

1 H.201

2 Introduced by Representatives Rachelson of Burlington, Christie of Hartford,
3 and Headrick of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Labor; fair employment practices; commerce and trade;

7 discrimination; rental and sale of real estate; criminal history

8 Statement of purpose of bill as introduced: This bill proposes to prohibit
9 discrimination based on an individual's criminal history in employment and
10 the rental or sale of housing.

11 An act relating to prohibiting discrimination based on an individual's
12 criminal history

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 21 V.S.A. § 495 is amended to read:

15 § 495. UNLAWFUL EMPLOYMENT PRACTICE

16 (a) It shall be unlawful employment practice, except where a bona fide
17 occupational qualification requires ~~persons~~ individuals of a particular race,
18 color, religion, national origin, sex, sexual orientation, gender identity,
19 ancestry, place of birth, age, crime victim status, criminal history, or physical
20 or mental condition:

1 (1) For any employer, employment agency, or labor organization to
2 harass or discriminate against any individual because of race, color, religion,
3 ancestry, national origin, sex, sexual orientation, gender identity, place of birth,
4 crime victim status, criminal history, or age or against a qualified individual
5 with a disability.

6 (2) For any ~~person~~ individual seeking employees or for any employment
7 agency or labor organization to cause to be printed, published, or circulated
8 any notice or advertisement relating to employment or membership indicating
9 any preference, limitation, specification, or discrimination based upon race,
10 color, religion, ancestry, national origin, sex, sexual orientation, gender
11 identity, place of birth, crime victim status, criminal history, age, or disability.

12 (3) For any employment agency to fail or refuse to classify properly or
13 refer for employment or to otherwise harass or discriminate against any
14 individual because of race, color, religion, ancestry, national origin, sex, sexual
15 orientation, gender identity, place of birth, crime victim status, criminal
16 history, or age or against a qualified individual with a disability.

17 (4) For any labor organization to limit, segregate, or qualify its
18 membership with respect to any individual because of race, color, religion,
19 ancestry, national origin, sex, sexual orientation, gender identity, place of birth,
20 crime victim status, criminal history, or age or against a qualified individual
21 with a disability.

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(1) The provisions of this section prohibiting discrimination on the basis of criminal history shall not be construed to prohibit or prevent an employer from discharging or refusing to hire an individual for a position:

(1) for which any federal or State law or regulation creates a mandatory or presumptive disqualification based on one or more types of criminal offenses for which the individual has been convicted or is subject to a pending criminal charge;

(2) if the employer or an affiliate of the employer is subject to an obligation imposed by any federal or State law or regulation not to employ in that position any individual who has been convicted of one or more types of criminal offenses for which the individual has been convicted or is subject to a pending criminal charge; or

(3) that bears a substantial relationship to one or more types of criminal offenses for which the individual has been convicted or is subject to a pending criminal charge.

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

1 (18) “Criminal history” means all information related to an individual’s
2 contact with the criminal justice system, including data regarding
3 identification, arrest or citation, arraignment, judicial disposition, custody, and
4 supervision.

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

6 § 4501. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (14) “Criminal history” means all information related to an individual’s
10 contact with the criminal justice system, including data regarding
11 identification, arrest or citation, arraignment, judicial disposition, custody, and
12 supervision.

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

14 § 4502. PUBLIC ACCOMMODATIONS

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

21 * * *

1 Sec. 5. 9 V.S.A. § 4503 is amended to read:

2 § 4503. UNFAIR HOUSING PRACTICES

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

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

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

20 (3) To make, print, or publish, or cause to be made, printed, or
21 published, any notice, statement, or advertisement, with respect to the sale or

1 rental of a dwelling or other real estate that indicates any preference,
2 limitation, or discrimination based on race, sex, sexual orientation, gender
3 identity, age, marital status, religious creed, color, national origin, criminal
4 history, or disability of a person, or because a person intends to occupy a
5 dwelling with one or more minor children, or because a person is a recipient of
6 public assistance, or because a person is a victim of abuse, sexual assault, or
7 stalking.

8 (4) To represent to any person because of the race, sex, sexual
9 orientation, gender identity, age, marital status, religious creed, color, national
10 origin, criminal history, or disability of a person, or because a person intends to
11 occupy a dwelling with one or more minor children, or because a person is a
12 recipient of public assistance, or because a person is a victim of abuse, sexual
13 assault, or stalking, that any dwelling or other real estate is not available for
14 inspection, sale, or rental when the dwelling or real estate is in fact so
15 available.

16 * * *

17 (6) To discriminate against any person in the making or purchasing of
18 loans or providing other financial assistance for real-estate-related transactions
19 or in the selling, brokering, or appraising of residential real property, because
20 of the race, sex, sexual orientation, gender identity, age, marital status,
21 religious creed, color, national origin, criminal history, or disability of a

1 person, or because a person intends to occupy a dwelling with one or more
2 minor children, or because a person is a recipient of public assistance, or
3 because a person is a victim of abuse, sexual assault, or stalking.

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

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

21 * * *

1 (12) To discriminate in land use decisions or in the permitting of
2 housing because of race, sex, sexual orientation, gender identity, age, marital
3 status, religious creed, color, national origin, criminal history, disability, the
4 presence of one or more minor children, income, or because of the receipt of
5 public assistance, or because a person is a victim of abuse, sexual assault, or
6 stalking, except as otherwise provided by law.

7 * * *

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on July 1, 2025.