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H.412

Representative Head of South Burlington 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 and a shortage of safe and affordable housing.

(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 help mitigate both the discrimination people without homes face and the adverse effects individuals and communities suffer when a person lacks a home.

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

§ 274. HOMELESS BILL OF RIGHTS

(a) A person’s rights, privileges, or access to public services may not be denied or abridged solely because he or she is without housing or because of

1 housing status. Such a person shall be granted the same rights and privileges
2 as any other resident of this State.

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

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

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

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

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

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

17 (6) To confidentiality of personal records and information in accordance
18 with all limitations on disclosure established by State and federal law,
19 including the Federal Homeless Management Information Systems, the Federal
20 Health Insurance Portability and Accountability Act, and the Federal Violence
21 Against Women Act. In particular, victims of domestic and sexual violence

1 and stalking who are homeless have the right to safety and confidentiality. No
2 identifying information pertaining to such victims shall be released without a
3 written release unless the disclosure of the information is required by State or
4 federal law or a court order.

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

7 (8) To immediate and continued enrollment of his or her school-age
8 children based on the best interests of the child as provided for in 16 V.S.A.
9 § 1075(e) and the McKinney Vento Act, 42 U.S.C. §§ 11431-11435.

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

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

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

1 Sec. 3. 9 V.S.A. § 4501 is amended to read:

2 § 4501. DEFINITIONS

3 As used in this chapter:

4 * * *

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

8 Sec. 4. 9 V.S.A. § 4502 is amended to read:

9 § 4502. PUBLIC ACCOMMODATIONS

10 (a) An owner or operator of a place of public accommodation or an agent
11 or employee of such owner or operator shall not, because of the race, creed,
12 color, national origin, housing status, marital status, sex, sexual orientation, or
13 gender identity of any person, refuse, withhold from, or deny to that person
14 any of the accommodations, advantages, facilities, and privileges of the place
15 of public accommodation.

16 * * *

17 Sec. 5. 9 V.S.A. § 4503 is amended to read:

18 § 4503. UNFAIR HOUSING PRACTICES

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

20 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
21 of, or otherwise make unavailable or deny, a dwelling or other real estate to

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

6 (2) To discriminate against, or to harass any person in the terms,
7 conditions, or privileges of the sale or rental of a dwelling or other real estate,
8 or in the provision of services or facilities in connection therewith, because of
9 the race, sex, sexual orientation, gender identity, age, marital status, religious
10 creed, color, national origin, housing status, or disability of a person, or
11 because a person intends to occupy a dwelling with one or more minor
12 children, or because a person is a recipient of public assistance.

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

1 gender identity, age, marital status, religious creed, color, national origin,
2 housing status, or disability of a person, or because a person is a recipient of
3 public assistance.

4 * * *

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

10 * * *

11 Sec. 6. 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. 7. 21 V.S.A. § 495 is amended to read:

8 § 495. UNLAWFUL EMPLOYMENT PRACTICE

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

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

17 (2) For any person seeking employees or for any employment agency or
18 labor organization to cause to be printed, published, or circulated any notice or
19 advertisement relating to employment or membership indicating any
20 preference, limitation, specification, or discrimination based upon race, color,

1 religion, ancestry, national origin, sex, sexual orientation, gender identity,
2 place of birth, age, housing status, or disability;

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

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

12 * * *

13 Sec. 8. 21 V.S.A. § 495d is amended to read:

14 § 495d. DEFINITIONS

15 As used in this subchapter:

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. 9. EFFECTIVE DATE

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