

From: Tom Stevens
Sent: Monday, May 3, 2021 3:43 PM
Subject: Eviction Moratorium

Greetings:

I am providing this language in draft form. I think it shares the concerns of the Vermont Landlord Assn and Vermont Legal Aid. Please consider this a proposal. We will discuss it when our work on the body of S.79 is complete.

(b) Duties. This section does not:

- (1) relieve a tenant of the obligation to pay rent pursuant to 9 V.S.A. § 4455;
- (2) relieve a tenant in a pending ejectment action of the obligation to pay rent into court pursuant to an existing order under 12 V.S.A. § 4853a;
- (3) relieve a borrower under a residential loan agreement of the obligation to make timely payments pursuant to the terms of the loan agreement; or
- (4) (i) limit a court's ability to act in an emergency pursuant to Vermont Rule of Civil Procedure 65, which may include an action that involves
 - (A) criminal activity,
 - (B) illegal drug activity, or
 - (C) acts of violence, or
 - (D) other circumstances that seriously threaten the health or safety of other residents, or
 - (E) the landlord or landlord's immediate family, as defined in XXX, needs to occupy the rental premises, or
 - (F) a tenant is not participating or does not qualify for the Vermont Emergency Rental Assistance Program (VERAP), or
 - (G) other immediate and irreparable injury, loss or damage to the applicant or other residents.
- (ii) Upon motion by an applicant to proceed under subdivision 4(i) supported by affidavit, the court shall determine whether facts have been alleged to warrant a hearing. If so, the court may make any necessary preliminary orders, shall schedule a hearing, and shall allow the applicant to serve the other party with the motion, affidavit, complaint, preliminary orders, if any, and notice of hearing.

Rep. Tom Stevens
Chair
General, Housing and Military Affairs