

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 492 entitled “An act relating to establishing a homeless
4 bill of rights and prohibiting discrimination against people without homes”
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. FINDINGS

9 The Vermont General Assembly finds that:

10 (1) At the present time, many persons have been rendered homeless as a
11 result of economic hardship and a shortage of safe and affordable housing.

12 (2) Article 1 of Chapter I of the Vermont Constitution states that
13 Vermonters are “equally free and independent” and Article 7 of Chapter I
14 states that all Vermonters are entitled to the same benefits and protections. As
15 a result, a person should not be subject to discrimination based on his or her
16 housing status or being homeless.

17 (3) It is the intent of this act to help mitigate both the discrimination
18 people without homes or perceived to be without homes face and the adverse
19 effects individuals and communities suffer when a person lacks a home.

20 Sec. 2. 1 V.S.A. § 274 is added to read:

21 § 274. HOMELESS BILL OF RIGHTS

1 (a) A person’s rights, privileges, or access to public services may not be
2 denied or abridged solely ~~because he or she is without housing or~~ because of
3 ~~his or her~~ housing status. Such a person shall be granted the same rights and
4 privileges as any other resident of this State.

5 (b) A person ~~without housing~~ shall have the right:

6 (1) To use and move freely in public spaces, including public sidewalks,
7 parks, transportation, and buildings, in the same manner as any other person
8 and without discrimination on the basis of his or her housing status.

9 (2) To equal treatment by all State and municipal agencies without
10 discrimination on the basis of ~~his or her~~ housing status ~~or homelessness.~~

11 (3) Not to face discrimination while seeking or maintaining
12 employment, due to his or her ~~lack of a permanent mailing address or his or~~
13 ~~her mailing address being that of a shelter or social service provider~~ ~~housing~~
14 ~~status.~~

15 (4) To emergency medical care free from discrimination based on his or
16 her housing status ~~or homelessness.~~

17 (5) To vote, register to vote, and receive documentation necessary to
18 prove identity for voting, without discrimination due to his or her housing
19 status ~~or homelessness.~~

20 (6) To confidentiality of personal records and information in accordance
21 with all limitations on disclosure established by State and federal law,

1 including the Federal Homeless Management Information Systems, the Federal
2 Health Insurance Portability and Accountability Act, and the Federal Violence
3 Against Women Act, without discrimination based on his or her housing
4 status. In particular, victims of domestic and sexual violence and stalking who
5 are homeless have the right to safety and confidentiality. No identifying
6 information pertaining to such victims shall be released without a written
7 release unless the disclosure of the information is required by State or federal
8 law or a court order.

9 (7) To a reasonable expectation of privacy in his or her personal
10 property without discrimination based on his or her housing status.

11 (8) To immediate and continued enrollment of his or her school-age
12 children based on the best interests of the child as provided for in 16 V.S.A.
13 § 1075(e) and the McKinney-Vento Act, 42 U.S.C. §§ 11431–11435 without
14 discrimination based on his or her housing status.

15 (c) No person shall be subject to civil or criminal sanctions for soliciting,
16 sharing, accepting, or offering food, water, money, or other donations in public
17 places spaces.

18 (d) No law shall target persons based on that person's housing status
19 without housing or the harmless activities associated with homelessness, or the
20 provision of supports or services to persons without housing or perceived to be
21 without housing in traditional public for a public spaces.

1 (e) A person aggrieved by a violation of this section may bring an action in
2 Superior Court for appropriate relief, including injunctive relief and actual
3 damages sustained as a result of the violation, costs, and reasonable attorney’s
4 fees.

5 (f) As used in this section:

6 (1) “Housing status” means the actual or perceived status of being
7 homeless, being a homeless individual, or being a homeless person, as defined
8 in 42 U.S.C. § 11302.

9 (2) “Public space”:

10 (A) means any space or location that is customarily open to,
11 accessible to, or used by the general public and includes:

12 (i) outdoor spaces, including sidewalks, streets, village greens, and
13 public parks and beaches; and

14 (ii) indoor spaces, including shopping malls, libraries, town halls,
15 community centers, and government buildings; and

16 (B) does not mean restaurants, stores, schools, religious
17 establishments, or indoor spaces that are not customarily open to the general
18 public or that require the payment of a fee or membership to enter.

19 Sec. 3. 9 V.S.A. § 4501 is amended to read:

20 § 4501. DEFINITIONS

21 As used in this chapter:

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(12) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 4. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

* * *

Sec. 5. 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, housing status, or disability of a person, or because a person intends to occupy a dwelling with

1 one or more minor children, or because a person is a recipient of public
2 assistance.

3 (2) To discriminate against, or to harass any person in the terms,
4 conditions, or privileges of the sale or rental of a dwelling or other real estate,
5 or in the provision of services or facilities in connection therewith, because of
6 the race, sex, sexual orientation, gender identity, age, marital status, religious
7 creed, color, national origin, housing status, or disability of a person, or
8 because a person intends to occupy a dwelling with one or more minor
9 children, or because a person is a recipient of public assistance.

10 (3) To make, print, or publish, or cause to be made, printed, or published
11 any notice, statement, or advertisement, with respect to the sale or rental of a
12 dwelling or other real estate, that indicates any preference, limitation, or
13 discrimination based on race, sex, sexual orientation, gender identity, age,
14 marital status, religious creed, color, national origin, housing status, or
15 disability of a person, or because a person intends to occupy a dwelling with
16 one or more minor children, or because a person is a recipient of public
17 assistance.

18 (4) To represent to any person because of the race, sex, sexual
19 orientation, gender identity, age, marital status, religious creed, color, national
20 origin, housing status, or disability of a person, or because a person intends to
21 occupy a dwelling with one or more minor children, or because a person is a

1 recipient of public assistance, that any dwelling or other real estate is not
2 available for inspection, sale, or rental when the dwelling or real estate is in
3 fact so available.

4 * * *

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, housing status, 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 housing status, or disability of a person, or because a person is a recipient of
20 public assistance.

21 * * *

1 (20) “Housing status” means the actual or perceived status of being
2 homeless, being a homeless individual, or being a homeless person, as defined
3 in 42 U.S.C. § 11302.

4 Sec. 7. 21 V.S.A. § 495 is amended to read:

5 § 495. UNLAWFUL EMPLOYMENT PRACTICE

6 (a) It shall be unlawful employment practice, except where a bona fide
7 occupational qualification requires persons of a particular race, color, religion,
8 national origin, housing status, sex, sexual orientation, gender identity,
9 ancestry, place of birth, age, crime victim status, or physical or mental
10 condition:

11 (1) For any employer, employment agency, or labor organization to
12 discriminate against any individual because of race, color, religion, ancestry,
13 national origin, sex, sexual orientation, gender identity, place of birth, housing
14 status, crime victim status, or age or against a qualified individual with a
15 disability;

16 (2) For any person seeking employees or for any employment agency or
17 labor organization to cause to be printed, published, or circulated any notice or
18 advertisement relating to employment or membership indicating any
19 preference, limitation, specification, or discrimination based upon race, color,
20 religion, ancestry, national origin, sex, sexual orientation, gender identity,
21 place of birth, housing status, crime victim status, age, or disability;

1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE