

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 937  
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended as follows:

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

8 (d) Issuance of notice of suspension.

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

15 (A) the effective date of the suspension;

16 (B) the suspension’s duration;

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

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

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

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

3 \* \* \*

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

6 Sec. 3. [Deleted.]

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

9 Fourth: By adding eight new sections to be Secs. 40a–40h to read as  
10 follows:

11 Sec. 40a. 28 V.S.A. § 102 is amended to read:

12 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;  
13 POWERS; RESPONSIBILITIES

14 \* \* \*

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

16 \* \* \*

17 (24) To provide and sustain trauma-informed family support services  
18 and programming pursuant to section 128 of this title.

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

20 Notwithstanding any other provision of law requiring the Department to

1 provide notification or other services to victims, a victim may decline any  
2 notification or other service provided by the Department.

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

4 § 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD

5 \* \* \*

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

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

14 ~~and~~

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

17 ~~(i) refund the payment;~~

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

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



1 (b) The maximum liability of the State under this section shall be  
2 \$500,000.00 to any one person and the maximum aggregate liability shall be  
3 \$2,000,000.00 to all persons arising out of each occurrence.

4 \* \* \*

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

6 Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

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

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

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

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

18 (1) household income equals or is less than 120 percent of State area  
19 median income;

20 (2) the cost of rent equals or exceeds 30 percent of household income; or

21 (3) household expenses exceed income.

1 (c) Scope of representation.

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

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

5 (d) Conflicts of interest.

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

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

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

16 (1) the number of tenants represented;

17 (2) case outcomes, including:

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

20 (B) the number of cases fully or partially resolved through the  
21 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

