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H.412

Representative Stevens of Waterbury moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The Vermont General Assembly finds that:

(1) At the present time, many persons have been rendered homeless as a result of economic hardship; a shortage of safe, affordable housing; and a shrinking social safety net.

(2) Chapter I, Article 1 of the Constitution of the State of Vermont states that Vermonters are “equally free and independent” and Chapter I, Article 7 states that all Vermonters are entitled to the same benefits and protections. As a result, a person should not be subject to discrimination based on his or her housing status or being homeless.

(3) It is the intent of this act to mitigate both the discrimination people without homes face and the adverse effects individuals and communities suffer when a person lacks a home.

* * * Homeless Bill of Rights * * *

Sec. 2. 1 V.S.A. § 274 is added to read:

§ 274. HOMELESS BILL OF RIGHTS

1 (a) A person’s rights, privileges, or access to public services may not be
2 denied or abridged solely because he or she is without housing or because of
3 housing status. Such a person shall be granted the same rights and privileges
4 as any other resident of this State.

5 (b) A person without housing shall have the right:

6 (1) To use and move freely in public spaces, including public sidewalks,
7 parks, transportation, and buildings, in the same manner as any other person
8 and without discrimination on the basis of his or her housing status.

9 (2) To equal treatment by all State and municipal agencies without
10 discrimination on the basis of housing status or homelessness.

11 (3) Not to face discrimination while seeking or maintaining
12 employment, due to his or her lack of a permanent mailing address or his or
13 her mailing address being that of a shelter or social service provider.

14 (4) To emergency medical care free from discrimination based on his or
15 her housing status or homelessness.

16 (5) To vote, register to vote, and receive documentation necessary to
17 prove identity for voting, without discrimination due to his or her housing
18 status or homelessness.

19 (6) To confidentiality of personal records and information in accordance
20 with all limitations on disclosure established by State and federal law,
21 including:

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(A) Homeless Management Information System data must be kept confidential while allowing for reasonable and responsible uses and disclosures of data. Baseline standards are based on principles of fair information practices and security standards set forth by the Department for Housing and Urban Development in 69 FR 45888.

(B) In accordance with the Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. § 1320d-2, and its implementing regulations, health information may not be disclosed except as provided by HIPAA’s implementing regulations at 45 C.F.R. Subpart A.

(C) In accordance with 42 U.S.C. § 290dd-2 and implementing regulations, records of the identity, diagnosis, prognosis, or treatment of any patient related to substance use or alcohol use is confidential and can be disclosed only with the prior written consent of the patient and only to the extent necessary to carry out the purpose of the disclosure.

(D) In accordance with the Violence Against Women Act, 34 U.S.C. § 12491 and its implementing regulations, any information related to a person’s status as a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in strict confidence and retained separately from other client information. Such information may not be entered into any shared database. Such information shall not be disclosed to any other

1 entity or individual, except to the extent the disclosure is specifically requested
2 or consented to by the individual in writing for a specific limited time period or
3 is otherwise required by applicable law.

4 (7) To a reasonable expectation of privacy in his or her personal
5 property.

6 (8) To immediate and continued enrollment of his or her school-age
7 children based on the best interests of the child as provided for in 16 V.S.A.
8 § 1075(e) and the McKinney Vento Act, 42 U.S.C. § § 11431-11435.

9 (c) No person shall be subject to civil or criminal sanctions for soliciting,
10 sharing, accepting, or offering food, water, money or other donations in public
11 places.

12 (d) No law shall target persons without housing or the harmless activities
13 associated with homelessness, or the provision of supports or services to
14 persons without housing or perceived to be without housing in traditional
15 public fora.

16 (e) A person aggrieved by a violation of this section may bring an action in
17 Superior Court for appropriate relief, including injunctive relief and actual
18 damages sustained as a result of the violation, costs, and reasonable attorney's
19 fees.

20 * * * State Employees * * *

21 Sec. 3. 3 V.S.A. § 312 is amended to read:

1 § 312. CLASSIFICATION PLAN; DEFINITION

2 (a) The term “merit system” means the system developed to maintain an
3 efficient career service in State government under public rules, which, among
4 other provisions, includes appointment through competitive examination;
5 nondiscrimination because of race, sex, politics, national origin, or religion; an
6 equitable and adequate compensation plan; tenure, contingent on successful
7 performance; and promotion, contingent on evaluated capacity and service.

8 (b) Merit system principles are:

9 * * *

10 (5) assuring fair treatment of applicants and employees in all aspects of
11 personnel administration without regard to political affiliation, race, color,
12 national origin, sex, housing status, or religious creed and with proper regard
13 for their privacy and constitutional rights as citizens; and

14 * * *

15 Sec. 4. 3 V.S.A. § 323 is amended to read:

16 § 323. DEFINITIONS

17 As used in this chapter, unless the context clearly requires otherwise:

18 (1) “Accountability” means the degree to which the holder of a position
19 is accountable for the end results of his or her job performance.

1 collective bargaining to the extent they are not prescribed or controlled by
2 statute include:

3 * * *

4 (9) rules for personnel administration, except the following: rules
5 relating to persons exempt from the classified service under section 311 of this
6 title and rules relating to applicants for employment in State service and
7 employees in an initial probationary status, including any extension or
8 extensions thereof, provided the rules are not discriminatory by reason of an
9 applicant's race, color, creed, sex, national origin, sexual orientation, gender
10 identity, ancestry, place of birth, age, housing status, or physical or mental
11 condition; and

12 * * *

13 Sec. 7. 3 V.S.A. § 961 is amended to read:

14 § 961. EMPLOYERS

15 It shall be an unfair labor practice for an employer:

16 * * *

17 (6) to discriminate against an employee on account of race, color, creed,
18 religion, age, disability, sex, sexual orientation, gender identity, housing status,
19 or national origin;

20 * * *

21 Sen. 8. 3 V.S.A. § 963 is amended to read:

1 § 963. MEMBERSHIP; EMPLOYEES' RIGHTS

2 An employee organization entering into an agreement shall not:

3 (1) discriminate against a person seeking or holding membership therein
4 on account of race, color, creed, religion, age, disability, sex, sexual
5 orientation, gender identity, housing status, or national origin;

6 (2) penalize a member for exercising a right guaranteed by the
7 Constitution or laws of the United States or the State of Vermont;

8 (3) cause or attempt to cause the discharge from employment of
9 employees who refuse membership therein because of religious beliefs.

10 * * *

11 Sen. 9. 3 V.S.A. § 1001 is amended to read:

12 § 1001. GRIEVANCES; APPLICANTS AND EXCLUDED PERSONNEL

13 (a) Persons who are applicants for State employment in the classified
14 service and classified employees in their initial probationary period and any
15 extension or extensions thereof may appeal to the State Labor Relations Board
16 if they believe themselves discriminated against on account of their race, color,
17 creed, religion, disability, sex, sexual orientation, gender identity, age, housing
18 status, or national origin.

19 * * * Judiciary Employees * * *

20 Sec. 10. 3 V.S.A. § 1011 is amended to read:

21 § 1011. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (18) “Housing status” means the status of being homeless, being a
4 homeless individual, or being a homeless person, as defined in 42 U.S.C.
5 § 11302.

6 Sec. 11. 3 V.S.A. § 1013 is amended to read:

7 § 1013. SUBJECTS FOR BARGAINING

8 All matters relating to the relationship between the employer and employees
9 are subject to collective bargaining, to the extent those matters are not
10 prescribed or controlled by law, including:

11 * * *

12 (9) rules for personnel administration of employees provided the rules
13 are not discriminatory in regard to an applicant’s race, color, creed, sex, sexual
14 orientation, gender identity, age, national origin, religion, housing status, or
15 disability;

16 * * *

17 Sen. 12. 3 V.S.A. § 1026 is amended to read:

18 § 1026. EMPLOYERS

19 It shall be an unfair labor practice for an employer:

20 * * *

1 (6) to discriminate against an employee on account of race, color, creed,
2 sex, sexual orientation, gender identity, national origin, age, religion, housing
3 status, or disability;

4 * * *

5 Sec. 13. 3 V.S.A. § 1028 is amended to read:

6 § 1028. MEMBERSHIP; EMPLOYEE RIGHTS

7 An employee organization entering into an agreement shall not:

8 (1) discriminate against a member or applicant for membership on
9 account of race, color, creed, sex, sexual orientation, gender identity, national
10 origin, age, religion, housing status, or disability;

11 (2) penalize a member for exercising a right guaranteed by the
12 Constitution or laws of the United States or the State of Vermont.

13 Sec. 14. 3 V.S.A. § 1041 is amended to read:

14 § 1041. GRIEVANCES; APPLICANTS AND EXCLUDED PERSONNEL

15 (a) An applicant for employment in a position included in the bargaining
16 unit and employees who are in the initial or extended probationary period may
17 appeal to the Board if they believe they were discriminated against on account
18 of race, color, creed, sex, sexual orientation, gender identity, age, national
19 origin, religion, housing status, or disability.

20 * * *

21 * * * Banking and Insurance * * *

1 Sec. 15. 8 V.S.A. § 10403 is amended to read:

2 § 10403. PROHIBITION ON DISCRIMINATION BASED ON SEX,
3 MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL
4 ORIGIN, AGE, SEXUAL ORIENTATION, GENDER IDENTITY,
5 OR DISABILITY

6 (a) No financial institution shall discriminate against any applicant for
7 credit services on the basis of the sex, marital status, race, color, religion,
8 national origin, age, sexual orientation, gender identity, housing status, or
9 disability of the applicant, provided the applicant has the legal capacity to
10 contract.

11 (b) The Department of Financial Regulation shall prescribe rules and
12 regulations necessary to carry out the provisions of this section.

13 (c) Definitions. As used in this section:

14 (1) “Adverse action” means denial, revocation, or termination of credit
15 services. The term does not include a change in the terms of an account
16 expressly agreed to by an applicant, nor any action or forbearance relating to
17 an account taken in connection with inactivity, default, or delinquency as to
18 that account.

19 (2) “Applicant” means any person who applies to a financial institution
20 directly for an extension, renewal, or continuation of credit, or applies to a

1 financial institution indirectly by use of an existing credit plan for an amount
2 exceeding a previously established credit limit.

3 (3) “Application” means an oral or written request for an extension of
4 credit that is made in accordance with procedures established by a financial
5 institution for the type of credit requested. The term does not include the use of
6 an account or line of credit to obtain an amount of credit that is within a
7 previously established credit limit. A completed application means an
8 application in connection with which a financial institution has received all the
9 information that the financial institution regularly obtains and considers in
10 evaluating applications for the amount and type of credit requested (including,
11 credit reports, any additional information requested from the applicant, and any
12 approvals or reports by governmental agencies or other persons that are
13 necessary to guarantee, insure, or provide security for the credit or collateral).
14 The financial institution shall exercise reasonable diligence in obtaining such
15 information.

16 (4) “Credit services” means credit cards, personal loans, mortgage loans,
17 and commercial loans.

18 (5) “Financial institutions” means Vermont financial institutions, credit
19 unions, and licensed lenders.

20 (6) “Disability” applied to an applicant means a person with a disability
21 as defined in 21 V.S.A. § 495d(5). As used in this section, an applicant with a

1 disability does not include an alcoholic or drug abuser who, by reason of
2 current alcohol or drug use, constitutes an unacceptable credit risk.

3 (7) “Person” means a natural person, a corporation, government or
4 governmental subdivision or agency, trust, estate, partnership, cooperative,
5 association, or other entity.

6 (8) “Housing status” means the status of being homeless, being a
7 homeless individual, or being a homeless person, as defined in 42 U.S.C.
8 § 11302.

9 * * *

10 * * * Commerce and Trade * * *

11 Sec. 16. 9 V.S.A. § 4501 is amended to read:

12 § 4501. DEFINITIONS

13 As used in this chapter:

14 (1) “Place of public accommodation” means any school, restaurant,
15 store, establishment, or other facility at which services, facilities, goods,
16 privileges, advantages, benefits, or accommodations are offered to the general
17 public.

18 * * *

19 (11) “Housing status” means the status of being homeless, being a
20 homeless individual, or being a homeless person, as defined in 42 U.S.C.
21 § 11302.

1 Sec. 17. 9 V.S.A. § 4502 is amended to read:

2 § 4502. PUBLIC ACCOMMODATIONS

3 (a) An owner or operator of a place of public accommodation or an agent
4 or employee of such owner or operator shall not, because of the race, creed,
5 color, national origin, housing status, marital status, sex, sexual orientation, or
6 gender identity of any person, refuse, withhold from, or deny to that person
7 any of the accommodations, advantages, facilities, and privileges of the place
8 of public accommodation.

9 * * *

10 Sec. 18. 9 V.S.A. § 4503 is amended to read:

11 § 4503. UNFAIR HOUSING PRACTICES

12 (a) It shall be unlawful for any person:

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

20 (2) To discriminate against, or to harass any person in the terms,
21 conditions, or privileges of the sale or rental of a dwelling or other real estate,

1 or in the provision of services or facilities in connection therewith, because of
2 the race, sex, sexual orientation, gender identity, age, marital status, religious
3 creed, color, national origin, housing status, or disability of a person, or
4 because a person intends to occupy a dwelling with one or more minor
5 children, or because a person is a recipient of public assistance.

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

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

21 (5) [Repealed.]

1 (6) To discriminate against any person in the making or purchasing of
2 loans or providing other financial assistance for real-estate-related transactions,
3 or in the selling, brokering, or appraising of residential real property, because
4 of the race, sex, sexual orientation, gender identity, age, marital status,
5 religious creed, color, national origin, housing status, or disability of a person,
6 or because a person intends to occupy a dwelling with one or more minor
7 children, or because a person is a recipient of public assistance.

8 (7) To engage in blockbusting practices, for profit, which may include
9 inducing or attempting to induce a person to sell or rent a dwelling by
10 representations regarding the entry into the neighborhood of a person or
11 persons of a particular race, sex, sexual orientation, gender identity, age,
12 marital status, religious creed, color, national origin, housing status, or
13 disability of a person, or because a person intends to occupy a dwelling with
14 one or more minor children, or because a person is a recipient of public
15 assistance.

16 (8) To deny any person access to or membership or participation in any
17 multiple listing service, real estate brokers' organization, or other service,
18 organization, or facility relating to the business of selling or renting dwellings,
19 or to discriminate against any person in the terms or conditions of such access,
20 membership, or participation, on account of race, sex, sexual orientation,
21 gender identity, age, marital status, religious creed, color, national origin,

1 housing status, or disability of a person, or because a person is a recipient of
2 public assistance.

3 * * *

4 (12) To discriminate in land use decisions or in the permitting of
5 housing because of race, sex, sexual orientation, gender identity, age, marital
6 status, religious creed, color, national origin, housing status, disability, the
7 presence of one or more minor children, income, or because of the receipt of
8 public assistance, except as otherwise provided by law.

9 * * *

10 * * * Conservation and Development * * *

11 Sec. 19. 10 V.S.A. § 601 is amended to read:

12 § 601. DEFINITIONS

13 The following words and terms, unless the context clearly indicates a
14 different meaning, shall have the following meaning:

15 * * *

16 (11) “Persons and families of low and moderate income” means persons
17 and families irrespective of race, creed, national origin, sex, sexual orientation,
18 housing status, or gender identity deemed by the Agency to require such
19 assistance as is made available by this chapter on account of insufficient
20 personal or family income, taking into consideration, without limitation, such
21 factors as:

1 (A) the amount of the total income of such persons and families
2 available for housing needs;

3 * * *

4 (20) “Housing status” means the status of being homeless, being a
5 homeless individual, or being a homeless person, as defined in 42 U.S.C.
6 § 11302.

7 Sec. 20. 10 V.S.A. § 6201 is amended to read:

8 § 6201. DEFINITIONS

9 As used in this chapter, unless the context requires otherwise:

10 * * *

11 (13) “Housing status” means the status of being homeless, being a
12 homeless individual, or being a homeless person, as defined in 42 U.S.C.
13 § 11302.

14 Sec. 21. 10 V.S.A. § 6236 is amended to read:

15 * * *

16 (e) All mobile home lot leases shall contain the following:

17 (1) Rental and utility charges and other reasonable incidental service
18 charges, if any. No charges other than properly disclosed charges for rent,
19 utilities, or other reasonable incidental services may be imposed or collected.

20 (2) Names and addresses of the park owners.

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* * *

(36) “Housing status” means the status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

* * *

* * * Internal Security and Public Safety * * *

Sec. 25. 20 V.S.A. § 4651 is amended to read:

§ 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING INFORMATION

(a) As used in this section:

(1) “Personally identifying information” means information concerning a person’s sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, housing status, or disability.

(2) “Public agency” has the same meaning as in 1 V.S.A. § 317 and shall include all officers, employees, agents, and independent contractors of the public agency.

(3) “Housing status” means the status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

* * *

* * * Labor * * *

1 Sec. 26. 21 V.S.A. § 495 is amended to read:

2 § 495. UNLAWFUL EMPLOYMENT PRACTICE

3 (a) It shall be unlawful employment practice, except where a bona fide
4 occupational qualification requires persons of a particular race, color, religion,
5 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,
6 age, or physical or mental condition:

7 (1) For any employer, employment agency, or labor organization to
8 discriminate against any individual because of race, color, religion, ancestry,
9 national origin, sex, sexual orientation, gender identity, place of birth, housing
10 status, or age or against a qualified individual with a disability;

11 (2) For any person seeking employees or for any employment agency or
12 labor organization to cause to be printed, published, or circulated any notice or
13 advertisement relating to employment or membership indicating any
14 preference, limitation, specification, or discrimination based upon race, color,
15 religion, ancestry, national origin, sex, sexual orientation, gender identity,
16 place of birth, age, housing status, or disability;

17 (3) For any employment agency to fail or refuse to classify properly or
18 refer for employment or to otherwise discriminate against any individual
19 because of race, color, religion, ancestry, national origin, sex, sexual
20 orientation, gender identity, place of birth, housing status, or age or against a
21 qualified individual with a disability;

1 (4) For any labor organization, because of race, color, religion, ancestry,
2 national origin, sex, sexual orientation, gender identity, place of birth, housing
3 status, or age to discriminate against any individual or against a qualified
4 individual with a disability or to limit, segregate, or qualify its membership;

5 * * *

6 Sec. 27. 21 V.S.A. § 495d is amended to read:

7 § 495D. DEFINITIONS

8 As used in this subchapter:

9 * * *

10 (15) “Housing status” means the status of being homeless, being a
11 homeless individual, or being a homeless person, as defined in 42 U.S.C.
12 § 11302.

13 Sec. 28. 21 V.S.A. § 1502 is amended to read:

14 § 1502. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (15) “Housing status” means the status of being homeless, being a
18 homeless individual, or being a homeless person, as defined in 42 U.S.C.
19 § 11302.

20 Sec. 29. 21 V.S.A. § 1621 is amended to read:

21 § 1621. UNFAIR LABOR PRACTICES

1 (a) It shall be an unfair labor practice for an employer:

2 * * *

3 (7) To discriminate against an employee on account of race, color, creed,
4 religion, sex, sexual orientation, gender identity, national origin, age, or
5 housing status, disability.

6 * * *

7 (8) Compulsory membership; employees' rights. A labor organization
8 entering into an agreement requiring a person's membership therein as a
9 condition of employment by the employer shall not:

10 (A) discriminate against a person seeking or holding membership
11 therein on account of race, color, disability, religion, creed, sex, sexual
12 orientation, gender identity, age, housing status, or national origin;

13 * * *

14 Sec. 30. 21 V.S.A. § 1722 is amended to read:

15 § 1722. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (21) "Housing status" means the status of being homeless, being a
19 homeless individual, or being a homeless person, as defined in 42 U.S.C.
20 § 11302.

21 Sec. 31. 21 V.S.A. § 1726 is amended to read:

1 § 1726. UNFAIR LABOR PRACTICES

2 (a) It shall be an unfair labor practice for an employer:

3 * * *

4 (7) To discriminate against an employee on account of race, color,
5 religion, creed, sex, sexual orientation, gender identity, national origin,
6 disability, age, housing status, or political affiliation.

7 * * *

8 (b) It shall be an unfair labor practice for an employee organization or its
9 agents:

10 * * *

11 (9) To discriminate against a person seeking or holding membership
12 therein on account of race, color, religion, creed, sex, sexual orientation,
13 national origin, disability, age, housing status, or political affiliation.

14 * * *

15 Sec. 32. EFFECTIVE DATE

16 This act shall take effect on July 1, 2018.