



**March 13, 2019  
H.132 Testimony  
House General, Housing and Military Affairs Committee**

On Feb 26, 2019 and March 8, 2019 representatives from the Vermont Network and the Vermont Landlord Association met along with Rep. Szott to address concerns that were raised about H.132 in testimony to the Committee on Feb 21, 2019. In response to these conversations and the testimony that was given, the Vermont Network proposes several suggestions below.

**Section 4471- DEFINITIONS**

- The Vermont Network supports the suggested changes proposed in testimony given by Sarah Phillips, Vermont OEO. *(B) a parent, foster parent, or legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking.*

**Section 4472 – RIGHT TO TERMINATE RENTAL AGREEMENT**

Issue raised: Vermont Landlord's Association (VLA) were concerned about a protected tenant giving notice and then failing to vacate the dwelling.

- We suggest the addition of the following language:  
Add subsection (c) to read:  
*(1) The notice of termination of a rental agreement pursuant to subdivision (b) of this section may be revoked, and the terms of the original lease shall be in full force and effect, if*  
  
*(A) the tenant provides written notice of such revocation to the landlord prior to the specified date of termination for which notice was given, and the landlord has not entered into a subsequent executed lease with a bonafide third party prior to the date of the written notice of revocation, or*  
  
*(B) the tenant does not vacate the dwelling on or before the specified date of termination for which notice was given, and the landlord has not entered into a subsequent executed lease with a bonafide third party prior to the specified date of termination.*



Issue raised: Vermont Landlord's Association raised concerns related to self-certification and a landlord's ability to determine whether or not a tenant is in fact a victim.

- Response:  
The Vermont Network suggests keeping the self-certification language. Allowing for self-certification allows survivors more choice in how to best keep themselves and their families safe. The Vermont Network is committed to using language from current forms (HUD-5382, HOP professional certification form) and work with stakeholders to create a standard form that can be used for third-party and self-certification in order to maintain consistency and ensure survivors and landlords know what is expected of them.
  
- We suggest the addition of the following language:
  - *Section b (2) B: A standard form completed by an abuse, sexual assault or stalking assistance program*
  - *Section b (2) C: A standard form completed by a legal, clerical, medical or other professional from whom the tenant, a parent, foster parent, or legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking received counseling or other assistance concerning abuse, sexual assault or stalking; or*
  - *Section b (2) D: A completed standard form which serves as a self-certification signed under penalty of perjury*

Issue raised: VLA asked for language to be added to the bill that would make the landlord immune from liability if acting in good faith with regard to the protections under 4472

- We suggest adding the following language:  
*A landlord is immune from civil liability if the landlord in good faith terminates a tenant's lease pursuant to this section*

### **Section 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES**

Issue raised: VLA expressed concern around language "good faith effort" in Section B (3) and (4) C

- We suggested the following solution:  
*Strike out "make a good faith effort to" in both Section B (3) and (4)C*



Issue raised: VLA asked for language to be added to the bill that would make the landlord immune from liability if acting in good faith

- We suggest adding the following language:  
*A landlord is immune from civil liability if the landlord in good faith changes the locks pursuant to this section*

#### **Section 4474. CONFIDENTIALITY**

Issue raised: The Vermont Landlord Association sees a need for the request for early lease termination to be brought up in litigation by a landlord in court proceedings under certain circumstances.

- We suggest adding the following:  
*(3) required as evidence in a court proceeding under seal related to claims brought pursuant to §§ 4472 and 4473 of this subchapter.*

Thank you for your consideration of these suggestions.

Respectfully Submitted,

Kara Casey  
Director of Economic Empowerment