

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

H.132

Introduced by Representatives Stevens of Waterbury, Birong of Vergennes,
Carroll of Bennington, Colburn of Burlington, Conquest of
Newbury, Cordes of Lincoln, Fegard of Berkshire, Grad of
Moretown, Houghton of Essex, Killacky of South Burlington,
Kornheiser of Brattleboro, LaLonde of South Burlington,
Mrowicki of Putney, Nicoll of Ludlow, Scheu of Middlebury,
Townsend of South Burlington, and White of Hartford

Referred to Committee on

Date:

Subject: Housing; domestic violence

Statement of purpose of bill as introduced: This bill proposes to adopt
protections against housing discrimination for victims of domestic and sexual
violence.

An act relating to adopting protections against housing discrimination for
victims of domestic and sexual violence

~~Sec. 1. REDESIGNATION~~
~~(a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A. chapter~~
~~136.~~

1 ~~(b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.~~

2 ~~§ 4410.~~

3 Sec. 2. 9 V.S.A. chapter 137 is amended to read:

4 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

5 Subchapter 1: General

6 § 4451. DEFINITIONS

7 * * *

8 Subchapter 2: Residential Rental Agreements

9 § 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

10 * * *

11 Subchapter 3: Farm Employee Housing

12 § 4469. [Reserved.]

13 § 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE

14 HOUSING

15 * * *

16 Subchapter 4: Housing Discrimination; Domestic and Sexual Violence

17 § 4471. DEFINITIONS

18 As used in this subchapter:

19 (1) “Abuse” has the same meaning as in 15 V.S.A. § 1101.

20 (2) “Protected tenant” means a tenant who is:

21 (A) a victim of abuse, sexual assault, or stalking,

1 ~~(B) a parent or guardian with physical custody of a victim of abuse~~
2 ~~sexual assault, or stalking.~~

3 ~~(2) "Sexual assault" and "stalking" have the same meaning as in~~
4 ~~12 V.S.A. § 5131.~~

5 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

6 (a) Notwithstanding a contrary provision of a rental agreement or of
7 subchapter 2 of this chapter, a protected tenant may terminate a rental
8 agreement pursuant to subsection (b) of this section without penalty or liability
9 if he or she reasonably believes it is necessary to vacate a dwelling unit:

10 (1) based on a fear of imminent harm to the protected tenant or to his or
11 her child or dependent due to abuse, sexual assault, or stalking; or

12 (2) if the protected tenant or his or her child or dependent was a victim
13 of sexual assault that occurred on the premises within the six months preceding
14 the date of his or her notice of termination.

15 (b) Not less than 30 days before the date of termination, the protected
16 tenant shall provide to the landlord:

17 (1) a written notice of termination; and

18 (2) documentation from one or more of the following sources
19 supporting his or her reasonable belief that it is necessary to vacate the
20 dwelling unit:

21 ~~(A) a court, law enforcement, or other government agency,~~

1 ~~(B) an abuse, sexual assault, or stalking assistance program;~~

2 ~~(C) a legal, clerical, medical, or other professional from whom the~~
3 ~~tenant, or the minor or dependent of the tenant, received counseling or other~~
4 ~~assistance concerning abuse, sexual assault, or stalking; or~~

5 ~~(D) a self-certification signed under penalty of perjury.~~

6 § 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

7 Notwithstanding any contrary provision of a rental agreement or of
8 subchapter 2 of this chapter:

9 (1) Subject to subdivision (2) of this subsection, a protected tenant may
10 request that a landlord change the locks of a dwelling unit within 48 hours:

11 (A) based on a fear of imminent harm to the protected tenant or to
12 his or her child or dependent due to abuse, sexual assault, or stalking; or

13 (B) if the protected tenant or his or her child or dependent was a
14 victim of sexual assault that occurred on the premises within the six months
15 preceding the date of his or her notice of termination.

16 (2) If the perpetrator of abuse, sexual assault, or stalking is also a tenant
17 in the dwelling unit, the protected tenant shall include with his or her request a
18 copy of a court order that requires the perpetrator to leave the premises.

19 (3) If the landlord changes the locks as requested, the landlord shall
20 make a good faith effort to provide a key to the new locks to each tenant of the

1 dwelling unit, not including the perpetrator of domestic violence who is
2 subject to a court order to leave the premises.

3 (4) If the landlord does not change the locks as requested, the protected
4 tenant may change the locks without the landlord's prior knowledge or
5 permission, provided that the protected tenant shall:

6 (A) ensure that the new locks, and the quality of the installation,
7 equal or exceed the quality of the original;

8 (B) notify the landlord of the change within 24 hours of installation;
9 and

10 (C) make a good faith effort to provide the landlord with a key to the
11 new locks.

12 (5)(A) A protected tenant may request permission of a landlord to install
13 additional security measures on the premises, including a security system or
14 security camera.

15 (B) A protected tenant:

16 (i) shall submit his or her request not less than seven days prior to
17 installation;

18 (ii) shall ensure the quality and safety of the security measures
19 and of their installation;

20 (iii) is responsible for the costs of installation and operation of the
21 security measures, and

1 ~~(iv) is liable for damages resulting from installation~~

2 (C) A landlord shall not unreasonably refuse a protected tenant's
3 request to install additional security measures pursuant to this subdivision (5).

4 § 4474. CONFIDENTIALITY

5 An owner, landlord, or housing subsidy provider who possesses
6 documentation or information concerning a protected tenant's status as a
7 victim of domestic violence shall keep the documentation or information
8 confidential and shall not allow or provide access to another person unless:

9 (1) authorized by the protected tenant; or

10 (2) required by a court order, government regulation, or governmental
11 audit requirement.

12 Sec. 2. 9 V.S.A. chapter 139 is amended to read:

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

15 * * *

16 § 4501. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (11) "Abuse," "sexual assault," and "stalking" have the same meaning
20 as in section 4471 of this title.

21

1 ~~§ 4503. LINEAR HOUSING PRACTICES~~

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

3 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
4 of, or otherwise make unavailable or deny, a dwelling or other real estate to
5 any person because of the race, sex, sexual orientation, gender identity, age,
6 marital status, religious creed, color, national origin, or disability of a person,
7 or because a person intends to occupy a dwelling with one or more minor
8 children, or because a person is a recipient of public assistance, or because a
9 person is a victim of abuse, sexual assault, or stalking.

10 (2) To discriminate against, or to harass any person in the terms,
11 conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or
12 other real estate, or in the provision of services or facilities in connection
13 therewith, because of the race, sex, sexual orientation, gender identity, age,
14 marital status, religious creed, color, national origin, or disability of a person,
15 or because a person intends to occupy a dwelling with one or more minor
16 children, or because a person is a recipient of public assistance, or because a
17 person is a victim of abuse, sexual assault, or stalking.

18 (3) To make, print, or publish, or cause to be made, printed, or
19 published any notice, statement, or advertisement, with respect to the sale or
20 rental of a dwelling or other real estate that indicates any preference,
21 imitation, or discrimination based on race, sex, sexual orientation, gender

1 ~~tity, age, marital status, religious creed, color, national origin, or disability of a~~
2 person, or because a person intends to occupy a dwelling with one or more
3 minor children, or because a person is a recipient of public assistance, or
4 because a person is a victim of abuse, sexual assault, or stalking.

5 (4) To represent to any person because of the race, sex, sexual
6 orientation, gender identity, age, marital status, religious creed, color, national
7 origin, or disability of a person, or because a person intends to occupy a
8 dwelling with one or more minor children, or because a person is a recipient of
9 public assistance, or because a person is a victim of abuse, sexual assault, or
10 stalking, that any dwelling or other real estate is not available for inspection,
11 sale, or rental when the dwelling or real estate is in fact so available.

12 (5) To disclose to another person information regarding or relating to
13 the status of a tenant or occupant as a victim of abuse, sexual assault, or
14 stalking for the purpose or intent of:

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

16 (B) retaliating against a tenant or occupant for exercising his or her
17 rights;

18 (C) influencing or coercing a tenant or occupant to vacate the
19 dwelling; or

20 ~~(D) recovering possession of the dwelling.~~

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, or disability of a person, or because a~~
6 ~~person intends to occupy a dwelling with one or more minor children, or~~
7 ~~because a person is a recipient of public assistance, or because a person is a~~
8 ~~victim of abuse, sexual assault, or stalking.~~

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

17 (8) To deny any person access to or membership or participation in any
18 multiple listing service, real estate brokers' organization, or other service,
19 organization, or facility relating to the business of selling or renting dwellings,
20 or to discriminate against any person in the terms or conditions of such access,
21 ~~membership, or participation, on account of race, sex, sexual orientation,~~

1 ~~er identity, age, marital status, religious creed, color, national origin, or~~
2 disability of a person, or because a person is a recipient of public assistance, or
3 because a person is a victim of abuse, sexual assault, or stalking.

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, disability, the presence of one or
8 more minor children, income, or because of the receipt of public assistance, or
9 because a person is a victim of abuse, sexual assault, or stalking, except as
10 otherwise provided by law.

11 * * *

12 Sec. 3. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2019.~~

Sec. 1. REDESIGNATION

(a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A. chapter
136.

(b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.
§ 4410.

Sec. 2. 9 V.S.A. chapter 137 is amended to read:

CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

Subchapter 1: General

§ 4451. DEFINITIONS

* * *

Subchapter 2: Residential Rental Agreements

§ 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

* * *

Subchapter 3: Farm Employee Housing

§ 4469. [Reserved.]

§ 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE
HOUSING

* * *

Subchapter 4: Housing Discrimination; Domestic and Sexual Violence

§ 4471. DEFINITIONS

As used in this subchapter:

(1) "Abuse" has the same meaning as in 15 V.S.A. § 1101.

(2) "Protected tenant" means a tenant who is:

(A) a victim of abuse, sexual assault, or stalking;

(B) a parent, foster parent, legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking.

(3) "Sexual assault" and "stalking" have the same meaning as in 12 V.S.A. § 5131.

§ 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

(a) Notwithstanding a contrary provision of a rental agreement or of subchapter 2 of this chapter, a protected tenant may terminate a rental agreement pursuant to subsection (b) of this section without penalty or liability if he or she reasonably believes it is necessary to vacate a dwelling unit:

(1) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(2) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her notice of termination.

(b) Not less than 30 days before the date of termination, the protected tenant shall provide to the landlord:

(1) a written notice of termination; and

(2) documentation from one or more of the following sources supporting his or her reasonable belief that it is necessary to vacate the dwelling unit:

(A) a court, law enforcement, or other government agency;

(B) an abuse, sexual assault, or stalking assistance program;

(C) a legal, clerical, medical, or other professional from whom the tenant, or the minor or dependent of the tenant, received counseling or other assistance concerning abuse, sexual assault, or stalking; or

(D) a self-certification of a protected tenant's status as a victim of abuse, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:

(i) a federal or State government entity, including the federal Department of Housing and Urban Development or the Vermont Department for Children and Families; or

(ii) a nonprofit organization that provides support services to protected tenants.

(c) A notice of termination provided pursuant to subsection (b) of this section may be revoked and the rental agreement shall remain in effect if:

(1)(A) the protected tenant provides a written notice to the landlord revoking the notice of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of the revocation; or

(2)(A) the protected tenant has not vacated the premises as of the date of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of termination.

§ 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

Notwithstanding any contrary provision of a rental agreement or of subchapter 2 of this chapter:

(1) Subject to subdivision (2) of this subsection, a protected tenant may request that a landlord change the locks of a dwelling unit within 48 hours:

(A) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(B) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her request.

(2) If the perpetrator of abuse, sexual assault, or stalking is also a tenant in the dwelling unit, the protected tenant shall include with his or her request a copy of a court order that requires the perpetrator to leave the premises.

(3) If the landlord changes the locks as requested, the landlord shall provide a key to the new locks to each tenant of the dwelling unit, not including the perpetrator of the abuse, sexual assault, or stalking who is subject to a court order to leave the premises.

(4) If the landlord does not change the locks as requested, the protected tenant may change the locks without the landlord's prior knowledge or permission, provided that the protected tenant shall:

(A) ensure that the new locks, and the quality of the installation, equal or exceed the quality of the original;

(B) notify the landlord of the change within 24 hours of installation;

and

(C) provide the landlord with a key to the new locks.

(5)(A) A protected tenant may request permission of a landlord to install additional security measures on the premises, including a security system or security camera.

(B) A protected tenant:

(i) shall submit his or her request not less than seven days prior to installation;

(ii) shall ensure the quality and safety of the security measures and of their installation;

(iii) is responsible for the costs of installation and operation of the security measures; and

(iv) is liable for damages resulting from installation.

(C) A landlord shall not unreasonably refuse a protected tenant's request to install additional security measures pursuant to this subdivision (5).

§ 4474. CONFIDENTIALITY

An owner, landlord, or housing subsidy provider who possesses documentation or information concerning a protected tenant's status as a victim of abuse, sexual assault, or stalking shall keep the documentation or

information confidential and shall not allow or provide access to another person unless:

(1) authorized by the protected tenant;

(2) required by a court order, government regulation, or governmental audit requirement; or

(3) required as evidence in a court proceeding, provided:

(A) the documentation or information remains under seal; and

(B) use of the documentation or information is limited to a claim brought pursuant to section 4472 or 4473 of this title.

§ 4475. LIMITATION OF LIABILITY

A landlord is immune from liability for damages if he or she acts in good faith reliance on:

(1) the provisions of this subchapter; or

(2) information provided or action taken by a protected tenant.

Sec. 3. PROTECTED TENANT SELF-CERTIFICATION; FORM

The Vermont Network Against Domestic and Sexual Violence, in collaboration with the Vermont Apartment Owners Association and other interested stakeholders, shall develop and make available a standard self-certification form for use by protected tenants pursuant to 9 V.S.A. § 4472(b).

Sec. 4. 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:

** * **

(1) “Abuse,” “sexual assault,” and “stalking” have the same meaning as in section 4471 of this title.

** * **

§ 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 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, or because a person is a victim of abuse, sexual assault, or stalking.

(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 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, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or 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, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or 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, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

(5) To disclose to another person information regarding or relating to the status of a tenant or occupant as a victim of abuse, sexual assault, or stalking for the purpose or intent of:

(A) harassing or intimidating the tenant or occupant;

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

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

(D) recovering possession of the dwelling.

(6) To discriminate against any person in the making or purchasing of loans or providing other financial assistance for real-estate-related transactions or in the selling, brokering, or appraising of residential real property, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or 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, or because a person is a victim of abuse, sexual assault, or stalking.

(7) To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age,

marital status, religious creed, color, national origin, or 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, or because a person is a victim of abuse, sexual assault, or stalking.

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

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2019.