

1 H.333

2 Introduced by Representatives Rachelson of Burlington, Brownell of Pownal,
3 Burke of Brattleboro, Colburn of Burlington, Gonzalez of
4 Winooski, Hooper of Montpelier, LaLonde of South Burlington,
5 McCullough of Williston, Nicoll of Ludlow, and Pajala of
6 Londonderry

7 Referred to Committee on

8 Date:

9 Subject: Labor; fair employment practices; commerce and trade;
10 discrimination; rental and sale of real estate; criminal history

11 Statement of purpose of bill as introduced: This bill proposes to prohibit
12 discrimination based on an individual's criminal history in employment and
13 the rental or sale of housing.

14 An act relating to prohibiting discrimination based on an individual's
15 criminal history

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

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

18 § 495. UNLAWFUL EMPLOYMENT PRACTICE

19 (a) It shall be unlawful employment practice, except where a bona fide
20 occupational qualification requires persons of a particular race, color, religion,

1 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,
2 age, crime victim status, criminal history, or physical or mental condition:

3 (1) For any employer, employment agency, or labor organization to
4 discriminate against any individual because of race, color, religion, ancestry,
5 national origin, sex, sexual orientation, gender identity, place of birth, crime
6 victim status, criminal history, or age or against a qualified individual with a
7 disability;

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

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

19 (4) For any labor organization, because of race, color, religion, ancestry,
20 national origin, sex, sexual orientation, gender identity, place of birth, crime
21 victim status, criminal history, or age to discriminate against any individual or

1 against a qualified individual with a disability or to limit, segregate, or qualify
2 its membership;

3 * * *

4 (i) The provisions of this section prohibiting discrimination on the basis of
5 criminal history shall not be construed to prohibit or prevent an employer from
6 discharging or refusing to hire an individual for a position:

7 (1) for which any federal or State law or regulation creates a mandatory
8 or presumptive disqualification based on one or more types of criminal
9 offenses for which the individual has been convicted or is subject to a pending
10 criminal charge;

11 (2) if the employer or an affiliate of the employer is subject to an
12 obligation imposed by any federal or State law or regulation not to employ in
13 that position any individual who has been convicted of one or more types of
14 criminal offenses for which the individual has been convicted or is subject to a
15 pending criminal charge; or

16 (3) that bears a substantial relationship to one or more types of criminal
17 offenses for which the individual has been convicted or is subject to a pending
18 criminal charge.

19 21 V.S.A. § 495d is amended to read:

20 § 495d. DEFINITIONS

21 As used in this subchapter:

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(16) “Criminal history” means all information related to an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody and supervision.

Sec. 2. 9 V.S.A. § 4503 is amended to read:

§ 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, criminal history, 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.

(2) To discriminate against, or to harass any person in the terms, conditions, or privileges 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, criminal history, or disability of a person, or

1 because a person intends to occupy a dwelling with one or more minor
2 children, or because a person is a recipient 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, criminal history, or
8 disability of a person, or because a person intends to occupy a dwelling with
9 one or more minor children, or because a person is a recipient of public
10 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, criminal history, or disability of a person, or because a person intends to
14 occupy a dwelling with one or more minor children, or because a person is a
15 recipient of public assistance, that any dwelling or other real estate is not
16 available for inspection, sale, or rental when the dwelling or real estate is in
17 fact so available.

18 * * *

19 (6) To discriminate against any person in the making or purchasing of
20 loans or providing other financial assistance for real-estate-related transactions
21 or in the selling, brokering, or appraising of residential real property, because

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

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

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

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