

1 Introduced by House Committee on General, Housing, and Military Affairs

2 Date:

3 Subject: Labor; employment practices; parental and family leave; earned sick
4 time; COVID-19

5 Statement of purpose of bill as introduced: This bill proposes to make
6 temporary amendments to the earned sick time law and the Parental and
7 Family Leave Act and to provide emergency housing-related assistance to
8 address COVID-19. [Housing edits updated 3/26/20 @ 9:00 AM – DPH]

9 An act relating to amending the earned sick time law and Parental and
10 Family Leave Act and providing emergency housing-related assistance to
11 address COVID-19

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

13 * * * Family leave and sick time coverage for COVID-19 * * *

14 Sec. 1. 21 V.S.A. § 471 is amended to read:

15 § 471. DEFINITIONS

16 As used in this subchapter:

17 (1) “Employer” means an individual, organization, or governmental
18 body, partnership, association, corporation, legal representative, trustee,
19 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,
20 air, or express company doing business in or operating within this State ~~which~~
21 that:

1 (A) for the purposes of parental leave employs 10 or more
2 individuals who are employed for an average of at least 30 hours per week
3 during a year ~~and~~;

4 (B) for the purposes of family leave employs 15 or more individuals
5 for an average of at least 30 hours per week during a year; and

6 (C) for the purposes of family leave taken in relation to COVID-19
7 employs five or more individuals for an average of at least 30 hours per week
8 during the year.

9 (2) “Employee” means a person who, in consideration of direct or
10 indirect gain or profit, has been continuously employed by the same employer
11 for a period of one year for an average of at least 30 hours per week.

12 (3) “Family leave” means a leave of absence from employment by an
13 employee ~~who works for an employer which employs 15 or more individuals~~
14 ~~who are employed for an average of at least 30 hours per week during the year~~
15 for one of the following reasons:

16 (A) the serious illness of the employee; ~~or~~

17 (B) the serious illness of the employee’s child, stepchild or ward who
18 lives with the employee, foster child, parent, spouse, or parent of the
19 employee’s spouse;

20 (C) a request from a medical professional, local health official, or the
21 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed
2 with COVID-19.

3 * * *

4 (5) “Serious illness” means an accident, disease, or physical or mental
5 condition that:

6 (A) poses imminent danger of death;

7 (B) requires inpatient care in a hospital; or

8 (C) requires continuing in-home care under the direction of a
9 physician.

10 Sec. 2. 21 V.S.A. § 472 is amended to read:

11 § 472. LEAVE

12 (a) During any 12-month period, an employee shall be entitled to take
13 unpaid leave for a period not to exceed 12 weeks:

14 * * *

15 (2) for family leave, for either:

16 (A) the serious illness of the employee or the employee’s child,
17 stepchild or ward of the employee who lives with the employee, foster child,
18 parent, spouse, or parent of the employee’s spouse; or

19 (B) a request from a medical professional, local health official, or the
20 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed
2 with COVID-19.

3 * * *

4 Sec. 3. 21 V.S.A. § 483 is amended to read:

5 § 483. USE OF EARNED SICK TIME

6 (a) An employee may use earned sick time accrued pursuant to section 482
7 of this subchapter for any of the following reasons:

8 (1) The employee is ill or injured.

9 (2) The employee obtains professional diagnostic, preventive, routine, or
10 therapeutic health care.

11 (3) The employee cares for a sick or injured parent, grandparent, spouse,
12 child, brother, sister, parent-in-law, grandchild, or foster child, including
13 helping that individual obtain diagnostic, preventive, routine, or therapeutic
14 health treatment, or accompanying the employee's parent, grandparent, spouse,
15 or parent-in-law to an appointment related to his or her long-term care.

16 * * *

17 (5) The employee cares for a parent, grandparent, spouse, child, brother,
18 sister, parent-in-law, grandchild, or foster child; because the school or business
19 where that individual is normally located during the employee's workday is
20 closed for public health or safety reasons.

1 Sec. 5. 21 V.S.A. § 472 is amended to read:

2 § 472. LEAVE

3 (a) During any 12-month period, an employee shall be entitled to take
4 unpaid leave for a period not to exceed 12 weeks:

5 * * *

6 (2) for family leave, for ~~either:~~

7 ~~(A) the serious illness of the employee or the employee’s child,~~
8 ~~stepchild or ward of the employee who lives with the employee, foster child,~~
9 ~~parent, spouse, or parent of the employee’s spouse; or~~

10 ~~(B) a request from a medical professional, local health official, or the~~
11 ~~Commissioner of Health that the employee be isolated or quarantined as a~~
12 ~~result of COVID-19, regardless of whether the employee has been diagnosed~~
13 ~~with COVID-19.~~

14 * * *

15 Sec. 6. 21 V.S.A. § 483(a)(6) is amended to read:

16 (6) [Repealed.]

17 * * * Housing-Related Assistance * * *

18 Sec. 7. APPROPRIATION

19 The amount of \$5,000,000.00 is appropriated from the General Fund to the
20 Department of Children and Families to provide emergency housing-related
21 assistance pursuant to Sec. 8. of this act.

1 Sec. 8. DEPARTMENT OF CHILDREN AND FAMILIES; DEPARTMENT
2 OF HOUSING AND COMMUNITY DEVELOPMENT;
3 EMERGENCY HOUSING ASSISTANCE

4 (a) The Department of Children and Families, in coordination with the
5 Department of Housing and Community Development, the Vermont Housing
6 and Conservation Board, and other appropriate partners as necessary, shall
7 adopt policies and procedures to administer funding for housing-related
8 emergency relief that is specifically necessitated by the spread of COVID-19,
9 including:

- 10 (1) housing search and placement;
11 (2) housing stability case management;
12 (3) landlord-tenant mediation;
13 (4) follow-up and supportive services to maintain housing;
14 (5) financial assistance for security deposits and rental payments;
15 (6) rental arrears;
16 (7) short-term rental assistance; and
17 (8) the purchase or lease of existing housing units for purposes of
18 isolation or quarantine related to COVID-19.

19 (b) The Department of Children and Families shall:

- 20 (1) develop a process for outreach to community partners, landlords, and
21 tenants;

1 (2) develop an expedited application process for emergency relief;

2 (3) develop criteria for prioritizing emergency funding based on the
3 income of applicants, projected duration and severity of the individual and
4 Statewide need for assistance, and other relevant factors the Department
5 identifies in its discretion.

6 (c) The Department of Children and Families shall maintain adequate
7 records and data concerning funding it provides pursuant to this section and
8 make that information available to the General Assembly as requested.

9 (d) The Department of Children and Families and the Department of
10 Housing and Community Development shall provide information, technical
11 assistance, and necessary guidance to homeless shelters, community housing
12 partners, and landlord and tenant associations concerning the resources and
13 requirements of this act, as well as relevant existing resources.

14 * * * Original Draft Placeholder Language * * *

15 Sec. 9. LANDLORDS AND TENANTS; UTILITY COMPANIES;

16 HOUSING LENDERS; TEMPORARY HOUSING-RELATED

17 MORATORIA

18 (a) Notwithstanding any provision of law to the contrary, the provisions of
19 this section apply for the duration of any state of emergency declared by the
20 Governor arising from the spread of COVID-19 and until 60 days after the

1 Governor terminates the state of emergency and shall apply to any individual
2 who is unable to work due to:

3 (1) his or her own illness;

4 (2) illness of a member of his or her household;

5 (3) isolation required by his or her employer;

6 (4) isolation required by State or local government authorities; or

7 (5) isolation required by his or her primary care provider or other health
8 official.

9 (b) If a tenant of a residential dwelling unit notifies the landlord that the
10 tenant is unable to continue making timely payments under a residential rental
11 agreement, the landlord shall not issue a notice of termination of tenancy for
12 nonpayment of rent or commence an action of ejectment pursuant to 12 V.S.A.
13 chapter 169 for nonpayment of rent until 60 days after the Governor terminates
14 the state of emergency.

15 (c) If a tenant or homeowner notifies a water, sewer, or electric utility that
16 the tenant or homeowner is unable to continue making timely payments under
17 a utility service agreement, the utility shall not disconnect service to the
18 residence until 60 days after the Governor terminates the state of emergency.

19 * * * Language Based on Vermont Legal Aid Proposal * * *

20 Sec. 9. LANDLORDS AND TENANTS; HOUSING LENDERS;
21 TEMPORARY HOUSING-RELATED MORATORIA

1 (a) **Definitions.** As used in this section:

2 (1) “Emergency period” means the period beginning with the
3 Governor’s declaration of a state of emergency on March 13, 2020 arising
4 from COVID-19 and ending 30 days after the Governor terminates the state of
5 emergency by declaration.

6 (2) “Foreclosure” means a foreclosure action brought under 12 V.S.A.
7 chapter 172 against a dwelling house, as defined in 12 V.S.A. § 4931(2).

8 (b) **Duties.** This section does not:

9 (1) relieve a tenant of the obligation to pay rent pursuant to 9 V.S.A. §
10 4455; or

11 (2) relieve a borrower under a residential loan agreement of the
12 obligation to make timely payments pursuant to the terms of the loan
13 agreement.

14 (c) **Pending foreclosure and ejectment actions.**

15 (1) Upon the effective date of this act all pending actions for ejectment
16 under 12 V.S.A. chapter 169, actions for foreclosure under 12 V.S.A. chapter
17 172, and outstanding orders in those actions are stayed until the end of the
18 emergency period.

19 (2) A Court of this State, before which is any matter stayed pursuant to
20 subdivision (1) of this subsection, shall issue any necessary orders and provide

1 notice to the parties of the stay not later than five days after the effective date
2 of this act.

3 **(d) New foreclosure and ejectment actions.**

4 (1) During the emergency period:

5 (A) A landlord may commence an ejectment action pursuant to 9
6 V.S.A. chapter 137 and 12 V.S.A. chapter 169, and a residential mortgage
7 lender may commence a foreclosure action pursuant to 12 V.S.A. chapter 172,
8 only by filing an action with the Civil Division of the Superior Court and not
9 by service pursuant to V.R.C.P. 3.

10 (B) The Court shall stay the action as of the date of filing until the
11 end of the emergency period.

12 (2) For an action filed pursuant to subdivision (1)(A) of this section, the
13 deadline for completing service of process pursuant to V.R.C.P. 3 is 60 days
14 after the emergency period ends.

15 **(e) Writs of possession not yet issued.** During the emergency period a
16 court shall not issue a writ of possession:

17 (1) in an ejectment action:

18 (A) pursuant to 12 V.S.A. § 4853a(h) because a tenant failed to pay
19 rent into court; or

1 (B) pursuant to 12 V.S.A. § 4854 if the court has entered judgment in
2 favor of the plaintiff but did not issue a writ of possession with the judgment;

3 or

4 (2) in a strict foreclosure action pursuant to 12 V.S.A. § 4941(e) because
5 the property is not redeemed; or

6 (3) in an action for foreclosure by judicial sale pursuant to 12 V.S.A. §
7 4946(d) upon expiration of the period of redemption.

8 **(f) Writs of possession already issued.**

9 (1) During the emergency period, following a judgment in an ejectment
10 action or foreclosure action:

11 (A) If the defendant was served a writ of possession not more than 60
12 days prior to the effective date of this act:

13 (i) the defendant is not required to surrender possession until the
14 end of the emergency period; and

15 (ii) the sheriff or constable who served the writ shall provide
16 written notice of the delay to the defendant.

17 (B) If a writ of possession was issued by the court but not yet served,
18 the sheriff or constable shall not serve the writ and shall return it to the
19 plaintiff.

1 (C) The courts and Vermont Legal Aid shall coordinate to ensure that
2 defendants in ejection actions receive notice of the delayed effective dates of
3 writs issued by the court.

4 (2) The effective date of a writ of possession is stayed as of the start date
5 of the emergency period and resumes running when the emergency period
6 ends.

7 (g) Resumption of rent escrow hearings. For a period of 45 days after
8 the emergency period ends, notwithstanding 12 V.S.A. § 4853a(d):

9 (1) If a court finds that a tenant is obligated to pay rent and has failed to
10 do so, a court shall order the defendant to make full or partial payment into
11 court, calculated as follows:

12 (A) for motions for rent escrow served after the effective date of this
13 act, rent owed from the date of service; and

14 (B) for motions for rent escrow served before the effective date of
15 this act, rent owed from the end of the emergency period.

16 (2) In calculating the amount to be paid into court, the court may
17 consider a tenant’s inability to pay due to circumstances arising in the
18 emergency period and whether the tenant made good faith attempts to secure
19 available emergency rental payment funds.

1 (h) During the emergency period the Judiciary, in consultation with
2 landlords, Vermont Legal Aid, and other relevant stakeholders, shall design a
3 plan for the orderly adjudication of stayed ejectment and foreclosure actions.

4 * * * Court Filed Verified Documents * * *

5 Sec. 10. 4 V.S.A. § 27b is amended to read:

6 § 27B. ELECTRONICALLY COURT FILED VERIFIED DOCUMENTS

7 (a) A registered electronic filer in the Judiciary’s electronic document filing
8 system party may file any document that would otherwise require the approval
9 or verification of a notary by filing the document with the following language
10 inserted above the signature and date:

11 “I declare that the above statement is true and accurate to the best of my
12 knowledge and belief. I understand that if the above statement is false, I will be
13 subject to the penalty of perjury.”

14 (b) A document filed pursuant to subsection (a) of this section shall not
15 require the approval or verification of a notary.

16 (c) This section shall not apply to an affidavit in support of a search warrant
17 application or to an application for a nontestimonial identification order.

18 * * * Effective Dates * * *

19 Sec. 11. EFFECTIVE DATES

20 (a) This section and Secs. 1, 2, 3, 7, 8, and 9 shall take effect on passage.

21 (b) Secs. 4, 5, and 6 shall take effect on March 31, 2021.