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H.388

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

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 where the defendant
9 has failed to pay rent for 90 days or more, the plaintiff may petition the court
10 for an expedited writ of possession. The court shall issue an expedited writ of
11 possession within five days after the plaintiff serves 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 of the defendant's request.

15 Sec. 2. REPEAL

16 9 V.S.A. chapter 138 (Campgrounds) is repealed.

17 Sec. 3. 9 V.S.A chapter 136 is added to read:

18 CHAPTER 136. CAMPGROUNDS

19 § 4450. CAMPGROUNDS; REMOVAL

20 (a) A recreational campground or camping park is property where transient
21 residence is offered or provided for seasonal or short-term vacation or

1 recreational purposes on which may be 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 campers.

5 (b) An owner, operator, or agent of a recreational campground or camping
6 park may remove or cause to be removed from a recreational campground or
7 camping park any person who does any of the following:

8 (1) refuses to pay registration or fees;

9 (2) violates any municipal or State law; or

10 (3) violates the published or posted rules of the recreational campground
11 or camping park, which may include a rule that requires campers to respect the
12 peace and quiet enjoyment of other campers and of the owner, operator, or
13 agent.

14 (c) A person who refuses to leave the property immediately after he or she
15 has been told to do so by the owner, operator, or agent shall be in violation of
16 13 V.S.A. § 3705(a) and may be prosecuted for unlawful trespass. If any
17 conduct involves the use of a motor vehicle, the person may be prosecuted for
18 any applicable violation of Title 23. For the purposes of this section, the
19 property on which a campground or camping park is located shall be
20 considered open to the free flow and circulation of traffic. The person may be

1 removed from the premises by a law enforcement officer on request of the
2 owner, operator, or agent.

3 (d) The owner, operator, or agent shall employ reasonable means to protect
4 any personal property left at a campground or camping park by a person who
5 has left or has been removed. A reasonable storage fee that is published or
6 posted may be charged for any personal property left at the campground or
7 camping park. If the owner does not take possession of the personal property
8 within six months of the date the property was left at the campground, the
9 owner, operator, or agent may dispose of it in a commercially reasonable
10 manner and then pay to the owner the sale proceeds, if any, less any storage
11 and sales fees incurred.

12 Sec. 4. 9 V.S.A. chapter 137 is amended to read:

13 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

14 * * *

15 § 4470. [RESERVED.]

16 § 4471. TENANT REPEAT OFFENDER REGISTRY

17 (a) The Department of Housing and Community Development shall adopt
18 rules to create the Tenant Repeat Offender Registry, which shall provide a
19 mechanism for landlords to submit a complaint for a tenant who has failed to
20 pay rent for multiple rental periods, has damaged property, or has committed
21 other substantial violations of a lease agreement.

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

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

7 § 4472. DIRECT PAYMENT OF RENTAL ASSISTANCE

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

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on July 1, 2017.