

1 H.335

2 Introduced by Representatives Flory of Pittsford, Adams of Hartland, Donaghy  
3 of Poultney, Komline of Dorset, Krawczyk of Bennington,  
4 Larocque of Barnet, Lawrence of Lyndon, McDonald of Berlin,  
5 Morrissey of Bennington, Myers of Essex and Scheuermann of  
6 Stowe

7 Referred to Committee on

8 Date:

9 Subject: Housing; landlord and tenant; eviction; nonpayment of rent;  
10 habitability defense

11 Statement of purpose: This bill proposes to balance the rights of tenants to a  
12 habitable rental property and the rights of the landlord to receive rental  
13 payments by requiring that residential rental agreements will terminate  
14 automatically when the tenant fails to pay rent for six months or more and by  
15 foreclosing the tenant from claiming the defense of breach of the warranty of  
16 habitability if the tenant fails to pay rent for nine or more months and has not  
17 raised the issue of habitability during that nine-month period.

18 An act relating to habitability and nonpayment of rent in residential rental  
19 agreements

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

1 Sec. 1. 9 V.S.A. § 4467 is amended to read:

2 § 4467. TERMINATION OF TENANCY; NOTICE

3 (a) Termination for nonpayment of rent. The landlord may terminate a  
4 tenancy for nonpayment of rent by providing actual notice to the tenant of the  
5 date on which the tenancy will terminate which shall be at least 14 days after  
6 the date of the actual notice. The rental agreement shall not terminate if the  
7 tenant pays or tenders rent due through the end of the rental period in which  
8 payment is made or tendered. Acceptance of partial payment of rent shall not  
9 constitute a waiver of the landlord's remedies for nonpayment of rent. A  
10 tenancy shall terminate automatically for nonpayment of rent for six  
11 consecutive months or more. A tenant may not claim as a defense a breach of  
12 the warranty of habitability if the tenant has failed to pay rent for more than  
13 nine months and has not initiated an action based on the breach of habitability.

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