

1 Sec. 1. ~~OFFICE OF~~ RENTAL HOUSING STABILIZATION SERVICES

2 (a) ~~Creation;~~ purpose. ~~The Champlain Valley Office of Economic~~
3 ~~Opportunity shall create and administer a~~ Rental Housing Stabilization
4 Services ~~Program to provide~~ tenants and landlords with access to services and
5 programs that assist in preserving a tenancy and avoid eviction, ~~including~~
6 ~~eligibility screening, direct referral, and follow-up services.~~

7 (b) ~~Eligibility.~~ A tenant or landlord is eligible to contact the Office at any
8 time prior to the filing of a summons and complaint for eviction ~~or through~~
9 ~~court referral.~~

10 ~~(b) Possible alternative: Either party can request a stay to access Office~~
11 ~~services but if it was on the notice, stay is not automatic. Could pick a number~~
12 ~~like 30 day stay if not on the NTQ. Angela to consider this idea over the~~
13 ~~weekend. The 30 days would align with the period of time for setting a status~~
14 ~~conference once the court is notified of a RAAF application, so would still not~~
15 ~~extend the length of eviction process.~~

16 (c) Screening. The Office shall employ resource specialists who shall
17 ~~assess~~ landlords and tenants for ~~availability and~~ eligibility for statewide or
18 local assistance, including:

19 (1) ~~repair funds;~~

20 (2) ~~the Rent Arrears Assistance Fund established in Sec. 3 of this act;~~

21 (3) ~~Housing Opportunity Program funds;~~

- 1 (4) the Vermont Housing Improvement Program;
- 2 (5) existing State or federally-funded project- or tenant-based subsidies;
- 3 (6) existing Economic Service Division programs;
- 4 (7) legal counsel at Vermont Legal Aid or Legal Services Vermont for
5 tenants, and through the Vermont Lawyer Referral Service for tenants or
6 landlords;
- 7 (8) voluntary mediation;
- 8 (9) housing education and skills-building programs; and
- 9 (10) other available housing resources as needed.

10 (d) Referral. The Office shall:

- 11 (1) assist callers in contacting organizations operating programs or
12 available resources for which the caller may be eligible; and
- 13 (2) provide support and follow-up services and work with partner
14 organizations to ensure effective participation in identified programs and
15 services.

16 (e) Appropriation. In fiscal year 2024 the amount of \$400,000.00 is
17 appropriated from the General Fund to the Office of Economic Opportunity
18 within the Department of Children and Families for a subgrant to Champlain
19 Valley Office of Economic Opportunity to administer the Rental Housing
20 Stabilization Services Program pursuant to this section.

21 Sec. 2. TENANT REPRESENTATION PILOT PROGRAM

1 (a) Creation; purpose. Vermont Legal Aid shall create a Tenant

2 Representation Pilot Program:

3 (1) to provide full representation to tenants in Lamoille and Windsor

4 counties for two years through appointment of counsel upon filing of a

5 summons and complaint for eviction; and

6 (2) to determine the impact of representation on the issuance of writs of

7 possession and homelessness prevention.

8 (b) Tenant eligibility. A court shall appoint counsel to represent a

9 residential tenant in Lamoille or Windsor County who is served with a

10 summons and complaint in an ejectment action and meets the following

11 criteria:

12 (1) household income equals or is less than 120 percent of area median

13 income;

14 (2) the cost of rent equals or exceeds 30 percent of household income; or

15 (3) household expenses exceed income.

16 (c) Scope of Representation.

17 (1) Full representation through the Program is limited to eviction.

18 (2) The pursuit of counterclaims shall be at the discretion of appointed

19 counsel.

20 (d) Conflicts of Interest.

1 (1) Vermont Legal Aid may subcontract to Legal Services Vermont if it
2 is unable to provide tenant representation due to a conflict of interest as
3 defined by the Vermont Rules of Professional Conduct.

4 (2) If Legal Services Vermont also has a conflict of interest, Vermont
5 Legal Aid may subcontract to one or more private counsel who are members in
6 good standing of the Vermont bar.

7 (e) Report. Vermont Legal Aid shall provide interim reports on the
8 progress of the Program on or before November 15, 2023 and November 15,
9 2024, and a final report on or before July 30, 2025, which shall describe:

10 (1) the number of tenants represented;

11 (2) case outcomes, including:

12 (A) the number of cases fully or partially resolved through access to
13 the Rent Arrears Assistance Fund created in Sec. 3 of this act;

14 (B) the number of cases fully or partially resolved through the
15 Vermont Landlord’s Association mediation program;

16 (C) the number of cases fully or partially resolved through access to
17 another resource identified through the Office of Rental Housing Stabilization
18 Services; and

19 (3) recommendations for policy changes and for pilot expansion.

20 (f) Appropriation. In fiscal year 2024 the amount of \$1,077,000 is
21 appropriated from the General Fund to the Agency of Human Services for a

1 subgrant to Vermont Legal Aid to provide court-appointed representation in all
2 eviction cases in the two pilot counties of Lamoille and Windsor beginning
3 July 1, 2023.

4 Sec. 3. RENT ARREARS ASSISTANCE FUND

5 (a) Purpose. The purpose of the Rent Arrears Assistance Fund is to provide
6 funds to prevent eviction in cases involving nonpayment of rent from
7 residential rental units subject to 9 V.S.A. chapter 137 and mobile home lot
8 rentals subject to 10 V.S.A. chapter 153.

9 (b) Tenant Eligibility. The Vermont State Housing Authority shall
10 establish eligibility guidelines for the Fund that ensure a streamlined
11 application process, including certification of past due rent and that tenants are
12 at risk of eviction, which shall address the following:

13 (1) Eligibility. Financial eligibility criteria that consider area median
14 income, rent burden, and ratio of household expenses to income up to 100
15 percent of area median income for the current federal fiscal year.

16 (2) Sustainability. Standards for assessing whether the tenancy is
17 sustainable while retaining a simple and straightforward application.

18 (3) Referral. If the tenancy is not sustainable the parties shall be
19 referred to the Office of Rental Housing Stabilization Services for assistance in
20 exploring other resources or services, and to apply for a housing choice
21 voucher.

1 (c) Funds available.

2 (1) The Fund shall disburse only the amount necessary to cure the
3 tenant’s rent arrears and, if necessary, court costs, and attorney’s fees capped at
4 an amount set by the Authority.

5 (2) The Fund is available on a first-come, first-served basis to eligible
6 tenants until the Fund is exhausted.

7 (d) Application.

8 (1) The Authority shall create a plain language form to collect only
9 information necessary to assess eligibility and provides clear instructions to
10 help tenants and landlords apply.

11 (2) The tenant shall certify all information on the application.

12 (3) The Authority shall provide assistance in completing the application,
13 either directly or through referral to Vermont Legal Aid.

14 (4) The Authority shall adopt guidelines and implement a process that
15 ensures:

16 (A) equitable and prompt approval of applications;

17 (B) notice of grant decisions within 10 days; and

18 (C) decisions on appeals within in 10 days.

19 (e) Status of eviction pending application.

20 (1) If an eviction case is filed, the tenant or the landlord shall notify the
21 court when an application for Fund assistance is pending.

1 (2) Upon receiving notice that an application for Fund assistance is
2 pending, the court shall set a status conference within 30 days.

3 (3) While the application is pending, the landlord shall not issue a new
4 notice to quit or file or serve a new summons and complaint.

5 (f) Disbursement. The Authority shall disburse amounts from the Fund
6 directly to the landlord.

7 (g) Conditions for disbursement of funds. The Authority shall establish
8 guidelines for ensuring habitability, limitation on rent increases,
9 documentation for direct deposit, and dismissal of cases, including the
10 following:

11 (1) Habitability. The Authority shall adopt guidelines for identifying
12 violations of the Rental Housing Health Code and certifying that necessary
13 repairs to remediate the violations will be completed within 30 days or
14 pursuant to a plan developed for the remediation and approved by the
15 Authority.

16 (2) Documentation for direct deposit. The landlord shall provide the
17 Authority, on a form provided by the Authority, necessary banking information
18 to enable direct deposit of monies from the Fund.

19 (3) Dismissal. The Authority shall adopt guidelines for disbursement to
20 ensure that complaints based on nonpayment of rent and complaints for no
21 cause are dismissed, whether there is a single or multiple pending complaints.

1 (4) Notification form.

2 (A) The Authority shall adopt and provide to landlords and tenants a
3 standardized notification form that shows amounts paid for each category of
4 disbursement and date of payment.

5 (B) The form shall allow the landlord or tenant to easily notify the
6 court and request a dismissal due to payment.

7 (C) The form shall outline any certifications established in Authority
8 guidance that both parties have made as a part of their application, along with
9 the date of those certifications.

10 (h) Appropriation. In fiscal year 2024 the amount of \$2,500,000 is
11 appropriated from the General Fund to the Vermont State Housing Authority to
12 create and administer a Rent Arrears Assistance Fund pursuant to this section.