

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 (6) The employee is isolated or quarantined because of COVID-19
2 pursuant to a request from a medical professional, local health official, or the
3 Commissioner of Health, regardless of whether the employee has been
4 diagnosed with COVID-19.

5 * * *

6 (c) An employer may limit the amount of earned sick time accrued
7 pursuant to section 482 of this subchapter that an employee may use to:

8 ~~(1) from January 1, 2017 until December 31, 2018, no more than 24~~
9 ~~hours in a 12-month period; and~~

10 ~~(2) after December 31, 2018, no more than 40 hours in a 12-month~~
11 period.

12 * * *

13 * * * Repeals * * *

14 Sec. 4. 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 that:

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 under 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) limit a court’s ability to act in an emergency pursuant to
12 Administrative Order 49, issued by the Vermont Supreme Court, as amended,
13 including when a landlord terminates a tenancy pursuant to 9 V.S.A.
14 § 4467(b)(2) based on criminal activity, illegal drug activity, or acts of
15 violence, any of which threaten the health or safety of other residents.

16 (c) Pending foreclosure and ejectment actions.

17 (1) Upon the effective date of this act, all pending actions for ejectment
18 under 12 V.S.A. chapter 169, actions for foreclosure under 12 V.S.A. chapter
19 172, and outstanding orders in those actions are stayed until the end of the
20 emergency period.

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

5 (d) New foreclosure and ejectment actions. During the emergency period,
6 a landlord may commence an ejectment action pursuant to 9 V.S.A. chapter
7 137 and 12 V.S.A. chapter 169 and a residential mortgage lender may
8 commence a foreclosure action pursuant to 12 V.S.A. chapter 172, subject to
9 the following:

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

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

14 (3) The plaintiff shall not attempt to serve and a sheriff or constable
15 shall not serve any civil process.

16 (4) The deadline for completing service of process pursuant to V.R.C.P.
17 3 is 60 days after the emergency period ends.

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

20 (1) in an ejectment action:

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

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

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

8 (3) in an action for foreclosure by judicial sale pursuant to 12 V.S.A.
9 § 4946(d) upon expiration of all periods of redemption.

10 (f) Writs of possession already issued.

11 (1) A writ of possession that was issued by a court prior to the effective
12 date of this act is stayed as of the start date of the emergency period and
13 resumes running when the Governor terminates the state of emergency by
14 declaration.

15 (2) If a writ of possession was issued but not executed prior to the
16 effective date of this act, then after the Governor terminates the state of
17 emergency by declaration:

18 (A) the plaintiff shall serve or serve again the writ to the defendant;
19 and

20 (B) the plaintiff shall be restored to possession not sooner than 14
21 days after service.

1 (3) If a writ of possession was served but not executed prior to the
2 effective date of this act, then the sheriff or constable who served the writ of
3 possession shall coordinate with the court to determine how to notify the
4 defendant of the stay of the execution date.

5 (g) Resumption of rent escrow hearings.

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

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

13 (B) rent accrued from:

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

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

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

20 (A) the tenant's inability to pay due to circumstances arising in the
21 emergency period; and

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

3 (h) Notwithstanding any provision of this act to the contrary, an ejection
4 action for breach of a rental agreement pursuant to 9 VSA 4467(b) may
5 proceed in court when the Governor terminates the state of emergency by
6 declaration.

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

8 (1) a party may file any document that would otherwise require the
9 approval or verification of a notary by filing the document with the following
10 language 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
13 be subject to the penalty of perjury or other sanctions in the discretion of the
14 court.”

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

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

1

* * * Effective Dates * * *

2

Sec. 10. 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.