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To: Members of the House General, Housing, and Military Affairs Committee

From: Angela Zaikowski, Director
Vermont Landlords Association

Date: April 27, 2021

RE: Eviction Moratorium (Act 101)

Dear Members of the House General, Housing, and Military Affairs Committee:

I am writing to express my support for modifications to the current Vermont eviction moratorium (Act 101) consistent with previous testimony before this committee.

I have continued to work with Vermont Legal Aid to provide the committee with a compromise draft request. While our two organizations are close, we have not come to agreement on language. The primary disagreement relates to the list of additional categories of exemptions, with the largest conflict involving subsection (h) below.

I am including below language that I will support. It includes a list with additional categories of types of cases that are appropriate to proceed under the moratorium. It also provides the tenant with an opportunity to be heard, as a hearing will be scheduled by the court.

Based on this and my testimony, I am urging the Committee to adopt the language below as it will provide the appropriate relief to landlords while continuing to provide protections for tenants.

(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 **allow an ejectment action to proceed on an emergency basis:** ~~act in an emergency pursuant to Administrative Order 49, issued by the Vermont Supreme Court, as amended,~~ **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, which can include excessive noise or smoking in violation of a no smoking policy,
(e) sale of building,
(f) tenant damage to the rental premises,
(g) landlord or landlord's immediate family needs to re-occupy the rental premises,
(h) tenant has the ability to pay rent and is refusing or tenant is not participating or does not qualify for the Vermont Emergency Rental Assistance Program (VERAP).

(ii) Upon Motion by a Landlord 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 Landlord to serve the Tenant with the Motion, Affidavit, the eviction Complaint, preliminary orders, if any, and notice of hearing.

These additional exemptions to the eviction moratorium would alleviate a large majority of the issues you have been hearing from constituents about while balancing tenant protections.

Please let me know if there is additional information that you require. Thank you for your consideration.

Sincerely,

/s/ Angela N. Zaikowski
Angela N. Zaikowski
Director