

Has this happened to you?

- You found an advertisement for a home that sounded right for you. You called the number in the ad and learned the home was still available. You scheduled an appointment and went right over. When you arrived in person you were told, "Sorry, it was just rented/sold." You have reason to believe that the home is actually still available.
- You applied for a home mortgage. While you have had some problems in the past, you now have sufficient income and a good credit record. The bank says you do not meet their qualifications, but you have reason to know that you do meet the bank's acceptance criteria.
- When looking for a home, the real estate agent keeps showing you homes in only one neighborhood or particular area of town. The agent makes statements like, "We feel this area would be right for you," or "We're sure you wouldn't be happy in that other neighborhood."
- You have never violated any of the terms of your lease or made a late payment; however, after your landlord hears you and your same-sex roommate use affectionate terms for each other, you are given a notice of eviction.

If you believe you have been discriminated against, you can learn how to file a complaint with the Human Rights Commission by contacting us by telephone or e-mail, or by going to our website to download a complaint form; contact information is listed below. You have one year from the date of an alleged act of public accommodations discrimination to file a complaint with the Human Rights Commission.

Vermont Human Rights Commission

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Montpelier, VT 05633-6301

Phone: 800-416-2010, 802-828-2480
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*Vermont Human Rights
Commission*

SEX, SEXUAL ORIENTATION AND GENDER IDENTITY: A Guide to Vermont's Anti- Discrimination Law for Housing Providers, Home Buyers and Tenants



Vermont law:

It is unlawful in Vermont to discriminate in housing because of a person's sex, sexual orientation or gender identity. It is also illegal to discriminate because of other protected categories -- an individual's race, color, religion, disability, age, marital status, national origin, receipt of public assistance, or because a family seeking housing includes minor children.

What do these terms mean?

- "Gender identity" is defined by Vermont law as "an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth."
- "LGBT" refers collectively to lesbian, gay, bisexual, and transgender people.
- "Sex" means the biological classification of people as male or female. Newborns are assigned a sex at birth based primarily on the appearance of their genitals.
- "Sexual Orientation" is defined by Vermont law as "female or male homosexuality, heterosexuality, or bisexuality."
- "Transgender" is an umbrella term which refers to individuals whose gender identity diverges from societal norms.

Who must obey this law?

Anyone who helps to provide housing.

Housing providers include:

- Landlords, Nursing Homes, Public Housing, Shelters, Condominium Associations, Property Managers or others who act on behalf of a property owner
- Real Estate Agents and Brokers
- Advertising Media (including newspapers and other published sources of housing opportunities)
- Banks and Mortgage Companies
- Insurance Agents and Companies

FAQs

1) MAY A HOUSING PROVIDER REFUSE TO RENT A PROPERTY BECAUSE OF AN APPLICANT'S GENDER IDENTITY, SEXUAL ORIENTATION OR SEX?

Generally, no. There are just a few exemptions under Vermont law, most notably when a building contains three or fewer dwelling units and the owner or an immediate family member of the owner lives in the building.

2) MAY A HOUSING PROVIDER EVICT A PERSON BECAUSE OF THE SEX, SEXUAL ORIENTATION OR GENDER IDENTITY OF A TENANT'S HOUSE GUESTS?

No. However, any person, regardless of protected category, may be evicted for violating the terms of a valid lease agreement.

3) WHAT QUESTIONS MAY A HOUSING PROVIDER ASK ABOUT A PERSON'S SEX, SEXUAL ORIENTATION OR GENDER IDENTITY?

None. Housing providers may only ask questions relevant to the transaction, such

as questions about credit history, the number of potential occupants, and references.

4) IS A TENANT PROTECTED IF A LANDLORD ACTS ON THE BASIS OF AN INCORRECT ASSUMPTION ABOUT THE TENANT'S GENDER IDENTITY?

Yes. The definition of gender identity in Vermont's law includes an individual's "actual or perceived gender identity."

5) WHAT ADDITIONAL ACTIONS ARE ILLEGAL?

The following are examples of prohibited conduct by a housing provider if based on a person's sex, sexual orientation or gender identity:

- Saying that housing is unavailable when it actually is available
- Charging a different rental rate
- Harassing tenants, guests, or prospective tenants or buyers
- Upon learning of tenant-on-tenant harassment, failing to take measures to stop the harassment
- Delaying repairs
- Retaliating in any way against a person for making a complaint of discrimination

6) DO THE NON-DISCRIMINATION LAWS PERTAINING TO SEX, SEXUAL ORIENTATION AND GENDER IDENTITY ONLY PROTECT WOMEN AND LGBT PEOPLE?

No. Everyone has a sex, sexual orientation and a gender identity. Everyone has equal protection under these laws. For example, it would be unlawful to refuse to rent to an individual because s/he is heterosexual.