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S.92

Introduced by Senators Clarkson, Balint, Campion, Hardy, Hooker, Ingram,
Lyons, Pollina and Sirotkin

Referred to Committee on

Date:

Subject: Housing; domestic violence

Statement of purpose of bill as introduced: This bill proposes to adopt
protections against housing discrimination for victims of domestic and sexual
violence.

An act relating to adopting protections against housing discrimination for
victims of domestic and sexual violence

Sec. 1. REDESIGNATION

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

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

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

CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

Subchapter 1: General

§ 4451. DEFINITIONS

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Subchapter 2: Residential Rental Agreements

§ 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

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Subchapter 3: Farm Employee Housing

§ 4469. [Reserved.]

§ 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE
HOUSING

* * *

Subchapter 4: Housing Discrimination; Domestic and Sexual Violence

§ 4471. DEFINITIONS

As used in this subchapter:

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

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

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

(B) a parent or guardian with physical custody of a victim of abuse,
sexual assault, or stalking.

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

1 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

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

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

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

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

13 (1) a written notice of termination; and

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

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

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

18 (C) a legal, clerical, medical, or other professional from whom the
19 tenant, or the child or dependent of the tenant, received counseling or other
20 assistance concerning abuse, sexual assault, or stalking; or

21 (D) a self-certification signed under penalty of perjury.

1 § 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

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

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

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

8 (B) if the protected tenant or his or her child or dependent was a
9 victim of sexual assault that occurred on the premises within the six months
10 preceding the date of his or her request.

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

14 (3) If the landlord changes the locks as requested, the landlord shall
15 make a good faith effort to provide a key to the new locks to each tenant of the
16 dwelling unit, not including the perpetrator of domestic violence who is subject
17 to a court order to leave the premises.

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

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

3 (B) notify the landlord of the change within 24 hours of installation;
4 and

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

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

10 (B) A protected tenant:

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

13 (ii) shall ensure the quality and safety of the security measures and
14 of their installation;

15 (iii) is responsible for the costs of installation and operation of the
16 security measures; and

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

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

1 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
2 of, or otherwise make unavailable or deny, a dwelling or other real estate to
3 any person because of the race, sex, sexual orientation, gender identity, age,
4 marital status, religious creed, color, national origin, or disability of a person,
5 or because a person intends to occupy a dwelling with one or more minor
6 children, or because a person is a recipient of public assistance, or because a
7 person is a victim of abuse, sexual assault, or stalking.

8 (2) To discriminate against, or to harass any person in the terms,
9 conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or
10 other real estate, or in the provision of services or facilities in connection
11 therewith, because of the race, sex, sexual orientation, gender identity, age,
12 marital status, religious creed, color, national origin, or disability of a person,
13 or because a person intends to occupy a dwelling with one or more minor
14 children, or because a person is a recipient of public assistance, or because a
15 person is a victim of abuse, sexual assault, or stalking.

16 (3) To make, print, or publish, or cause to be made, printed, or published
17 any notice, statement, or advertisement, with respect to the sale or rental of a
18 dwelling or other real estate that indicates any preference, limitation, or
19 discrimination based on race, sex, sexual orientation, gender identity, age,
20 marital status, religious creed, color, national origin, or disability of a person,
21 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 (4) To represent to any person because of the race, sex, sexual
4 orientation, gender identity, age, marital status, religious creed, color, national
5 origin, or disability of a person, or because a person intends to occupy a
6 dwelling with one or more minor children, or because a person is a recipient of
7 public assistance, or because a person is a victim of abuse, sexual assault, or
8 stalking, that any dwelling or other real estate is not available for inspection,
9 sale, or rental when the dwelling or real estate is in fact so available.

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

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

14 (B) retaliating against a tenant or occupant for exercising his or her
15 rights;

16 (C) influencing or coercing a tenant or occupant to vacate the
17 dwelling; or

18 (D) recovering possession of the dwelling.

19 (6) To discriminate against any person in the making or purchasing of
20 loans or providing other financial assistance for real-estate-related transactions
21 or in the selling, brokering, or appraising of residential real property, because

1 of the race, sex, sexual orientation, gender identity, age, marital status,
2 religious creed, color, national origin, or disability of a person, or because a
3 person intends to occupy a dwelling with one or more minor children, or
4 because a person is a recipient of public assistance, or because a person is a
5 victim of abuse, sexual assault, or stalking.

6 (7) To engage in blockbusting practices, for profit, which may include
7 inducing or attempting to induce a person to sell or rent a dwelling by
8 representations regarding the entry into the neighborhood of a person or
9 persons of a particular race, sex, sexual orientation, gender identity, age,
10 marital status, religious creed, color, national origin, or disability of a person,
11 or because a person intends to occupy a dwelling with one or more minor
12 children, or because a person is a recipient of public assistance, or because a
13 person is a victim of abuse, sexual assault, or stalking.

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

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(12) To discriminate in land use decisions or in the permitting of

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housing because of race, sex, sexual orientation, gender identity, age, marital

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status, religious creed, color, national origin, disability, the presence of one or

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more minor children, income, or because of the receipt of public assistance, or

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because a person is a victim of abuse, sexual assault, or stalking, except as

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otherwise provided by law.

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Sec. 4. EFFECTIVE DATE

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This act shall take effect on July 1, 2019.