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**HUMAN RIGHTS COMMISSION**

# **Disability Discrimination in Vermont**

**State Law, HRC Cases, and Recommendations  
from the 2025 Civil Rights Summit**

**Presented By:**

**Big Hartman, Esq.**

HRC Executive Director & General Counsel

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# HRC Overview

## **State Agency**

The HRC is an independent agency of the State of Vermont. Our staff are all State of Vermont employees. Our funding comes primarily from State tax dollars.

## **Our Mission**

The Mission of the HRC is to promote full civil and human rights. The HRC seeks to protect people from discrimination by investigating complaints, helping to resolve complaints, filing lawsuits, and educating the public.

## **Our Statute and Rules**

HRC's enabling statute is found at 9 V.S.A. § 4551-4556. HRC's Administrative Rules are located on our website under the "Enforcement" tab.

**Our website: [www.hrc.vermont.gov](http://www.hrc.vermont.gov)**

# State Law

## Anti-Discrimination Protections



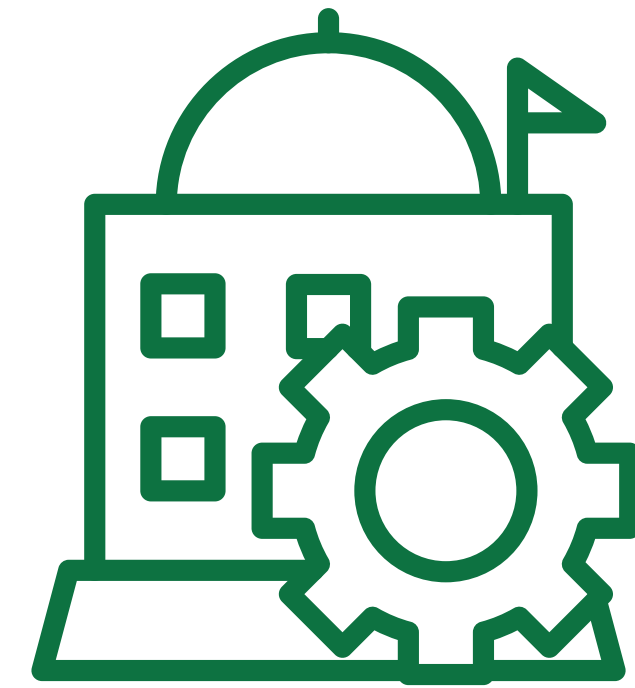
### Fair Housing

9 V.S.A. § 4503



### Public Accommodations

9 V.S.A. § 4502



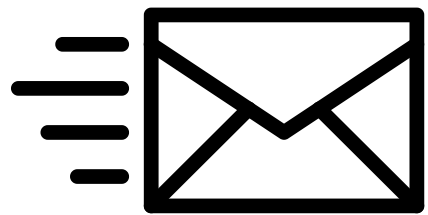
### Employment

21 V.S.A. § 495 et seq.

# The HRC Complaint Process

Complaints can be resolved any time throughout the process

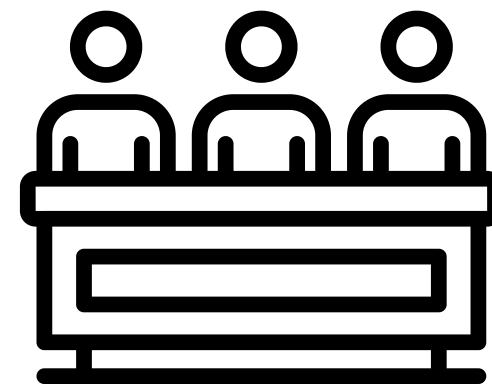
## Intake



## Investigation



## Commission Meetings



## Litigation





# Disability Rights in Housing

People with disabilities have rights to:

- Apply for housing and be offered housing on the same basis as tenants without disabilities
- Be free of harassment, discriminatory statements, and other discriminatory treatment in housing based on their disabilities
- Request reasonable accommodations and modifications in housing

The HRC will often refer to HUD's guidance and documents when interpreting Vermont's Fair Housing law.

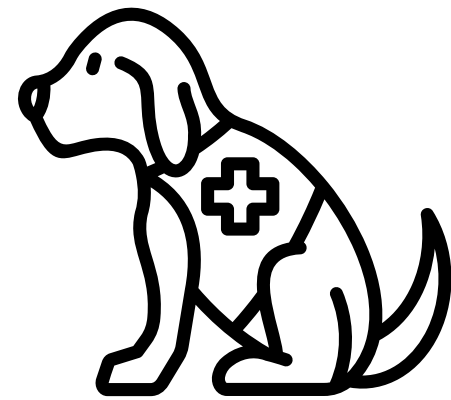
# Defining Reasonable Accommodations in Housing:

A change to any rule, practice, or service that is needed to give a person with a disability an equal opportunity to use and enjoy a dwelling

# Common Reasonable Accommodations Requests in Housing



A request to be  
assigned an  
accessible parking  
spot



A request to be  
allowed to have a  
service dog in a  
building that has a  
“no dogs” policy



A waiver of a “pet  
fee” for an  
emotional support  
animal



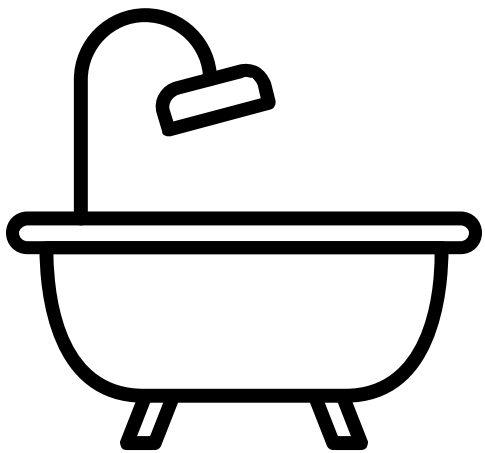
A request that  
communications  
from the landlord  
be made in writing

# Defining Reasonable Modifications in Housing:

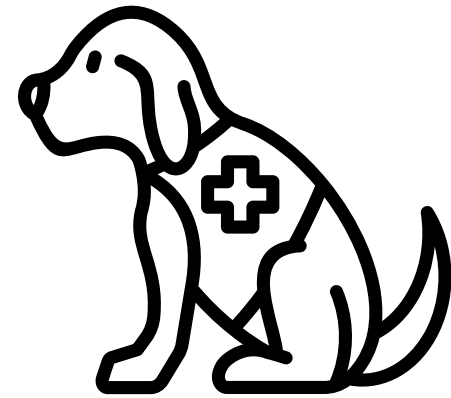
A structural or other physical change be made to  
provide a person with a disability full enjoyment  
of the premises



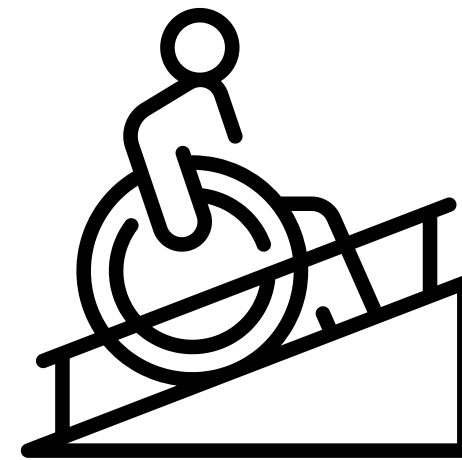
# Common Reasonable Modification Requests in Housing



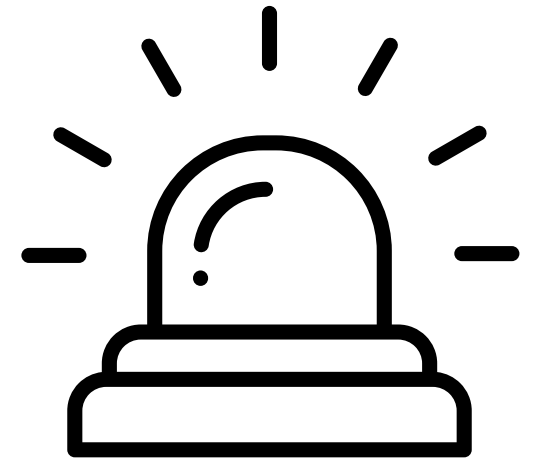
Grab bars in the shower



Fence in the yard for a service dog



Wheelchair ramp



Smoke alarm with light strobe

# When can these requests be denied?

- **No nexus**

If there is no connection between the disability and the requested accommodation or modification

- **Undue burden**

If granting the request would impose an undue financial and administrative burden

- **Fundamental Alteration**

If granting the request would change the nature of the services or business



**An interactive process is expected before a request is denied. This process allows the parties to discuss the request, their needs, and explore potential alternatives.**



# Public Accommodations

Discrimination is prohibited in a “place of public accommodations.” This includes any business or entity that serves the public, any type of schools, or any government office or department.

## Legally Protected Categories

- Disability
- Race
- Color
- National Origin
- Religion
- Sex
- Sexual Orientation
- Gender Identity
- Breastfeeding

**No one may be denied or refused any accommodations, services, or facilities of place of public accommodations because of a protected category.**

# Disability Discrimination in Places of Public Accommodations

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- People with disabilities cannot be denied an equal opportunity to participate in the services, facilities, benefits, and offerings of a place of public accommodations.
- Accommodations and services should be offered in the most integrated setting appropriate for the needs of the individual.
- A public accommodation must take necessary steps to ensure that no person with a disability is excluded, denied services, segregated, or otherwise treated differently because of the absence of auxiliary aids and services.

# Reasonable Modifications in Public Accommodations - Definition

reasonable changes in policies, practices, or procedures that may be necessary to offer goods, services, facilities, or accommodations to individuals with disabilities

# Exceptions



- **Fundamental Alteration**

If granting the request would change the nature of the services or business

- **Undue burden**

If granting the request would impose an undue financial and administrative burden

- **Direct threat**

If an individual poses a direct threat to the health or safety of others, which cannot be eliminated by a reasonable modification or by providing auxiliary aids or services

# Accessibility

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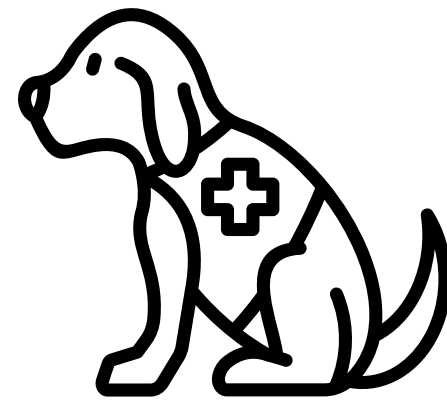
- The Vermont Public Accommodations Act requires compliance with rules about accessibility. Those rules are set by the Vermont Access Board and are consistent with the Americans with Disabilities Act
- Accessibility rules for public buildings cover things like:
  - accessible parking
  - building entry - ramps and doors
  - features such as water fountains
  - signage
- A public accommodation must remove architectural and communication barriers when it is **readily achievable** to do so

# Service Animals in Public Places

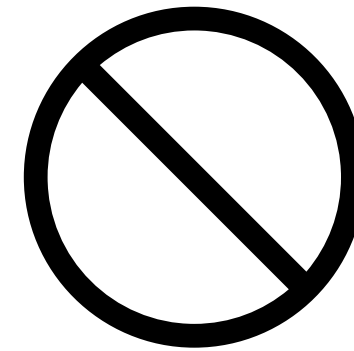
A service animal is a dog or a miniature pony that is individually trained to do work or perform tasks for a person with a disability



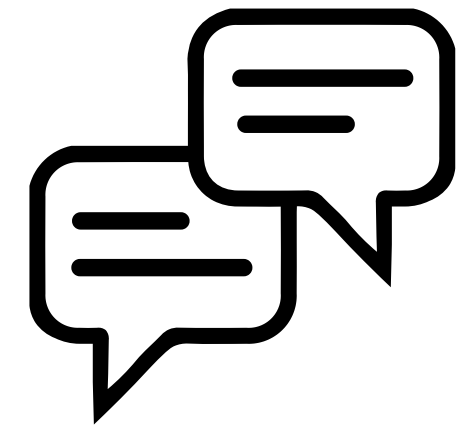
Owners and employees may not prohibit entry to a person accompanied by a service animal



Service animals are working animals - not pets. They may be accompanied by a trainer who does not have a disability.



A person with a disability cannot be asked to remove their service animal from the premises unless the animal is out of control or not housebroken

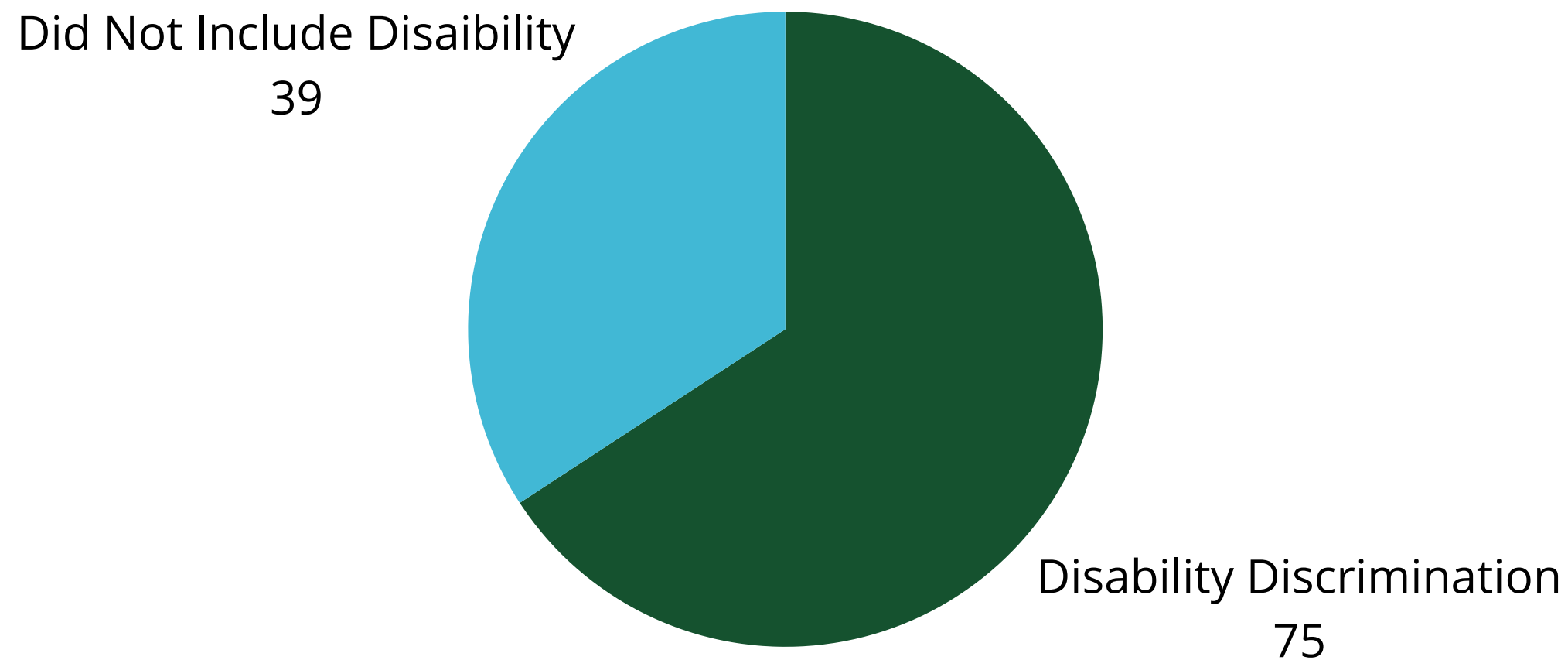


Only two questions are permitted.  
1 - is the dog a service animal?  
2- What work or task is the dog trained to perform?

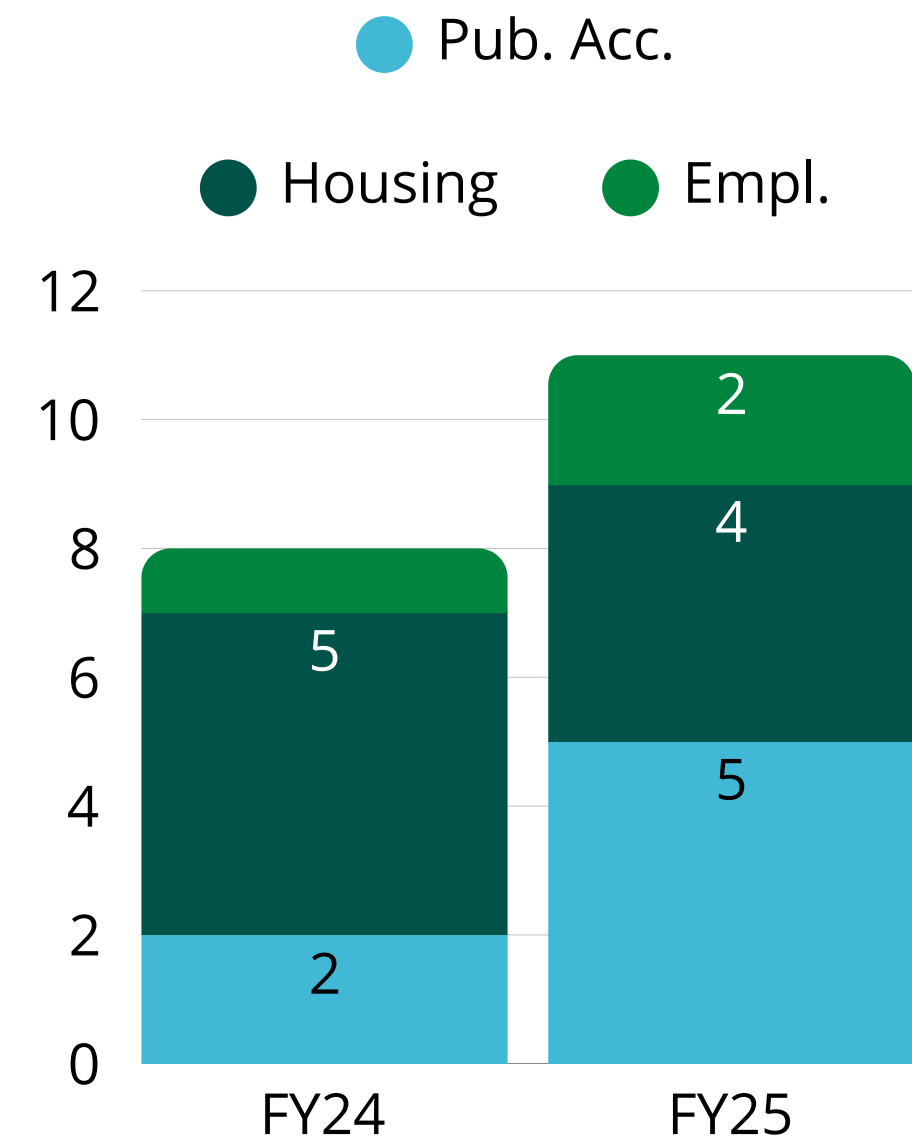


# Recent HRC Complaint Activity

**New Formal HRC  
Complaints in  
FY24 and FY25 Combined**

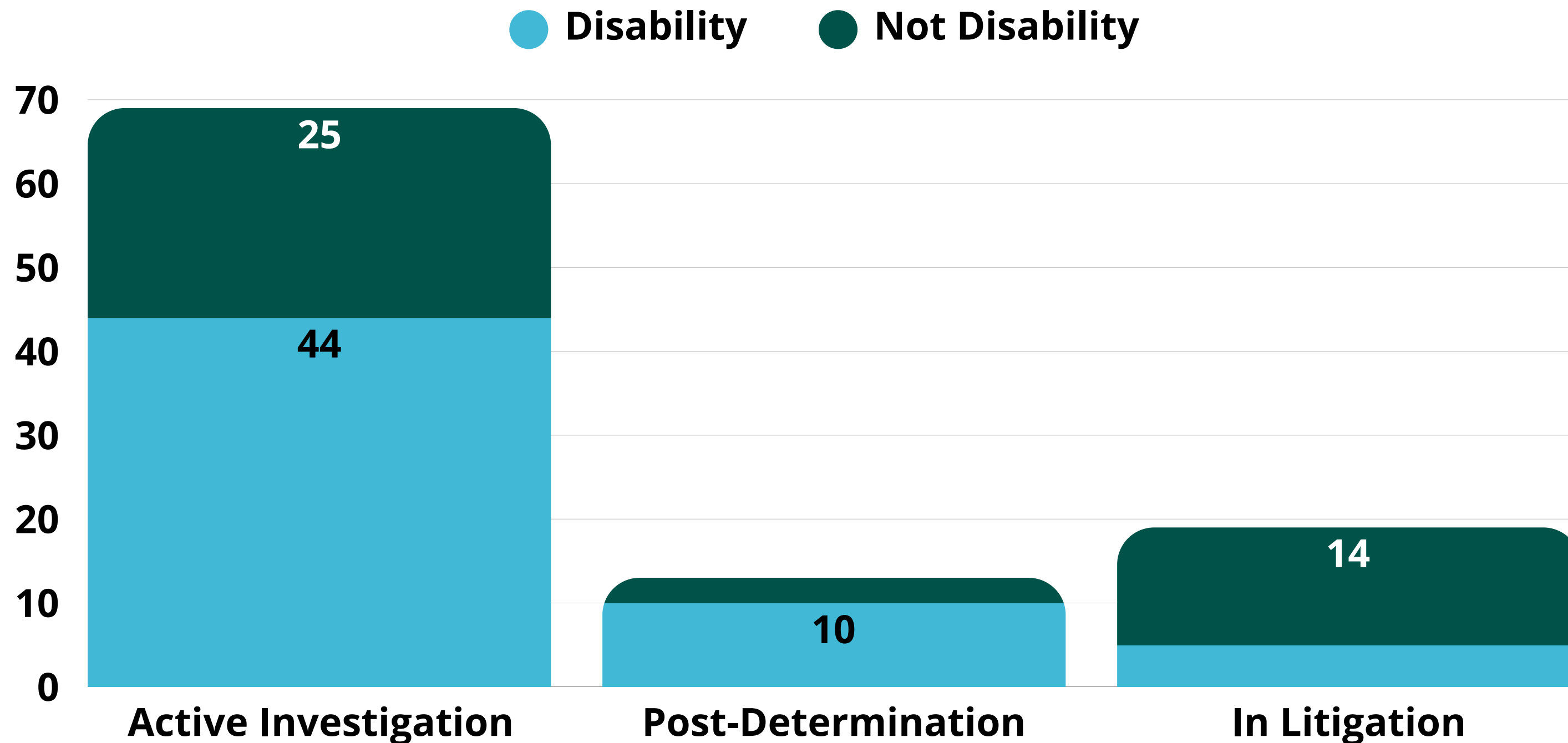


**Cases that found  
Disability Discrimination  
Occurred in FY24 and FY25**



# Current HRC Complaint Activity

About 60% of all of HRC's current active complaints involve allegations of disability discrimination



In November of 2025, the HRC convened a 3-day hybrid **Civil Rights Summit** in Randolph with over 300 people participating. The goals of this event were (1) to bring community members and advocates together and (2) to discuss strategies for strengthening civil rights in Vermont. We covered a range of topics including: housing, immigrant justice, trans rights, disability access, educational equity, equal protection, and racial justice.





# **HOLDING THE LINE:**

**WHAT VERMONT'S CIVIL RIGHTS DEFENDERS  
ARE ASKING OF US IN 2026**



## 1. Expand Access to Local Elections

Nationally, Vermont ranks as one of the worst states for accessible voting. Individuals with disabilities are routinely and systematically denied access to their local elections and town meetings when only in-person participation is permitted. Advocates urge consideration of legislation to ensure that Australian ballot will be used in all local elections to address this inequity.



## 2. Expand Public Access and Participation in Public Meetings

In addition to being excluded from many local elections, people with disabilities also report being denied access to and participation in other public meetings, including Town Meetings. Local officials need to create better systems to ensure access to public meetings using hybrid formats, improved websites, and accessible documents. This is not just about ADA compliance - this is about inclusion in our democratic process for all.





### 3. Create an Olmstead Commission

In 1999, a landmark U.S. Supreme Court decision (called “Olmstead”) declared that unjustified segregation of individuals with disabilities violated the ADA. Vermont developed an Olmstead Plan to systemically prevent unnecessary institutionalization. This Plan has not been updated since 2006. In the meantime, the incarceration of people with disabilities has increased. Vermonters with disabilities have waited too long for their State to act. Advocates urge lawmakers to create a permanent Olmstead Commission to study and report on this issue in FY27.



## 4. Guarantee a Livable Wage for In-Home Care Providers

Many people with disabilities in Vermont rely on in-home care providers to enable them to remain housed in their communities rather than institutionalized. Yet, in-home care providers receive minimal training and very low wages. These crucial service workers deserve a livable wage to ensure that they can continue to serve individuals with disabilities and support themselves. We endorse the implementation of a statewide livable wage for in-home care providers.

