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H.450

Introduced by Representatives Tate of Mendon, Chesnut-Tangerman of
Middletown Springs, Cupoli of Rutland City, Morrissey of
Bennington, Parent of St. Albans City, Russell of Rutland City,
and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Commerce and trade; residential rental agreements; unpermitted
subleases

Statement of purpose of bill as introduced: This bill proposes to require a
tenant to obtain permission from his or her landlord before subletting an
apartment or adding a roommate.

An act relating to residential rental agreements

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. § 4451 is amended to read:

§ 4451. DEFINITIONS

As used in this chapter:

* * *

1 Sec. 2. 9 V.S.A. § 4456 is amended to read:

2 § 4456. TENANT OBLIGATIONS; USE AND MAINTENANCE OF
3 DWELLING UNIT

4 * * *

5 (e) A tenant shall not sublet the dwelling unit without first obtaining the
6 landlord's written consent to the proposed sublease.

7 (1) A tenant shall request permission to sublet the dwelling unit by
8 providing the landlord with actual notice of his or her intent to sublet and the
9 following information:

10 (A) the term of the sublease;

11 (B) the name and address of the subtenant;

12 (C) the tenant's address during the term of the sublease if the tenant
13 will not continue to reside in the dwelling unit;

14 (D) the written consent to the proposed sublease of any cotenant or
15 guarantor of the lease; and

16 (E) the proposed sublease signed by both the tenant and subtenant.

17 (2) Within 14 days of receiving the tenant's request to sublet the
18 dwelling unit, the landlord shall provide the tenant with actual notice of the
19 landlord's decision regarding the proposed sublease. If the landlord consents
20 to the proposed sublease, the landlord shall sign the sublease and provide a
21 copy of the signed sublease to both the tenant and subtenant. If the landlord

1 decides not to consent to the proposed sublease, the landlord may release the
2 tenant from his or her obligations under the lease.

3 (3) If the landlord consents to the proposed sublease, the tenant shall
4 nevertheless remain liable for the performance of his or her obligations under
5 the lease.

6 (4) Every rental agreement shall require the tenant and landlord to
7 comply with the provisions of this subsection for any sublease of the dwelling
8 unit. However, nothing in this subsection shall prevent a landlord and tenant
9 from entering into a rental agreement that expressly prohibits the tenant from
10 subletting the dwelling unit.

11 (5) Nothing in this section shall be construed to limit the right of a
12 landlord to restrict the occupancy of a dwelling unit in order to comply with
13 federal, State, or local laws, regulations, ordinances, or codes.

14 (f) If a tenant acts in violation of this section, the landlord is entitled to
15 recover damages, costs, and reasonable attorney's fees, and the violation shall
16 be grounds for termination under subsection 4467(b) of this title.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2015.