

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:

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

18 (B) if any protected tenant was a victim of sexual assault that
19 occurred on the premises within the six months preceding the date of his or her
20 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)(A) A protected tenant may request permission of a landlord to install
17 additional security measures on the premises, including a security system or
18 security camera.

19 (B) A protected tenant:

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

1 (ii) shall ensure the quality and safety of the security measures and
2 of their installation;

3 (iii) is responsible for the costs of installation and operation of the
4 security measures; and

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

6 (C) A landlord shall not unreasonably refuse a protected tenant's
7 request to install additional security measures pursuant to this subdivision (5).

8 § 4474. CONFIDENTIALITY

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

14 (1) authorized by the protected tenant;

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

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

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

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

21 § 4475. LIMITATION OF LIABILITY

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

8 (2) To discriminate against, or to harass any person in the terms,
9 conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or
10 other real estate, or in the provision of services or facilities in connection
11 therewith, 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 (3) To make, print, or publish, or cause to be made, printed, or published
17 any notice, statement, or advertisement, with respect to the sale or rental of a
18 dwelling or other real estate that indicates any preference, limitation, or
19 discrimination based on 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 (4) To represent to any person because of the race, sex, sexual
4 orientation, gender identity, age, marital status, religious creed, color, national
5 origin, or disability of a person, or because a person intends to occupy a
6 dwelling with one or more minor children, or because a person is a recipient of
7 public assistance, or because a person is a victim of abuse, sexual assault, or
8 stalking, that any dwelling or other real estate is not available for inspection,
9 sale, or rental when the dwelling or real estate is in fact so available.

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

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

14 (B) retaliating against a tenant or occupant for exercising his or her
15 rights;

16 (C) influencing or coercing a tenant or occupant to vacate the
17 dwelling; or

18 (D) recovering possession of the dwelling.

19 (6) To discriminate against any person in the making or purchasing of
20 loans or providing other financial assistance for real-estate-related transactions
21 or in the selling, brokering, or appraising of residential real property, because

1 of the race, sex, sexual orientation, gender identity, age, marital status,
2 religious creed, color, national origin, or disability of a person, or because a
3 person intends to occupy a dwelling with one or more minor children, or
4 because a person is a recipient of public assistance, or because a person is a
5 victim of abuse, sexual assault, or stalking.

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

14 (8) To deny any person access to or membership or participation in any
15 multiple listing service, real estate brokers' organization, or other service,
16 organization, or facility relating to the business of selling or renting dwellings,
17 or to discriminate against any person in the terms or conditions of such access,
18 membership, or participation, on account of race, sex, sexual orientation,
19 gender identity, age, marital status, religious creed, color, national origin, or
20 disability of a person, or because a person is a recipient of public assistance, or
21 because a person is a victim of abuse, sexual assault, or stalking.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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

* * *

* * * Housing Health and Safety; Rental Housing

Health Code Enforcement * * *

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

§ 5. DUTIES OF DEPARTMENT OF HEALTH

The Department of Health shall:

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

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

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

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

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

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

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

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

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

18 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

19 (a)(1) When conducting an investigation of rental housing, a local health
20 officer shall issue a written inspection report on the rental property using the
21 protocols for implementing the Rental Housing Health Code of the Department

1 or the municipality, in the case of a municipality that has established a code
2 enforcement office.

3 (2) A written inspection report shall:

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

6 (B) specify the requirements and timelines necessary to correct a
7 violation;

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

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

13 (3) A local health officer shall:

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

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

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

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

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

11 (2)(A) If the cumulative amount of penalties imposed pursuant to this
12 subsection is \$800.00 or less, the local health officer, Department of Health, or
13 State’s Attorney may bring a civil enforcement action in the Judicial Bureau
14 pursuant to 4 V.S.A. chapter 29.

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

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

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

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

6 § 1102. JUDICIAL BUREAU; JURISDICTION

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

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

10 * * *

11 (21) Violations of State or municipal rental housing health and safety
12 laws when the amount of the cumulative penalties imposed pursuant to
13 18 V.S.A. § 603 is \$800.00 or less.

14 * * *

15 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
16 violations.

17 (d) Three hearing officers appointed by the Court Administrator shall
18 determine waiver penalties to be imposed for violations within the Judicial
19 Bureau's jurisdiction, except:

20 ~~(1) Municipalities~~ municipalities shall adopt full and waiver penalties for
21 civil ordinance violations pursuant to 24 V.S.A. § 1979. For purposes of

1 municipal violations, the issuing law enforcement officer shall indicate the
2 appropriate full and waiver penalty on the complaint.

3 **Sec. 8. RENTAL HOUSING HEALTH AND SAFETY ENFORCEMENT**
4 **SYSTEM; RECOMMENDATIONS; REPORT**

5 (a) On or before January 15, 2020, in collaboration with the Rental
6 Housing Advisory Board, the Department of Health and the Department of
7 Public Safety shall develop recommendations for the design and
8 implementation of a comprehensive system for the professional enforcement of
9 State rental housing health and safety laws, which shall include:

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

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

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

1 **(b) On or before September 30, 2019, the Department of Health shall**
2 **provide an interim progress report to the Senate Committee on Economic**
3 **Development, Housing and General Affairs and the House Committee on**
4 **General, Housing, and Military Affairs.**

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

10 *** * * Affordable Housing * * ***

11 **Sec. 9. STATE TREASURER RECOMMENDATION FOR FINANCING**
12 **OF AFFORDABLE HOUSING INITIATIVE**

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

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

20 **(2) alternatives for financing the plan that take into consideration the use**
21 **of appropriations, general obligation bonds, revenue bonds, investments, new**

1 revenues, and other financing mechanisms, including initiatives undertaken by
2 other states;

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

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

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

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

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

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

17 (c) Report. The State Treasurer shall submit a report with
18 recommendations based on the evaluation described in subsection (a) of this
19 section to the Senate Committees on Economic Development, Housing and
20 General Affairs, on Appropriations, and on Finance and the House Committees
21 on General, Housing, and Military Affairs, on Appropriations, and on Ways

1 and Means. The report shall also include a legislative proposal to implement
2 the recommendations proposed in the report.

3 * * * Effective Date * * *

4 Sec. 10. EFFECTIVE DATE

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

6

7

8

9

10

11

12 (Committee vote: _____)

13

14

Senator _____

15

FOR THE COMMITTEE