

1 H.415

2 Introduced by Representatives Moran of Wardsboro, French of Randolph,

3 Marek of Newfane, Ram of Burlington and Trombley of Grand

4 Isle

5 Referred to Committee on

6 Date:

7 Subject: Housing; landlord and tenant; water shut-off protection

8 Statement of purpose: This bill proposes to permit a tenant to withhold rent to
9 pay overdue water or utility bills that are the responsibility of the landlord to
10 prevent utility shut-off.

11 An act relating to withholding rent to pay for overdue water or utility
12 charges

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

14 Sec. 1. 9 V.S.A. § 4458 is amended to read:

15 § 4458. HABITABILITY; TENANT REMEDIES

16 (a) If the landlord fails to comply with the landlord's obligations for
17 habitability and, after receiving actual notice of the noncompliance from the
18 tenant, a governmental entity or a qualified independent inspector, the landlord
19 fails to make repairs within a reasonable time and the noncompliance

1 materially affects health and safety, the tenant may do any or all of the
2 following:

3 (1) ~~withhold the~~ Withhold payment of rent for the period of the
4 noncompliance; .

5 (2) ~~obtain~~ Obtain injunctive relief; .

6 (3) ~~recover~~ Recover damages, costs and reasonable ~~attorney's~~ attorney
7 fees; ~~and~~ .

8 (4) ~~terminate~~ Terminate the rental agreement on reasonable notice.

9 (5) If the breach of the duty of habitability is due to a termination of
10 water or other utility, and the termination is due to the failure of the landlord to
11 pay for the water or utility, pay the outstanding water or utility bill and deduct
12 the actual payment from present and future rent. The tenant shall provide the
13 landlord with actual notice of the cost of water or utility bill at the time the cost
14 is deducted from the rent.

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