

From: Yang, Bor <Bor.Yang@vermont.gov>
Sent: Wednesday, March 30, 2022 7:49 AM
To: Tom Stevens
Subject: H.329

Dear Chair Stevens (Tom):

I have a conflict this morning and may not be able to join you on the discussion of H.329. I have read Draft 4.1 of the bill and am in agreement with the changes to the fair housing act **except** for the following:

The HRC respectfully requests the Committee **delete** this language:

(d)(3) The provisions of this subsection shall not apply to section 4502 of this chapter or to any action brought under this chapter pursuant to the provisions of 16 V.S.A. § 570f.

from Page 8 of Draft 4.1, Lines 9-11.

Because:

1. The language is unnecessary. The definition of “harass” that will be added to 4503 (fair housing) already does not apply to section 4502 (public accommodations) or to any action brought under this chapter pursuant to Title 16, because of (d)(1), which states, “As used in this section” and (d)(2) which says, “the provisions of this section.” They do not say “as used in this chapter.” Recall that Title 9 has a definitions section (4501) that applies to both fair housing and public accommodations that will remain untouched. Thus, the plain reading of the proposed definition and provisions under 4503 does and will only apply to unfair housing practices.
2. Court interpretation of the statute will be consistent with legislative intent since the expression of one thing in a section will imply the exclusion of it in another section.
3. Unless this Legislature intends to specifically foreclose or create a significant barrier for students (and patrons, patients, recipients of public goods and services from government entities) who may wish to revisit this issue in the future when there is more time for a robust debate in the respective committees, it is best not to enact laws now that have to then be overturned/rescinded. It is one thing to hold-off on students and another thing entirely to carve them out.

Thank you for your time and consideration!

Bor

Bor Yang (she/her)
Executive Director and Legal Counsel
Vermont Human Rights Commission