

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred House Bill No. 132 entitled “An act relating to adopting
4 protections against housing discrimination for victims of domestic and sexual
5 violence” respectfully reports that it has considered the same and recommends
6 that the Senate propose to the House that the bill be amended by striking out all
7 after the enacting clause and inserting in lieu thereof the following:

8 Sec. 1. REDESIGNATION

9 (a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A.
10 chapter 136.

11 (b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.
12 § 4410.

13 Sec. 2. 9 V.S.A. chapter 137 is amended to read:

14 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

15 Subchapter 1. General

16 § 4451. DEFINITIONS

17 * * *

18 Subchapter 2. Residential Rental Agreements

19 § 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

20 * * *

21 Subchapter 3. Farm Employee Housing

1 § 4469. [Reserved.]

2 § 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE

3 HOUSING

4 * * *

5 Subchapter 4. Housing Discrimination; Domestic and Sexual Violence

6 § 4471. DEFINITIONS

7 As used in this subchapter:

8 (1) “Abuse” has the same meaning as in 15 V.S.A. § 1101.

9 (2) “Protected tenant” means a tenant who is:

10 (A) a victim of abuse, sexual assault, or stalking;

11 (B) a parent, foster parent, legal guardian, or caretaker with at least
12 partial physical custody of a victim of abuse, sexual assault, or stalking.

13 (3) “Sexual assault” and “stalking” have the same meaning as in
14 12 V.S.A. § 5131.

15 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

16 (a) Notwithstanding a contrary provision of a rental agreement or of
17 subchapter 2 of this chapter, a protected tenant may terminate a rental
18 agreement pursuant to subsection (b) of this section without penalty or liability
19 if he or she reasonably believes it is necessary to vacate a dwelling unit:

20 (1) based on a fear of imminent harm to any protected tenant due to
21 abuse, sexual assault, or stalking; or

1 (2) if any protected tenant was a victim of sexual assault that occurred
2 on the premises within the six months preceding the date of his or her notice of
3 termination.

4 (b) Not less than 30 days before the date of termination, the protected
5 tenant shall provide to the landlord:

6 (1) a written notice of termination; and

7 (2) documentation from one or more of the following sources supporting
8 his or her reasonable belief that it is necessary to vacate the dwelling unit:

9 (A) a court, law enforcement, or other government agency;

10 (B) an abuse, sexual assault, or stalking assistance program;

11 (C) a legal, clerical, medical, or other professional from whom the
12 tenant, or the minor or dependent of the tenant, received counseling or other
13 assistance concerning abuse, sexual assault, or stalking; or

14 (D) a self-certification of a protected tenant's status as a victim of
15 abuse, sexual assault, or stalking, signed under penalty of perjury, on a
16 standard form adopted for that purpose by:

17 (i) a federal or State government entity, including the federal
18 Department of Housing and Urban Development or the Vermont Department
19 for Children and Families; or

20 (ii) a nonprofit organization that provides support services to
21 protected tenants.

1 (c) A notice of termination provided pursuant to subsection (b) of this
2 section may be revoked and the rental agreement shall remain in effect if:

3 (1)(A) the protected tenant provides a written notice to the landlord
4 revoking the notice of termination; and

5 (B) the landlord has not entered into a rental agreement with another
6 tenant prior to the date of the revocation; or

7 (2)(A) the protected tenant has not vacated the premises as of the date of
8 termination; and

9 (B) the landlord has not entered into a rental agreement with another
10 tenant prior to the date of termination.

11 § 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

12 Notwithstanding any contrary provision of a rental agreement or of
13 subchapter 2 of this chapter:

14 (1) Subject to subdivision (2) of this subsection, a protected tenant may
15 request that a landlord change the locks of a dwelling unit within 48 hours of
16 the request:

17 (A) based on a fear of imminent harm to any protected tenant due to
18 abuse, sexual assault, or stalking; or

19 (B) if any protected tenant was a victim of sexual assault that
20 occurred on the premises within the six months preceding the date of his or her
21 request.

1 (2) If the perpetrator of abuse, sexual assault, or stalking is also a tenant
2 in the dwelling unit, the protected tenant shall include with his or her request a
3 copy of a court order that requires the perpetrator to leave the premises.

4 (3) If the landlord changes the locks as requested, the landlord shall
5 provide a key to the new locks to each tenant of the dwelling unit, not
6 including the perpetrator of the abuse, sexual assault, or stalking who is subject
7 to a court order to leave the premises.

8 (4) If the landlord does not change the locks as requested, the protected
9 tenant may change the locks without the landlord's prior knowledge or
10 permission, provided that the protected tenant shall:

11 (A) ensure that the new locks, and the quality of the installation,
12 equal or exceed the quality of the original;

13 (B) notify the landlord of the change within 24 hours of installation;
14 and

15 (C) provide the landlord with a key to the new locks.

16 (5) Unless otherwise agreed to by the parties, a protected tenant is
17 responsible for the costs of installation of new locks pursuant to this section.

18 (6)(A) A protected tenant may request permission of a landlord to install
19 additional security measures on the premises, including a security system or
20 security camera.

21 (B) A protected tenant:

1 (i) shall submit his or her request not less than seven days prior to
2 installation;

3 (ii) shall ensure the quality and safety of the security measures and
4 of their installation;

5 (iii) is responsible for the costs of installation and operation of the
6 security measures; and

7 (iv) is liable for damages resulting from installation.

8 (C) A landlord shall not unreasonably refuse a protected tenant’s
9 request to install additional security measures pursuant to this subdivision (6).

10 § 4474. CONFIDENTIALITY

11 An owner, landlord, or housing subsidy provider who possesses
12 documentation or information concerning a protected tenant’s status as a
13 victim of abuse, sexual assault, or stalking shall keep the documentation or
14 information confidential and shall not allow or provide access to another
15 person unless:

16 (1) authorized by the protected tenant;

17 (2) required by a court order, government regulation, or governmental
18 audit requirement; or

19 (3) required as evidence in a court proceeding, provided:

20 (A) the documentation or information remains under seal; and

1 § 4501. DEFINITIONS

2 As used in this chapter:

3 * * *

4 (11) “Abuse,” “sexual assault,” and “stalking” have the same meaning
5 as in section 4471 of this title.

6 * * *

7 § 4503. UNFAIR HOUSING PRACTICES

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

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

16 (2) To discriminate against, or to harass any person in the terms,
17 conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or
18 other real estate, or in the provision of services or facilities in connection
19 therewith, because of the race, sex, sexual orientation, gender identity, age,
20 marital status, religious creed, color, national origin, or disability of a person,
21 or because a person intends to occupy a dwelling with one or more minor

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

3 (3) To make, print, or publish, or cause to be made, printed, or published
4 any notice, statement, or advertisement, with respect to the sale or rental of a
5 dwelling or other real estate that indicates any preference, limitation, or
6 discrimination based on race, sex, sexual orientation, gender identity, age,
7 marital status, religious creed, color, national origin, or disability of a person,
8 or because a person intends to occupy a dwelling with one or more minor
9 children, or because a person is a recipient of public assistance, or because a
10 person is a victim of abuse, sexual assault, or stalking.

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

18 (5) To disclose to another person information regarding or relating to the
19 status of a tenant or occupant as a victim of abuse, sexual assault, or stalking
20 for the purpose or intent of:

21 (A) harassing or intimidating the tenant or occupant;

1 (B) retaliating against a tenant or occupant for exercising his or her
2 rights;

3 (C) influencing or coercing a tenant or occupant to vacate the
4 dwelling; or

5 (D) recovering possession of the dwelling.

6 (6) To discriminate against any person in the making or purchasing of
7 loans or providing other financial assistance for real-estate-related transactions
8 or in the selling, brokering, or appraising of residential real property, because
9 of the race, sex, sexual orientation, gender identity, age, marital status,
10 religious creed, color, national origin, or disability of a person, or because a
11 person intends to occupy a dwelling with one or more minor children, or
12 because a person is a recipient of public assistance, or because a person is a
13 victim of abuse, sexual assault, or stalking.

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

1 (1) Conduct studies, develop State plans, and administer programs and
2 State plans for hospital survey and construction, hospital operation and
3 maintenance, medical care, and treatment of substance abuse.

4 (2) Provide methods of administration and such other action as may be
5 necessary to comply with the requirements of federal acts and regulations as
6 relate to studies, development of plans and administration of programs in the
7 fields of health, public health, health education, hospital construction and
8 maintenance, and medical care.

9 (3) Appoint advisory councils, with the approval of the Governor.

10 (4) Cooperate with necessary federal agencies in securing federal funds
11 ~~which~~ that become available to the State for all prevention, public health,
12 wellness, and medical programs.

13 (5) Seek accreditation through the Public Health Accreditation Board.

14 (6) Create a State Health Improvement Plan and facilitate local health
15 improvement plans in order to encourage the design of healthy communities
16 and to promote policy initiatives that contribute to community, school, and
17 workplace wellness, which may include providing assistance to employers for
18 wellness program grants, encouraging employers to promote employee
19 engagement in healthy behaviors, and encouraging the appropriate use of the
20 health care system.

21 (7) Serve as the leader on State rental housing health laws.

1 (8) Provide policy assistance, technical support, and legal guidance to
2 municipalities concerning the interpretation, implementation, and enforcement
3 of State rental housing health and safety laws.

4 Sec. 6. 18 V.S.A. § 603 is amended to read:

5 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

6 (a)(1) When conducting an investigation of rental housing, a local health
7 officer shall issue a written inspection report on the rental property using the
8 protocols for implementing the Rental Housing Health Code of the Department
9 or the municipality, in the case of a municipality that has established a code
10 enforcement office.

11 (2) A written inspection report shall:

12 (A) contain findings of fact that serve as the basis of one or more
13 violations;

14 (B) specify the requirements and timelines necessary to correct a
15 violation;

16 (C) provide notice that the landlord is prohibited from renting the
17 affected unit to a new tenant until the violation is corrected; and

18 (D) provide notice in plain language that the landlord and agents of
19 the landlord must have access to the rental unit to make repairs as ordered by
20 the health officer consistent with the access provisions in 9 V.S.A. § 4460.

1 (3) A local health officer shall:

2 (A) provide a copy of the inspection report to the landlord and any
3 tenants affected by a violation by delivering the report electronically, in
4 person, by first class mail, or by leaving a copy at each unit affected by the
5 deficiency; and

6 (B) provide information on each inspection to the Department within
7 seven days of issuing the report using an electronic system designed for that
8 purpose.

9 (4) If an entire property is affected by a violation, the local health officer
10 shall post a copy of the inspection report in a common area of the property and
11 include a prominent notice that the report shall not be removed until authorized
12 by the local health officer.

13 (5) A municipality shall make an inspection report available as a public
14 record.

15 (b)(1) A local health officer may impose a ~~fine~~ civil penalty of not more
16 than ~~\$100.00~~ \$200.00 per day for each violation that is not corrected by the
17 date provided in the written inspection report, or when a unit is re-rented to a
18 new tenant prior to the correction of a violation.

19 (2)(A) If the cumulative amount of penalties imposed pursuant to this
20 subsection is \$800.00 or less, the local health officer, Department of Health, or

1 State's Attorney may bring a civil enforcement action in the Judicial Bureau
2 pursuant to 4 V.S.A. chapter 29.

3 (B) The waiver penalty for a violation in an action brought pursuant
4 to this subsection is 50 percent of the full penalty amount.

5 (3) If the cumulative amount of penalties imposed pursuant to this
6 subsection is more than \$800.00, or if injunctive relief is sought, the local
7 health officer, Department of Health, or State's Attorney shall commence an
8 action in the Civil Division of the Superior Court for the county in which a
9 violation occurred.

10 (c) If a local health officer fails to conduct an investigation pursuant to
11 section 602a of this title or fails to issue an inspection report pursuant to this
12 section, a landlord or tenant may request that the Department, at its discretion,
13 conduct an investigation or contact the local board of health to take action.

14 Sec. 7. 4 V.S.A. § 1102 is amended to read:

15 § 1102. JUDICIAL BUREAU; JURISDICTION

16 (a) The Judicial Bureau is created within the Judicial Branch under the
17 supervision of the Supreme Court.

18 (b) The Judicial Bureau shall have jurisdiction of the following matters:

19 * * *

1 Sec. 9. STATE TREASURER RECOMMENDATION FOR FINANCING
2 OF AFFORDABLE HOUSING INITIATIVE

3 (a) Evaluation. On or before January 15, 2020, the State Treasurer shall
4 evaluate options for financing affordable housing in the State. The evaluation
5 shall include:

6 (1) a plan, formed in consultation with interested stakeholders, for the
7 creation of 1,000 housing units over five years for Vermonters with incomes
8 up to 120 percent of the area median income as determined by the U.S.
9 Department of Housing and Urban Development;

10 (2) alternatives for financing the plan that take into consideration the use
11 of appropriations, general obligation bonds, revenue bonds, investments, new
12 revenues, and other financing mechanisms, including initiatives undertaken by
13 other states;

14 (3) an assumption that the 1,000 units shall be in addition to what would
15 otherwise have been produced through projected base appropriations available
16 to the Vermont Housing and Conservation Board over five years commencing
17 with FY 2021; and

18 (4) provision for meeting housing needs in the following areas:

19 (A) creating new multifamily and single-family homes;

20 (B) addressing blighted properties and other existing housing stock
21 requiring reinvestment, including in mobile home parks; and

1 (C) providing service-supported housing in coordination with the
2 Agency of Human Services, including for those who are elderly, homeless, in
3 recovery, experiencing severe mental illness, or leaving incarceration.

4 (b) Cooperation. In conducting the evaluation described in subsection (a)
5 of this section, the State Treasurer shall have the cooperation of the Agency on
6 Commerce and Community Development and the Department of Taxes.

7 (c) Report. The State Treasurer shall submit a report with
8 recommendations based on the evaluation described in subsection (a) of this
9 section to the Senate Committees on Economic Development, Housing and
10 General Affairs, on Appropriations, and on Finance and the House Committees
11 on General, Housing, and Military Affairs, on Appropriations, and on Ways
12 and Means. The report shall also include a legislative proposal to implement
13 the recommendations proposed in the report.

14 * * * Effective Date * * *

15 Sec. 10. EFFECTIVE DATE

16 This act shall take effect on July 1, 2019.

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2 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE