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S.333

Introduced by Senators McCormack, Hooker and Nitka

Referred to Committee on

Date:

Subject: Housing; landlord and tenant

Statement of purpose of bill as introduced: This bill proposes to create an expedited eviction process for a tenant who vandalizes property.

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

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

Sec. 1. 9 V.S.A. § 4467 is amended to read:

§ 4467. TERMINATION OF TENANCY; NOTICE

* * *

(b) Termination for breach of rental agreement.

(1) The landlord may terminate a tenancy for failure of the tenant to comply with a material term of the rental agreement or with obligations imposed under this chapter by actual notice given to the tenant at least 30 days prior to the termination date specified in the notice.

(2) When termination is based on criminal activity, illegal drug activity, or acts of violence, any of which threaten the health or safety of other residents, the landlord may terminate the tenancy by providing actual notice to

1 the tenant of the date on which the tenancy will terminate, which shall be at
2 least 14 days from the date of the actual notice.

3 (3) When termination is based on damage to the premises in violation of
4 subsection 4456(c) of this title, the landlord may terminate the tenancy by
5 providing actual notice to the tenant of the date on which the tenancy will
6 terminate, which shall be at least 24 hours from the date of the actual notice.

7 * * *

8 Sec. 2. 12 V.S.A. § 4853c is added to read:

9 § 4853c. EXPEDITED EVICTION OF TENANT WHO VANDALIZES

10 PROPERTY

11 (a) Right to expedited eviction. Notwithstanding any provision of this
12 subchapter or the Vermont Rules of Civil Procedure to the contrary, in an
13 action for ejectment, the landlord of a rental property may file a motion for a
14 judgment that the landlord is entitled to immediate possession of a dwelling
15 unit if the landlord terminated the tenancy for damage to the property pursuant
16 to 9 V.S.A. § 4467(b)(3).

17 (b) Commencement; service of process.

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

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

5 (c) Hearing. The court shall hold a hearing on the motion not later than
6 10 days after the landlord files the complaint, summons, motion, affidavit, and
7 certificate with the court.

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

11 (1) by default if the defendant fails to appear at the hearing;

12 (2) by default if the defendant fails to oppose the landlord's motion and
13 file an answer at or prior to the hearing; or

14 (3) if the court finds that the defendant has damaged the property in
15 violation of 9 V.S.A. § 4456(c).

16 (e) Execution. The sheriff or other person authorized by law shall serve the
17 writ of possession on the defendant in person or by leaving a copy at the
18 dwelling unit and shall put the landlord into possession of the dwelling unit not
19 later than 24 hours after the writ is served.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2020.