

1 S. 226

2 Representative Stevens of Waterbury moves that the House propose to the
3 Senate that the bill be amended after Sec. ____, [more complete description],
4 by inserting Secs. __ and __ to read as follows:

5 Sec. __. 9 V.S.A. § 4500 is amended to read:

6 § 4500. LEGISLATIVE INTENT

7 (a) The provisions of this chapter establishing legal standards, duties, and
8 requirements with respect to persons with disabilities in places of public
9 accommodation as defined in this chapter, except those provisions relating to
10 remedies, are intended to implement and to be construed so as to be consistent
11 with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. and
12 regulations promulgated under that ~~act~~ Act, and are not intended to impose
13 additional or higher standards, duties, or requirements than that ~~act~~ Act.

14 (b) Subsections 4502(b) and (c) of this title shall not be construed to create
15 or impose on governmental entities additional or higher standards, duties, or
16 requirements than that imposed by Title II of the Americans with Disabilities
17 Act.

18 (c) The provisions of this chapter shall be construed liberally to accomplish
19 its remedial purposes and any exceptions and exemptions to the provisions of
20 this chapter shall be construed narrowly in order to maximize the deterrence of
21 discriminatory behavior.

1 Sec. __. 9 V.S.A. § 4503 is amended to read:

2 § 4503. UNFAIR HOUSING PRACTICES

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

4 * * *

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

14 * * *

15 (d)(1) As used in this section, “harass” means to engage in unwelcome
16 conduct that detracts from, undermines, or interferes with the person’s terms,
17 conditions, privileges, or protections in the sale or rental of a dwelling or other
18 real estate, or in the provision of services or facilities in connection with a
19 dwelling or other real estate, because of the person’s race, sex, sexual
20 orientation, gender identity, age, marital status, religious creed, color, national
21 origin, or disability, or because the person intends to occupy a dwelling with

1 one or more minor children, or because the person is a recipient of public
2 assistance, or because the person is a victim of abuse, sexual assault, or
3 stalking.

4 (2) Notwithstanding any judicial precedent to the contrary, harassing
5 conduct need not be severe or pervasive to be unlawful pursuant to the
6 provisions of this section. In determining whether conduct constitutes
7 unlawful harassment:

8 (A) The determination shall be made on the basis of the record as a
9 whole, according to the totality of the circumstances, and a single incident may
10 constitute unlawful harassment.

11 (B) Incidents that may be harassment shall be considered in the
12 aggregate with varying types of conduct and conduct based on multiple
13 characteristics viewed in totality, rather than in isolation.

14 (C) Conduct may constitute unlawful harassment, regardless of
15 whether:

16 (i) the complaining person is the person being harassed;

17 (ii) the complaining person acquiesced or otherwise submitted to
18 or participated in the conduct;

19 (iii) the conduct is also experienced by others outside the
20 protected class involved in the conduct;

1 (iv) the complaining person was able to enjoy the benefit of
2 applicable terms, conditions, privileges, or protections in the sale or rental of
3 the dwelling or other real estate, or to obtain services or facilities in connection
4 with the dwelling or other real estate, despite the conduct;
5 (v) the conduct resulted in a physical or psychological injury; or
6 (vi) the conduct occurred outside the dwelling or other real estate.
7 (3) behavior that a reasonable person with the same protected
8 characteristic would consider to be a petty slight or trivial inconvenience shall
9 not constitute unlawful harassment or discrimination pursuant to this section.