

§ 4456b. SUBLEASES; LANDLORD AND TENANT RIGHTS AND OBLIGATIONS

(a)(1) A landlord may condition or prohibit subleasing a dwelling unit under the terms of a written rental agreement, and may require a tenant to provide ~~actual~~ written notice of the name and contact information of any sublessee occupying the dwelling unit.

(2) If the terms of a written rental agreement prohibit subleasing the dwelling unit, the landlord or tenant may commence an ejectment action pursuant to Title 12, Chapter 169 (or 12 VSA §4761(b) and 12 VSA 4853b ) against a person who is not a tenant and who is occupying the dwelling unit without right or permission ~~give a person who is not a tenant and is occupying the dwelling unit without right or permission notice against trespass pursuant to 13 V.S.A. § 3705(a).~~

This subdivision (2) shall not be construed to limit the rights and remedies available to a landlord pursuant to this chapter.

(b) In the absence of a written rental agreement, a tenant shall provide the landlord with ~~actual~~ written notice of the name and contact information of any sublessee occupying the dwelling unit.

12 V.S.A. § 4761. WHEN MAINTAINABLE; PARTIES

- (a) A person having claim to the seisin or possession of lands, tenements or hereditaments shall have an action of ejectment, according to the nature of the case, which shall be brought as well against the landlord, if any, as against the tenant in possession of the premises or unlawful occupant as defined by 9 VSA Section 4456b; and, if otherwise brought, on motion, the same shall be abated. Tenants in common of lands may join in an action concerning their common interest in such lands.

12 V.S.A. § 4853b. UNLAWFUL OCCUPANCY

- (a) In any action of ejectment against an unlawful occupant as defined by Title 9, Chapter 137, the owner, agent, or lawful occupant of the dwelling unit may file a motion for an order for immediate writ of possession.
- (b) The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall be accompanied by affidavit setting forth particular facts in support of the motion and a copy of the lease agreement, if any. An expedited hearing shall be held any time after 10 days notice to the parties.

- (c) If the defendant submits an affidavit or written signed statement raising a genuine dispute as to whether the defendant is an unlawful occupant pursuant to 9 V.S.A. Section 4456b, the court shall take testimony on the issue pursuant to the hearing set under subsection (b).
- (d) If the defendant fails to appear for hearing or time for answer has elapsed a default judgment for writ of possession shall issue immediately.
- (e) In any case, if the motion is granted, the court shall issue plaintiff a writ of possession pursuant to 12 V.S.A. Section 4854.
- (f) At any time prior to execution of a writ of possession, a defendant may file an affidavit or signed written motion with the court offering proof of lawful occupancy, which the court shall treat as a motion for reconsideration pursuant to rules 59 or 60 of the Vermont Rules of Civil Procedure.