

1 H.492

2 Introduced by Representatives Stevens of Waterbury, Christie of Hartford,
3 Colburn of Burlington, Donovan of Burlington, LaLonde of
4 South Burlington, O’Sullivan of Burlington, Rachelson of
5 Burlington, and Sullivan of Burlington

6 Referred to Committee on

7 Date: Subject: Human rights; discrimination; homelessness

8 Statement of purpose of bill as introduced: This bill proposes to establish a
9 homeless bill of rights and prohibit discrimination against people without
10 homes.

11 An act relating to establishing a homeless bill of rights and prohibiting
12 discrimination against people without homes

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

14 Sec. 1. FINDINGS

15 The Vermont General Assembly finds that:

16 (1) At the present time, many persons have been rendered homeless as a
17 result of economic hardship and a shortage of safe and affordable housing.

18 (2) Article 1 of Chapter I of the Vermont Constitution states that
19 Vermonters are “equally free and independent” and Article 7 of Chapter I
20 states that all Vermonters are entitled to the same benefits and protections. As

1 a result, a person should not be subject to discrimination based on his or her
2 housing status or being homeless.

3 (3) It is the intent of this act to help mitigate both the discrimination
4 people without homes face and the adverse effects individuals and
5 communities suffer when a person lacks a home.

6 Sec. 2. 1 V.S.A. § 274 is added to read:

7 § 274. HOMELESS BILL OF RIGHTS

8 (a) A person's rights, privileges, or access to public services may not be
9 denied or abridged solely because he or she is without housing or because of
10 housing status. Such a person shall be granted the same rights and privileges
11 as any other resident of this State.

12 (b) A person without housing shall have the right:

13 (1) To use and move freely in public spaces, including public sidewalks,
14 parks, transportation, and buildings, in the same manner as any other person
15 and without discrimination on the basis of his or her housing status.

16 (2) To equal treatment by all State and municipal agencies without
17 discrimination on the basis of housing status or homelessness.

18 (3) Not to face discrimination while seeking or maintaining
19 employment, due to his or her lack of a permanent mailing address or his or
20 her mailing address being that of a shelter or social service provider.

1 (4) To emergency medical care free from discrimination based on his or
2 her housing status or homelessness.

3 (5) To vote, register to vote, and receive documentation necessary to
4 prove identity for voting, without discrimination due to his or her housing
5 status or homelessness.

6 (6) To confidentiality of personal records and information in accordance
7 with all limitations on disclosure established by State and federal law,
8 including the Federal Homeless Management Information Systems, the Federal
9 Health Insurance Portability and Accountability Act, and the Federal Violence
10 Against Women Act. In particular, victims of domestic and sexual violence
11 and stalking who are homeless have the right to safety and confidentiality. No
12 identifying information pertaining to such victims shall be released without a
13 written release unless the disclosure of the information is required by State or
14 federal law or a court order.

15 (7) To a reasonable expectation of privacy in his or her personal
16 property.

17 (8) To immediate and continued enrollment of his or her school-age
18 children based on the best interests of the child as provided for in 16 V.S.A.
19 § 1075(e) and the McKinney-Vento Act, 42 U.S.C. §§ 11431–11435.

1 Sec. 4. 9 V.S.A. § 4502 is amended to read:

2 § 4502. PUBLIC ACCOMMODATIONS

3 (a) An owner or operator of a place of public accommodation or an agent
4 or employee of such owner or operator shall not, because of the race, creed,
5 color, national origin, housing status, marital status, sex, sexual orientation, or
6 gender identity of any person, refuse, withhold from, or deny to that person
7 any of the accommodations, advantages, facilities, and privileges of the place
8 of public accommodation.

9 * * *

10 Sec. 5. 9 V.S.A. § 4503 is amended to read:

11 § 4503. UNFAIR HOUSING PRACTICES

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

13 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
14 of, or otherwise make unavailable or deny, a dwelling or other real estate to
15 any person because of the race, sex, sexual orientation, gender identity, age,
16 marital status, religious creed, color, national origin, housing 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.

20 (2) To discriminate against, or to harass any person in the terms,
21 conditions, or privileges of the sale or rental of a dwelling or other real estate,

1 or in the provision of services or facilities in connection therewith, because of
2 the race, sex, sexual orientation, gender identity, age, marital status, religious
3 creed, color, national origin, housing status, or disability of a person, or
4 because a person intends to occupy a dwelling with one or more minor
5 children, or because a person is a recipient of public assistance.

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

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

21 * * *

1 presence of one or more minor children, income, or because of the receipt of
2 public assistance, except as otherwise provided by law.

3 * * *

4 Sec. 6. 10 V.S.A. § 601 is amended to read:

5 § 601. DEFINITIONS

6 The following words and terms, unless the context clearly indicates a
7 different meaning, shall have the following meaning:

8 * * *

9 (11) “Persons and families of low and moderate income” means persons
10 and families irrespective of race, creed, national origin, sex, sexual orientation,
11 housing status, or gender identity deemed by the Agency to require such
12 assistance as is made available by this chapter on account of insufficient
13 personal or family income, taking into consideration, without limitation, such
14 factors as:

15 (A) the amount of the total income of such persons and families
16 available for housing needs;

17 * * *

18 (20) “Housing status” means the status of being homeless, being a
19 homeless individual, or being a homeless person, as defined in 42 U.S.C.
20 § 11302.

1 Sec. 7. 21 V.S.A. § 495 is amended to read:

2 § 495. UNLAWFUL EMPLOYMENT PRACTICE

3 (a) It shall be unlawful employment practice, except where a bona fide
4 occupational qualification requires persons of a particular race, color, religion,
5 national origin, housing status, sex, sexual orientation, gender identity,
6 ancestry, place of birth, age, crime victim status, or physical or mental
7 condition:

8 (1) For any employer, employment agency, or labor organization to
9 discriminate against any individual because of race, color, religion, ancestry,
10 national origin, sex, sexual orientation, gender identity, place of birth, housing
11 status, crime victim status, or age or against a qualified individual with a
12 disability;

13 (2) For any person seeking employees or for any employment agency or
14 labor organization to cause to be printed, published, or circulated any notice or
15 advertisement relating to employment or membership indicating any
16 preference, limitation, specification, or discrimination based upon race, color,
17 religion, ancestry, national origin, sex, sexual orientation, gender identity,
18 place of birth, housing status, crime victim status, age, or disability;

19 (3) For any employment agency to fail or refuse to classify properly or
20 refer for employment or to otherwise discriminate against any individual
21 because of race, color, religion, ancestry, national origin, sex, sexual

1 orientation, gender identity, place of birth, housing status, crime victim status,
2 or age or against a qualified individual with a disability;

3 (4) For any labor organization, because of race, color, religion, ancestry,
4 national origin, sex, sexual orientation, gender identity, place of birth, housing
5 status, crime victim status, or age to discriminate against any individual or
6 against a qualified individual with a disability or to limit, segregate, or qualify
7 its membership;

8 * * *

9 Sec. 8. 21 V.S.A. § 495d is amended to read:

10 § 495d. DEFINITIONS

11 As used in this subchapter:

12 * * *

13 (16) “Housing status” means the status of being homeless, being a
14 homeless individual, or being a homeless person, as defined in 42 U.S.C.
15 § 11302.

16 Sec. 9. EFFECTIVE DATE

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