

1 H.704

2 Introduced by Representatives Stevens of Waterbury, Burrows of West
3 Windsor, Cina of Burlington, Cole of Hartford, Dodge of Essex,
4 Duke of Burlington, Howard of Rutland City, LaMont of
5 Morristown, Masland of Thetford, Olson of Starksboro,
6 Rachelson of Burlington, and Tomlinson of Winooski

7 Referred to Committee on

8 Date:

9 Subject: Commerce and trade; housing; landlord tenant; residential rental
10 agreements; Judiciary

11 Statement of purpose of bill as introduced: This bill proposes to extend and
12 expand the Tenant Representation Pilot Program administered by Vermont
13 Legal Aid.

14 An act relating to the Tenant Representation Pilot Program

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 2023 Acts and Resolves No. 47, Sec. 44 is amended to read:

17 Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

18 (a) Creation; purpose. Vermont Legal Aid shall create and administer a
19 two-year Tenant Representation Pilot Program:

4 (2) to determine the impact of representation on the issuance of writs of
5 possession and homelessness prevention.

6 (b) Tenant eligibility. Vermont Legal Aid may enter a notice of appearance
7 on behalf of a residential tenant ~~in Lamoille or Windsor County~~ who is served
8 with a summons and complaint in an ejectment action, consents to the
9 representation, and meets the following criteria:

10 (1) household income equals or is less than 120 percent of State area
11 median income:

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

13 (3) household expenses exceed income.

14 (c) Scope of representation.

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

16 (2) The pursuit of counterclaims shall be at the discretion of appointed
17 counsel.

18 (d) Conflicts of interest.

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

4 (e) Report. Vermont Legal Aid shall provide interim reports on the
5 progress of the Program on or before ~~November 15, 2023~~ November 30, 2025
6 and ~~November 15, 2024~~ November 30, 2026, and a final report on or before
7 ~~July 30, 2025~~ July 31, 2027, which shall describe:

8 (1) the number of tenants represented;

9 (2) case outcomes, including:

10 (A) the number of cases fully or partially resolved through access to
11 the Rent Arrears Assistance Fund;

12 (B) the number of cases fully or partially resolved through the
13 Vermont Landlord's Association mediation program; and

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

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

18 (f) Implementation. The duty to implement this section is contingent upon
19 an appropriation in fiscal year ~~2024~~ 2025 from the General Fund to the Agency
20 of Human Services for a subgrant to Vermont Legal Aid to provide

1 representation in eligible eviction cases ~~in the two pilot counties of Lamoille~~
2 ~~and Windsor~~ beginning on ~~July 1, 2023~~ November 1, 2024.

3 Sec. 2. TENANT REPRESENTATION PILOT PROGRAM GRANT
4 UPDATE

5 The Agency of Human Services and Vermont Legal Aid shall update
6 existing grant agreements to implement the Tenant Representation Pilot
7 Program amendments under this act.

8 Sec. 3. EFFECTIVE DATE
9 This act shall take effect on passage.