

## Housing Access for Immigrant Families

Immigrant families are increasingly looking to make Vermont their home, contributing to the state and providing needed workforce to key economic sectors such as agriculture, hospitality, and construction. Many undocumented, mixed-status, and asylum-seeking families, however, face high barriers to finding housing due to discrimination based on immigration status and the common practice of landlords requesting social security numbers as part of the rental application process. These barriers result in many families being unable to find adequate housing, or being limited to jobs with employer-provided housing. This bill would remedy these barriers and promote access to housing for immigrant families in two ways:

### 1. *Define Immigration Status as a Protected Class*

Provision: Explicitly add “*actual or perceived citizenship and immigration status*” to the listed protected classes of the Vermont Fair Housing and Public Accommodations Act.

First, add “*actual or perceived citizenship and immigration status*” to the delineated list of protected classes listed in each subsection of 9 VSA § 4503(a)(1)-(4), (6)-(8), and (12), covering unfair housing practices.

In addition, add “*actual or perceived citizenship and immigration status*” to 9 VSA § 4502(a), covering public accommodations. The amended statute would say the following:

*“An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, **actual or perceived citizenship and immigration status**, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.”*

Finally, add a definition of “*actual or perceived citizenship and immigration status*” under 9 V.S.A. § 4501:

*“actual or perceived citizenship or immigration status” means the citizenship of any person or the immigration status or lack thereof of any person who is not a citizen of the United States; or perceived immigration status or lack thereof. This article shall not preclude verification of immigration status if required by federal law.”*

#### Additional Information:

A few jurisdictions have added immigration status as a protected class. In 2022, **New York** added “citizenship or immigration status” to many sections of the Human Rights Law, defined in 18 NY Exec. Law 292(41), making it unlawful for private owners and lessees or public housing accommodations to discriminate based on immigration status in housing applications or advertisements. 18 NY Exec. Law 296-2-a. New York includes an exception for verifying immigration status if required under federal law.

**California** also forbids business establishments (as defined broadly in case law) from discriminating against individuals based on immigration status, citizenship, and primary language. This would thus cover dwellings if the housing provider qualifies as a business. Cal. Civ. Code § 51 (2015). California includes an exception for verifying immigration status if required under federal law.

## **2. Provide alternatives to social security numbers in the housing application process**

### Provision:

Create a new section of Title 9, Chapter 137 of the Vermont Statutes:

- *“A Landlord shall not request nor require the social security number of any individual or member of a household in order to apply to enter into a rental agreement for a residential dwelling unit.*
- *If a Landlord requires verification of identity, Landlord or Landlord’s agent must accept originals or copies of any form of government-issued identification.”*

### Additional Information:

Vermont has enacted the Social Security Number Protection Act, joining a number of other states in restricting and protecting the use and disclosure of social security numbers. However, 9 V.S.A. § 2440 only applies to businesses, and still permits sharing social security numbers via encrypted websites or mailed envelopes. Further protections are needed in Vermont, similar to policy that prevents landlords from collecting application fees.

States with similar laws to 9 V.S.A. § 2440 have expanded these provisions to preclude not just businesses, but any person or entity from printing or requiring transmission of a social security number over the internet without encryption. E.g., 6 R.I. Gen. Laws Ann. § 6-48-8; Colo. Rev. Stat. Ann. § 6-1-715. Alaska prevents requesting or collecting a Social Security Number except under specific circumstances authorized by law. Alaska Stat. Ann. § 45.48.400. Laws in Guam have gone further to require that a person or entity soliciting a social security number specify whether the individual is legally obligated to share their social security number, protecting their right to refuse to disclose. 5 Guam Code Ann. § 32703.

Note that Vermont criminal record checks can be conducted with an individuals’ name and date of birth and do not require a social security number. If a landlord desires a credit check for a potential renter, platforms exist to [check credit scores](#) and [consumer reports](#) without an SSN, but using alternative identifying information such as former addresses and date of birth.