

Vermont

## SUMMARY

The following statutes comprise Vermont's pertinent service animal laws. These statutes provide criminal and civil penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated penalties for interfering with, injuring, or killing a service animal.

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**West's Vermont Statutes Annotated. Title Thirteen. Crimes and Criminal Procedure. Part 1. Crimes. Chapter 8. Humane and Proper Treatment of Animals. Subchapter 1. Cruelty to Animals.**

**§ 355. Interference with or cruelty to a guide dog**

(a) As used in this section:

(1) "Custody" means the care, control, and maintenance of a dog.

(2) "Guide dog" means a dog, whose status is reasonably identifiable individually trained to do work or perform tasks for the benefit of an individual with a disability for purposes of guiding an individual with impaired vision, alerting an individual with impaired hearing to the presence of people or sounds, assisting an individual during a seizure, pulling a wheelchair, retrieving items, providing physical support and assistance with balance and stability, and assisting with navigation.

(3) "Notice" means:

(A) a verbal or otherwise communicated warning regarding the behavior of another person and a request that the person stop the behavior; and

(B) a written confirmation submitted to the local law enforcement agency, either by the owner of the guide dog or another person on his or her behalf which shall include a statement that the warning and request was given and the person's telephone number.

(b) No person shall recklessly injure or cause the death of a guide dog, or recklessly permit a dog he or she owns or has custody of to injure or cause the death of a guide dog. A person who violates this subsection shall be imprisoned not more than two years or fined not more than \$3,000.00, or both.

(c) No person who has received notice or has knowledge that his or her behavior, or the behavior of a dog he or she owns or has custody of; is interfering with the use of a guide dog shall recklessly continue to interfere with the use of a guide dog, or recklessly allow the dog he or she owns or has custody of to continue to interfere with the use of a guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog user or his or her guide dog. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(d) No person shall recklessly interfere with the use of a guide dog, or recklessly permit a dog he or she owns or has custody of to interfere with a guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog user or his or her guide dog. A person who violates this subsection commits a civil offense and shall be:

(1) for a first offense, fined not more than \$100.00.

(2) for a second or subsequent offense, fined not more than \$250.00.

(e) A violation of subsection (d) of this section shall constitute notice as defined in subdivision (a)(3) of this section.

(f) As provided in section 7043 of this title, restitution shall be considered by the court in any sentencing under this section if the victim has suffered any material loss. Material loss for purposes of this section means uninsured:

(1) veterinary medical expenses;

(2) costs of temporary replacement assistance services, whether provided by a person or guide dog;

(3) replacement value of an equally trained guide dog without any differentiation for the age or experience of the dog;

(4) loss of wages; and

(5) costs and expenses incurred by the person as a result of the injury to the guide dog.

#### CREDIT(S)

2009, Adj. Sess., No. 121, § 1, eff. July 1, 2010.

**West's Vermont Statutes Annotated. Title Nine. Commerce and Trade. Part 7. Landlord and Tenant. Chapter 139. Discrimination; Public Accommodations; Rental and Sale of Real Estate.  
§ 4502. Public accommodations**

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

(b) An owner or operator of a place of public accommodation or his or her employee or agent shall not prohibit from entering a place of public accommodation:

(1) an individual with a disability accompanied by a service animal; or

(2) an individual who is training an animal to perform as a service animal for an individual with a disability.

(c) No individual with a disability shall be excluded from participation in or be denied the benefit of the services, facilities, goods, privileges, advantages, benefits, or accommodations, or be subjected to discrimination by any place of public accommodation on the basis of his or her disability as follows:

(1) A public accommodation shall provide an individual with a disability the opportunity to participate in its services, facilities, privileges, advantages, benefits, and accommodations. It is discriminatory to offer an individual an unequal opportunity or separate benefit; however it is permissible to provide a separate benefit if that benefit is necessary to provide an individual or class of individuals an opportunity that is as effective as that provided to others.

(2) A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting which is appropriate for the needs of the individual. Notwithstanding the existence of separate or different programs or activities, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different. Nothing in this subsection shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which the individual chooses not to accept.

(3) A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

(4) [Repealed.]

(5) A public accommodation shall make reasonable modifications in policies, practices, or procedures when those modifications are necessary to offer goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would

fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

(6) A public accommodation shall take whatever steps may be necessary to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden on the public accommodation.

(7) A public accommodation shall not be required to provide to individuals with disabilities personal devices, such as wheelchairs, eyeglasses, hearing aids or readers for personal use or study, or personal services to assist with feeding, toileting, or dressing.

(8) Notwithstanding the provisions of this section, if a place of public accommodation has an architectural or communication barrier, in order to comply with this section, the public accommodation shall remove the barrier, if removal is readily achievable, or shall make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those alternative methods are readily achievable. Nothing in this subsection shall be construed to alter architectural barrier removal requirements under the federal Americans with Disabilities Act<sup>1</sup> and its regulations as they relate to governmental entities.

(9) Any public accommodation that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or post-secondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

(d) This section shall not prohibit an owner or operator of an inn, hotel, motel, or other establishment which provides lodging to transient guests, and which has five or fewer rooms for rent or hire, from restricting such accommodation on the basis of sex or marital status.

(e) It is a violation of this section for a gas station or other facility which sells gasoline or other motor vehicle fuel for sale to the public to fail to comply with the provisions of section 4110a of this title.

(f) It is a violation of this section for a public accommodation to fail to comply with the provisions or rules pertaining to public buildings pursuant to 20 V.S.A. chapter 174.

(g) This chapter shall not apply to:

(1) special education claims and issues covered by federal and State special education laws, regulations, and procedures, pursuant to 20 U.S.C. § 1404 et seq. and 16 V.S.A. chapter 101; or

(2) an insurer underwriting risks, classifying risks, or administering risks that are based on or are not inconsistent with 8 V.S.A. §§ 4724 and 4084 or other applicable State laws.

(h) This section shall not be construed to require a public accommodation to permit an individual to participate in or benefit from the services, facilities, goods, privileges, advantages, and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others. For the purposes of this subsection, "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation shall make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:

(1) the nature, duration, and severity of the risk;

(2) the probability that the potential injury will actually occur; and

(3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

(i) Nothing in this section shall be construed to prohibit a public accommodation from excluding a person engaged in disruptive behavior which the place of public accommodation has reason to believe is the result of alcohol or illegal drug use.

#### Credits

1987, No. 74, § 1; 1991, No. 48, § 3; 1991, Adj. Sess., No. 135, § 11; 1991, Adj. Sess.,

No. 243, §§ 3, 4; 2001, Adj. Sess., No. 117, § 2; 2003, No. 17, §§ 1, 2; 2007, No. 41, § 14, eff. July 1, 2007; 2009, No. 3, § 11, eff. Sept. 1, 2009; 2013, No. 31, § 10, eff. July 1, 2013; 2015, No. 23, § 144, eff. July 1, 2015.

### **§ 4503. Unfair housing practices**

(a) It shall be unlawful for any person:

(1) 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 any person because of the

race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

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

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

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

(5) To disclose to another person information regarding or relating to the status of a tenant or occupant as a victim of abuse, sexual assault, or stalking for the purpose or intent of:

(A) harassing or intimidating the tenant or occupant;

(B) retaliating against a tenant or occupant for exercising his or her rights;

(C) influencing or coercing a tenant or occupant to vacate the dwelling; or

(D) recovering possession of the dwelling.

(6) To discriminate against any person in the making or purchasing of loans or providing other financial assistance for real-estate-related transactions or in the selling, brokering, or appraising of residential real property, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor

children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(7) To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

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

(9) To discriminate in the sale or rental of a dwelling because a person relies upon aids such as attendants, specially trained animals, wheelchairs, or similar appliances or devices but the owner shall not be required to modify or alter the building in any way in order to comply with this chapter. An owner shall permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability if the modifications are necessary to afford the person full enjoyment of the premises. The owner may, if reasonable, require the person to agree to restore the premises to the condition that existed before the modification, reasonable wear and tear excepted, but the owner may not require an additional security deposit for this purpose.

(10) To refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common areas.

(11) To fail to comply with provisions or rules pertaining to covered multifamily dwellings, as defined in 20 V.S.A. § 2900(4) and pursuant to 20 V.S.A. chapter 174.

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

(b) The provisions of subsection (a) of this section with respect to discrimination in sales and rentals of dwellings on the basis of age or on the basis of a person's intention to

occupy with one or more minor children shall not apply to the sale or rental of a dwelling in a housing complex:

- (1) intended for, and solely occupied by, persons 62 years of age or older;
  - (2) intended and operated for occupancy by at least one person 55 years of age or older per unit. This subsection shall only apply if the following conditions are met:
    - (A) the housing complex has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if it is not practicable to provide those facilities and services, that the housing complex is necessary to provide important housing opportunities for older persons;
    - (B) at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit, except that a newly constructed housing complex in which first occupancy will begin after enactment of this act need not comply with this subsection until 25 percent of the units are occupied; and
    - (C) there are written and enforced policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older; or
  - (3) established under any federal or State program specifically designed and operated to assist elders, as defined in the federal or State program.
- (c) The housing exemption in subsection (b) of this section shall not fail to apply due to persons residing in such dwellings as of July 1, 1989, who do not meet the age requirements of subsection (b) of this section, provided that new occupants of such dwellings meet the age requirements of that subsection, and that unoccupied units as of July 1, 1989 are reserved for occupancy by persons who meet the age requirements of that subsection.

#### Credits

1987, No. 74, § 1; 1987, Adj. Sess., No. 253, § 2; 1989, No. 89, § 2; 1991, Adj. Sess., No. 135, § 12; 2007, No. 41, § 15, eff. July 1, 2007; 2011, Adj. Sess., No. 137, § 6, eff. May 14, 2012; 2013, No. 31, § 11, eff. July 1, 2013; 2013, Adj. Sess., No. 96, § 32, eff. July 1, 2014; 2019, No. 48, § 4, eff. July 1, 2019.

#### **§ 4506. Enforcement; civil action; retaliation prohibited**

- (a) A person aggrieved by a violation of this chapter may file a charge of discrimination with the Human Rights Commission pursuant to chapter 141 of this title or may bring an action for injunctive relief and compensatory and punitive damages and any other appropriate relief in the Superior Court of the county in which the violation is alleged to have occurred.

- (b) The Court may award costs and reasonable attorney's fees to an aggrieved person who prevails in an action brought under subsection (a) of this section.
- (c) The Human Rights Commission may bring an action in the name of the Commission to enforce the provisions of this chapter in accordance with its powers established in chapter 141 of this title.
- (d) The initiation or completion of an investigation by the Human Rights Commission shall not be a condition precedent to the filing of any lawsuit for violation of this chapter.
- (e) Retaliation prohibited. A person shall not coerce, threaten, interfere, or otherwise discriminate against any individual:
  - (1) who has opposed any act or practice that is prohibited under section 4502 or 4503 of this title;
  - (2) who has lodged a complaint or has testified, assisted, or participated in any manner with the Human Rights Commission in an investigation of acts or practices prohibited by this chapter;
  - (3) who is known by the person to be about to lodge a complaint, testify, assist, or participate in any manner in an investigation of acts or practices prohibited by this chapter;
  - (4) who is exercising or enjoying a right granted or protected by this chapter; or
  - (5) who is believed by the person to have acted as described in subdivisions (1) through (4) of this subsection.

Credits

1987, No. 74, § 1; 1987, Adj. Sess., No. 253, § 4; 1989, No. 89, § 4; 2013, No. 31, § 12, eff. July 1, 2013; 2015, No. 9, § 2, eff. April 16, 2015.

## **§ 4507. Criminal penalty**

A person who violates a provision of this chapter shall be fined not more than \$1,000.00.

### **CREDIT(S)**

1987, No. 74, § 1.

**West's Vermont Statutes Annotated. Title Twenty-Three. Motor Vehicles. Chapter 13. Operation of Vehicles. Subchapter 5. Pedestrians' Rights and Duties.**

**§ 1057. Duty toward blind persons**

- (a) Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick, white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where the pedestrian is attempting to cross, shall bring his or her vehicle to a full stop before arriving at the intersection or place of crossing and before proceeding shall take such precautions as may be necessary to avoid injuring the pedestrian.
- (b) It is unlawful for any person, unless totally or partially blind or otherwise having a severe visual disability, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.
- (c) Nothing in this section deprives any person who is totally or partially blind or otherwise has a severe visual disability, not carrying a cane or walking stick and not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, and the failure of any person who is totally or partially blind or otherwise has a severe visual disability to carry a cane or walking stick, or to be guided by a guide dog upon streets, highways, or sidewalks within this state, does not constitute and is not evidence of contributory negligence.

**Credits**

1971, Adj. Sess., No. 258, § 3; 2013, Adj. Sess., No. 96, § 146, eff. July 1, 2014.