

Eviction Process in Vermont

The eviction process in Vermont is a two-step process. First, a housing provider must send a tenant a termination notice, which describes what the termination is based on and provides the tenant with a statutorily prescribed amount of time. The procedure for termination notices is outlined in 9 VSA 4467 (residential rentals). The current statutory amount of time for each type of notice is listed below, along with timeframes provided for in H.772 for each type of termination notice.

Once a housing provider has sent a termination notice to a tenant, if the tenant does not vacate or rectify the issue in the termination notice (i.e. bring the rent current), the only course of action for a housing provider is to pursue enforcement of the termination notice by court action. Ejectment (Eviction) cases are filed in the Civil Division court in the county where the rental property is located.

Under the current civil rules, a Tenant (Defendant) needs to be served by a sheriff with the Summons, Complaint, Termination Notice, Lease (if applicable), CARES declaration (for nonpayment cases), blank Answer form, and pro se notice of appearance form. The Summons informs the Defendant that they have 21 days to respond to the court paperwork in writing (blank Answer form is provided) or they may lose their case. The Court Process Chart shows what the current timeframes are for court processes and what H.772 proposed to change.

H.772 proposes to make a simplified and more streamlined process for nonpayment of rent (9 VSA 4467(a)) notices and breach of lease (9 VSA 4467(b)) notices. The new court process only applies to these two notices. The no cause notice (9 VSA 4467(e)), Tenant Notice and Government Notice (9 VSA 4467(c)), Sale of Building/Repurpose of Building (9 VSA 4467 (d)), and shared occupancy (9 VSA 4467(e)) remains in the current court process.

Type of Notice	Current Timeframe	H.772 Time Frame	Statute Section
Nonpayment of Rent	14 (30) ¹ days	7 Days	9 VSA 4467(a) and VRCP 9.2
Breach of Lease ²	30 days	21 days	9 VSA 4467(b)(1)
Breach of Lease - short ³	14 days	3 days	9 VSA 4467(b)(2)
Tenant Notice	N/A	Date in Notice	9 VSA 4467 (c)(1)
Government Notice	N/A	Date in Gov't Notice	9 VSA 4467 (c)(2)
Sale of Building ⁴	30 days	30 days ⁵	9 VSA 4467 (d)
No Cause – Written Lease and monthly rent payment	30/60 days prior to end of lease term ⁶	Stays same	9 VSA 4467(e)(1)
No Cause – Written Lease and weekly payments	7 days	Removed	9 VSA 4467(e)
No Cause – No written lease and monthly rent payment	60/90 days (90/120 Burlington)	30/60 days	9 VSA 4467(c)(1) H.772 9 VSA 4467(e)(2)
No Cause – no written lease and weekly payments	21 days	Removed	9 VSA 4467(c)(2)
No Cause – Shared Occupancy	15 days	7 days	9 VSA 4467(h)
No Cause – Shared Occupancy (weekly rent)	7 days	removed	9 VSA 4467(h)

¹ Statute Statute provides for a 14 day notice, however due to some lingering federal CARES legislation, this has been increased to 30 days in many situations

² Failure to Comply with material term of lease or obligations of statute

³ Criminal activity, illegal drug activity, or acts of violence that threaten the health and safety of other residents

⁴ Requires Signed Purchase & Sale AND No written lease

⁵ Expands categories covered under this section

⁶ 2 years of occupancy is used for the notice length, 30 days notice if less than 2 years; 60 day notice if more than 2 years

Breach of Lease Violations and Timeframes:

3 Day Notice Activities⁷	21 day Termination Notice
Criminal Activity	Repeated Late Payments of Rent
Illegal Drug Activity	Refusal to allow access
Acts of Violence	Refusal to sign new rental agreement or accept reasonable changes to agreement
Damage to Unit or building/property	Tenant's interference with health and safety of the landlord, landlord's agent, other residents, or neighbors
Other activity that threatens health and safety	

COURT PROCESS TIMELINE

Action	Current Timeframe	H.772⁸	Statute/Rule Implicated
Answer Time	21 days from Service of Summons & Complaint	7 days from service of Summons & Complaint	VRCP 12(a)(1) 12 VSA 4862
Counterclaims/Answer Time	21 days from service of Counterclaims	Not addressed	VRCP 13 and VRCP 12(a)(2)
Motion for Default	Discretionary with Judge	Entry on Default within 3 days of filing	VRCP 55 12 VSA 4864
Nonpayment Case			
Ability to Cure	Up to Writ Execution	Up to Answer Date	12 VSA 4863(c)(1)
Final Hearing	After Answer and Status conference and at availability of court	Not later than 60 days from date complaint filed	12 VSA 4863(c)(2)

⁷ Must threaten the health or safety of other residents, the landlord/landlord agent, or neighbors

⁸ **ONLY APPLIES TO NONPAYMENT AND VIOLATION NOTICES**

Action	Current Timeframe	H.772 ⁹	Statute/Rule Implicated
Violation Case (4467(b)(1))			
		Missing – should be included in 12 VSA 4863(c)(2)	
Substantial Violation Case (4467(b)(2))			
Show Cause Hearing		7 Days after Answer	12 VSA 4865 (a)
Final Hearing (if required)	After Answer and Status conference and at availability of court	30 days from Initial Complaint filing	12 VSA 4865(c)(2)
Both Case Types			
Writ of Possession	Judgement = 14 days Non-Escrow = 7 days	7 days from service, issues with Judgment	12 VSA 4854 12 VSA 4866
Jury Trials	allowed	No	V.R.C.P. 38 12 VSA 4862(b)
Property Remaining after Eviction - disposal	15 days from Service AND Landlord placed into possession	At time of possession	12 VSA 4868
Trespass Orders	No ability <i>State v April Dixon</i>	After Writ Execution, landlord allowed to bar entry to property by evicted Tenant	12 VSA 4869 13 VSA 3705

⁹ ONLY APPLIES TO NONPAYMENT AND VIOLATION NOTICES