

My Name is Herbert Heath, and I have been a landlord in Vermont for 50 years. I have 50 apartments. It has been a long, hard road to get to this point with hard work, sacrifice, and dedication along the way. It seems that the American dream that I had is slowly being taken away from me and all other private landlords by high taxes and other rising expenses, and last but not least, the constant erosion of the landlord-tenant law that favors the tenant and will, over time, threaten the landlord's ability to continue providing safe and affordable housing to Vermonters.

I enjoy being a landlord. I have some tenants who have been living in my apartments for 20 to 30 years. I look at the landlord-tenant relationship as a partnership. I supply the tenants with a safe, clean, warm apartment to live in, and the tenant, in turn, supplies me with the money to do so through monthly rent. This is all about respect for each other. I attribute this understanding between landlord and tenant to the fact that I read the entire lease to the tenant, complete with all the rules, before we sign. This creates a meeting of the minds with a clear understanding of what is expected of each other. Despite this, there are instances where the relationship does not work, and a landlord *must have* options to remove a tenant.

The no-fault eviction has been, in a few instances, a useful tool to remove a troublesome tenant from one of my apartments. Sometimes, if a tenant is troublesome for one reason or another (which is seldom), I ask the other tenants to just be patient until the lease expires on the troublesome tenant. I will then give a no-fault eviction to the troublesome tenant at the end of their lease, and our problems will be over.

This is the only method to evict a tenant because just cause eviction is almost an impossibility since legal aid can think up 100 reasons why that troublesome tenant can stay in their apartment, even though it is not in the best interest of the landlord or the other tenants living in the building. This sometimes causes good tenants to move out instead of waiting to get bad tenants out. Just the fact that no fault is in place keeps some tenants on their best behavior, even though you don't always have to use it. Because the tenants know that they can be evicted for bad behavior and breaking the rules. This helps hold everyone accountable for their actions. This is all about living in harmony with your neighbor.

Over the last few years, I have noticed an influx of landlord-tenant-related bills presented with each new legislative session. A quick read through of the overwhelming majority of the bills makes it abundantly clear whose side the Vermont Legislature is on, and it is not the landlord. A new bill this year, H.772 is an excellent example of the legislature seeking to remove the only tools the landlord has to be successful. H.772 is counterproductive to the very people and communities the landlord serves through providing housing. Special care should be taken by governing authorities to consider the detrimental effects of eliminating the landlord's ability to fulfill their role within the community, providing housing that is so desperately needed in our state. Removing landlord rights restricts, and in some instances eliminates, the landlord's ability to enforce adherence to the rules outlined in their lease. It also encourages tenant irresponsibility and unruly behavior, as there are few enforceable consequences for undesirable actions.

It is a well-known fact that in Vermont, our lenient judicial system favors the tenant. Unfortunately, leniency, long eviction times, and continual attacks on what are currently very limited landlord rights only harm the very individuals the governing bodies in our state claim to protect. The present system forces higher rents as landlords are forced to cover the expenses necessary to continue housing non-paying tenants, while eviction cases wind their way through the system in what is inevitably a long and tedious process, and non-paying tenants continue to occupy units that could be utilized by paying tenants in need of housing. If landlords had the security of knowing they could have shorter evictions, they could possibly relax their move-in restrictions, knowing that they could evict and gain possession of their units in a reasonable length of time without losing several thousand dollars and six to eight months of rent, thus opening the door for broader housing opportunities. As you can see, more stringent rules favoring the tenant are counterproductive to the very people that the system is trying to help.

A Landlords Golden Rule:

No landlord would ever want to evict a good-performing tenant.

There is little doubt that the current system does little to favor the landlord, and future provisions in the above-mentioned bills are designed to encourage the demise of the private landlord. Some landlords have already lost their buildings as a result, and more may follow. We are calling on our Vermont lawmakers to adjust any new legislation to reflect fairness to landlords and tenants alike.