

The Legal Rights of Women in Vermont

Housing & Property Rights

Chapter 6

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Knowledge of your rental and property rights under Vermont and federal laws is an important way in which you can protect yourself and your family.

Women's Rights When Renting or Buying a Home

In Vermont, it is unlawful to discriminate against a person in getting a mortgage loan or renting housing based on: race, sex, sexual orientation, gender identity, age, marital status, religion, color, national origin, disability, or because a person has minor children, or because a person is a recipient of public assistance (i.e. welfare, Section 8), or because a person is a victim of domestic violence.

Just because these laws exist, that does not mean all landlords, banks, credit card companies, spouses, and co-signers abide by them. Often, people try to get around the law with contract terms. ***If you believe you have been discriminated against in getting a mortgage loan or renting housing visit [Vermont Law Help \(vtlawhelp.org\)](http://vtlawhelp.org) for assistance.***

Rights and Responsibilities of Tenants and Landlords in Vermont

For the most accurate and most up-to-date description of the rights and responsibilities of landlords and tenants in Vermont, please go to "[Renting in Vermont, Information Handbook for Tenant and Landlords](#)". This is a publication of Vermont Tenants, Inc. a program of the coordinated Statewide Housing Services division of the Champlain Valley Office of Economic Opportunity. This publication includes information about evictions, lead paint, housing discrimination, rental agreements, rental applications and application fees, security deposits, privacy and access, rent increases, housing conditions, addressing housing, health and safety problems, unclaimed or left behind property, ending a tenancy. (The document was developed with legal assistance, but does not constitute legal opinion or advice.) Vermont Tenants help line number is: 802-864-0099 or toll free 800-287-7971.

Rental Housing Health Codes

Renters have a right to safe, habitable housing. Vermont's [Rental Housing Health Code](#) sets out the minimum standards for health and habitability. If you believe your rental housing does not meet the minimum standards contact Vermont's Department of Health toll free at (800) 439-8550 during business hours or at (800) 640-4374 after-hours, weekends, or holidays. You can find your town health officer by visiting the [Department of Health's website](#).

Mobile Home Park Residents' Rights

For the most accurate and most up-to-date description of your rights as a mobile home park resident, please go to "[Guide to Your Rights as a Mobile Home Park Resident in Vermont](#)" published by The Mobile Home Project of the Coordinated Statewide Housing Services division of Champlain Valley Office of Economic Opportunity. Contact The Mobile Home Project at 802-660-3455 x204.

Property Taxes

Vermont resident homeowners ***must annually file*** a Declaration of Homestead on their principal dwelling as of April 1st of the current year. A Vermont homestead is the principal dwelling and parcel of land surrounding the dwelling, owned by a resident individual as of April 1 and occupied as a primary residence. If your homestead is rented on April 1, it may still be declared as your homestead if you occupy it for at least 183 days out of the calendar year.

Adjustments to Property Tax

Filing a Homestead Declaration entitles you to a lower tax rate. Approximately two-thirds of Vermonters file a Homestead Declaration. If a homeowner does not file the Homestead Declaration, their property will be taxed at the higher rate.

Eligible Homestead owners ***must annually file*** a claim to receive an adjustment to property tax. An adjustment is not available to households whose income is \$109,000 or more.

You may be eligible for an adjustment if:

- You have filed a valid Vermont Homestead Declaration;
- You were a Vermont resident all of the prior calendar year; and
- You are not claimed as a dependent of another taxpayer for the prior tax year.

You will not receive a Property Tax Adjustment unless you file a Homestead Declaration, a Property Tax Adjustment Claim, and a Household Income schedule.

Requesting an Abatement

If you cannot pay your property taxes because your income is low, your town or city may give you a property tax abatement. **This means any taxes you would owe are forgiven and you do not have to pay them.** Anyone can ask their local Board of Abatement or Selectman, but it is up to the town whether to grant the request. The time to ask for an abatement is when you receive your bill.

Rights to Redeem After Town has Sold Property for Unpaid Taxes

A Vermont city or town may take a person's home and sell it in order to pay back property taxes that are owed.

Before a town can sell your house at a tax sale, they must send you written notice of the time and place of the sale by registered mail at least 10 days before the sale. The notice must explain your right to request a tax abatement to stop the sale. Vermont towns can only sell as much of your property as is necessary to satisfy the tax debt.

After the town sells your home at a tax sale, you can still get your home back. This is called the redemption period.

You have 12 months from the time of the tax sale to pay the town the amount of money it sold your home for at the tax sale. If you pay the town the whole amount plus interest before the 12 months are up, you can keep your home. Also, you may continue to live in your home for the whole 12 months even if you don't pay the taxes during that time.

Property Rights in a Marriage/Civil Union

Under Vermont law, a **woman who is married may own real estate as well as personal property in her own name.** When two individuals enter into a marriage neither spouse automatically gains any ownership rights in the other's property. Instead, the property a spouse owns before a marriage remains the property of that spouse alone. Hence, creditors cannot attach the property of one spouse to pay the other spouse's debts. A salary is also considered the sole property of the spouse who earns it. Neither spouse is responsible for the debts incurred solely by the other before, after, or during marriage.

During a divorce, all property is considered part of the marital estate – regardless of whether the property was purchased jointly by the couple or was solely owned by one person before or during the marriage - and can be subject to distribution by the court. ([See the Domestic Relations chapter of the *Legal Rights of Women in Vermont.*](#))

All debts are the legal responsibility of the person (or persons) who made an agreement to pay the debt. A spouse can contract for debt solely in his or her own name. If two people (married or not) both agree to make a contract for debt, both people are responsible for the whole debt. A spouse is not responsible for debts incurred by the other spouse, unless the debt is undertaken jointly. The fact of marriage does not make one spouse responsible for the debt incurred by the other spouse. (A note on **identity theft**: A spouse has no right to use your name to incur debt or to open accounts in your name. If they do, you could defend against the creditor by claiming identity theft (although the timeline for such a defense is very limited). If you suspect your identity is being used to incur debts against your will or without your knowledge, visit [Vermont Law Help](#) for assistance.

If a married couple owns property jointly in the legal form known as “**tenancy by the entirety**,” each spouse has the right to purchase goods and services for the upkeep of the property. Neither spouse needs the other’s consent. However, **your spouse must have your consent for any mortgage or document that conveys (gives away) an interest in their homestead. Also, creditors of one spouse cannot force a sale of the property to collect the debt.**

In Vermont, **parties to a civil union have the same benefits, protections and responsibilities as are granted to spouses in a civil marriage as outlined in this section.**

Bankruptcy-Affected Property Division in Divorce

Filing for bankruptcy can affect a divorce property settlement. Spouses can file bankruptcy jointly or individually. If a spouse files individually, that spouse can be discharged of responsibility to pay debt that is jointly held by both spouses, leaving the other spouse solely responsible for the debt. If a spouse’s debt is cancelled in bankruptcy prior to a divorce being filed, the divorce court can't make the discharged spouse responsible for that debt.

Typically, if one spouse owes the other spouse some property as part of a divorce order, this property award can be "discharged," or canceled, in bankruptcy.

If a divorce assigns responsibility for debts, it is possible for the responsible party to later discharge the debt in bankruptcy. It is possible that an award of property by the divorce court can be compromised by the other spouse's bankruptcy. To guard against this, the separation agreement or the court order needs to specify that the assignment or award is a "domestic support obligation" and is "in the nature of alimony, maintenance or support.”

Property Rights of Unmarried Couples

Unmarried couples can own property together, and be named on the same deed, either as:

- **“Tenants in common”** – As tenants in common, when one partner dies, that partner’s interest in the property passes according to that partner’s will, or if no will exists, according to Vermont law.
- **“Joint tenants (with rights of survivorship)”** – When one joint tenant dies that partner’s interest in the property passes to the other partner. This means that the surviving partner has full ownership rights to the entire property.

Neither partner in an unmarried couple is responsible for the personal debts of the other unless:

- the debt is entered into together, such as in a joint credit card; or
- the partners enter into a valid and enforceable contract to be responsible for each other’s debts.

Partition

If one joint tenant or tenant in common wishes to end the joint tenancy or tenancy in common, they can file an action for partition. The court will then divide the property by adding up each individual’s contribution to the mortgage, taxes and insurance and divide the equity based on the amount contributed.

Find the most local and most appropriate agency/organization to help you—go to Vermont Commission on Women’s Resource Directory:

[Housing Section](#)

[Legal Section](#)

Relevant Laws

Vermont:

Residential Rental Agreements Act (Landlord-Tenant Law), 9 V.S.A. Chapter 137

Ejectment (a.k.a. Evictions), 12 V.S.A. Chapter 169

Lead Poisoning, 18 V.S.A. Chapter 38

Fair Housing and Public Accommodations Act, 9 V.S.A. §4503, et seq.

Mobile Home Park Act, 10 V.S.A. §6201, et seq.

Married Women’s Property Act, 15 V.S.A. §61, et seq.

Benefits, Protections and Responsibilities of Parties to a Civil Union, 15 V.S.A. §1204

Vermont Department of Health, Rental Housing Health Code - (Vermont Health Regulations Chapter 5, Environmental Health Subchapter 16, Rental Housing Code)

City of Burlington, Vermont, Minimum Housing Standards Ordinance – Chapter 18

Housing, Article I-IV

Barre City Ordinances

Federal:

Fair Housing Act (Title VIII), 42 U.S.C.A. §3601, et seq. Fair Housing Amendments Act of 1988, Pub.L.100-430

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