

1 H.224

2 Introduced by Representatives Fagan of Rutland City, Burditt of West
3 Rutland, Canfield of Fair Haven, Cupoli of Rutland City,
4 Harrison of Chittenden, Marcotte of Coventry, McCoy of
5 Poultney, Myers of Essex, Nicoll of Ludlow, Norris of
6 Shoreham, Notte of Rutland City, Potter of Clarendon, Shaw of
7 Pittsford, and Sullivan of Dorset

8 Referred to Committee on

9 Date:

10 Subject: Housing; landlord and tenant

11 Statement of purpose of bill as introduced: This bill proposes to create an
12 expedited eviction process for dwelling units in owner-occupied rental
13 properties.

14 An act relating to expediting evictions for owner-occupied rental properties

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

16 Sec. 1. 12 V.S.A. § 4853c is added to read:

17 § 4853c. OWNER-OCCUPIED PROPERTY; EXPEDITED EVICTION

18 (a) Right to expedited eviction. Notwithstanding any provision of this
19 subchapter or the Vermont Rules of Civil Procedure to the contrary, in an
20 action for ejectment, the landlord of a rental property with four or fewer

1 dwelling units, who occupies one of the units as his or her primary residence,
2 may file a motion for a judgment that the landlord is entitled to immediate
3 possession of a dwelling unit that is occupied by a person without right or
4 permission.

5 (b) Commencement; service of process.

6 (1) A landlord may commence an action by delivering to the defendant a
7 complaint, summons, motion for possession, and an affidavit supporting the
8 motion, which the landlord may serve on the defendant by certified mail, or by
9 leaving a copy, at the address of the dwelling unit the defendant occupies.

10 (2) The landlord shall file the complaint, motion, and supporting
11 affidavit with the court, along with a certificate of service specifying the
12 method and date of delivery to the defendant, not later than 10 days after the
13 completion of service.

14 (c) Hearing. The court shall hold a hearing on the motion not later than
15 21 days after the landlord files the complaint, motion, affidavit, and certificate
16 with the court.

17 (d) Judgment and possession. The court shall issue judgment and a writ of
18 possession in favor of the landlord for immediate possession of the dwelling
19 unit:

20 (1) by default if the defendant fails to appear at the hearing to oppose
21 the landlord's motion or to file an answer; or

1 (2) if the court finds that the defendant is occupying the dwelling unit
2 without right or permission.

3 (e) Execution. The sheriff or other person authorized by law shall serve the
4 writ of possession on the defendant in person or by leaving a copy at the
5 dwelling unit and shall put the landlord into possession of the dwelling unit not
6 later than 5 days after the writ is served.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2019.