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H.758

Introduced by Representatives Jessup of Middlesex, Buckholz of Hartford,  
Burke of Brattleboro, Cina of Burlington, Colburn of  
Burlington, Donovan of Burlington, Gonzalez of Winooski,  
O’Sullivan of Burlington, Rachelson of Burlington, and Weed  
of Enosburgh

Referred to Committee on

Date:

Subject: Housing; discrimination; immigration status

Statement of purpose of bill as introduced: This bill proposes to prohibit  
housing discrimination based on immigration status.

An act relating to prohibiting housing discrimination based on immigration  
status

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 139 is amended to read:

CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS;  
RENTAL AND SALE OF REAL ESTATE

\* \* \*

§ 4501. DEFINITIONS

As used in this chapter:

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(11) “Immigration or citizenship status” means the actual or perceived immigration status or citizenship of an individual, or of a member of his or her family or household.

\* \* \*

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, ~~or~~ immigration or citizenship status, disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(2) To discriminate against, or to harass any person in the terms, conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection therewith, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, ~~or~~ immigration or citizenship status, disability of a person, or because a person intends to occupy

1 a dwelling with one or more minor children, or because a person is a recipient  
2 of public assistance.

3 (3) To make, print, or publish, or cause to be made, printed, or published  
4 any notice, statement, or advertisement, with respect to the sale or rental of a  
5 dwelling or other real estate that indicates any preference, limitation, or  
6 discrimination based on race, sex, sexual orientation, gender identity, age,  
7 marital status, religious creed, color, national origin, ~~or~~ immigration or  
8 citizenship status, disability of a person, or because a person intends to occupy  
9 a dwelling with one or more minor children, or because a person is a recipient  
10 of public assistance.

11 (4) To represent to any person because of the race, sex, sexual  
12 orientation, gender identity, age, marital status, religious creed, color, national  
13 origin, ~~or~~ immigration or citizenship status, disability of a person, or because a  
14 person intends to occupy a dwelling with one or more minor children, or  
15 because a person is a recipient of public assistance, that any dwelling or other  
16 real estate is not available for inspection, sale, or rental when the dwelling or  
17 real estate is in fact so available.

18 (5) To disclose to another person, including an immigration authority, a  
19 law enforcement agency, or a local, State, or federal agency, information  
20 regarding or relating to the immigration or citizenship status of a tenant,

1 occupant, or other person known to be associated with a tenant or occupant of  
2 a dwelling for the purpose or intent of:

3 (A) harassing or intimidating the tenant or occupant;

4 (B) retaliating against a tenant or occupant for exercising his or her  
5 rights;

6 (C) influencing or coercing a tenant or occupant to vacate the  
7 dwelling; or

8 (D) recovering possession of the dwelling.

9 (6) To discriminate against any person in the making or purchasing of  
10 loans or providing other financial assistance for real-estate-related transactions  
11 or in the selling, brokering, or appraising of residential real property, because  
12 of the race, sex, sexual orientation, gender identity, age, marital status,  
13 religious creed, color, national origin, ~~or~~ immigration or citizenship status,  
14 disability of a person, or because a person intends to occupy a dwelling with  
15 one or more minor children, or because a person is a recipient of public  
16 assistance.

17 (7) To engage in blockbusting practices, for profit, which may include  
18 inducing or attempting to induce a person to sell or rent a dwelling by  
19 representations regarding the entry into the neighborhood of a person or  
20 persons of a particular race, sex, sexual orientation, gender identity, age,  
21 marital status, religious creed, color, national origin, immigration or citizenship

1 status, or disability of a person, or because a person intends to occupy a  
2 dwelling with one or more minor children, or because a person is a recipient of  
3 public assistance.

4 (8) To deny any person access to or membership or participation in any  
5 multiple listing service, real estate brokers' organization, or other service,  
6 organization, or facility relating to the business of selling or renting dwellings,  
7 or to discriminate against any person in the terms or conditions of such access,  
8 membership, or participation, on account of race, sex, sexual orientation,  
9 gender identity, age, marital status, religious creed, color, national origin, ~~or~~  
10 immigration or citizenship status, disability of a person, or because a person is  
11 a recipient of public assistance.

12 \* \* \*

13 (12) To discriminate in land use decisions or in the permitting of  
14 housing because of race, sex, sexual orientation, gender identity, age, marital  
15 status, religious creed, color, national origin, immigration or citizenship status,  
16 disability, the presence of one or more minor children, income, or because of  
17 the receipt of public assistance, except as otherwise provided by law.

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19 § 4504. RENTAL OF HOUSING; EXEMPTIONS

20 The provisions of section 4503 of this title relating to the rental of a  
21 dwelling shall not apply:

1           (1) If the dwelling unit is inadequate, under applicable laws and  
2           ordinances relating to occupancy, to house all persons who intend to live there.

3           (2) If the dwelling unit is in a building with three or fewer units and the  
4           owner or a member of the owner's immediate family resides in one of the  
5           units, provided any notice, statement, or advertisement with respect to the unit  
6           complies with subdivision 4503(a)(3) of this title.

7           (3) To the refusal to rent to a person because the person is under the age  
8           of majority.

9           (4) To limit a landlord's right to establish and enforce legitimate  
10          business practices necessary to protect and manage the rental property, such as  
11          the use of references. However, this subdivision shall not be used as a pretext  
12          for discrimination in violation of this section.

13          (5) To a religious organization, association, or society, or any nonprofit  
14          institution or organization operated, supervised, or controlled by or in  
15          conjunction with a religious organization, association, or society, which limits  
16          the sale, rental, or occupancy of dwellings which it owns or operates for other  
17          than a commercial purpose to persons of the same religion, or from giving  
18          preference to such persons, unless membership in that religion is restricted on  
19          the basis of race, color, or national origin. The religious restriction or  
20          preference must be stated in written policies and procedures of the religious  
21          organization, association, or society.

