

1 S.100

2 Representatives Bartley of Fairfax, Burrows of West Windsor, Chesnut-
3 Tangerman of Middletown Springs, Elder of Starksboro, Howard of Rutland
4 City, James of Manchester, Krasnow of South Burlington, Labor of Morgan,
5 LaBounty of Lyndon, LaMont of Morristown, Parsons of Newbury, and
6 Stevens of Waterbury move that the House propose to the Senate that the bill
7 as amended by the Committees on General and Housing, on Environment and
8 Energy, and on Appropriations be further amended by striking out Secs. 43 and
9 44 in their entirety and inserting in lieu thereof Secs. 43–47 as follows:

10 Sec. 43. RENTAL HOUSING STABILIZATION SERVICES

11 (a) Creation; purpose. The Champlain Valley Office of Economic
12 Opportunity shall create and administer a Rental Housing Stabilization
13 Services Program to provide tenants and landlords with access to services and
14 programs that assist in preserving a tenancy and avoid eviction, including
15 eligibility screening, direct referral, and follow-up services.

16 (b) Eligibility. A tenant or landlord is eligible to contact the Office at any
17 time prior to the filing of a summons and complaint for eviction or through
18 court referral.

19 (c) Screening. The Office shall employ resource specialists who shall
20 assess landlords and tenants for availability and eligibility for statewide or
21 local assistance, including:

- 1 (1) repair funds;
- 2 (2) the Rent Arrears Assistance Fund established;
- 3 (3) Housing Opportunity Grant Program funds;
- 4 (4) the Vermont Housing Improvement Program;
- 5 (5) existing State or federally funded project- or tenant-based subsidies;
- 6 (6) existing Economic Service Division programs;
- 7 (7) legal counsel at Vermont Legal Aid or Legal Services Vermont for
- 8 tenants, and through the Vermont Lawyer Referral Service for tenants or
- 9 landlords;
- 10 (8) voluntary mediation;
- 11 (9) housing education and skills-building programs; and
- 12 (10) other available housing resources as needed.

13 (d) Referral. The Office shall:

- 14 (1) assist callers in contacting organizations operating programs or
- 15 available resources for which the caller may be eligible; and
- 16 (2) provide support and follow-up services and work with partner
- 17 organizations to ensure effective participation in identified programs and
- 18 services.

19 (e) Appropriation. In fiscal year 2024, the amount of \$400,000.00 is

20 appropriated from the General Fund to the Office of Economic Opportunity

21 within the Department for Children and Families for a subgrant to Champlain

1 Valley Office of Economic Opportunity to administer the Rental Housing
2 Stabilization Services Program pursuant to this section.

3 Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

4 (a) Creation; purpose. Vermont Legal Aid shall create and administer a
5 two-year Tenant Representation Pilot Program:

6 (1) to provide full representation to eligible and consenting tenants in
7 Lamoille and Windsor counties who have been served with a summons and
8 complaint for eviction; and

9 (2) to determine the impact of representation on the issuance of writs of
10 possession and homelessness prevention.

11 (b) Tenant eligibility. Vermont Legal Aid may enter a notice of appearance
12 on behalf of a residential tenant in Lamoille or Windsor County who is served
13 with a summons and complaint in an ejection action, consents to the
14 representation, and meets the following criteria:

15 (1) household income equals or is less than 120 percent of State area
16 median income;

17 (2) the cost of rent equals or exceeds 30 percent of household income; or

18 (3) household expenses exceed income.

19 (c) Scope of representation.

20 (1) Full representation through the Program is limited to eviction.

1 (2) The pursuit of counterclaims shall be at the discretion of appointed
2 counsel.

3 (d) Conflicts of interest.

4 (1) Vermont Legal Aid may subcontract to Legal Services Vermont if it
5 is unable to provide tenant representation due to a conflict of interest as
6 defined by the Vermont Rules of Professional Conduct.

7 (2) If Legal Services Vermont also has a conflict of interest, Vermont
8 Legal Aid may subcontract to one or more private counsels who are members
9 in good standing of the Vermont Bar.

10 (e) Report. Vermont Legal Aid shall provide interim reports on the
11 progress of the Program on or before November 15, 2023 and November 15,
12 2024 and a final report on or before July 30, 2025, which shall describe:

13 (1) the number of tenants represented;

14 (2) case outcomes, including:

15 (A) the number of cases fully or partially resolved through access to
16 the Rent Arrears Assistance Fund;

17 (B) the number of cases fully or partially resolved through the
18 Vermont Landlord’s Association mediation program; and

19 (C) the number of cases fully or partially resolved through access to
20 another resource identified through the Rental Housing Stabilization Services
21 Program; and

1 (3) recommendations for policy changes and for pilot expansion.

2 (f) Appropriation. In fiscal year 2024 the amount of \$1,077,000.00 is
3 appropriated from the General Fund to the Agency of Human Services for a
4 subgrant to Vermont Legal Aid to provide representation in eligible eviction
5 cases in the two pilot counties of Lamoille and Windsor beginning on July 1,
6 2023.

7 Sec. 45. RENT ARREARS ASSISTANCE FUND

8 (a) Creation; purpose. The Vermont State Housing Authority shall create
9 and administer a Rent Arrears Assistance Fund to provide funds to prevent
10 eviction in cases involving nonpayment of rent from residential rental units
11 subject to 9 V.S.A. chapter 137 and mobile home lot rentals subject to 10
12 V.S.A. chapter 153.

13 (b) Tenant eligibility. The Vermont State Housing Authority shall
14 establish eligibility guidelines for the Fund that ensure a streamlined
15 application process, including certification of past due rent and that tenants are
16 at risk of eviction, which shall address the following:

17 (1) Eligibility. Financial eligibility criteria that consider area median
18 income, rent burden, and ratio of household expenses to income up to 100
19 percent of area median income for the current federal fiscal year.

20 (2) Sustainability. Standards for assessing whether the tenancy is
21 sustainable while retaining a simple and straightforward application.

1 (3) Referral. If the tenancy is not sustainable, the parties shall be
2 referred to the Rental Housing Stabilization Services Program for assistance in
3 exploring other resources or services and to apply for a housing choice
4 voucher.

5 (c) Funds available.

6 (1) The Fund shall disburse only the amount necessary to cure the
7 tenant’s rent arrears, and, if necessary, court costs, and attorney’s fees capped
8 at an amount set by the Authority.

9 (2) The Fund is available on a first-come, first-served basis to eligible
10 tenants until the Fund is exhausted.

11 (d) Application.

12 (1) The Authority shall create a plain language form to collect only
13 information necessary to assess eligibility and provide clear instructions to
14 help tenants and landlords apply.

15 (2) The tenant shall certify all information on the application.

16 (3) The Authority shall provide assistance in completing the application,
17 either directly or through referral to Vermont Legal Aid.

18 (4) The Authority shall adopt guidelines and implement a process that
19 ensures:

20 (A) equitable and prompt approval of applications;

21 (B) notice of grant decisions within 10 days; and

1 (C) decisions on appeals within in 10 days.

2 (e) Status of eviction pending application.

3 (1) If an eviction case is filed, the tenant or the landlord shall notify the
4 court when an application for Fund assistance is pending.

5 (2) Upon receiving notice that an application for Fund assistance is
6 pending, the court shall set a status conference within 30 days.

7 (3) While the application is pending, the landlord shall not issue a new
8 notice to quit or file or serve a new summons and complaint.

9 (f) Disbursement. The Authority shall disburse amounts from the Fund
10 directly to the landlord.

11 (g) Conditions for disbursement of funds. The Authority shall establish
12 guidelines for ensuring habitability, limitation on rent increases,
13 documentation for direct deposit, and dismissal of cases, including the
14 following:

15 (1) Habitability. The Authority shall adopt guidelines for identifying
16 violations of the Rental Housing Health Code and certifying that necessary
17 repairs to remediate the violations will be completed within 30 days or
18 pursuant to a plan developed for the remediation and approved by the
19 Authority.

1 (2) Documentation for direct deposit. The landlord shall provide the
2 Authority, on a form provided by the Authority, necessary banking information
3 to enable direct deposit of monies from the Fund.

4 (3) Dismissal. The Authority shall adopt guidelines for disbursement to
5 ensure that complaints based on nonpayment of rent and complaints for no
6 cause are dismissed, whether there is a single or multiple pending complaints.

7 (4) Notification form.

8 (A) The Authority shall adopt and provide to landlords and tenants a
9 standardized notification form that shows amounts paid for each category of
10 disbursement and date of payment.

11 (B) The form shall allow the landlord or tenant to easily notify the
12 court and request a dismissal due to payment.

13 (C) The form shall outline any certifications established in Authority
14 guidance that both parties have made as a part of their application, along with
15 the date of those certifications.

16 (h) Appropriation. In fiscal year 2024, the amount of \$2,500,000.00 is
17 appropriated from the General Fund to the Vermont State Housing Authority to
18 create and administer the Rent Arrears Assistance Fund pursuant to this
19 section.

20 Sec. 46. 18 V.S.A. § 1764 is amended to read:

21 § 1764. LEAD INSPECTORS; FINANCIAL RESPONSIBILITY

1 (a) The Commissioner shall require that a licensee or an applicant for a
2 license under subsection 1752(e) of this chapter provide evidence of ability to
3 indemnify properly a person who suffers damage from lead-based paint
4 activities or RRPM activities such as proof of effective liability insurance
5 coverage or a surety bond in an amount to be determined by the
6 Commissioner, which shall not be less than \$300,000.00. This section shall
7 not restrict or enlarge the liability of any person under any applicable law.

8 (b) Owners of rental target housing who personally perform all work under
9 this chapter on properties in which they have an interest shall be exempt from
10 subsection (a) of this section.

11 Sec. 47. EFFECTIVE DATES

12 This act shall take effect on July 1, 2023, except that:

13 (1) Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for
14 subdivision (D), 3 (24 V.S.A. § 4413), and 4 (24 V.S.A. § 4303) shall take
15 effect on December 1, 2024.

16 (2) Secs. 18–20 (enhanced designation) shall take effect on January 1,
17 2024.

18 (3) Sec. 46 (lead paint) shall take effect on passage.