



Housing for Everyone Law Project
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To: Tom Stevens, Chair, House Committee on General and Housing
From: Jean Murray, Vermont Legal Aid, Inc.
Date: January 8, 2024
Re: Eviction prevention Budget Adjustment Act and Act. 47, sections 43, 44, 45

There are two main reasons to fund eviction prevention. First, court process to force people out of their homes is expensive for landlords and for tenants is traumatic and has lasting adverse health and mental health consequences. Second, court eviction can lead to homelessness, and homelessness is expensive for Vermont. Preventing eviction is far less expensive.

Three sections of Act 47 of 2023 focused on preventing eviction, and the programs in those sections need to be funded. New eviction case filing have increased and now exceed pre-pandemic filing numbers, and are still going up. Eviction prevention is key to mitigating Vermont's housing crisis.

Sec. 43 of Act 47. **Eviction diversion** would provide both landlords and tenants with assessment and referral to programs that could solve the problem rather than end the tenancy. Parties should try everything possible to avert eviction before seeking a court order forcing a tenant household to lose their home. Resolving matters without court intervention would also ease burden on the courts.

Sec. 44 of Act 47 **Tenant representation pilot.** In Vermont, a person charged with a crime that could result in a \$1000 fine is entitled to a court-appointed lawyer, but a family who may be put out their home by court order is not entitled to a lawyer to defend them. Vermont Legal Aid and Legal Services Vermont do not have the resources to represent all defendants in evictions cases through the disposition of their cases. 75 to 95% of landlords have lawyers, while tenants get help to proceed pro-se or get limited appearance lawyers. The court system depends on both sides to speak up so the court can find the truth and adjudicate what is fair and lawful. When tenants are not represented, their homes are lost not because of tenant wrongs, but because of landlords' advantages in the court system. When there are lawyers on both sides of a case, it is more possible to solve problems that can save tenancies, or at least reach compromises that have some benefit to both parties. It is time for Vermont to work toward right to counsel in eviction cases filed with the goal of depriving tenants of their home.

Sec. 45 of Act 47 **Back rent assistance program.** The last three years have provided a lot of evidence that rent assistance reduces evictions and prevents homelessness. In 2020, RHSP provided back rent assistance so landlords could be paid during that tumultuous economic time. In 2021 through June of 2023, VERAP prevented evictions from being filed, even as rents went up. Increased eviction filings in court tracked VERAP's "ramp down." Even though the legislature gave AHS's HOP program additional funding as of July, 2023, eviction filings have continued to climb: HOP funds have limitations and so don't prevent eviction the way a broader rent assistance program does.