

There has been some discussion of an exception to an eviction moratorium, where a tenant “party house,” or a rental unit with excessive foot traffic might pose a threat to public health.

The Governor’s order prohibits crowds and foot traffic, and rather than make exceptions to a moratorium on eviction, the Governor’s order could be enforced. The order is enacted pursuant to his emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 . Excerpts from those statutes include enforcement powers.

20 VSA 8(b)(6) Law enforcement. To take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this chapter and with the orders, rules, and regulations made pursuant thereto.

20 VSA 9 (1) To enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all emergency management personnel and helpers in the affected area or areas.

20 VSA 11(6) To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

Where behavior threatens public safety, public safety should be enforced. It is contrary to public safety to make people homeless during a public health crisis where the objective is to stay home, stay safe.

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