

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred Senate Bill No. 257 entitled “An act relating to residential  
4 rental agreements” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

8 § 4451. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

11 (9) “Sublease” means a rental agreement, written or oral, embodying  
12 terms and conditions concerning the use and occupancy of a dwelling unit and  
13 premises between two tenants, a sublessor and a sublessee.

14 (10) “Tenant” means a person entitled under a rental agreement to  
15 occupy a residential dwelling unit to the exclusion of others.

16 Sec. 2. 9 V.S.A. § 4452 is amended to read:

17 § 4452. EXCLUSIONS

18 Unless created to avoid the application of this chapter, this chapter does not  
19 apply to any of the following:

20 \* \* \*

21 (7) transient residence in a campground, which for the purposes of this  
22 chapter means any property used for seasonal or short-term vacation or

1 recreational purposes on which are located cabins, tents, or lean-tos, or  
2 campsites designed for temporary set-up of portable or mobile camping,  
3 recreational, or travel dwelling units, including tents, campers, and recreational  
4 vehicles such as motor homes, travel trailers, truck campers, and van  
5 campers; ~~or~~

6 (8) transient occupancy in a hotel, motel, or lodgings during the time the  
7 occupant is a recipient of General Assistance or Emergency Assistance  
8 temporary housing assistance, regardless of whether the occupancy is subject  
9 to a tax levied under 32 V. S.A. chapter 225; or

10 (9) occupancy of a dwelling unit without right or permission by a person  
11 who is not a tenant.

12 Sec. 3. 9 V.S.A. 4456b is added to read:

13 § 4456b. SUBLEASES; LANDLORD AND TENANT RIGHTS AND

14 OBLIGATIONS

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

19 (2) If the terms of a written rental agreement prohibit subleasing the  
20 dwelling unit, the landlord or tenant may give a person who is not a tenant and  
21 is occupying the dwelling unit without right or permission notice against  
22 trespass pursuant to 13 V.S.A. § 3705(a). This subdivision (2) shall not be

1 construed to limit the rights and remedies available to a landlord pursuant to  
2 this chapter.

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

6 Sec. 4. 13 V.S.A. § 3705 is amended to read:

7 § 3705. UNLAWFUL TRESPASS

8 (a)(1) A person shall be imprisoned for not more than three months or fined  
9 not more than \$500.00, or both, if, without right or permission, he or she is  
10 occupying a dwelling unit for which a written rental agreement has prohibited  
11 subleasing pursuant to 9 V.S.A. § 4456b as to which notice against trespass is  
12 given, or, without legal authority or the consent of the person in lawful  
13 possession, he or she enters or remains on any land or in any place as to which  
14 notice against trespass is given. Notice against trespass may be given by:

15 (A) actual communication by the person in lawful possession or his  
16 or her agent or by a law enforcement officer acting on behalf of such person or  
17 his or her agent;

18 \* \* \*

19 (D) in the case of a dwelling unit for which a written rental  
20 agreement has prohibited subleasing pursuant to 9 V.S.A. § 4456b, actual  
21 communication by the landlord or his or her agent or by a law enforcement  
22 officer acting on behalf of the landlord or his or her agent.

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Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE

DRAFT