

1 H.885

2 Introduced by Representatives McGill of Bridport, Casey of Montpelier, Cina

3 of Burlington, and Headrick of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Public property and supplies; public lands; use of public lands for

7 life-sustaining activities; public accommodations; labor and

8 employment; fair employment practices; human services; Department

9 for Children and Families; policy; assistance and benefits

10 Statement of purpose of bill as introduced: This bill proposes to prohibit the

11 municipal and county governments from regulating the use of municipal or

12 county property for life-sustaining activities, except in specific instances in

13 which a municipality has otherwise made public land within designated

14 downtowns or growth centers available for these activities. This act also

15 proposes amendments to statutes in Titles 9, 10, 21, and 33 to add “housing

16 status” to the lists of suspect classifications for purposes of those statutes.

17 An act relating to use of public lands by individuals for life-sustaining

18 activities

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

2 Sec. 1. FINDINGS

3 The General Assembly finds:

4 (1) Vermont has a severe deficit of affordable housing, and as a result,
5 72 percent of renter households are severely cost burdened and at risk of
6 homelessness.

7 (2) Homelessness in Vermont has increased by over 300 percent since
8 the pandemic in 2020, resulting in at least 4,588 Vermonters, including more
9 than 1,041 children, experiencing homelessness as of June 2025.

10 (3) Vermont has insufficient beds in community-based shelters to meet
11 the volume of need, leaving thousands of Vermonters experiencing
12 homelessness with nowhere to go.

13 (4) Significant cuts to Vermont's General Assistance emergency
14 housing system and strict requirements on program eligibility have contributed
15 to a rise in unsheltered homelessness by approximately 62 percent from the
16 2024 to the 2025 point-in-time count.

17 (5) People experiencing homelessness who are unsheltered struggle for
18 daily survival, including finding relief from the elements, securing food, and
19 keeping their personal possessions safe.

20 (6) State and local governments, after failing to develop adequate
21 affordable housing and shelter response systems, must not put people in even

1 greater jeopardy by affording neighbors who are unsheltered the ability to
2 secure themselves in makeshift homes in stable and safe public spaces.

3 (7) Punishing individuals who have nowhere to go undermines public
4 safety and does not stop homelessness from occurring; the criminalization of
5 individuals experiencing homelessness forces people to lose employment,
6 homes, student loans, and financial assistance, and makes access to housing,
7 gainful employment, education, and public assistance extraordinarily difficult
8 for individuals reentering the community from the criminal and juvenile justice
9 systems or with criminal records, thereby contributing to higher recidivism
10 rates and exacerbating the homelessness crisis.

11 Sec. 2. 24 V.S.A. § 2295a is added to read:

12 § 2295a. AUTHORITY OF MUNICIPAL AND COUNTY GOVERNMENTS
13 TO REGULATE THE USE OF MUNICIPAL OR COUNTY
14 PROPERTY FOR LIFE-SUSTAINING ACTIVITIES

15 (a) For purposes of this section:

16 (1) “Adequate alternative indoor space” means a space that is legally
17 and physically accessible to an individual, and which does not require the
18 individual to sacrifice any other personal right afforded to the individual under
19 federal, State, or local law.

20 (2) “Alternative indoor space” means permanent housing, transitional
21 housing, community-based shelter, or other temporary emergency shelter that

1 is accessible to the household and located in their community of choice and
2 allows an individual's household to remain intact. "Alternative indoor space"
3 does not include indoor space in a neighboring jurisdiction, unless the
4 individual has requested placement in a neighboring jurisdiction. "Alternative
5 indoor space" may include tiny homes or similar structures, provided the tiny
6 home has locking doors, adequate heating systems, and includes either both
7 sanitary and cooking facilities or access to common facilities that are sufficient
8 for the community's population.

9 (3) "Life-sustaining activities" includes moving, resting, sitting,
10 standing, lying down, sleeping, protecting oneself from the elements, eating,
11 drinking, engaging in self-regulating and other adaptive behaviors, and storing
12 such personal property as needed to safely shelter oneself.

13 (b) Except as otherwise provided by law, no municipality or county shall
14 regulate or prohibit the use of municipal property for life-sustaining activities.

15 (c) This section shall not apply to a municipality that:

16 (1) has sufficient adequate alternative indoor spaces available to
17 individuals experiencing homelessness within the municipality; or

18 (2) has designated a municipal growth center, downtown, or village
19 center as available to individuals experiencing homeless for life-sustaining
20 activities.

1 Sec. 3. SUPERSEDED ACTS; PREEMPTION; CONSTRUCTION

2 The provisions of Sec. 2. of this act shall supersede any conflicting
3 provisions of a municipal or educational charter, or a municipal ordinance,
4 bylaw, or rule.

5 Sec. 4. 24 V.S.A. § 2295b is added to read:

6 § 2295b. ENFORCEMENT AND RIGHT OF ACTION

7 (a) The Attorney General may commence a civil action on behalf of the
8 State of Vermont against any municipality or municipal official that violates
9 the provisions of section 2295a of this subchapter. The Attorney General may
10 seek a declaration that any municipal ordinance, policy, procedure, or practice
11 is unlawful and in violation of section 2295a of this subchapter, and may seek
12 an order enjoining the ordinance, policy, procedure, or practice.

13 (b) The Human Rights Commission shall have jurisdiction to investigate
14 and enforce complaints of unlawful discrimination based on housing status in
15 violation of 9 V.S.A. chapter 139 (discrimination in public accommodations
16 and rental and sale of real estate).

17 (c) Any individual adversely affected by an alleged violation of section
18 2295a of this subchapter may commence a civil action against the State or its
19 political subdivisions or against any government official who violates a
20 provision of section 2295a of this subchapter.

1 (d) In any action under this section, the court may award appropriate
2 equitable relief, including temporary, preliminary, or permanent injunctive
3 relief.

4 (e) In any action under this section, the court shall award costs of litigation,
5 as well as reasonable attorney's fees, to any prevailing plaintiff. A plaintiff
6 shall not be liable to a defendant for costs or attorney's fees in any
7 nonfrivolous action under this section.

8 (f) The Civil Division of the Superior Court shall have jurisdiction over
9 proceedings under this section and shall exercise jurisdiction without regard to
10 whether the aggrieved party shall have exhausted any administrative or other
11 remedies that may be provided for by law.

12 (g) Neither a municipal government that enforces or maintains, nor a
13 government official who is permitted to implement or enforce, any limitation
14 or requirement that violates this chapter shall be immune under the 10th
15 Amendment to the U.S. Constitution, the 11th Amendment to the U.S.
16 Constitution, or any other source of law from an action in a federal or State
17 court of competent jurisdiction challenging that limitation or requirement.

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

19 § 4501. DEFINITIONS

20 As used in this chapter:

21

* * *

1 (14) “Housing status” means the actual or perceived status of being
2 homeless, being an individual experiencing homelessness, or being a homeless
3 person as defined in 42 U.S.C. § 11302.

4 Sec. 6. 9 V.S.A. § 4502 is amended to read:

5 § 4502. PUBLIC ACCOMMODATIONS

6 (a) An owner or operator of a place of public accommodation or an agent
7 or employee of such owner or operator shall not, because of the race, creed,
8 color, national origin, citizenship, immigration status, housing status, marital
9 status, sex, sexual orientation, or gender identity of any person, refuse,
10 withhold from, or deny to that person any of the accommodations, advantages,
11 facilities, and privileges of the place of public accommodation.

12 * * *

13 Sec. 7. 9 V.S.A. § 4503 is amended to read:

14 § 4503. UNFAIR HOUSING PRACTICES

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

16 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
17 of, or otherwise make unavailable or deny, a dwelling or other real estate to
18 any person because of the race, sex, sexual orientation, gender identity, age,
19 marital status, religious creed, color, national origin, citizenship, immigration
20 status, housing status, or disability of a person, or because a person intends to
21 occupy a dwelling with one or more minor children, or because a person is a

1 recipient of public assistance, or because a person is a victim of abuse, sexual
2 assault, or stalking.

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

12 (3) To make, print, or publish, or cause to be made, printed, or published
13 any notice, statement, or advertisement, with respect to the sale or rental of a
14 dwelling or other real estate that indicates any preference, limitation, or
15 discrimination based on race, sex, sexual orientation, gender identity, age,
16 marital status, religious creed, color, national origin, citizenship, immigration
17 status, housing status, or disability of a person, or because a person intends to
18 occupy a dwelling with one or more minor children, or because a person is a
19 recipient of public assistance, or because a person is a victim of abuse, sexual
20 assault, or stalking.

9

* * *

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

19 (8) To deny any person access to or membership or participation in any
20 multiple listing service, real estate brokers' organization, or other service,
21 organization, or facility relating to the business of selling or renting dwellings,

1 or to discriminate against any person in the terms or conditions of such access,
2 membership, or participation, on account of race, sex, sexual orientation,
3 gender identity, age, marital status, religious creed, color, national origin,
4 citizenship, immigration status, housing status, or disability of a person, or
5 because a person is a recipient of public assistance, or because a person is a
6 victim of abuse, sexual assault, or stalking.

7 * * *

8 (12) To discriminate in land use decisions or in the permitting of
9 housing because of race, sex, sexual orientation, gender identity, age, marital
10 status, religious creed, color, national origin, citizenship, immigration status,
11 housing status, disability, the presence of one or more minor children, income,
12 or because of the receipt of public assistance, or because a person is a victim of
13 abuse, sexual assault, or stalking, except as otherwise provided by law.

14 * * *

15 Sec. 8. 10 V.S.A. § 601 is amended to read:

16 § 601. DEFINITIONS

17 The following words and terms, unless the context clearly indicates a
18 different meaning, shall have the following meaning:

19 * * *

20 (11) “Persons and families of low and moderate income” means persons
21 and families irrespective of race, creed, national origin, sex, sexual orientation,

1 housing status, or gender identity deemed by the Agency to require such
2 assistance as is made available by this chapter on account of insufficient
3 personal or family income, taking into consideration, without limitation, such
4 factors as:

5 * * *

(20) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person as defined in 42 U.S.C. § 11302.

9 Sec. 9. 21 V.S.A. § 495 is amended to read:

10 § 495. UNLAWFUL EMPLOYMENT PRACTICE

17 * * *

18 Sec. 10. 21 V.S.A. § 495d is amended to read:

19 § 495d. DEFINITIONS

20 As used in this subchapter:

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7 * * *

8 (18) “Housing status” means the actual or perceived status of being
9 homeless, being a homeless individual, or being a homeless person as defined
10 in 42 U.S.C. § 11302.

11 Sec. 11. 33 V.S.A. § 101 is amended to read:

12 § 101. POLICY

13 It is the policy of the State of Vermont that:

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2 Sec. 12. EFFECTIVE DATE

3 This act shall take effect on passage.