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H.937

An act relating to miscellaneous judiciary procedures

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 2, 7 V.S.A. § 656, after the second ellipses, by inserting the following:

(d) Issuance of notice of suspension.

(1) On behalf of the Commissioner of Motor Vehicles, a law enforcement officer issuing a notice of violation in accordance with subsection (c) of this section for a violation of subdivision (b)(1)(E) of this section shall also serve a notice of suspension of the person’s operator’s license and privilege to operate a motor vehicle in a form prescribed by the Court Administrator. The form shall include the following:

(A) the effective date of the suspension;

(B) the suspension’s duration;

(C) an explanation of the consequences of the suspension;

(D) the option to operate a motor vehicle with an ignition interlock restricted driver’s license or certificate in accordance with 23 V.S.A. § 1213;

(E) the projected date of reinstatement upon successful completion of the suspension; and

(F) the ability to review the imposition of the suspension pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

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Second: By striking out Sec. 3, 7 V.S.A. § 1005, in its entirety and
3 inserting in lieu thereof a new Sec. 3 to read as follows:

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Sec. 3. [Deleted.]

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Third: In Sec. 5, 12 V.S.A. § 506, in subdivision (b)(3)(C), by striking out
6 “affirmation” and inserting in lieu thereof “affirmative”

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Fourth: By adding nine new sections to be Secs. 40a–40i to read as follows:
8 Sec. 40a. 28 V.S.A. § 102 is amended to read:

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§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;

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POWERS; RESPONSIBILITIES

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(c) The Commissioner is charged with the following responsibilities:

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(24) To provide and sustain trauma-informed family support services

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and programming pursuant to section 128 of this title.

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(25) To provide notification and other services to victims.

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Notwithstanding any other provision of law requiring the Department to

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provide notification or other services to victims, a victim may decline any

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notification or other service provided by the Department.

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Sec. 40b. 13 V.S.A. § 2029 is amended to read:

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§ 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD

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(b) A person commits the offense of home improvement or land improvement fraud when the person knowingly enters into a contract ~~or~~, agreement, or change order, written or oral, for \$1,000.00 or more, with an owner for home improvement or land improvement, or into several contracts ~~or~~, agreements, or change orders for \$2,500.00 or more in the aggregate, with more than one owner for home improvement or land improvement, and the person knowingly:

~~(1)(A) fails to perform the contract or agreement, in whole or in part;~~

~~and~~

~~(B) when the owner requests performance, payment, or a refund of payment made, the person fails to either:~~

~~(i) refund the payment;~~

~~(ii) make and comply with a definite plan for completion of the work that is agreed to by the owner; or~~

~~(iii) make the payment promises performance that the person does not intend to perform or knows will not be performed, in whole or in part;~~

(2) misrepresents a material fact relating to the terms of the contract ~~or~~, agreement, or change order or to the condition of any portion of the property involved;

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Sec. 40d. 2023 Acts and Resolves No. 47, Sec. 44 is amended to read:

Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

(a) Creation; purpose. Vermont Legal Aid shall create and administer a two-year Tenant Representation Pilot Program:

(1) to provide full representation to eligible and consenting tenants in ~~Lamoille and Windsor counties~~ Vermont who have been served with a summons and complaint for eviction; and

(2) to determine the impact of representation on the issuance of writs of possession and homelessness prevention.

(b) Tenant eligibility. Vermont Legal Aid may enter a notice of appearance on behalf of a residential tenant ~~in Lamoille or Windsor County~~ who is served with a summons and complaint in an ejection action, consents to the representation, and meets the following criteria:

- (1) household income equals or is less than 120 percent of State area median income;
- (2) the cost of rent equals or exceeds 30 percent of household income; or
- (3) household expenses exceed income.

(c) Scope of representation.

(1) Full representation through the Program is limited to eviction.

1 (2) The pursuit of counterclaims shall be at the discretion of appointed
2 counsel.

3 (d) Conflicts of interest.

4 (1) Vermont Legal Aid may subcontract to Legal Services Vermont if it
5 is unable to provide tenant representation due to a conflict of interest as
6 defined by the Vermont Rules of Professional Conduct.

7 (2) If Legal Services Vermont also has a conflict of interest, Vermont
8 Legal Aid may subcontract to one or more private counsels who are members
9 in good standing of the Vermont Bar.

10 (e) Report. Vermont Legal Aid shall provide interim reports on the
11 progress of the Program on or before ~~November 15, 2023~~ November 30, 2025,
12 and ~~November 15, 2024~~ November 30, 2026, and a final report on or before
13 ~~July 30, 2025~~ July 31, 2027, which shall describe:

14 (1) the number of tenants represented;

15 (2) case outcomes, including:

16 (A) the number of cases fully or partially resolved through access to
17 the Rent Arrears Assistance Fund;

18 (B) the number of cases fully or partially resolved through the
19 Vermont Landlord's Association mediation program; and

1 (C) the number of cases fully or partially resolved through access to
2 another resource identified through the Rental Housing Stabilization Services
3 Program; and

4 (3) recommendations for policy changes and for pilot expansion.

5 (f) Implementation. The duty to implement this section is contingent upon
6 an appropriation in fiscal year ~~2024~~ 2025 from the General Fund to the Agency
7 of Human Services for a subgrant to Vermont Legal Aid to provide
8 representation in eligible eviction cases ~~in the two pilot counties of Lamoille~~
9 ~~and Windsor~~ beginning on ~~July 1, 2023~~ November 1, 2024.

10 Sec. 40e. 2024 Acts and Resolves No. 181, Sec. 95. is amended to read:

11 Sec. 95. APPROPRIATION; TENANT REPRESENTATION PILOT

12 PROGRAM

13 The sum of \$1,025,000.00 is appropriated from the General Fund to the
14 Agency of Human Services in fiscal year 2025 for a grant to Vermont Legal
15 Aid for the Tenant Representation Pilot Program established by 2023 Acts and
16 Resolves No. 47, Sec. 44. These funds shall carry forward each fiscal year
17 until fully expended or reverted by an act of the General Assembly.

18 Sec. 40f. 9 V.S.A. § 4555 is amended to read:

19 § 4555. INFORMATION; DISCLOSURE AND CONFIDENTIALITY

20 (a)(1) Except as provided in this subsection, the Human Rights
21 Commission's complaint files and investigative files shall be confidential.

1 (2) The Commission shall make the investigative file available to the
2 charging party, the respondent, their attorneys, and any State or federal law
3 enforcement agency seeking to enforce ~~anti-discrimination~~ antidiscrimination
4 statutes, upon reasonable request, except that the Commission may refuse to
5 disclose:

6 (A) the identities of nonparty witnesses to the investigation if good
7 cause is shown to protect the witness's confidentiality; or

8 (B) records or information the release of which may be prohibited
9 under State or federal law absent court order.

10 (3) For any complaint initiated pursuant to subsection 4554(b) of this
11 title, any resulting investigative report shall not be confidential after the
12 Commission has issued a final determination and after the parties have been
13 notified of the Commission's determination, except that the Commission shall
14 not proactively disclose any report and shall not disclose:

15 (A) the identities of nonparty witnesses to the investigation if good
16 cause is shown to protect the witness's confidentiality;

17 (B) information the release of which may be prohibited under State
18 or federal law absent court order; and

19 (C) the identity of the parties and any information that would identify
20 the parties if the Commission finds that there are no reasonable grounds to
21 believe that discrimination occurred.

1 (4) A party or entity denied information or records under subdivision
2 (2)(A) or (B) of this subsection may seek the information or records by
3 subpoena. The Commission and any affected person may contest the subpoena
4 in court.

5 ~~(4)~~(5) Any records or information described in subdivision (2)(A) or (B)
6 of this subsection made available to a party or entity pursuant to a
7 confidentiality agreement or court order requiring confidentiality shall be kept
8 confidential in accordance with the agreement or order, unless disclosure is
9 otherwise authorized by law or court order.

10 (b) Nothing said or done as part of conciliation efforts under this chapter
11 may be made a matter of public record or used as evidence in a subsequent
12 civil action without written consent of the parties. Final settlement agreements
13 shall be public documents and the parties shall be so informed.

14 (c) If the Commission determines that there are reasonable grounds to
15 believe that discrimination has occurred, that determination and the names of
16 the parties may be made public after the parties have been notified of the
17 Commission's determination. If the Commission finds that there are no
18 reasonable grounds to find discrimination, the identity of the parties and any
19 information that would identify the parties shall remain confidential. The
20 Commission shall inform the parties about the provisions of this subsection. In
21 all cases, even if the records are confidential, the facts may be used for

1 educational purposes if sufficiently altered so that no person involved in a case
2 can be identified.

3 Sec. 40g. APPLICATION TO PENDING INVESTIGATIONS

4 Sec. 40f of this act shall apply to any pending investigations by the Human
5 Rights Commission.

6 Sec. 40h. 15 V.S.A. § 1103 is amended to read:

7 § 1103. REQUESTS FOR RELIEF

8 (a) Any family or household member may seek relief from abuse by
9 another family or household member on behalf of themselves or their children
10 by filing a complaint under this chapter. A minor 16 years of age or older, or a
11 minor of any age who is in a dating relationship as defined in subdivision
12 1101(3) of this chapter, may file a complaint under this chapter seeking relief
13 on the minor's own behalf. The plaintiff shall submit an affidavit in support of
14 the order.

15 (b) Except as provided in section 1104 of this title, the court shall grant
16 relief only after notice to the defendant and a hearing. The plaintiff shall have
17 the burden of proving abuse by a preponderance of the evidence.

18 (c)(1) The court shall make such orders as it deems necessary to protect the
19 plaintiff or the children, or both, if the court finds that the defendant has
20 abused the plaintiff, and:

21 (A) there is a danger of further abuse; or

1 with a violation of a misdemeanor offense that is eligible for ~~expungement~~
2 sealing pursuant to subdivision 7601(4)(A) of this title.

3 (2) In the event the court finds that imposing bail is necessary to
4 mitigate the risk of flight from prosecution for a person charged with a
5 violation of a misdemeanor offense that is eligible for ~~expungement~~ sealing
6 pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a
7 maximum amount of \$200.00. The \$200.00 limit shall not apply to an offense
8 allegedly committed by a defendant who has been released on personal
9 recognizance or conditions of release pending trial for another offense.

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