

1 H.77

2 Introduced by Representative Sibia of Dover

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; commercial lease

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

9 An act relating to authorizing repossession of commercial property

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

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

12 CHAPTER 136. COMMERCIAL PROPERTY

13 § 4410. COMMERCIAL LANDLORD; RIGHT TO RETAKE POSSESSION

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

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

20 (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, 2019.