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**WORKING TOGETHER FOR JUSTICE**

# Policy Choices in a Housing Crisis

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*Pronouns: She, her*

What is the problem we are trying to solve

**Vermont has a housing crisis.**

- We need to solve Rental Housing Affordability
- We need to solve Rental Housing Availability
- We need to solve barriers to exiting homelessness.



# Is current landlord-tenant law doing what it supposed to do?

- Meant to assure a balance between the rights of landlords and tenants **scarcity has tipped balance in favor of landlords**
- Meant to protect tenants from unscrupulous and recalcitrant landlords **lack of tenant lawyers means current law is not enforced**
- Meant to assure that rental housing is safe, clean and fit for human habitation. **Complaint-based underfunded inspection system means adequate housing quality standards are not enforced in all rental housing.**

# Landlords are doing fine – and have the upper hand

- 65,000 private landlords. Continue to buy buildings. Aren't being foreclosed on; aren't filing bankruptcy. Keep accruing equity.
  - Have raised rent 40% in last five years.
  - Have gotten 71% higher sales prices on multifamily dwellings in last five years.
  - Have refused to take tenants with subsidies
- But landlords want more
  - Want legislation to reduce expenses and risk of expense
  - Blame all tenants for behavior of security risk tenants.
  - Blame Courts for delays, even though Courts process evictions faster than any other kind of case.

# Tenants are not doing fine and are trapped

- Rental housing Scarcity means
  - Huge rent increases
  - No availability
  - No bargaining power against junk fees
  - Chilled from complaining about bad conditions or bad landlord behavior
  - New workers can't/ would not want to move to Vermont
  - More evictions so new landlords can renovate and charge higher rent
- Cost burdened tenants evicted for non-payment of rent by managers of housing developed with public money; **managers refuse back rent programs**
- Vermonters trying to exit homelessness are not doing fine
  - Paying credit check fees just to apply to housing they don't get
  - Eviction records used to screen out tenants even when tenant not at fault or landlord doesn't win

# Creating homelessness does not solve security problems

- All tenants do not cause security problems, so depriving all tenants of due process does not solve security problems
- Alternatives to evictions without due process:
  - Security
  - Law enforcement
  - Early intervention and services

# Shortening notice times will not make courts go faster

- Shortened notice times will deprive tenants
  - Of access to back rent programs **that are funded to prevent eviction**
  - Of ability to get legal help (84% of landlords have lawyers, only 12% of tenants do, and that was with now-gone pandemic funding to preserve housing stability)
  - Of time to organize presentation of defenses
- Shortening time to **pay all rent and stay**
  - will result in evictions that could have been prevented
  - Will keep landlords from recouping rent

# Landlords want more rights than tenants

who treats consumers like this?

- Market imbalance already deprives tenant of bargaining power
- H.772
  - allows landlords to break rental agreements by evicting tenants who don't agree to changes
  - Allows landlords to violate access laws, but tenants can be evicted for that
  - Allows landlords to come to court with unproven allegations but requires tenants to Answer with facts sworn to under penalty of perjury
  - Does not require notice to be received to be valid
  - assures tenants are at the mercy of possibly unscrupulous landlords



# Other states have may have shorter notice times BUT

- Other States Notice times fit with Housing Policy choices made in other states that Vermont has not yet made:
  - Other states have Housing Courts
  - Other states have trained housing mediators
  - Other states have Building Departments (not just complaint based inspections) to assure apartments that are safe clean and fit for human habitation; other states require certificates of occupancy
  - Other states assure tenant right to adequate housing
  - Other states protect elderly from no cause eviction
  - Other states have court Eviction Diversion

## What works based on evidence

including but not limited to

- Limit eviction for no cause
- Limit rent increases
- Fund back rent programs HOP and VSHA
- Tenant right to counsel
- Prohibit application fees including credit check fees
- Limit amount of security deposit
- Rental registry
- Invest in Code enforcement
- Court eviction diversion
- Eviction record confidentiality



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## what doesn't work and has no evidence to back it up

- Unconstitutional SHOW cause
- Making tenant disagreement with changed terms a violation
- Shortened notice times
- Eliminating that notice must be received to be valid
  - Allow posting of notice IS a consumer protection act violation
- Adding grounds to evict
- Decreasing tenant ability to pay and stay
- Process rules that trust landlord (often vague) allegations and but make tenants show proof

Bills depriving tenants of due process will not do what you think they will do.

- Tenants did not cause Vermont's Housing Crisis
  - Evicting Tenants faster will not end Vermont's Housing Crisis
- Ongoing Housing Instability will:
  - Cost Vermont Taxpayers in health care, education, and costs of homelessness
  - Make it hard to attract workers to Vermont because there is no place to live.
- **Compromising due process is not a Housing Policy**

