

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 * * * Housing Discrimination; Domestic and Sexual Violence * * *

9 Sec. 1. REDESIGNATION

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

12 (b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.
13 § 4410.

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

15 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

16 Subchapter 1. General

17 § 4451. DEFINITIONS

18 * * *

19 Subchapter 2. Residential Rental Agreements

20 § 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

21 * * *

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

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

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

8 (1) a written notice of termination; and

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

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

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

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

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

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

1 (ii) a nonprofit organization that provides support services to
2 protected tenants.

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

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

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

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

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

13 § 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

14 Notwithstanding any contrary provision of a rental agreement or of
15 subchapter 2 of this chapter:

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

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

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

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

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

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

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

16 (B) notify the landlord of the change within 24 hours of installation;
17 and

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

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

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

4 (B) A protected tenant:

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

7 (ii) shall ensure the quality and safety of the security measures and
8 of their installation;

9 (iii) is responsible for the costs of installation and operation of the
10 security measures; and

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

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

14 § 4474. CONFIDENTIALITY

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

20 (1) authorized by the protected tenant;

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

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

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

5 (B) use of the documentation or information is limited to a claim
6 brought pursuant to section 4472 or 4473 of this title.

7 § 4475. LIMITATION OF LIABILITY; ENFORCEMENT

8 Except in the case of gross negligence or willful misconduct, a landlord is
9 immune from liability for damages to a protected tenant if he or she acts in
10 good faith reliance on:

11 (1) the provisions of this subchapter; or

12 (2) information provided or action taken by a protected tenant pursuant
13 to the provisions of this subchapter.

14 Sec. 3. PROTECTED TENANT SELF-CERTIFICATION; FORM

15 The Vermont Network Against Domestic and Sexual Violence, in
16 collaboration with the Vermont Apartment Owners Association and other
17 interested stakeholders, shall develop and make available a standard self-
18 certification form for use by protected tenants pursuant to 9 V.S.A. § 4472(b).

19 Sec. 4. 9 V.S.A. chapter 139 is amended to read:

20 CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS;
21 RENTAL AND SALE OF REAL ESTATE

1 * * *

2 § 4501. DEFINITIONS

3 As used in this chapter:

4 * * *

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

7 * * *

8 § 4503. UNFAIR HOUSING PRACTICES

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

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

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

1 or because a person intends to occupy a dwelling with one or more minor
2 children, or because a person is a recipient of public assistance, or because a
3 person is a victim of abuse, sexual assault, or stalking.

4 (3) To make, print, or publish, or cause to be made, printed, or published
5 any notice, statement, or advertisement, with respect to the sale or rental of a
6 dwelling or other real estate that indicates any preference, limitation, or
7 discrimination based on race, sex, sexual orientation, gender identity, age,
8 marital status, religious creed, color, national origin, or disability of a person,
9 or 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 (4) To represent to any person because of the race, sex, sexual
13 orientation, gender identity, age, marital status, religious creed, color, national
14 origin, or disability of a person, or because a person intends to occupy a
15 dwelling with one or more minor children, or because a person is a recipient of
16 public assistance, or because a person is a victim of abuse, sexual assault, or
17 stalking, that any dwelling or other real estate is not available for inspection,
18 sale, or rental when the dwelling or real estate is in fact so available.

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

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

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

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

6 (D) recovering possession of the dwelling.

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

15 (7) To engage in blockbusting practices, for profit, which may include
16 inducing or attempting to induce a person to sell or rent a dwelling by
17 representations regarding the entry into the neighborhood of a person or
18 persons of a particular race, sex, sexual orientation, gender identity, age,
19 marital status, religious creed, color, national origin, or disability of a person,
20 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 (8) To deny any person access to or membership or participation in any
4 multiple listing service, real estate brokers' organization, or other service,
5 organization, or facility relating to the business of selling or renting dwellings,
6 or to discriminate against any person in the terms or conditions of such access,
7 membership, or participation, on account of race, sex, sexual orientation,
8 gender identity, age, marital status, religious creed, color, national origin, or
9 disability of a person, or because a person is a recipient of public assistance, or
10 because a person is a victim of abuse, sexual assault, or stalking.

11 * * *

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

18 * * *

19 * * * Housing Health and Safety; Rental Housing

20 Health Code Enforcement * * *

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

1 § 5. DUTIES OF DEPARTMENT OF HEALTH

2 The Department of Health shall:

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

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

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

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

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

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

1 engagement in healthy behaviors, and encouraging the appropriate use of the
2 health care system.

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

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

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

8 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

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

14 (2) A written inspection report shall:

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

17 (B) specify the requirements and timelines necessary to correct a
18 violation;

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

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

4 (3) A local health officer shall:

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

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

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

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

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

1 (1) an outline of options, including an option for a State government–
2 run system, with a timeline and budget for each;

3 (2) a needs assessment outlining the demand for inspections based on
4 inspection information collected through the electronic system created
5 pursuant to Sec. 5 of this act, summary information for fiscal year 2019
6 inspection reports provided pursuant to subsection (c) of this section, summary
7 information from municipalities with self-governed rental housing health code
8 programs, and other stakeholders and relevant sources; and

9 (3) any additional recommendations from the Rental Housing Advisory
10 Board, the Department of Public Safety, the Department of Housing and
11 Community Development, or other executive branch agencies.

12 (b) On or before September 30, 2019, the Department of Health shall
13 provide an interim progress report to the Senate Committee on Economic
14 Development, Housing and General Affairs and the House Committee on
15 General, Housing, and Military Affairs.

16 (c) On or before August 1, 2019, each municipality in this State shall
17 provide to the Department of Health summary information on its inspection
18 activity from July 1, 2018 through June 30, 2019 in order to assist the
19 Department in completing the needs assessment pursuant to subdivision (a)(2)
20 of this section.

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3

4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE