

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 132 entitled “An act relating to adopting protections
4 against housing discrimination for victims of domestic and sexual violence”
5 respectfully reports that it has considered the same and recommends that the
6 bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 Sec. 1. REDESIGNATION

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

11 (b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.
12 § 4410.

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

14 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

15 Subchapter 1: General

16 § 4451. DEFINITIONS

17 * * *

18 Subchapter 2: Residential Rental Agreements

19 § 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

20 * * *

21 Subchapter 3: Farm Employee Housing

1 § 4469. [Reserved.]

2 § 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE

3 HOUSING

4 * * *

5 Subchapter 4: Housing Discrimination; Domestic and Sexual Violence

6 § 4471. DEFINITIONS

7 As used in this subchapter:

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

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

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

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

13 (3) “Sexual assault” and “stalking” have the same meaning as in
14 12 V.S.A. § 5131.

15 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

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

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

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

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

6 (1) a written notice of termination; and

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

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

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

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

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

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

1 (ii) a nonprofit organization that provides support services to
2 protected tenants, including the Vermont Network Against Domestic and
3 Sexual Violence.

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

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

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

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

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

14 § 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

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

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

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

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

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

7 (3) If the landlord changes the locks as requested, the landlord shall
8 make a good faith effort to provide a key to the new locks to each tenant of the
9 dwelling unit, not including the perpetrator of ~~domestic violence the abuse,~~
10 sexual assault, or stalking who is subject to a court order to leave the premises.

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

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

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

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

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

4 (B) A protected tenant:

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

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

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

11 (iv) is liable for damages resulting from installation.

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

14 § 4474. CONFIDENTIALITY

15 An owner, landlord, or housing subsidy provider who possesses
16 documentation or information concerning a protected tenant's status as a
17 victim of ~~domestic violence~~ abuse, sexual assault, or stalking shall keep the
18 documentation or information confidential and shall not allow or provide
19 access to another person unless:

20 (1) authorized by the protected tenant;

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

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

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

5 (B) use of the documentation or information is limited to claims

6 brought pursuant to sections 4472 and 4473 of this title.

7 § 4475. LIMITATION OF LIABILITY

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

10 (1) the provisions of this subchapter; or

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

12 Sec. 1a. PROTECTED TENANT SELF-CERTIFICATION; FORM

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

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18 [Sec. 2 - Option A]

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

20 CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS;

21 RENTAL AND SALE OF REAL ESTATE

1 * * *

2 § 4501. DEFINITIONS

3 As used in this chapter:

4 * * *

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

7 * * *

8 § 4503. UNFAIR HOUSING PRACTICES

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

10 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
11 of, or otherwise make unavailable or deny, a dwelling or other real estate to
12 any person because of the 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 (2) To discriminate against, or to harass any person in the terms,
18 conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or
19 other real estate, or in the provision of services or facilities in connection
20 therewith, because of the race, sex, sexual orientation, gender identity, age,
21 marital status, religious creed, color, national origin, or disability of a person,

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

4 (3) To make, print, or publish, or cause to be made, printed, or published
5 any notice, statement, or advertisement, with respect to the sale or rental of a
6 dwelling or other real estate that indicates any preference, limitation, or
7 discrimination based on race, sex, sexual orientation, gender identity, age,
8 marital status, religious creed, color, national origin, or disability of a person,
9 or because a person intends to occupy a dwelling with one or more minor
10 children, or because a person is a recipient of public assistance, or because a
11 person is a victim of abuse, sexual assault, or stalking.

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

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

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

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

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

6 (D) recovering possession of the dwelling.

7 (6) To discriminate against any person in the making or purchasing of
8 loans or providing other financial assistance for real-estate-related transactions
9 or in the selling, brokering, or appraising of residential real property, because
10 of the race, sex, sexual orientation, gender identity, age, marital status,
11 religious creed, color, national origin, or disability of a person, or because a
12 person intends to occupy a dwelling with one or more minor children, or
13 because a person is a recipient of public assistance, or because a person is a
14 victim of abuse, sexual assault, or stalking.

15 (7) To engage in blockbusting practices, for profit, which may include
16 inducing or attempting to induce a person to sell or rent a dwelling by
17 representations regarding the entry into the neighborhood of a person or
18 persons of a particular race, sex, sexual orientation, gender identity, age,
19 marital status, religious creed, color, national origin, or disability of a person,
20 or because a person intends to occupy a dwelling with one or more minor

1 children, or because a person is a recipient of public assistance, or because a
2 person is a victim of abuse, sexual assault, or stalking.

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

11 * * *

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

18 * * *

19 [Sec. 2 - Option B]

20 **Sec. 2. ANTI-DISCRIMINATION FOR VICTIMS OF DOMESTIC AND**
21 **SEXUAL VIOLENCE; STUDY; REPORT**

1 On or before January 15, 2020, the Rental Housing Advisory Board shall
2 consider and report to the House Committee on General, Housing and Military
3 Affairs and the Senate Committee on Economic Development, Housing and
4 General Affairs its findings and any recommendations for legislative action
5 concerning whether to add victims of domestic and sexual violence as a new
6 special class of persons protected against discrimination in housing and public
7 accommodations under Vermont law.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2019.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE