

**STATE OF VERMONT**



**DEPARTMENT OF PUBLIC SAFETY  
VERMONT STATE POLICE  
Headquarters**

To: Senate Judiciary  
From: Lieutenant Casey Daniell  
In Re: S.58 (Landlord-tenant laws)  
Date: 01/19/2024

I want to submit a brief follow-up to the committee after testifying on S. 58 last week. In discussion with the committee, Landlords and tenants came up regarding housing individuals selling narcotics in their houses and apartments.

Some of my first-hand experiences and conversations that I have had with landlords in the state reflect how difficult it is for a landlord to have tenants removed from a property when there has been systemic criminal behavior at or around the property. One landlord I spoke with indicated to me that he and his wife own 3 smaller multi-family properties that they purchased as a retirement plan. They both invested a significant amount of money to make these properties attractive and desirable to tenants. They have had issues with several tenants over the years, one recent tenant refused to pay rent and was involved in drug activity at the property. The proper channels were followed by these landlords going through the eviction process, which took months even to have the tenant served with papers by the Sheriff's Department. This process went on for 2 years with nonpayment by the tenant for the apartment, and the Landlords essentially had to renovate the entire unit because of damage. The Landlords in this example had to pull a significant amount of money from their 401K to pay for lost rent and also to renovate the apartment before it could be rented again. This process takes too long, to expect landlords to be able to logistically keep a property functioning on no income from the renters.

3 weeks ago I attended a meeting in Brattleboro regarding the opioid crisis they are experiencing. The Town Clerk, Chief of Police, Fire Chief, and many business owners were there to address problems they were experiencing. Business owners spoke to the group, giving examples of restaurants and shops closing because of a lack of interest in Tourism and even locals shopping within the community because of the open drug use on the streets. Several landlords spoke about the eviction process and how it is designed to protect the renter and not the landlord or their property. One individual told us she has a 14-unit building in the heart of Brattleboro that she took off the market and is not renting because of the issues with renters and the inability to get them out of the building. These are 14 livable units that are not on the market as we are experiencing a housing crisis. I am sure there are similar situations around the state in other communities.

Some Landlords converted their long-term rentals into short-term Airbnb's to protect their assets. Contrary to what I have believed, running an Airbnb is not as lucrative as a long-term rental, but it is safer for the property owner to protect their asset. Many of the Landlords that I have spoken to tell me that the people that abuse this system are "Not housible", they know the laws set in place to protect them

from eviction and when they are finally removed from the property they start the cycle over at a new property.

The Motel situation is a little different. However, it is worth noting that hotels identified to house homelessness attract the same attention from Drug traffickers. Tenants of these hotel vouchers are allowing drug traffickers to take up residence at these facilities which create an absorbent amount of human traffic along with criminal activity. Many businesses neighboring these hotels see a significant increase in retail theft, property theft, and open drug use in these areas, which has repercussions on their business's success. This example is from the Cortina Inn in Rutland which neighbors the Green Mountain plaza.

Attached is a letter sent to me to share to the Senate Judiciary in regards to this topic on behalf of a landlord that manages multiple properties in the Rutland area:

### LANDLORD TENANT LAWS AND CRIME ANATOMY OF A CRACKHOUSE FROM A LANDLORD S VIEW

Dear Officer Daniell:

I have often called and advised you of the start of a crack house at one of my properties to give you information that might help you place the building on a watch. We have often discussed what law enforcement can and cant do to stop a crack house from spawning. These are my thoughts on how a crack house starts and thrives. It is based on years of hands on experience with many crack houses either that I have had to deal with or that other owners have had to deal with in their own buildings. So I thought I would give you a view from the Landlord. These scenarios are all real and have happened. I am afraid local and state officials really don't know what happens in the trenches and the real connection between the failures of the landlord tenant laws and crime.

Homeless Prevention Center (HPC), Rutland Housing Authority (RHA), Economic Services among other state agencies and nonprofits lobby Landlord to take a tenant or a homeless person from a hotel.

Owner at HPC request after assurances of tenant s good record rents to Tenant. Single female one bedroom. HPC provides first and security. Tenant moves in. HPC never heard from again.

Tenant lets girlfriend move in without Owner knowledge. Girlfriend puts name on mailbox and starts getting her mail at location. Neighbors start complaining about drug use and drug deals at location.

Classic signs: Out of state cars generally New York or Massachusetts arriving at all hours, locals start coming every five to ten minutes for "quick trips" stops, neighbors complaining about drug addicts hanging out at front door at all hours, partying all night. Crime increases first small items taken off porches, bikes, tools, copper, furniture stolen from porches. Assaults increase, aggressive behavior around building, human defecation and urination outdoor increases around the building. Some more occupants put their names on the mailbox and get mail at the apartment. Maybe an electric bill is in someone s name other than the tenant.

Now more people start staying at the Apartment round the clock. Much more activity of all kinds criminal and in general. The street in the meantime now knows that this house is a safe place to buy and use drugs. Worse case someone overdoses and dies. Now Owner has a full-blown crack house on his hands.

This can happen in a matter of couple of months.

Landlord calls police, neighbors call police. It takes time for police to make a case that illegal activity is happening at location sometimes a year or more. Owner is told by law enforcement it is a civil matter our hands are tied. A smart landlord sends a Crack House good faith notice by phone or email to the local and state police saying I have tenants selling drugs, I have people using drugs around my building please help me. Answer. "Sorry there is nothing we can do it is a civil matter." Addict dies from overdose in apartment, law enforcement is called again :Sorry there is nothing we can do it is a civil matter."

If it takes police a year to gather evidence, how can an Owner make a case of illegal activity in an eviction action? Owner can't. It is absolutely impossible to prove a case of illegal activity especially drug use in an eviction hearing. The cost, the time, the resources and the ability to make a winning case deters an Owner from even trying. Check the records of superior court eviction cases. How many successful cases are there for eviction because of illegal drug use or sales. The odds are ZERO. No such cases.

So, unless the tenant fails to pay rent, moves out, or the lease expires, or someone is murdered, or the City Health Department finds a reason to shut the apartment down for health and safety reasons or the police finally make a case and raid the house, the Crack house will endure and flourish.

But in any of the scenarios outlined above the Crack House can survive another 8 to 10 months (unless shut down by law enforcement or the Health Department) because then the Owner has to enter the world of Superior Court evictions.

Tenant has left the apartment or dies from an overdose (both scenarios have happened in real life). Law enforcement is called to remove the occupants remaining. Standard law enforcement answer "sorry this is a civil matter are hands are tied."

Remember the illegal occupants who got their mail at the apartment or the one who had his or her name on a utility bill ? (anything showing that they have been at the apartment for more than a couple weeks?) Those persons need to be evicted even though they are not the tenant.

Eviction takes an average of six months or more to get a writ to execution. The savvy illegal occupant even without the legal assistance of legal aid can stretch the eviction process for a year by refusing service at every point in the process, filing motions to postpone, getting stays of orders and writs.

In the meantime, the neighborhood has been tormented, property values plummet, damage to the building is in the thousands, rental losses are in the thousands, and overall crime rises in the neighborhood.

The result is owners are taking their apartments off the market, fleeing to Airbnb or furnished apartment.com not because they can make more money. It is directly related to the fact that law enforcement and the civil process of eviction fails them.

The State Crack House law does not apply to the 99 percent of rental owners notwithstanding the fact that the crack house law is very broad.

This is a complicate area, solutions are not easy, but use of the Crack House Law to reduce crack houses is not the answer. Law enforcement needs tools to remove non-tenants from apartments. The Landlord tenant laws have to be modified to swing to a more balanced playing field in the eviction area so crack houses cannot thrive and flourish for month on end.

John Ruggiero

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