

**Landlord Tenant****Major Issues to Resolve and Possible Approaches****2-8-26**

[Note on the text: Unless otherwise indicated, after the issue, the first number is the status quo, the second is 772, and then I list the other bills. Possible modifications are listed]

**RENTAL AGREEMENT PROVISIONS****Notices:**

- Generally: delivered or mailed; 772 adds posting on door and email.
- Failure to pay rent: Current is 14; 772 is 7. Range is 3-14.
- Breach of Agreement: 30 days current; 772 is 21. Range is 3-30. 772 has more detail.
- Criminal Activity: 14 current; 688 and 772 are 3. Range is 3-14.
- For lease termination without renewal: 30/90. 688 is 3 for weekly. 772 eliminates the differences between monthly and annual leases, and makes it (as I intended; not as written) 60 for < 2 years and 90 days for > 2 years.
- For sale of property 30 in all. I think should be the same as lease termination = 60/90.
- For termination for landlord's family use, government taking, conversion to condo or remodel: same as for lease termination. 772 should be the same: 60 days/90 days.

**Termination of lease; "no cause"; relocation costs**

- Current law creates a "no cause" or equivalent basis that consists of
  - End of lease
  - Sale
  - Conversion to family use
  - Conversion to condo
  - Government taking
  - Substantial renovation
- **772:** ends use of the term "No cause" but has specific provisions for each of the above situations. Each is permitted essentially as a "for cause" and 772 adds a notice period, which I think should be 60-90 days.
- **399:** eliminates no cause after 3-month probation; after that no termination at end of rental agreement. but does allow for conversion for family, condo, or gov't order.
- **440:** After 6-months' probation, no termination for lease end; provides reasonable relocation expenses up to one month's rent. 772: silent on relocation; should it be included?

**Application Fees**

- Application fees: Currently prohibited. 772 defines. Also explicitly allows a nominal fee for a credit check unless tenant provides. Issue: take out "nominal"?

**Habitability**

- Current law defines; limits to heat and water; non-waivable,
- 772 adds a limited defense to ejection where major code defects which are listed. Issue: add that defense is limited to where an outstanding code violation notice exists at the time of ejection filing.

**Security Deposit**

- Current law authorizes without limit
- 772 limits to two month's rent in addition to first and last.

**Maximum increase in rents**

- Current law has none
- 399 CPI plus 1
- 440 CPI plus 3; 8% max.
- 772
  - Not excessive (not defined)
  - Once per 12 months
  - Cap is only on sale of building. CPI plus 3.
- Issue: skip "excessive" since undefined. Consider instead of cap a link to actual costs including mortgage, taxes, repairs, and capital improvements.

**Tenant right to purchase**

- None in current law
- None in 772
- 440 requires and specifies 45-day notice of sale; 45-day negation; and procedure

**Downpayment assistance**

- Only in 772; \$1 million appropriation (prior appropriation was \$2.5 million, mostly expended).

**Confidentiality of records**

- Included in 772, not in others. Ends upon judgement.

**Landlord and tenant education program**

- 772 provides CVOEO will provide. \$200K appropriation for tenant and landlord rights, responsibilities and remedies.

**EJECTION ACTIONS****Tenants' rights advocate and right to counsel**

- 440 includes and has substantial appropriations
- Not in the other bills

**Time to answer complaint**

- Current law:
- 688 and 756: 5 business days
- 772: seven days
- Issue: given testimony, should it be 10 days?

**Jury Trial**

- 772 allows only bench trials (by judge). No trial by jury.
- Other bills and current law allow jury trial at request of either tenant or landlord.

**Time for setting trial**

- Current law has no requirement
- 772 requires that the trial date be set for 60 days or less from filing.

**Expedited hearing for criminal activity**

- Nothing in current law
- 772:
  - landlord file affidavit under penalty of perjury
  - Tenant must appear or file affidavit at show cause hearing in 7 days
  - If no appearance or creditable evidence, landlord awarded possession.
  - If tenant provides rebuttal evidence, final hearing withing 30 days of initial complaint.
- 756 and 688: Similar: Upon special motion, hearing in 10 days.
- Others: no special provision for criminal activity.

**Payment of rent during ejectment process**

- Current law: tenant can pay rent to the court escrow
- 772: tenant can pay all rent and costs to cure until answer date.
- Others allow payment of rent, but less detail as to when.

**Judgment for possession; Sheriff service of writ of possession**

- Current law: Writ issues with judgment. Sheriff serves writ not *earlier* than 14 days after writ is served.
- 688: Sheriff serves writ not *later* than 24 hours after writ is *issued*.
- 756: Not *sooner* than 5 days after writ is served.
- 772: Not sooner than 7 days after writ is served.

**Disposal of property of tenant after eviction**

- Current: 15 days after writ of possession served.
- 688: Immediately after writ of possession served.
- 772: Immediately after landlord “legally restored to possession” with notice.

**Trespass orders**

As to a prior tenant who's been ejected and then returns:

- Current law: In a separate section allows landlord to seek an order for criminal trespass (13 VSA 3705) against a tenant who is ejected. but returns as a guest of another tenant.
- **772:** Same except make clear that the order prevails even if the former tenant returns with the consent of another tenant who is legally in possession
- **Goodnow (number?):** broadens the above to include any tenant invitee who violates lease terms or where the tenant consents to the trespass order.