

To: Chair Marc Mihaly and the House Committee on General and Housing

From: Alex Karambelas, Policy Advocate, American Civil Liberties Union of Vermont

Introduction

Vermont's homelessness crisis is one of the most urgent challenges facing our state and should be a primary consideration for all policy proposals related to housing and rental regulations. The ACLU of Vermont supports proposals that will provide greater housing stability to tenants and recognize their rights under our Constitution, and we vehemently oppose proposals that are likely to increase homelessness, erode rights, and criminalize people subject to eviction.



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According to the 2025 Vermont State of Homelessness Report, at least 4,588 Vermonters — including more than 1,000 children — are currently experiencing homelessness. More than half (52%) are people with disabilities. They are our neighbors. The fundamental role of our government is to protect the lives, liberty, and property of Vermonters, and there is no protection without shelter. Our government needs to act – now. While the shortage of affordable housing affects all of us, it disproportionately harms older adults, families with children, people with disabilities, and other vulnerable Vermonters. Unmanageable rents push more Vermonters into homelessness each year and make it increasingly difficult for our neighbors without shelter to secure stable housing. The result is profound instability, increased suffering, and long-term harm to individuals, families, and communities.

According to data provided to the committee from Vermont Legal Aid (VLA), eviction trends further illuminate the structural challenges within Vermont's housing system and a contributing factor to our homelessness crisis. Approximately 22% are “no-cause” evictions, where tenants are not alleged to have done anything wrong. Notably, 10% of evictions involve households living at poverty-level incomes who are evicted by private landlords without cause. In such a constrained market, eviction often leads to homelessness, especially for the lowest income households.

Stable housing is not only foundational to individual well-being — it is essential to the economic and social health of our state. The data is clear: homelessness is driven not by individual failure, but by structural problems in our housing market. Addressing these challenges requires sustained investment in affordable housing, rental assistance, eviction prevention, and supportive services for people who want and need them.

The ACLU of Vermont opposes H. 772, H. 688, and H.756 because we believe in tenant rights, we believe in eviction prevention, and reducing homelessness. We support H. 399 and H. 440 as positive steps to address Vermont’s housing and homelessness crisis.

Comments

1. The ACLU of Vermont supports H. 399 and H. 440 because they:

- Limit rent increases
- Limit the amount of security deposits
- Prohibit application fees for credit checks
- Provide for expungement of eviction records
- Provide for confidentiality of eviction records
- Limit no cause evictions
- Promote mediation
- Support right to counsel for tenants
- Retain failure to repair as a defense to non-payment eviction
- Support adequate notice of termination
- Create a tenant right to purchase program

2. The ACLU of Vermont Opposes H. 772, H. 688, and H.756

Tenants, like every other Vermonter, have rights under our Constitution. H.772, as introduced, eliminates and devalues the core constitutional rights of Vermont tenants. This is never acceptable, but it is particularly disconcerting when we are in the midst of an already escalating crisis homelessness crisis.

Under Article 12 of Vermont’s Constitution, the trial by jury is to be held sacred. When there is “any issue in fact, proper for the cognizance of a jury,” our Constitution provides that “a right to trial by jury” ought to be held sacred. H. 772 eliminates a tenant’s right to a jury trial — a fundamental protection guaranteed to every Vermonter. Stripping away this constitutional safeguard erodes one of the core principles of fairness in our legal system.

Our Constitution also recognizes the significance of a person’s home as a “repository of heightened privacy expectations.” *State v. Bryant*, 2008 VT 39, ¶ 12. Yet H. 772 makes a tenant’s refusal to allow a landlord access to a dwelling subject to a “for cause” eviction afforded only 21 days notice prior to termination. This is unacceptable.



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The bills also severely undermine tenants' procedural due process rights. For example, H. 772 dramatically reduces the notice period for termination of a tenancy. The notice period serves multiple functions. First, where a tenant does not dispute the landlord's termination, notice gives the tenant time to move before an eviction against is filed against them. Shortening the notice period unfairly removes a tenant's opportunity to secure new housing before the date of termination and will create additional burdens on our court system by leading to more eviction filings that could have been avoided had the tenant been afforded more time to secure a resolution. Notice is designed to give a tenant an opportunity to do what their landlord has requested – vacate – and reducing the adequacy of that notice is patently unfair and counter-productive. Similarly, the bills various deadlines in eviction cases. Shortening deadlines results in inadequate process. For instance, where an answer deadline is reduced, the tenant has less opportunity to secure counsel, access rental assistance, secure other support services, and simply understand what is happening so they can timely file a responsive pleading. Any abrogation of due process does not streamline the eviction process — it only tilts it more decisively against tenants and weakens long-standing protections designed to ensure fairness. In a state already facing a housing crisis, we should be strengthening due process, not eroding it.

We are also deeply alarmed to see proposals that criminalize tenants. Not only is this terrible policy, it is unlawful.

Vermont already has an unlawful trespass law, 13 V.S.A. 3705 and landlords are already and always have been able to exercise their rights under that law. H. 772 would allow a property owner to issue an order against trespass for “the entire premises subject to the eviction action,” and makes it a violation of the unlawful trespass law for a person to enter or remain that place even if they have the consent of the person in lawful possession. This is not lawful. Tenants remaining on the property have a right to have guests – including persons previously evicted from the property. 9 V.S.A. 4451(9). A landlord cannot legally keep a person out of “the entire premises” because remaining tenants have a right to guests. *State v. Dixon*, 169 Vt. 15, 18 (1999).

H. 688 makes intentional damage to property by a tenant in lawful possession into the crime of “unlawful mischief” if the damage exceeds \$1,000. Vermont law already provides mechanisms for landlords to address property damage by tenants: lease termination, retention of security deposits, or an action for damages. Criminalizing tenants where intent is alleged and burdening our criminal justice system is unconscionable.

Protecting Vermonters from Discrimination

Lastly, we believe there is language that can be included to positively impact homelessness through the rental market by addressing the rights of people actively experiencing homelessness. Towards this end, we recommend including language of [H. 885 An act relating to use of public lands by individuals for life-sustaining activities](#) in this bill, which seeks to add “housing status” as a status protected from discrimination in housing, employment, and places of public accommodation.

Closing

Vermont-funded programs offer opportunities for landlords to work collaboratively with tenants to access back rent assistance and rental subsidies. Housing retention services can help resolve disputes, connect tenants to supportive services, and facilitate transfers when necessary — solutions that promote stability rather than displacement. We encourage the Committee to focus on solutions that advance housing stability and prevent homelessness.



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