

H.704

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

Referred to Committee on

Date:

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

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

An act relating to the Tenant Representation Pilot Program

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

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

Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

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

1           (1) to provide full representation to eligible and consenting tenants in  
2 ~~Lamoille and Windsor counties~~ Vermont who have been served with a  
3 summons and complaint for eviction; and

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.

1           (2) If Legal Services Vermont also has a conflict of interest, Vermont  
2       Legal Aid may subcontract to one or more private counsels who are members  
3       in good standing of the Vermont Bar.

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.