

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
  
13  
14  
15  
16  
17  
18  
19  
20

H.817

Introduced by Representatives Keenan of St. Albans City, Fagan of  
Rutland City, and Parent of St. Albans Town

Referred to Committee on

Date:

Subject: Housing; landlord and tenant

Statement of purpose of bill as introduced: This bill proposes to allow an expedited process for evicting a tenant who is over 90 days late in the payment of rent. The bill would allow a landlord to request an expedited writ of possession which may be executed within five days after the landlord has served it on the tenant, unless the tenant requests a hearing. If the tenant requests a hearing, the court shall schedule it within five days.

An act relating to nonpayment of rent

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

Sec. 1. 12 V.S.A. § 4773 is amended to read:

§ 4773. EJECTMENT FOR NONPAYMENT OF RENT; PROOF;

PAYMENT

(a) ~~In actions~~ Subject to subsection (b) of this section, in an action of  
ejectment for nonpayment of rent, the plaintiff shall not be required to prove a  
demand of the rent in arrear or a stipulation for reentry on nonpayment of rent

1 or a reentry on the premises, but shall recover judgment as if the rent in arrear  
2 had been demanded and reentry made. Before a writ of possession is executed,  
3 if the defendant pays into court all rent due through the end of the current  
4 rental period, including interest and the costs of suit, the action shall be  
5 discontinued. A defendant may not defeat an ejectment action by payment of  
6 all rent in arrears, interest, and court costs more than one time in 12 months.  
7 The 12-month period shall begin on the day the payment is made.

8 (b) In an action of ejectment for nonpayment of rent if the defendant has  
9 failed to pay rent for 90 days or more, the plaintiff may petition the court for an  
10 expedited writ of possession. The court shall issue an expedited writ of  
11 possession within five days after the plaintiff served notice of his or her  
12 petition on the defendant, unless the defendant requests a hearing within the  
13 five-day period. If the defendant requests a hearing, the court shall schedule  
14 the hearing within five days.

15 Sec. 2. REDESIGNATION; REPEAL

16 (a) 9 V.S.A. § 4470 (campgrounds) is redesignated as 9 V.S.A. § 4499.

17 (b) 9 V.S.A. chapter 138 (campgrounds) is repealed.

18 Sec. 3. 9 V.S.A. § 4471 is added to read:

19 § 4471. TENANT REPEAT OFFENDER REGISTRY

20 (a) The Department of Housing and Community Development shall adopt  
21 rules to create the Tenant Repeat Offender Registry, which shall provide a

1 mechanism for landlords to submit a complaint for a tenant who has failed to  
2 pay rent for multiple rental periods, has damaged property, or has committed  
3 other substantial violations of a lease agreement.

4 (b) The Department shall design the Registry so that, upon two or more  
5 verified complaints against a tenant, the Department shall make the tenant's  
6 name and last known addresses public available for inspection.

7 (c) The Department shall include in its rules procedures to safeguard the  
8 identity of alleged offenders until complaints are verified, and to provide a  
9 mechanism to timely remove a person from the Registry if warranted.

10 Sec. 4. 9 V.S.A. § 4472 is added to read:

11 § 4472. DIRECT PAYMENT OF RENTAL ASSISTANCE

12 Notwithstanding any provision of law to the contrary, for any State or  
13 State-funded program that provides rental assistance, the program operator  
14 shall submit rental assistance payments directly to a landlord if the program  
15 operator receives evidence sufficient to demonstrate that a tenant who receives  
16 public rental assistance is or has been delinquent in making his or her rent  
17 payments on two or more occasions in any 12-month period.

18 Sec. 5. EFFECTIVE DATE

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