Volume I
Number 1
Fall 2003

Vermont Fair Housing News

A Publication of the Vermont Human Rights Commission and the Fair Housing Project of CVOEO

135 State Street, Drawer 33 • Montpelier, Vermont 05633-6301

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WELCOME TO VERMONT FAIR HOUSING NEWS

Vermont Fair Housing News is a joint publication of the Vermont Human Rights Commission and the Fair Housing Project of the Champlain Valley Office of Economic Opportunity. It will be sent free of charge twice a year to Vermonters who are interested in issues of fair housing and housing discrimination: housing advocates, landlords, realtors, lenders, and community organizations. Please feel free to share the newsletter with others, and if you know of anyone who would like to receive it, please contact us at the address below.

The purpose of Vermont Fair Housing News is to provide up-to-date news and information about fair housing and housing discrimination issues. We will cover important fair housing cases, both in Vermont and around the country. We will discuss important issues in fair housing law, to help you understand your rights and obligations. We will profile the organizations and people involved in fair housing work in Vermont. We will alert you to fair housing resources and training available in the state. And we will tell you who to contact if you have any questions about housing discrimination.

If you have any comments or questions about the newsletter, or if you would like to receive future editions of the newsletter in electronic format, please contact the editor, Sam Abel-Palmer, at the Vermont Human Rights Commission, 135 State Street, Drawer 33, Montpelier, VT 05633-6301, or by e-mail at sabel@hrc.state.vt.us.

FAIR HOUSING PROJECT CONDUCTS DISCRIMINATION AUDIT STUDY OF VERMONT REAL ESTATE MARKET

The Fair Housing Project of CVOEO, with grant funding from the U.S. Dept. of Housing and Urban Development, conducted a study on discrimination in the Vermont real estate sales market. The study used testing as a method to gather information of different treatment. Testing for housing discrimination involves testers posing as prospective homebuyers replicating a housing search.

In the study, testers were paired. One tester was a member of a "protected category" under the Fair Housing Act, such as race or disability, and the other tester acted as a control. For example, in a race test one tester would be a person of color and the other tester would be white. In a disability test, one person would have a recognizable disability and the other person would not have a disability.

Testers were matched for gender and age, and were assigned similar characteristics, such as household size, income and savings. The income was carefully calculated, taking into consideration current mortgage interest rates and all costs associated with home buying such as mortgage insurance, closing costs, and inspections. Financial characteristics assigned to testers ensured that they would qualify for the price range of homes they were looking at.

Most of the tests conducted in this study were walk-in tests. In a walk-in test, both testers walked into the same real estate company on the same day, saying they were interested in getting information on houses available in the area in a certain price range. These tests usually involved meeting with an agent and searching in a database, and testers would often leave the office with available listings. There was an effort made for the testers to see the same agent, but many times this was not possible. The study examined testers' experiences walking

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PLEASE CALL 800-416-2010 (VOICE/TDD) OR
E-MAIL HUMAN.RIGHTS@STATE.VT.US**

EQUAL HOUSING OPPORTUNITY

DISCRIMINATION AUDIT, continued from front page
into real estate offices.

Real estate offices are places of public accommodation and therefore are required to be accessible by law. The testers in the disability tests observed whether the office was accessible and noted whether there was parking designated for people with disabilities.

The tests took place in nine of Vermont's largest cities and towns: Bennington, Brattleboro, Middlebury, Montpelier/Barre, Springfield, St. Albans, St. Johnsbury, Rutland, and the greater Burlington area. The real estate agencies tested were selected at random using the yellow pages and real estate guides, but an effort was made to test the biggest or most advertised agencies in an area.

Testing for Race Discrimination

It is illegal for real estate agencies to discriminate against prospective homebuyers because of their race. The Fair Housing Project conducted a survey of racial discrimination among real estate agencies. A total of 29 race tests were successfully completed. In 48% of the tests there was some evidence of racial discrimination.

A significant difference in the treatment of testers was identified in many of the race tests involving questions of finances. In many tests, the tester of color's financial qualifications were called into question while the white tester was not asked any questions about money. The real estate market was very tight in Vermont during the summer and fall of 2002, the time these tests were conducted. For example, many houses would be put on the market in the morning and within hours there would be an offer. In such an environment, it is reasonable for real estate agents to tell customers that it is in their best interest to be pre-approved for a mortgage while they are looking. However, in 31% of the tests only the person of color was asked about pre-approval, compared with 7% of the tests where only the white person was asked.

Examples of differences in treatment around financial qualifications:

➢ *The black tester was told to contact the agent after she got pre-approved for a mortgage, while the white tester was not asked about pre-approval and was told to contact the agent to schedule a showing after she looked over listing sheets she was given.*

➢ *An agent searched the database with a higher price range for the white tester, even though both testers stated approximately the same price range.*

Another significant difference in many of the race tests was in the number of personal questions the testers were asked, such as employment, current housing, address, telephone number, income, savings, etc. In 24% of the tests, the tester of color was asked significantly more personal questions, compared to 10% of the tests where the white person was asked more questions.

Example:

➢ *The black tester was asked to fill out a personal information sheet that asked for name, address and telephone number, and the agent also asked about her occupation,*

DISCRIMINATION AUDIT, continued on page 3

FAIR HOUSING 101

Both federal law and Vermont state law prohibit discrimination in housing. If you are renting an apartment or buying a home, you need to know what kinds of practices are illegal in order to protect your rights. If you are a landlord, realtor or home seller, you also need to know fair housing law, to make sure you are not illegally discriminating against your tenants or clients. The following is a basic summary of federal and Vermont fair housing laws. If you want to know more about these laws, you can contact the Vermont Human Rights Commission or the Fair Housing Project of CVOEO.

WHO IS PROTECTED?

Federal fair housing law protects people on the basis of race and color, religion, sex, national origin, disability, and family status (presence of minor children in a household). Vermont fair housing law includes all of these categories, and also protects people on the basis of age, marital status, sexual orientation, and receipt of public assistance. You may not be denied, or deny to someone, a housing opportunity because of any of these categories. Most protected categories cover everyone. For example, you may not be denied, or deny to someone, housing either because you are a woman or a man. However, the protected category of disability only applies to people who have a disability (or perceived disability) as defined by the Federal Fair Housing Act, and the family status category only applies to people who have, or are about to have, children in the home.

WHAT IS PROHIBITED?

Under fair housing law, a person may not discriminate against another person in the sale or rental of a dwelling based on any of the protected categories. Specifically, it is unlawful for any person:

➢ To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling or other real estate to a person based on a protected category.

➢ To discriminate against or harass a person in the terms, conditions or privileges of the sale or rental of a dwelling based on a protected category.

➢ To make, print or publish a statement regarding the sale or rental of a dwelling or other real estate that shows a preference, limitation or discrimination based on a protected category.

➢ To represent to a member of a protected category that a dwelling is not available when it is, in fact, available.

➢ To deny or discriminate against a person in making a loan based on a protected category.

➢ To deny a person access to listing services based on a protected category.

➢ To refuse to make reasonable accommodations in rules or policies for a person with a disability that ensure equal opportunity to enjoy a dwelling unit.

EXCEPTIONS

The provisions of the federal fair housing law do not apply to single family homes for sale by owner. The state

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DISCRIMINATION AUDIT, continued from page 2
employer and downpayment savings amount. The agent asked her where she was moving from, assuming that she was new to the area although she has lived in Vermont for more than a decade. The white tester was asked no personal questions. The agent she met with only asked her price range and her desired area.

A third significant difference that occurred in the race tests was the number of houses that the agent presented to the testers as possibilities. This included photocopies of listings from an agency book or printouts from a database search, or houses that were recommended specifically to the testers. In 34% of the tests, the white tester was given more listings. This occurred in tests where the testers requested information on houses with the same number of bedrooms, in the same price range, in the same area.

Examples:

➢ *The black tester was not given any listings at all, even though she requested them several times. She was only given an outdated general agency catalog. The white tester was given 9 listing sheets of houses currently on the market.*

➢ *The black tester was told there were no houses available in a certain town, but the white tester was told of 2 houses in that same town and was told they were located "where the doctors live... and next door to a famous author."*

Testing for Disability Discrimination

It is illegal for real estate agencies to discriminate against prospective homebuyers because they have a disability. A total of 16 disability tests were successfully completed. A tester with a recognizable disability was matched with a tester without a disability of the same gender and of a similar age. The two testers were assigned characteristics that were very similar, such as income, savings, and rental history. In 25% of the tests there was evidence of disability discrimination.

A significant difference in the treatment of testers was identified in many of the disability tests involving questions of finances. In many tests, the financial qualifications of the tester with a disability were called into question while the tester without a disability was not asked any questions about money. In 19% of the tests, only the tester with a disability was asked about mortgage pre-approval or other financial qualifications. There were no tests where only the control tester was asked about pre-approval.

Examples of differences in treatment around financial qualifications:

➢ *The agent insisted that the tester with a disability be pre-approved for a mortgage before she took any other steps in the home-buying process, but the same agent did not ask or mention anything about pre-approval to the tester without a disability.*

➢ *An agent suggested the tester with a disability start by looking through a book of listings of houses that were $100,000 below her stated price range, while at the same agency the tester without a disability was given a book with listings well above her stated price range.*

Another significant difference in many of the disability tests was in the number of personal questions the testers were asked, such as employment, current housing, address, telephone number, income, savings, etc. In 25% of the tests, the tester with a disability was asked significantly more personal questions. There were no tests where the tester without a disability was asked more personal questions.

Example:

➢ *The agent asked the tester with a disability about her and her husband's occupation and employer, the length of their employment, their address, and telephone number. The same agent did not ask the tester without a disability any personal questions other than how many bedrooms she wanted and whether she was interested in living in New Hampshire.*

The disability tests conducted in this study differed from the race tests in one important way: the tester with a disability narrowed her search for available housing by asking for information about available houses that were already accessible or could be made accessible. Because the tester with a disability narrowed the search, the number of listings offered to the testers was not comparable. However, conducting the tests in this way provided useful information about how responsive real estate agencies were to the needs of people with disabilities. In 19% of the tests, the agent who met with the tester with a disability did not respond to the accessibility request or provide accessible listings. However, in 13% of the tests the agent who met with the tester with a disability was very responsive to the accessibility request.

Accessibility of Real Estate Offices

The Americans with Disabilities Act requires that places of public accommodation, such as schools, stores, restaurants, and government buildings, be accessible to people with disabilities. In addition, the law requires that places of public accommodation have parking designated for people with disabilities. As a part of the disability tests conducted for this study, the testers noted the accessibility of the real estate offices and the availability of designated parking.

➢ 63% of the offices visited were inaccessible and did not have parking designated for people with disabilities

➢ 25% of the offices were accessible and had parking.

➢ 12% of the offices were partially accessible (had a ramp but the threshold appeared to be above 1/2 inch, or had parking but building not accessible, or vice versa)

This study provides evidence that housing discrimination exists within the sales market in Vermont. The rate of discrimination recognizes a significant barrier to people of color settling in Vermont and to those living here becoming homeowners, and presents a barrier to people with disabilities attaining their vision of the American dream.

IN THE NEXT ISSUE OF THE VERMONT FAIR HOUSING NEWS:
SECTION 8 FEDERAL HOUSING ASSISTANCE AND VERMONT'S FAIR HOUSING LAW

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law also does not apply to buildings with three or fewer rental units if the owner resides in one of those units (federal law exempts buildings with four or fewer units). The provisions regarding age and family status discrimination do not apply to housing complexes specifically designed for senior citizens. Religious organizations that own housing units may give preference to their members. In addition, those who are selling or renting a dwelling are not required to do business with minors, and are not required to rent to a family with more people than are allowed in a unit by occupancy ordinances. The law allows landlords to establish and enforce legitimate business practices to protect and manage the property, such as asking for references, credit checks, or noise regulations, as long as these practices are enforced consistently for all tenants. A landlord may restrict the presence of pets, but must grant a person with a disability a reasonable accommodation to have a service or support animal, if the need for the animal is verified by a doctor.

ENFORCEMENT

A person who believes she has been the subject of illegal discrimination may file a complaint with the Vermont Human Rights Commission, or contact the Fair Housing Project of CVOEO, or call the federal Department of Housing and Urban Development. If, after an impartial investigation, the Commission or HUD determines that illegal discrimination occurred in housing, there will be an attempt to settle the complaint. If settlement attempts fail, the complaint may then be brought to court. Alternatively, a person may file a complaint directly with Vermont superior court (for alleged violations of state or federal fair housing law) or federal district court (for alleged violations of federal fair housing law).

WANT TO KNOW MORE?

The full texts of the federal and state fair housing laws can be found in many libraries, and on line at state and federal government web sites. The Vermont Fair Housing and Public Accommodations Act is 9 V.S.A. §4500 et seq., and the Federal Fair Housing Act is 42 U.S.C. §3601 et seq. Or contact the Vermont Human Rights Commission at 800-416-2010 or human.rights@state.vt.us. Or visit the HRC web site www.hrc.state.vt.us. Contact the Fair Housing Project at 800-287-7971 and www.cvoeo.org/vti/fair.htm.

AROUND THE NATION

Besides the Vermont Human Rights Commission and the Fair Housing Project of CVOEO, the federal Department of Housing and Urban Development supports fair housing work in every state and many localities. The following are some recently reported cases from Fair Housing and Human Rights agencies around the country.

- A federal suit charged that the city of Pooler, Georgia denied plans for a 68-unit affordable housing complex because it feared that the complex would attract African-American tenants. The city settled the suit for a payment of $25,000 in cash to the developer, and an additional $425,000 in affordable housing credits in the form of reduced or abated fees and use of city land.
- The Chicago Housing Authority agreed to make $325,000 in renovations in response to a charge that new public housing projects were designed and constructed without being accessible to people with disabilities, in violation of Department of Housing and Urban Development regulations.
- In another Chicago case, a landlord was charged with misleading African-American applicants by telling them that apartments were not available because of maintenance work when the apartments were, in fact, available immediately. The South Suburban Housing Center (SSHC) sent several testers to inquire about the apartments. The African-American testers were similarly told apartments were not available, while the white testers were able to view apartments, and were invited to apply for other units owned by the same landlord. A federal fair housing suit was filed in the case, and the landlords settled the case for a cash payment of $45,000. SSHC similarly settled two other suits alleging racial discrimination based on testing results. Both of these cases also settled for $45,000.
- The Connecticut Fair Housing Center filed a federal suit against Parkview Towers apartments in Hartford, alleging that the owners steered African-American tenants to other properties, and that the owners refused to rent one-bedroom apartments to families with children over age 3. The respondent settled the case for a payment of $35,000, along with an agreement to revise rental policies and engage in fair housing training.
- A California landlord settled a suit brought by an African-American family alleging that the landlord's on-site manager subjected the family to racial slurs and then evicted them. The landlord settled the suit for a payment of $85,000 and required fair housing training.
- A Kentucky mobile home park was charged in a federal suit with discrimination against a mother with five children, by denying her a lease, discouraging her from moving into the park, charging her a higher rent rate for her lot, and attempting to evict her. In settling the suit, the park paid the mother $5000, and gave her ten years of free lot rent.

AROUND THE NATION, continued on page 5

SERVICE AND SUPPORT ANIMALS—THE BASICS

Do you know the law about allowing your tenant to have a service, assistive, companion or support animal, even if you have a "no pets" policy?

Service animals help people overcome the limitations of their disabilities and the barriers in their environment. These animals are typically dogs, but may include other types of animals. In contrast, pets may be owned by people with or without disabilities.

Federal fair housing law defines disability as a physical or mental impairment of a person that substantially limits one or more major life activities, a record of having had such an impairment, or being regarded as having such an impairment. The Vermont fair housing law defines disability in much the same manner.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for herself or himself. "Seeing eye dogs" are only one type of service animal. There are animals that assist persons with other kinds of disabilities in their day-to-day activities. These can include alerting persons with hearing impairments to sounds; assisting wheelchair users by retrieving dropped items; opening doors and pulling a wheelchair; carrying and picking things up for persons with mobility impairments; assisting persons with their balance; assisting persons with emotional consistency and social interaction; and assisting persons with seizure conditions. Support animals provide emotional and other types of support for individuals with a range of disabilities, typically on advice of a physician.

Owners of rental properties, and their agents, must allow individuals with disabilities who have a service or support animal to apply and be considered for the rental of a dwelling in the same manner as any other prospective tenant. This is true even if there is a "no pets" policy in place. Owners may ask a tenant or prospective tenant whether the animal is a service or support animal, for medical verification that the applicant has a disability, and whether the animal is necessary and effective to meet the needs of the applicant.

Property owners may not ask applicants with disabilities who seek to have a service or support animal what is "wrong" with them or any details about their disability. The individual with a disability is not required to explain the disability nor is the person required to explain or demonstrate why he or she is accompanied by a service animal. Property owners may not ask the individual for any certification or documentation about special training for a service animal, or for medical records except for medical verification that the applicant has a disability and requires a service animal.

A service or support animal is not a pet and it is illegal for a landlord to require an additional deposit because a tenant or prospective tenant has such an animal.

The tenant is responsible for the actions of the service or support animal and can be held accountable for any damage to property. Additionally, the tenant must comply with any established policies such as cleanliness and maintenance of the unit, health and safety regulations, as well as any leash requirements and noise guidelines.

If you have any questions you should contact the Vermont Human Rights Commission, toll-free, at (800) 416-1020 (Voice/TTY).

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- The North Carolina Fair Housing Center reached a settlement of a lawsuit against the town of Tarboro. The suit alleged that the town had changed zoning regulations to prevent the reconstruction of affordable multifamily housing that had been destroyed by Hurricane Floyd. The housing had been inhabited primarily by members of racial minorities. The town settled the suit for a payment of $95,500, and reversed the restrictive zoning changes.
- A landlord in Mississippi who falsely told an African-American man that an apartment he wanted to rent had already been rented settled a fair housing complaint with a payment of $8750 and a letter of apology to the affected applicant.
- A complaint against a New Jersey landlord alleged that the landlord refused to rent a second-story apartment to a family with children, because the children might make too much noise and would have problems with steep stairs. The landlord settled the complaint for a payment of $4800 and an agreement to participate in fair housing training.
- A federal law suit alleged that the owners of a California mobile home park made discriminatory statements against Latinos, and instructed the park manager to steer Latino applicants away from the park, to an adjacent park. The owner was alleged to have stated, "Once you let one of them in, you have a whole bunch move in after." The suit also alleged that the owners put Latino applicants on a waiting list, but never called them back. The owners settled the suit for a payment of $70,000.

This newsletter is supported by funds provided by the U.S. Department of Housing & Urban Development.

HUMAN RIGHTS COMMISSION FINDS EVIDENCE OF ILLEGAL HOUSING DISCRIMINATION

The Vermont Human Rights Commission has determined that there were reasonable grounds to believe that illegal discrimination occurred in the following cases. The Commission made these determinations based on findings from an investigation and hearing on the charges.

Thelma Columb and Dion LaShay v. Regional Affordable Housing Corporation / James Parker v. Regional Affordable Housing Corporation: The Charging Parties in these two cases claimed that Regional Affordable Housing Corporation (RAHC) of Bennington discriminated against them because of their disabilities. In one case, the Charging Party claimed that RAHC refused to provide a reasonable accommodation for his disability by not moving him to another apartment as he had requested, and in the other case the Charging Parties claimed that RAHC failed to process their application for an apartment. Both claimed that the Executive Director of RAHC made inappropriate inquiries about their disabilities. The Commission concluded that RAHC made inappropriate inquiries about the parties' disabilities, including asking about their medications. The Commission also determined that RAHC's Executive Director in one case made statements discouraging people with disabilities from applying, and in another case refused a request to meet with the party's peer counselor to discuss a possible accommodation. These cases settled with payments to each of the complainants, revisions in RAHC's rental policies and practices, and RAHC's hiring of a fair housing consultant to conduct training for staff and board members.

Charging Party v. Preston Property Management Inc.: The Charging Party (whose name has been withheld) alleges that Preston Property Management refused to rent an apartment to her because she received Section 8 housing assistance. The owner of the company did not deny the charge, but instead claimed that Section 8 is a voluntary program. The Commission determined that by rejecting all potential rental applicants who receive Section 8, Preston violated the provision of Vermont's Fair Housing law that makes it illegal to discriminate on the basis of receipt of public assistance, including federal housing assistance. As part of a settlement agreement, Preston agreed to assist the Charging Party in finding a new apartment, and to welcome future Section 8 participants as applicants.

Lori Ann Parks v. Kevin Baillargeon: Ms. Parks charged that Mr. Baillargeon, her landlord, made statements indicating that he did not want her living in an apartment with two children, and denied her an opportunity to renew her lease. Mr. Baillargeon claimed that he was trying to sell the apartment. The investigation found that Mr. Baillargeon had made statements similar to those alleged by Ms. Parks, and that, while he did attempt to sell the apartment, he did not inform Ms. Parks when he decided not to sell and subsequently rented the apartment to another party. The case is currently in settlement negotiations.

Dana Dellinger v. Oneal Demars: Ms. Dellinger charged that Mr. Demars refused to rent an apartment to her because of her son, who is autistic. Mr. Demars claimed that he did not want to rent Ms. Dellinger an apartment near other children, because her son might pose a threat of harm to those children. The Commission determined that if Mr. Demars had a legitimate concern about safety, he was required to take steps, pursuant to Vermont law, to determine the validity of the safety issue, and whether other measures short of denial of the apartment could have addressed any safety issues. The case was settled with an agreement by Mr. Demars to provide Ms. Dellinger with a letter of apology and a cash payment, and to alter his rental application practices.

Desiree Clark v. Louise Bianchi: Ms. Clark claimed that Ms. Bianchi evicted her from her apartment when she reported that her son had tested positive for lead in his blood. Ms. Bianchi claimed that she evicted Ms. Clark because of noise and other disturbances. The Commission determined that, while Ms. Clark was involved with some disputes with neighbors, the most significant dispute took place after the eviction notice was sent, and that the primary reason for the eviction was the lead paint report. The case was settled with an agreement by Ms. Bianchi to provide Ms. Clark with a positive letter of reference and a cash payment.

ORGANIZATION PROFILE—THE VERMONT HUMAN RIGHTS COMMISSION

The Vermont Fair Housing News periodically includes profiles of Vermont organizations involved in Fair Housing work. This issue's profile features the Vermont Human Rights Commission, the state agency charged with enforcing Vermont's Fair Housing law and other selected anti-discrimination statutes.

What is the Vermont Human Rights Commission?

The mission of the Vermont Human Rights Commission is to promote full civil and human rights in Vermont. The Commission protects people from unlawful discrimination in housing, state government employment and public accommodations (i.e. schools, restaurants, stores, businesses, or government offices) by:

- Enforcing Vermont's anti-discrimination laws
- Mediating disputes
- Educating the public
- Providing information and referrals
- Advancing effective public policies on human rights

The Commission is made up of five Commissioners, appointed by the Governor for 5-year terms. The Commission also has a staff of five: an Executive Director, a Case Manager, and three Investigators. The staff investigates allegations of discrimination, works to settle cases, brings enforcement actions to court, and provides information, referrals, and educational programs to the public on issues of discrimination.

Who do Vermont's anti-discrimination laws protect?

Vermont's anti-discrimination laws protect people from discrimination based on race, color, sex, sexual orientation, religion, national origin, mental or physical disability, age, and marital status (though the categories apply

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differently to housing, employment, and public accommodations). In addition, you may not be denied housing because you have minor children in your family or you receive public assistance. Vermont's laws do not protect individuals from discrimination based on criminal record, poor credit rating, or any other category not listed above.

I think someone has discriminated against me. What can I do?

Call the Commission at 802-828-2480, or toll-free at 800-416-2010 (in state only). Both numbers are for voice and TTY. Or e-mail us at human.rights@state.vt.us. The staff will consult with you to find out what happened. If the incident you describe states a case of illegal discrimination, and the incident happened within the last year, the Commission may accept a Charge of Discrimination, in which you formally make a charge against the party who you believe is discriminating against you. If the incident you describe does not state a case of illegal discrimination, or does not fall within the Commission's jurisdiction, the staff will try to refer you to another agency that can help with your problem. If you do not wish to work with the Commission, or if the Commission declines to accept your case, you may file a lawsuit on your own or with the assistance of an attorney. The HRC is, by statute, not a legal services or advocacy organization, and so cannot provide legal services of any kind.

What happens when I file a charge of discrimination?

If the Commission accepts your charge, the staff will draft a formal statement of your allegation, which becomes the Charge of Discrimination. You then need to sign the Charge of Discrimination in front of a notary public (you can find a notary in most town or government offices). At that point you become the Charging Party. Once the office receives the signed and notarized Charge, it will be sent to the person or group you are charging, now called the Respondent. Both you and the Respondent will be asked to provide more information about the situation, including relevant documents. Once all of that information has been received, the case is assigned to an impartial investigator. You will also be invited to participate in mediation to settle the case, if you so desire. The investigator interviews both parties and other witnesses, to find out what happened. Based on that information, the investigator writes a report analyzing the available evidence, and recommending whether or not, based on that evidence, the Human Rights Commission should find that illegal discrimination occurred. The report goes to the Commissioners, who then hold a hearing, which both parties may attend. Based on their review of the report, the responses of the parties and statements made at the hearing, the Commissioners make a final determination whether or not there is sufficient evidence to show that illegal discrimination occurred.

What if someone files a charge against me?

If you are a landlord, a state government employer, the owner or operator of a business, or in some other way provide housing or public accommodations, and someone feels you have acted in a discriminatory manner, a Charge of Discrimination may be filed against you. If the Commission accepts the Charge, you will be sent the Charge, and asked to respond by telling your side of the story and providing any relevant documents. If you receive a Charge, it does not mean that you have been found guilty of discrimination. It only means that the Commission has agreed to investigate the allegation. During the investigation you will have the chance to present evidence to an impartial investigator that you did not discriminate against the Charging Party. During the investigation the Commission will not release your name, or acknowledge that a Charge has been filed against you. You also have access to the investigative file throughout the process. If, after the investigation, the Commission determines that illegal discrimination did not occur, the file remains confidential and the Charge is dismissed. If the Commission determines that illegal discrimination did occur, the investigative report becomes a public document, and you will be asked to engage in settlement negotiations. If there is no settlement after six months, the Commission may decide to take the case to court. You will also be invited to participate in mediation to settle the dispute before the investigation is completed.

What happens if the Commission finds that discrimination occurred?

If the Commission determines that there is sufficient evidence to show that illegal discrimination occurred, the staff will actively pursue settlement negotiations. The Commission will, either by itself or through a mediator, attempt to bring the parties to agreement on a settlement to correct the matter. Some past settlements have included agreements not to discriminate in the future, anti-discrimination education, letters of apology, or compensation for damages.

Can the Commission impose fines?

No. The Commission only has legal authority to investigate complaints, negotiate settlements, and to bring action in court. If illegal discrimination is proven to a judge and jury, the court may impose fines or monetary damages against the Respondent.

I want to help my colleagues understand discrimination issues. Can you help?

Definitely. The Commission staff frequently provide education and training sessions for all kinds of situations. If our resources don't permit us to do the training ourselves, we can refer you to other qualified trainers. Just contact us at 802-828-2480, or toll-free at 800-416-2010 (in state only), or at human.rights@state.vt.us.

VERMONT HUMAN RIGHTS COMMISSION

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www.cvoeo.org/vti/fair.htm

HUMAN RIGHTS COMMISSION SETTLES HOUSING CHARGES

In the following cases, the Vermont Human Rights Commission reached settlement agreements before completing an investigation of alleged housing discrimination. In all of these cases, there has been no finding of illegal discrimination by the Respondents. (While the terms of these settlements and the names of the parties are public information, the names of the parties have been withheld here, in order to include details of the allegations that may not be public by state law.)

- The Charging Party, a single mother with a young child, charged that the Respondent agreed to rent an apartment to her, but then asked her to leave the apartment several days later, after he learned that she had a minor child and received public assistance. The Respondent denied the charge. To settle the charge, the Respondent paid the Charging Party $300, and wrote a letter of apology to her.
- The Charging Party claimed that the Respondent, her landlord, asked her to leave her apartment when he learned that her daughter was expecting another child. The Charging Party did, in fact, move out of the apartment. The Respondent denied that he asked her to leave. In a settlement agreement, the Respondent agreed to provide the Charging Party with an excellent letter of reference, and that he would not require the Charging Party to remove a swing set that she had installed for her grandchildren.
- The Charging Party, who suffers from Multiple Chemical Sensitivity, charges that her landlord and property management company failed to respond to her requests for advance notice before using certain chemicals and paints in or near her apartment. The Respondents denied the charges. The parties came to an agreement through mediation, detailing improved advance communication by the Respondent to the Charging Party about the use of chemicals, reduction in the use of fragrances by staff, steps to reduce smoking around her apartment, and to explore the options of moving the Charging Party to a different apartment.
- The Charging Party, who has mobility problems, lives in a second floor apartment and is unable to climb stairs. She charged that the elevator in her building was broken, and that when she called to ask about repairs she was told that nothing could be done, forcing her to sleep in her car. In a settlement agreement, the Respondent agreed to repair the elevator, to pay for the Charging Party's hotel accommodations while the elevator was out of service, and to develop with the Charging Party a protocol for addressing any future elevator problems.
- The Charging Party, who suffers from severe allergies, claimed that her landlord and property management company refused to honor her request for a reasonable accommodation for her disability, by not allowing her to have a window air conditioner and by failing to remove plants that aggravated her allergies. The Respondents denied the charge. In a settlement agreement, the Respondents agreed to install a window in the apartment that could accommodate a standard air conditioner.

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