *See, e.g., Affidavit of Ken Russell*, ¶ 8. A temporary

diversion of resources, as opposed to a forced change in an organization's core mission, is not sufficient to establish irreparable harm.

Order

The motion for a temporary restraining order is denied. The clerk shall schedule a prompt hearing on the motion for a preliminary injunction.

Electronically signed on March 15, 2024 pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "Helen M. Toor", written over a horizontal line.

Helen M. Toor
Superior Court Judge