

1 H.260

2 Introduced by Representatives Christie of Hartford, Baser of Bristol, Parent of  
3 St. Albans Town, Smith of Derby, Walz of Barre City, and  
4 Wright of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Commerce and trade; court procedure; residential rental agreements;  
8 ejection

9 Statement of purpose of bill as introduced: This bill proposes to create an  
10 expedited process for the eviction of an individual renting a room or accessory  
11 apartment in a landlord's dwelling.

12 An act relating to residential rental agreements and expedited eviction

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

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

15 § 4451. DEFINITIONS

16 As used in this chapter:

17 \* \* \*

18 (5) “Nonrestricted property” means a rented dwelling unit or premises  
19 that is either:

1           (A) one or more rooms in the landlord's personal residence, which  
2           may include the shared use of any of the common living spaces, such as the  
3           living room, kitchen, or bathroom; or

4           (B) a dwelling unit in an owner-occupied building that contains a  
5           total of no more than two dwelling units.

6           (6) "Normal wear and tear" means the deterioration which occurs, based  
7           upon the reasonable use for which the rental unit is intended, without  
8           negligence, carelessness, accident, or abuse of the premises or equipment or  
9           chattels by the tenant or members of his or her household or their invitees or  
10          guests.

11          ~~(6)~~(7) "Premises" means a dwelling unit, its appurtenances ~~and~~, the  
12          building, and the grounds, areas, and facilities held out for the use of tenants  
13          generally or whose use is promised to the tenant.

14          ~~(7)~~(8) "Rent" means all consideration to be made to or for the benefit of  
15          the landlord under the rental agreement, not including security deposits.

16          ~~(8)~~(9) "Rental agreement" means all agreements, written or oral,  
17          embodying terms and conditions concerning the use and occupancy of a  
18          dwelling unit and premises.

19          ~~(9)~~(10) "Sublease" means a rental agreement, written or oral,  
20          embodying terms and conditions concerning the use and occupancy of a  
21          dwelling unit and premises between two tenants, a sublessor and a sublessee.



1 the rent is payable monthly and at least seven days after the date of actual  
2 notice if the rent is payable weekly.

3 \* \* \*

4 Sec. 3. 12 V.S.A. § 4853c is added to read:

5 § 4853c. NONRESTRICTED PROPERTY; EXPEDITED HEARING

6 (a)(1) In an action for ejectment from a nonrestricted property, as defined  
7 by 9 V.S.A. § 4451, a hearing on the action shall be scheduled for the earliest  
8 available time after five days' notice to the parties.

9 (2) Notwithstanding section 4853 of this chapter, process may be served  
10 on and notice may be given to the defendant by any person. The summons,  
11 complaint, and notice of the hearing may be served on the defendant personally  
12 or left at his or her last known dwelling. Proof of service pursuant to this  
13 subsection shall be accompanied by an affidavit of service setting forth the  
14 time, place, and manner of service and signed by the person that made service.

15 (b) If the defendant fails to appear for the hearing or to file an answer in the  
16 time provided pursuant to Rule 12 of the Vermont Rules of Civil Procedure,  
17 the plaintiff shall be entitled to judgment by default for immediate possession  
18 of the premises.

19 (c) If the court issues judgment in favor of the plaintiff, the court shall, on  
20 the date judgment is entered, issue a writ of possession directing the sheriff of  
21 the county in which the property or a portion of the property is located to serve

1 the writ upon the defendant and, not earlier than five days after the writ is  
2 served, to put the plaintiff into possession.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.