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H.37

Introduced by Representatives Sibilio of Dover and Olsen of Londonderry

Referred to Committee on

Date:

Subject: Commerce and trade; commercial lease

Statement of purpose of bill as introduced: This bill proposes to authorize a commercial landlord to retake possession of property upon a breach of a lease agreement.

An act relating to authorizing repossession of commercial property

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

Sec. 1. 9 V.S.A. chapter 136 is added to read:

CHAPTER 136. COMMERCIAL PROPERTY

§ 4410. COMMERCIAL LANDLORD; RIGHT TO RETAKE POSSESSION

(a) Notwithstanding any provision of law to the contrary, if the tenant of commercial real property fails to pay rent according to the terms of a lease agreement concerning the property, the landlord may immediately terminate the lease and may immediately retake possession of the property, using no more force than is reasonably necessary:

(1) with or without further notice to the tenant;

(2) with or without an order from a court; and

1           (3) with or without removing the tenant's personal property.

2           (b) A tenant of a commercial property who fails to pay rent according to  
3           the terms of a lease agreement concerning the property waives his or her  
4           claims for damages caused by a landlord who retakes possession of  
5           commercial property pursuant to subsection (a) of this section.

6           (c) A commercial landlord who retakes possession pursuant to subsection  
7           (a) of this section does not have a duty to mitigate his or her damages arising  
8           from the tenant's failure to pay rent pursuant to the lease agreement.

9           Sec. 2. EFFECTIVE DATE

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