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H.399

Introduced by Representatives Tomlinson of Winooski, Cina of Burlington,
Cole of Hartford, Dodge of Essex, Headrick of Burlington,
LaMont of Morristown, Logan of Burlington, McCann of
Montpelier, and McGill of Bridport

Referred to Committee on

Date:

Subject: Commerce and trade; housing; residential rental agreements; tenant
rights

Statement of purpose of bill as introduced: This bill proposes to provide
protections to tenants by making the charging of a rental application fee an
unfair commercial practice, requiring certain rental agreements to be in
writing, limiting no-cause evictions and annual rent increases, creating a rental
registry, creating the Office of Tenant’s Rights Advocate, providing for the
right to counsel in eviction proceedings and the expungement of eviction
records, and affording tenants the right to receive notice of a landlord’s intent
to sell an apartment building and to negotiate in good faith and purchase the
building with a down payment revolving fund administered by the Vermont
Housing and Conservation Board. The bill also proposes to add citizenship
and immigration status to the existing discrimination prohibitions in public
accommodations and unfair housing practices.

1 An act relating to tenant rights

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 Sec. 1. 9 V.S.A. chapter 137 is amended to read:

4 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

5 * * *

6 § 4454. ~~ATTEMPT TO CIRCUMVENT~~ REQUIRED RENTAL

7 AGREEMENT TERMS

8 (a) A landlord shall ensure that a rental agreement with a duration of 12
9 months or longer is in writing and includes:

10 (1) identification of the parties involved, including contact information
11 for the owner and any party responsible for managing the property on the
12 owner's behalf;

13 (2) a description of the property subject to the agreement;

14 (3) the duration of the agreement, including whether the agreement is
15 periodic or for a fixed term, with clearly specified start and end dates;

16 (4) the financial obligations of the tenant, including the amount of rent,
17 the due date, and the method of payment;

18 (5) whether there are penalties for late payment of rent, including the
19 date the penalty becomes effective and the calculation of the penalty amount;

1 (6) the amount of any security deposit and the conditions under which
2 part or all of the security deposit may be withheld, in compliance with section
3 4461 of this title;

4 (7) a description of the responsibility of the parties for maintenance and
5 repair of the property;

6 (8) a description of the responsibilities of the parties for the provision of,
7 and payment for, utilities for the rental unit;

8 (9) a statement of the rights and responsibilities of the parties to the
9 agreement;

10 (10) an accurate statement of the protections against retaliation in
11 section 4465 of this title;

12 (11) a statement that a tenant may not be evicted without cause; and

13 (12) any other disclosure required by law.

14 **(b)** No rental agreement shall contain any provision that attempts to
15 circumvent or circumvents obligations and remedies established by this chapter
16 and any such provision shall be unenforceable and void.

17 Subchapter 2. Residential Rental Agreements

18 * * *

19 § 4456a. RESIDENTIAL RENTAL APPLICATION ~~FEES~~; PROHIBITED

20 ACTS

21 **(a)** A landlord or a landlord’s agent shall not;

1 tenant pays or tenders rent due through the end of the rental period in which
2 payment is made or tendered. Acceptance of partial payment of rent shall not
3 constitute a waiver of the landlord's remedies for nonpayment of rent or an
4 accord and satisfaction for nonpayment of rent.

5 (b) Termination for breach of rental agreement.

6 (1) The landlord may terminate a tenancy for failure of the tenant to
7 comply with a material term of the rental agreement or with obligations
8 imposed under this chapter by actual notice given to the tenant at least 30 days
9 prior to the termination date specified in the notice.

10 (2) When termination is based on criminal activity, illegal drug activity,
11 or acts of violence, any of which threaten the health or safety of other
12 residents, the landlord may terminate the tenancy by providing actual notice to
13 the tenant of the date on which the tenancy will terminate, which shall be at
14 least 14 days from the date of the actual notice.

15 (c) Termination for no cause. In the absence of a written rental agreement,
16 subject to subdivision (3) of this subsection, the landlord may terminate a
17 tenancy for no cause as follows:

18 (1) If rent is payable on a monthly basis, by providing actual notice to
19 the tenant of the date on which the tenancy will terminate, which shall be:

20 (A) for tenants who have resided continuously in the same premises
21 for two years or less, at least 60 days after the date of the actual notice; or

1 (B) for tenants who have resided continuously in the same premises
2 for more than two years, at least 90 days after the date of the actual notice.

3 (2) If rent is payable on a weekly basis, by providing actual notice to the
4 tenant of the date on which the tenancy will terminate, which shall be at least
5 21 days after the date of the actual notice.

6 (3) This subsection shall apply only in the following circumstances:

7 (A) the rental unit is one of a two-unit or three-unit owner-occupied
8 building; or

9 (B) the rental unit requires renovations that exceed 50 percent of the
10 rental unit's value to become or remain habitable, provided that the tenant shall
11 have the right of first refusal to reoccupy the unit at market rate following
12 renovations and the tenant had been provided with adequate relocation costs
13 for the duration of the renovations.

14 (d) Termination of rental agreement when property is sold. In the absence
15 of a written rental agreement, a landlord who has contracted to sell the building
16 may terminate a tenancy by providing actual notice to the tenant of the date on
17 which the tenancy will terminate, which shall be at least ~~30 days~~ three months
18 after the date of the actual notice.

19 (e) Termination for no cause under terms of written rental agreement.

20 Subject to subdivision (2) of this subsection:

1 (1) If there is a written rental agreement, the notice to terminate for no
2 cause shall be at least 30 days before the end or expiration of the stated term of
3 the rental agreement if the tenancy has continued for two years or less. The
4 notice to terminate for no cause shall be at least 60 days before the end or
5 expiration of the term of the rental agreement if the tenancy has continued for
6 more than two years. If there is a written week-to-week rental agreement, the
7 notice to terminate for no cause shall be at least seven days; however, a notice
8 to terminate for nonpayment of rent shall be as provided in subsection (a) of
9 this section.

10 (2) This subsection shall apply only in the following circumstances:

11 (A) the rental unit is one of a two-unit or three-unit owner-occupied
12 building; or

13 (B) the rental unit requires renovations that exceed 50 percent of the
14 rental unit's value to become or remain habitable, provided that the tenant shall
15 have the right of first refusal to reoccupy the unit at market rate following
16 renovations and the tenant had been provided with adequate relocation costs
17 for the duration of the renovations.

18 (f) Termination ~~date~~ for no cause prohibited. ~~In all cases, the termination~~
19 ~~date shall be specifically stated in the notice.~~

20 (1)(A) Except as otherwise provided in this section, a landlord shall not
21 terminate a tenancy without cause.

1 (B) For purposes of this subsection (f), the expiration of a rental
2 agreement shall not constitute cause for a landlord to terminate a tenancy.

3 (2) A landlord may terminate a tenancy for no cause, if allowed by the
4 rental agreement, within the first three months of a new tenancy.

5 (3)(A) A landlord may terminate a tenancy for no cause if the landlord
6 or a member of the landlord's immediate family has a good faith intention to
7 occupy the premises.

8 (B) A landlord shall provide the tenant with actual notice of the date
9 on which the tenancy will terminate, which shall be at least six months after
10 the date of the actual notice.

11 (C) As used in this subdivision (3), "immediate family" means:

12 (i) an adult person related by blood, adoption, marriage, or as
13 defined or described in similar law in another jurisdiction;

14 (ii) an unmarried parent of a joint child;

15 (iii) a child, grandchild, foster child, ward, or guardian; or

16 (iv) a child, grandchild, foster child, ward, or guardian of any
17 person listed in subdivision (i) or (ii) of this subdivision (f)(3)(C).

18 (4) A landlord may terminate a tenancy for no cause pursuant to
19 subsection (c) or (e) of this section.

20 (5) A landlord may terminate a tenancy of shared occupancy for no
21 cause pursuant to subsection (h) of this section.

1 (6) A landlord may terminate a tenancy in order to comply with a State
2 law or municipal government order that requires the tenant to leave.

3 (g) Conversion to condominium. If the building is being converted to
4 condominiums, notice shall be given in accordance with 27 V.S.A. chapter 15,
5 subchapter 2.

6 (h) Termination of shared occupancy. A rental arrangement whereby a
7 person rents to another individual one or more rooms in ~~his or her~~ the person's
8 personal residence that includes the shared use of any of the common living
9 spaces, such as the living room, kitchen, or bathroom, may be terminated by
10 either party by providing actual notice to the other of the date the rental
11 agreement shall terminate, which shall be at least 15 days after the date of
12 actual notice if the rent is payable monthly and at least seven days after the
13 date of actual notice if the rent is payable weekly.

14 (i) ~~Multiple~~ Termination date; multiple notices.

15 (1) A landlord shall specifically state a termination date in a notice of
16 termination.

17 (2) All actual notices that are in compliance with this section shall not
18 invalidate any other actual notice and shall be a valid basis for commencing
19 and maintaining an action for possession pursuant to this chapter, 10 V.S.A.
20 chapter 153, 11 V.S.A. chapter 14, or 12 V.S.A. chapter 169, notwithstanding
21 that the notices may be based on different or unrelated grounds, dates of

1 termination, or that the notices are sent at different times prior to or during an
2 ejectment action. A landlord may maintain an ejectment action and rely on as
3 many grounds for ejectment as are allowed by law at any time during the
4 eviction process.

5 (j) Payment after termination; effect.

6 (1) A landlord's acceptance of full or partial rent payment by or on
7 behalf of a tenant after the termination of the tenancy for reasons other than
8 nonpayment of rent or at any time during the ejectment action shall not result
9 in the dismissal of an ejectment action or constitute a waiver of the landlord's
10 remedies to proceed with an eviction action based on any of the following:

11 (A) the tenant's breach of the terms of a rental agreement pursuant to
12 subsection (b) of this section;

13 (B) the tenant's breach of the tenant's obligations pursuant to
14 subsections 4456(a), (b), and (c) of this title; or

15 (C) for no cause pursuant to subsections (c), (d), (e), and (h) of this
16 section.

17 (2) This subsection shall apply to 10 V.S.A. chapter 153, 11 V.S.A.
18 chapter 14, and 12 V.S.A. chapter 169.

19 (k) Commencement of ejectment action. A notice to terminate a tenancy
20 shall be insufficient to support a judgment of eviction unless the proceeding is

1 commenced not later than 60 days from the termination date set forth in the
2 notice.

3 * * *

4 § 4468b. MAXIMUM INCREASE IN RENT

5 (a) A landlord shall not increase rent during any 12-month period in an
6 amount greater than one percent above the U.S. Consumer Price Index for all
7 Urban Consumers, Housing Component, published by the U.S. Bureau of
8 Labor Statistics in the periodical “Monthly Labor Review and Handbook of
9 Labor Statistics” as established annually by the Department of Housing and
10 Community Development, or five percent, whichever is less.

11 (b) A landlord shall specify in a notice of increase of rent:

12 (1) the amount of the rent increase;

13 (2) the amount of the new rent; and

14 (3) the date on which the increase becomes effective.

15 (c) A landlord shall notify a tenant of an increase in rent not less than 90
16 days prior to the date the increase takes effect.

17 * * *

18 Subchapter 5. Tenant Rights to Purchase Property

19 § 4476. TENANT RIGHTS TO PURCHASE PROPERTY

20 (a) Notice.

1 (1) An owner of a residential rental property that contains three or more
2 dwelling units shall give to each tenant and to the Commissioner of Housing
3 and Community Development notice by certified mail, return receipt
4 requested, of the owner's intention to sell the property.

5 (2) If a tenant refuses the notice, or it is otherwise undeliverable, the
6 owner shall send the notice by first-class mail to the tenant's last known
7 mailing address.

8 (3) The notice shall state the following:

9 (A) the owner intends to sell the property;

10 (B) the price, terms, and conditions under which the owner offers the
11 property for sale;

12 (C) a list of the affected tenants;

13 (D) the status of compliance with applicable statutes, rules, and
14 permits, to the owner's best knowledge, and the reasons for any
15 noncompliance; and

16 (E) that for 45 days following the notice, the owner shall not make a
17 final unconditional acceptance of an offer to purchase the property and that if
18 within the 45 days the owner receives notice pursuant to subsection (c) of this
19 section that a majority of the tenants intend to consider purchase of the
20 property, the owner shall not make a final unconditional acceptance of an offer
21 to purchase the property for an additional 120 days, starting from the 46th day

1 following notice, except one from a group representing a majority of the
2 tenants or from a nonprofit corporation approved by a majority of the tenants.

3 (b) Resident intent to negotiate; timetable.

4 (1) The tenants shall have 45 days following notice under subsection (a)
5 of this section to determine whether they intend to consider purchase of the
6 property through a group representing a majority of the tenants or a nonprofit
7 corporation approved by a majority of the tenants.

8 (2) A majority of the tenants is determined by one vote per leasehold,
9 and no tenant shall have more than three votes or 30 percent of the aggregate
10 property vote, whichever is less.

11 (3) During this 45-day period, the owner shall not accept a final
12 unconditional offer to purchase the property.

13 (c) Response to notice; required action.

14 (1) If the owner does not receive notice from the tenants during the 45-
15 day period, or if the tenants notify the owner that they do not intend to consider
16 purchase of the property, the owner has no further restrictions regarding sale of
17 the building pursuant to this section.

18 (2) If, during the 45-day period, the owner receives notice in writing that
19 a majority of the tenants intend to consider purchase of the property, then the
20 owner shall:

1 (A) not accept a final unconditional offer to purchase from a party
2 other than leaseholders for 120 days following the 45-day period, a total of 165
3 days following the notice from the leaseholders;

4 (B) negotiate in good faith with the group representing a majority of
5 the tenants or a nonprofit corporation approved by a majority of the tenants
6 concerning purchase of the property;

7 (C) consider any offer to purchase from a group representing a
8 majority of the tenants or from a nonprofit corporation approved by a majority
9 of the tenants; and

10 (D) accept an offer from the tenants or nonprofit corporation if the
11 offer:

12 (i) equals or exceeds the appraised value of the property; or

13 (ii) is on substantially equivalent terms and conditions as the best
14 reasonable offer from another third party.

15 (d) Penalties.

16 (1) An owner who sells a property without complying with this section:

17 (A) is liable to the tenants in the aggregate amount of \$10,000.00 or
18 50 percent of the gain realized by the owner from the sale, whichever is
19 greater; and

20 (B) commits an unfair practice in trade and commerce in violation of
21 section 2453 of this title.

1 (2) The Department of Housing and Community Development may:

2 (A) impose an administrative penalty of not more than \$5,000.00 per
3 violation;

4 (B) bring a civil action for damages or injunctive relief, or both; and

5 (C) refer a violation to the Attorney General or State's Attorney for
6 enforcement pursuant to subdivision (1)(B) of this subsection (d).

7 (e) Exceptions. The provisions of this section do not apply when the sale,
8 transfer, or conveyance of the property occurs through one or more of the
9 following:

10 (1) through a foreclosure sale;

11 (2) to a member of the owner's family or to a trust for the sole benefit of
12 members of the owner's family;

13 (3) among the partners who own the property;

14 (4) incidental to financing the building;

15 (5) between joint tenants or tenants in common;

16 (6) pursuant to eminent domain; or

17 (7) pursuant to a municipal tax sale.

18 (f) Requirement for new notice of intent to sell.

19 (1) Subject to subdivision (2) of this subsection, a notice of intent to sell
20 issued pursuant to subsection (a) of this section is valid:

1 (A) for a period of one year from the expiration of the 45-day period
2 following the date of the notice; or

3 (B) if the owner has entered into a binding purchase and sale
4 agreement with a group representing a majority of the tenants or a nonprofit
5 corporation approved by a majority of the tenants within one year from the
6 expiration of the 45-day period following the date of the notice until the
7 completion of the sale of the property under the agreement or the expiration of
8 the agreement, whichever is sooner.

9 (2) During the period in which a notice of intent to sell is valid, an
10 owner shall provide a new notice of intent to sell, consistent with the
11 requirements of subsection (a) of this section, prior to making an offer to sell
12 the property or accepting an offer to purchase the property that is either more
13 than five percent below the price for which the property was initially offered
14 for sale or less than five percent above the final written offer from a group
15 representing a majority of the tenants or a nonprofit corporation approved by a
16 majority of the tenants.

17 (g) Good faith. A group representing a majority of the tenants or a
18 nonprofit corporation approved by a majority of the tenants shall negotiate in
19 good faith with the owner for purchase of the property.

20 Sec. 2. 3 V.S.A. § 2478 is added to read:

21 § 2478. STATE RENTAL HOUSING REGISTRY; HOUSING DATA

1 (a) The Department of Housing and Community Development, in
2 coordination with the Division of Fire Safety, the Department of Health, the
3 Enhanced 911 Board, and the Department of Taxes, shall create and maintain a
4 publicly accessible registry of the rental housing in this State that includes a
5 “dwelling unit” as defined in 9 V.S.A. § 4451 and a “short-term rental” as
6 defined in 18 V.S.A. § 4301.

7 (b) The Department of Housing and Community Development shall require
8 for each unit that is registered the following data:

9 (1) the name of the owner or landlord and property manager, if
10 applicable;

11 (2) phone number, email, and mailing address of the landlord and
12 property manager, if applicable;

13 (3) location of the unit and unit number or letter;

14 (4) year built;

15 (5) type of rental unit;

16 (6) number of units in the building;

17 (7) school property account number;

18 (8) accessibility of the unit;

19 (9) number of bedrooms and bathrooms;

1 (10) for owners of short-term rentals, the number of whole-unit or
2 partial-unit short-term rentals within the building, or in the case of multiple
3 buildings on a parcel of land, on the entire lot; and

4 (11) any other information the Department deems appropriate.

5 (c) Upon request of the Department of Housing and Community
6 Development, and at least annually, a municipal, district, or other local
7 government entity that operates a rental housing health and safety program that
8 requires registration of a rental housing unit and a fee for inclusion on the
9 registry shall provide to the Department the data for each unit that is required
10 pursuant to subsection (b) of this section.

11 Sec. 3. 3 V.S.A. § 2479 is added to read:

12 § 2479. RENTAL HOUSING REGISTRATION

13 (a) Except as provided in subsection (c) of this section, an owner of long-
14 term rental housing that is subject to 9 V.S.A. chapter 137 shall:

15 (1) file with the Department of Taxes a landlord certificate; and

16 (2) within 30 days after filing the certificate, register with and pay to the
17 Department of Housing and Community Development an annual registration
18 fee of \$35.00 per rental unit, unless the owner has within the preceding
19 12 months:

20 (A) registered the unit pursuant to subsection (b) of this section; or

1 (B) registered the unit with a municipal, district, or other local
2 government entity that operates a rental housing health and safety program.

3 (b) Except as provided in subsection (c) of this section, an owner of a
4 short-term rental, as defined in 18 V.S.A. § 4301, shall, annually, within
5 30 days after renting a unit, register with and pay to the Department of
6 Housing and Community Development an annual registration fee of \$35.00 per
7 rental unit, unless the owner has within the preceding 12 months:

8 (1) registered the unit pursuant to subsection (a) of this section; or

9 (2) registered the unit with a municipal, district, or other local
10 government entity that operates a rental housing health and safety program.

11 (c)(1) An owner of a mobile home lot within a mobile home park who has
12 registered the lot with the Department of Housing and Community
13 Development and who does not own a mobile home on the lot is exempt from
14 registering the lot pursuant to this section.

15 (2) An owner of a mobile home lot within a mobile home park who has
16 registered the lot with the Department and who owns a mobile home on the lot
17 that is available for rent or rented shall register the property with the
18 Department and pay a fee equal to the fee required by subdivision (a)(2) of this
19 section less any fee paid within the previous 12 months pursuant to 10 V.S.A.
20 § 6254(c).

1 (3) An owner of a mobile home who rents the mobile home, whether
2 located in a mobile home park, shall register pursuant to this section.

3 (d) An owner of rental housing who fails to register pursuant to this section
4 shall pay a late registration fee of \$150.00 and may be subject to administrative
5 penalties not to exceed \$5,000.00 for each violation.

6 Sec. 4. 3 V.S.A. § 2480 is added to read:

7 § 2480. TENANT'S RIGHTS ADVOCATE

8 (a) The Department of Housing and Community Development shall
9 contract with a nonprofit organization with expertise in tenant's rights to
10 establish the Office of Tenant's Rights Advocate.

11 (b) The Office of Tenant's Rights Advocate shall have the following
12 functions and duties:

13 (1) educate tenants and landlords about their rights and responsibilities
14 and rental housing code requirements;

15 (2) provide information, referrals, and assistance to tenants seeking help
16 with issues arising from an existing or potential landlord-tenant relationship;

17 (3) accept referrals from other organizations to assist individuals with
18 rental housing needs;

19 (4) mediate issues on behalf of and with the authorization of an
20 individual tenant;

1 (5) identify, investigate, and resolve complaints on behalf of individual
2 tenants and assist them with filing and pursuit of complaints and appeals;

3 (6) monitor, analyze, and facilitate public comment on the development
4 and implementation of federal, State, and local laws, rules, and policies related
5 to housing;

6 (7) provide technical assistance to tenants intending to purchase
7 property under 9 V.S.A. § 4476;

8 (8) provide legal services to tenants facing eviction; and

9 (9) recommend legislative action as may be appropriate to resolve
10 problems encountered by tenants and landlords.

11 (c) On or before January 15 of each year, the Office of Tenant's Rights
12 Advocate shall submit a report on the activities, performance, and fiscal
13 accounts of the Office during the preceding calendar year. The report shall be
14 submitted to the House Committee on General and Housing and the Senate
15 Committee on Economic Development, Housing and General Affairs.

16 (d) The Office of Tenant's Rights Advocate may:

17 (1) pursue administrative, judicial, and other remedies on behalf of any
18 individual tenant or group of tenants;

19 (2) adopt policies and procedures necessary to carry out the provisions
20 of this chapter; and

21 (3) take any other action necessary to fulfill the purposes of this section.

1 (e) All State agencies shall comply with reasonable requests from the
2 Office of Tenant’s Rights Advocate for information and assistance. The
3 Department of Housing and Community Development may adopt rules
4 necessary to ensure the cooperation of State agencies under this section.

5 (f) In the absence of written consent by a complainant or an individual
6 using the services of the Office or by a complainant’s or individual’s guardian
7 or legal representative or the absence of a court order, the Office of Tenant’s
8 Rights Advocate, its employees, and its contractors shall not disclose the
9 identity of the complainant or individual.

10 (g) The Office of Tenant’s Rights Advocate, its employees, and its
11 contractors shall take steps necessary to avoid any conflict of interest relating
12 to the performance of their responsibilities under this chapter. For the
13 purposes of this chapter, a conflict of interest exists whenever the Office, its
14 employees, or its contractors or a person affiliated with the Office, its
15 employees, or its contractors:

16 (1) has a direct or indirect interest in the information, referrals, or
17 assistance provided to individuals about obtaining or providing housing
18 services;

19 (2) has a direct ownership interest or investment interest in a place of
20 housing or housing provider;

1 (3) is employed by or participating in the management of a place of
2 housing or housing provider; or

3 (4) receives or has the right to receive, directly or indirectly, remuneration
4 under a compensation arrangement with a place of housing or housing
5 provider.

6 Sec. 5. 12 V.S.A. § 4857 is added to read:

7 § 4857. RIGHT TO COUNSEL

8 (a) The defendant in an action brought under subchapter 3 of this chapter
9 shall have the right to representation by counsel throughout the proceeding.
10 Upon the filing of the complaint, the court shall notify the defendant that the
11 defendant has the right to counsel. If the defendant states that the defendant is
12 unable to pay for counsel, the court shall appoint counsel to be paid by the
13 State or set a hearing for a determination of the defendant's ability to pay for
14 counsel.

15 (b) In appointing counsel under this section, the court may appoint counsel
16 from the Office of Tenant's Rights Advocate established in 3 V.S.A. § 2480.

17 Sec. 6. 12 V.S.A. § 4858 is added to read:

18 § 4858. EXPUNGEMENT

19 (a) A person may file a petition with the court requesting expungement of
20 an eviction proceeding under subchapter 3 of this chapter. The court shall

1 provide notice of the petition to the plaintiff landlord at the last known address
2 of the landlord.

3 (b) The court shall grant the petition without hearing if the petitioner and
4 the respondent stipulate to the granting of the petition. The respondent shall
5 file the stipulation with the court, and the court shall issue the petitioner an
6 order of expungement and provide notice of the order in accordance with this
7 section.

8 (c) The court shall grant the petition and order that the eviction history
9 record be expunged if the following conditions are met:

10 (1) at least five years have elapsed since the issuance of the judgement
11 under section 4854 of this title;

12 (2) a subsequent judgement for eviction has not been issued against the
13 individual arising out of a new incident or occurrence since the judgement
14 giving rise to the petition;

15 (3) the person has paid all rent, damages, costs, and reasonable
16 attorney's fees awarded as part of an eviction proceeding; and

17 (4) the court finds that expungement of the eviction history record
18 serves the interests of justice.

19 (d) Upon entry of an order expunging files and records under this section,
20 the proceedings in the matter shall be considered never to have occurred; all
21 index references thereto shall be deleted; and the participant, the court, and law

1 enforcement officers and departments shall reply to any request for
2 information that no record exists with respect to such participant inquiry in any
3 matter. Copies of the order shall be sent to each agency, entity, or official
4 named therein.

5 Sec. 7. TENANT RIGHT TO PURCHASE DOWN PAYMENT

6 ASSISTANCE PROGRAM

7 (a) The sum of \$5,000,000.00 is appropriated from the General Fund to the
8 Department of Housing and Community Development to grant to the Vermont
9 Housing and Conservation Board in fiscal year 2026 for the purpose of
10 establishing the Tenant Right to Purchase Down Payment Assistance Program.

11 (b)(1) The Agency shall use the funds appropriated in this section to
12 provide down payment assistance to tenants and nonprofit organizations
13 exercising their right to purchase a residential dwelling under 9 V.S.A. chapter
14 137, subchapter 5.

15 (2) The Agency shall adopt one or more legal mechanisms to ensure that
16 subsequent sales of a home that is subsidized through the Program are limited
17 to income-eligible homebuyers.

18 (c) The Agency may assign its rights under any investment or grant made
19 under this section to the Vermont Housing and Conservation Board or any
20 State agency or nonprofit organization qualifying under 26 U.S.C. § 501(c)(3).

1 provided such assignee acknowledges and agrees to comply with the
2 provisions of this section.

3 (d) The Department shall report to the House Committee on General and
4 Housing and the Senate Committee on Economic Development, Housing and
5 General Affairs on the status of the Program annually, on or before January 15,
6 through 2030.

7 Sec. 8. 9 V.S.A. § 4501 is amended to read:

8 § 4501. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (12)(A) “Harass” means to engage in unwelcome conduct that detracts
12 from, undermines, or interferes with a person’s:

13 (i) use of a place of public accommodation or any of the
14 accommodations, advantages, facilities, or privileges of a place of public
15 accommodation because of the person’s race, creed, color, national origin,
16 citizenship, immigration status, marital status, sex, sexual orientation, gender
17 identity, or disability; or

18 (ii) terms, conditions, privileges, or protections in the sale or rental
19 of a dwelling or other real estate, or in the provision of services or facilities in
20 connection with a dwelling or other real estate, because of the person’s race,
21 sex, sexual orientation, gender identity, age, marital status, religious creed,

1 color, national origin, citizenship, immigration status, or disability, or because
2 the person intends to occupy a dwelling with one or more minor children, or
3 because the person is a recipient of public assistance, or because the person is a
4 victim of abuse, sexual assault, or stalking.

5 * * *

6 Sec. 9. 9 V.S.A. § 4502 is amended to read:

7 § 4502. PUBLIC ACCOMMODATIONS

8 (a) An owner or operator of a place of public accommodation or an agent
9 or employee of such owner or operator shall not, because of the race, creed,
10 color, national origin, citizenship, immigration status, marital status, sex,
11 sexual orientation, or gender identity of any person, refuse, withhold from, or
12 deny to that person any of the accommodations, advantages, facilities, and
13 privileges of the place of public accommodation.

14 * * *

15 Sec. 10. 9 V.S.A. § 4503 is amended to read:

16 § 4503. UNFAIR HOUSING PRACTICES

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

18 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
19 of, or otherwise make unavailable or deny, a dwelling or other real estate to
20 any person because of the race, sex, sexual orientation, gender identity, age,
21 marital status, religious creed, color, national origin, citizenship, immigration

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

5 (2) To discriminate against, or to harass, any person in the terms,
6 conditions, privileges, and protections of the sale or rental of a dwelling or
7 other real estate, or in the provision of services or facilities in connection with
8 a dwelling or other real estate, because of the race, sex, sexual orientation,
9 gender identity, age, marital status, religious creed, color, national origin,
10 citizenship, immigration status, or disability of a person, or because a person
11 intends to occupy a dwelling with one or more minor children, or because a
12 person is a recipient of public assistance, or because a person is a victim of
13 abuse, sexual assault, or stalking.

14 (3) To make, print, or publish, or cause to be made, printed, or published
15 any notice, statement, or advertisement, with respect to the sale or rental of a
16 dwelling or other real estate that indicates any preference, limitation, or
17 discrimination based on race, sex, sexual orientation, gender identity, age,
18 marital status, religious creed, color, national origin, citizenship, immigration
19 status, or disability of a person, or because a person intends to occupy a
20 dwelling with one or more minor children, or because a person is a recipient of

1 public assistance, or because a person is a victim of abuse, sexual assault, or
2 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, citizenship, immigration status, or disability of a person, or because a
6 person intends to occupy a dwelling with one or more minor children, or
7 because a person is a recipient of public assistance, or because a person is a
8 victim of abuse, sexual assault, or stalking, that any dwelling or other real
9 estate is not available for inspection, sale, or rental when the dwelling or real
10 estate is in fact so available.

11 * * *

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

20 (7) To engage in blockbusting practices, for profit, which may include
21 inducing or attempting to induce a person to sell or rent a dwelling by

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

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

17 * * *

18 (12) To discriminate in land use decisions or in the permitting of
19 housing because of race, sex, sexual orientation, gender identity, age, marital
20 status, religious creed, color, national origin, citizenship, immigration status,
21 disability, the presence of one or more minor children, income, or because of

1 the receipt of public assistance, or because a person is a victim of abuse, sexual
2 assault, or stalking, except as otherwise provided by law.

3 * * *

4 (d) The provisions of subsection (a) of this section with respect to
5 discrimination in the sales and rentals of dwellings on the basis of citizenship
6 or immigration status shall not preclude the verification of immigration status
7 if required by federal law.

8 Sec. 11. APPROPRIATION

9 The sum of \$4,000,000.00 is appropriated from the General Fund to the
10 Department of Housing and Community Development in fiscal year 2026,
11 \$2,000,000.00 of which shall be used to fund the Office of Tenant's Rights
12 Advocate established in 3 V.S.A. § 2480 and \$2,000,000.00 of which shall be
13 used for legal services through the Office of Tenant's Rights Advocate.

14 Sec. 12. EFFECTIVE DATE

15 This act shall take effect on July 1, 2025.