

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.

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                           \* \* \* Ejectment and Foreclosure Actions \* \* \*

15           Sec. 9. LANDLORDS AND TENANTS; HOUSING LENDERS;

16           TEMPORARY HOUSING-RELATED MORATORIA

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

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

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

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

4           (1) relieve a tenant of the obligation to pay rent pursuant to 9 V.S.A. §  
5 4455;

6           (2) relieve a tenant in a pending ejectment action of the obligation to pay  
7 rent into court pursuant to an existing order pursuant to 12 V.S.A. § 4853a;

8           (3) relieve a borrower under a residential loan agreement of the  
9 obligation to make timely payments pursuant to the terms of the loan  
10 agreement; or

11           (4) abrogate a court’s ability to act in an emergency pursuant to  
12 Administrative Order 49 issued by the Vermont Supreme Court, as amended.

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

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

18           (2) A Court of this State, before which is any matter stayed pursuant to  
19 subdivision (1) of this subsection, shall issue any necessary orders and provide  
20 notice to the parties of the stay not later than five days after the effective date  
21 of this act.

1        (d) **New foreclosure and ejectment actions.** During the emergency  
2        period, a landlord may commence an ejectment action pursuant to 9 V.S.A.  
3        chapter 137 and 12 V.S.A. chapter 169, and a residential mortgage lender may  
4        commence a foreclosure action pursuant to 12 V.S.A. chapter 172, subject to  
5        the following:

6            (1) The plaintiff may commence the action only by filing with the Civil  
7        Division of the Superior Court and not by service pursuant to V.R.C.P 3.

8            (2) The Court shall stay the action as of the date of filing until the end of  
9        the emergency period.

10           (3) The plaintiff shall not attempt to serve, and a sheriff or constable  
11        shall not serve, any civil process.

12           (4) The deadline for completing service of process pursuant to V.R.C.P.  
13        3 is 60 days after the emergency period ends.

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

16            (1) in an ejectment action:

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

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

21        or

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

3           (3) in an action for foreclosure by judicial sale pursuant to 12 V.S.A. §  
4           4946(d) upon expiration of all periods of redemption.

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

6           (1) Following a judgment in an ejectment action or foreclosure action:

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

9           (i) after the Governor’s termination of the state of emergency by  
10           declaration, the plaintiff shall serve or serve again the writ and the plaintiff  
11           shall be restored to possession no sooner than 14 days after service; the  
12           Governor’s termination of the state of emergency by declaration and the sheriff  
13           or constable shall not be required to re-serve the writ of possession; and

14           (ii)

15           If the execution date of a served the writ falls within the  
16           declaration of emergency, the sheriff or constable who served the writ shall  
17           provide written notice of the delay to the defendant.

18           (B) If a writ of possession was issued by the court but not yet served,  
19           the sheriff or constable shall not serve the writ until after the Governor’s  
20           termination of the state of emergency by declaration.

1           ~~(C) The courts and Vermont Legal Aid shall coordinate to ensure that~~  
2           ~~defendants in ejectment 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.**

8           (1) For any hearing on a motion to order a defendant to pay rent into  
9           court that occurs within the first 45 days after the emergency period ends, if the  
10           court finds that the tenant is obligated to pay rent and has failed to do so, then  
11           notwithstanding 12 VSA 4853a(d) the court shall order the defendant to pay  
12           into court:

13           (A) rent as it accrues from the date of the order while the proceeding  
14           is pending; and

15           (B) rent accrued from:

16           (i) the date the motion was served, if the motion was served after  
17           the effective date of this act; or

18           (ii) the end of the emergency period, if the motion was served  
19           before the effective date of this act.

20           (2) The court may reduce the amount of rent the defendant must pay into  
21           court under subdivision (1) of this subsection after considering:

1           (A) the tenant’s inability to pay due to circumstances arising in the  
2           emergency period; and

3           (B) whether the tenant made good faith attempts to secure available  
4           emergency rental payment funds.

5           (h) Notwithstanding any provision of this act to the contrary, ejection  
6           actions for breach of lease pursuant to 9 VSA 4467(b) shall be allowed to  
7           proceed in court upon the Governor’s termination of the state of emergency by  
8           declaration.

9           (i) During the emergency period, notwithstanding 4 V.S.A. § 27b:

10           (1) a party may file any document that would otherwise require the  
11           approval or verification of a notary by filing the document with the following  
12           language inserted above the signature and date:

13           “I declare that the above statement is true and accurate to the best of my  
14           knowledge and belief. I understand that if the above statement is false, I will be  
15           subject to the penalty of perjury or other sanctions in the discretion of the  
16           court.”

17           (2) a document filed pursuant to this subsection shall not require the  
18           approval or verification of a notary; and

19           (3) this subsection does not apply to an affidavit in support of a search  
20           warrant application or to an application for a nontestimonial identification  
21           order.

1

\* \* \* Effective Dates \* \* \*

2

Sec. 11. EFFECTIVE DATES

3

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

4

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