

A Guide to Vermont Fair Housing Laws

Know your rights and what you can do about housing-related discrimination.



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Everyone deserves to live in a world free from discrimination.

This overview from the Vermont Human Rights Commission will help you understand:



Your legal rights related to housing.



How our office investigates housing discrimination.



What you can do if housing discrimination happens to you.

This guidebook is for educational purposes. Contact our office at the Vermont Human Rights Commission (hrc.vermont.gov) to learn more or ask questions.



Section 1:

Understanding Fair Housing Laws

Housing systems in the United States have a long history of discrimination. This discrimination still harms people today.

It is also the reason why there are many national, state, and local fair housing laws in place to protect people today.



Who must follow fair housing laws?

Anyone involved with renting, selling, zoning, or making financial decisions related to housing must follow these laws. These people include:

- ▶ Landlords, property managers, and their staff members.
- ▶ Condo associations.
- ▶ Real estate agents, appraisers, banks, and others involved in the home selling process.
- ▶ Zoning committee board members.

Sometimes, people in these roles do not fully understand the law, and they say or do things that might be against the law.

Sometimes, people may know that their actions are discriminatory.

! It doesn't matter WHY someone is not following fair housing laws. If someone is not following fair housing laws, you have rights.

Who is protected by Vermont fair housing laws?

In general, it is not legal to discriminate against people in housing related matters for any of these reasons:

- ▶ Race or color.
- ▶ Sex, sexual orientation, or gender identity.
- ▶ Age.
- ▶ If a person is married or not married.
- ▶ Religion.
- ▶ The country a person is from or because the person was not born in the United States or Vermont.
- ▶ If a person lives with children under 18.
- ▶ If a person has a disability (and, for example, lives with an assistance animal to help with everyday tasks).
- ▶ If a person gets public assistance (like Section 8, for example).
- ▶ If a person is a survivor of abuse, sexual assault, or stalking.

These laws **DO NOT** mean that housing professionals must rent or sell to anyone. Housing professionals can also still ask people to take steps like completing a reference check or filling out an application. Housing professionals can make sure tenants can afford to pay rent.

But they **CANNOT** treat people differently because of race, color, sex, etc. (the groups listed above).

What actions are against the law?

Here are some examples of what housing discrimination might look like in real life based on someone belonging to a protected group:



Refusing to rent or sell (or talk about renting or selling) a home to someone.

What this might sound like...

- ▶ "I think you'd like something in another area better."



Offering different prices or agreements.

What this might sound like...

- ▶ "Oh, sorry – the price is actually \$1500 a month." "But my friend just rented a larger unit for \$1200." "Oh, um..."



Advertising or saying that only certain people are welcome.

What this might sound like...

- ▶ "Great for young married couples or single people without kids!"
- ▶ "Sorry – I don't take Section 8."



Saying that a place isn't available to visit when it is.

What this might sound like...

- ▶ "It's not available..." "But my friend just called, and you said it was available."



Giving different loans, appraisals, or financial agreements.

What this might sound like...

- ▶ “This house is worth \$200,000.” “But the house down the street was appraised at \$250,000, and ours is much nicer.”



Intimidating someone into selling or renting.

What this might sound like...

- ▶ “Hey, it’s probably a really good time to sell. Who knows what will happen if you don’t take this offer.”



Not allowing someone to take part in routine real estate activities like reviewing listings.

What this might sound like...

- ▶ “Sorry – I don’t have the real estate listing for that home. Let me get you some other listings for a different area.”



Deciding how land is allowed to be used.

What this might sound like...

- ▶ “We do not approve of zoning this sober home here because of all the children in the area.”



You are also protected when speaking up against any discrimination by fair housing laws, too!

Protections for Survivors of Abuse, Sexual Assault, or Stalking

People who have been a victim of abuse, sexual assault, or stalking have certain additional rights in housing related to their experiences.

No one can share or act on information about a tenant or person allowed to live somewhere and use their status as a survivor of domestic violence to:

- ▶ Harass them.
- ▶ Retaliate against them for knowing and using their rights.
- ▶ Pressure them to move.
- ▶ Try to get them to give their property away.

 **Any of these actions are against the law.**

Protections for People with Disabilities

People with disabilities have additional rights related to housing.

What is a disability?

For these laws, a disability refers to any of these situations:

- ▶ A person's body or mind has impairments that limit one or more major life activities such as seeing, walking, communicating, learning, etc.
- ▶ A person has a history or record of impairments that limit one or more major life activities.
- ▶ A person is treated differently by someone who thinks that they have an impairment (it doesn't matter if the person has that impairment).

Accommodations and modifications are different types of protections that people with disabilities have in housing.



What are accommodations?

Changing, adjusting, or making an exception to a rule or policy so that a person with a disability can use a space like anyone else would.

Examples

- ▶ Allowing an assistance animal for a person with a disability, even if there is a “no pets” rule.
- ▶ Providing an alternate way to complete an application.
- ▶ Assigning an accessible parking spot to a person with a mobility impairment.



What are modifications?

Allowing changes to a building or common areas of building by a person with a disability who lives there (or will live there) so that they can use the space like anyone else would.

Examples

- ▶ Adding a shower bar in the bathroom.
- ▶ Adding a ramp to access an entrance.
- ▶ Adding more insulation to the walls if possible.

A few notes about modifications:

- ▶ It is okay to ask a housing provider to help pay for a modification, but they do not have to say yes to paying for the modification (otherwise, a person with a disability asking for the change must pay for any modifications).
- ▶ Building owners **CANNOT** ask people with disabilities to give an additional security deposit related to modifications.
- ▶ If reasonable, a building owner may ask a person to return the living space to how it was before the modification when that person moves.

Are there any exceptions in fair housing laws?

Yes, there are some special cases where different rules apply.

Age

Some housing buildings are allowed to say people must be a certain age to live there:

- ▶ Places for people only 62 and older.
- ▶ Places for people 55 and older (and specifically designed for older adults) with more than 80% of the people living there aged 55 or older.
- ▶ A federal or state program designed and run to help older adults specifically.

An exception to the above: people that moved into a building on or before July 1, 1989, can stay in a building with age restrictions. Newer residents must meet age requirements.

! As well, no one is legally required to rent or sell a home to a person under the age of 18 in Vermont either.

Family Size

Housing professionals cannot discriminate against families with children.

They can tell a family they cannot rent a unit if there are more people in the family allowed by law. For example, a town might set the number of people living in a certain home at five because of the septic system.

Religious Organizations

Some community organizations may be allowed to have requirements about who can live in a building based on religion.

Small Rental Properties

If the home is in a building with three or fewer units and the owner or a member of the owner's immediate family lives in one of the units, they do not need to follow the rules in the fair housing laws.



Section 2: **How the Commission Works**

The Vermont Human Rights Commission is a department in the state government. We have 6 staff members working on issues related to discrimination in housing, public spaces, and state employment. A diverse group of 5 commissioners are appointed by the governor for 5-year terms. This commission oversees the department.



What does the Commission do?



Share information so that people understand their rights.



Investigate housing discrimination and other types of discrimination, too.



Work to find solutions when discrimination has happened.



File lawsuits against housing providers that violate people's rights.



Update state government officials on these issues.



Work with government officials to change the laws if needed.

Why file a housing discrimination complaint?

Everyone has the right to live in a world without discrimination. By reporting housing discrimination, you can:

- ▶ **Help put a stop to discrimination** for you, your family, your friends, and your community.
- ▶ **Help make real change** – sometimes, even getting money for what you went through or improving how businesses work.
- ▶ **Help government officials make new laws or enforce current laws better** when they have this information.



How does the process work?

If someone thinks they have experienced housing-related discrimination, they can file a complaint with our department. Here's how it works:

1 Filing a Complaint

- ▶ A person completes a form or talks to our office.
- ▶ We collect any details about what happened.

2 Investigating the Complaint

- ▶ Lawyers on our team talk to anyone involved.
- ▶ They learn more about what took place.

3 Reporting on the Investigation

- ▶ Our lawyer reviews all the information.
- ▶ Our lawyer writes a report about whether any fair housing laws may have been broken and makes recommendations to the Commission.

4 Meeting with the Commission

- ▶ Monthly, the Vermont Human Rights Commission meets and reviews any reports we submitted.
- ▶ They decide if what happened was discrimination.

5 Filing a Lawsuit

- ▶ If discrimination happened, our department may file a lawsuit on behalf of the state.
- ▶ We take steps to make changes so the discrimination stops.

Here are a few important details that are good to know about filing a housing discrimination complaint:

- ▶ We cannot make anyone pay fines or damages **BUT** we can help with conversations to help you resolve your dispute by talking about a settlement.
- ▶ We gather information when we investigate that might be helpful in court if you decide to file a lawsuit later.
- ▶ The process doesn't cost you anything, and you don't need an attorney.

! By filing a complaint, you are helping your community be a safer, more welcoming place for all.



Section 3:
**What To Do
If Housing
Discrimination
Happens to YOU**

Start by keeping track of all the information you can related to the situation.

For example:



Keep text messages and emails.



Save any ads or flyers.



Write down details as soon as you can (dates, times, and what was said).



What happens next?

If you experience housing discrimination, you have different choices of how you can handle it. You can:

- 1 Talk to an attorney** if you think you might want to possibly file your own lawsuit. The Vermont Bar Association has a website for finding lawyers: vtbar.org/find-a-lawyer.
- 2 Talk to the Vermont Human Rights Commission** and file a report so that our office can investigate.

You can also both file your own lawsuit **AND** file a complaint with our office.

! Investigating housing discrimination can be a long process, but it is very important to report it when it happens.

How do I file a complaint about housing discrimination? Or just ask questions?

There are several ways you can get in touch with us to file a housing discrimination complaint or ask related questions:



File a complaint form online:
hrc.vermont.gov/complaint



Talk to staff at the Vermont Human Rights Commission:
1-800-416-2010 (Toll Free VT)
or 1-802-828-1625



Email questions:
human.rights@vermont.gov

Thank you for helping to stop housing discrimination in your community!



Vermont Human Rights Commission

12 Baldwin Street, Montpelier, VT 05633

☎ 802-828-2480 or 800-416-2010 (*in-state only*)

✉ human.rights@vermont.gov

🌐 hrc.vermont.gov

