

Side-by-Side: H.399 / H.688 / H.756 / H.772
*** Provisions Related to Ejectment Actions ***

Current Statute	H.339	H.688	H.756	H.772
	<u>3 V.S.A. § 2480. TENANT’S RIGHTS ADVOCATE</u> <u>(a) The Department of Housing and Community Development shall contract with a nonprofit organization with expertise in tenant’s rights to establish the Office of Tenant’s Rights Advocate.</u> <u>(b) The Office of Tenant’s Rights Advocate shall have the following functions and duties:</u> <u>(1) educate tenants and landlords about their rights and responsibilities and rental housing code requirements;</u> <u>(2) provide information, referrals, and assistance to tenants seeking help with issues arising from an existing or potential landlord-tenant relationship;</u> <u>(3) accept referrals from other organizations to assist individuals with rental housing needs;</u> <u>(4) mediate issues on behalf of and with the authorization of an individual tenant;</u> <u>(5) identify, investigate, and resolve complaints on behalf of individual tenants and assist them with filing and pursuit of complaints and appeals;</u> <u>(6) monitor, analyze, and facilitate public comment on the development and implementation of federal, State, and local laws, rules, and policies related to housing;</u> <u>(7) provide technical assistance to tenants intending to purchase property under 9 V.S.A. § 4476;</u> <u>(8) provide legal services to tenants facing eviction; and</u>			

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	<u>(9) recommend legislative action as may be appropriate to resolve problems encountered by tenants and landlords.</u> <u>(c) On or before January 15 of each year, the Office of Tenant’s Rights Advocate shall submit a report on the activities, performance, and fiscal accounts of the Office during the preceding calendar year. The report shall be submitted to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs.</u> <u>(d) The Office of Tenant’s Rights Advocate may:</u> <u>(1) pursue administrative, judicial, and other remedies on behalf of any individual tenant or group of tenants;</u> <u>(2) adopt policies and procedures necessary to carry out the provisions of this chapter; and</u> <u>(3) take any other action necessary to fulfill the purposes of this section.</u> <u>(e) All State agencies shall comply with reasonable requests from the Office of Tenant’s Rights Advocate for information and assistance. The Department of Housing and Community Development may adopt rules necessary to ensure the cooperation of State agencies under this section.</u> <u>(f) In the absence of written consent by a complainant or an individual using the services of the Office or by a complainant’s or individual’s guardian or legal representative or the absence of a court order, the Office of Tenant’s Rights Advocate, its employees, and its contractors shall not disclose the identity of the complainant or individual.</u> <u>(g) The Office of Tenant’s Rights Advocate, its employees, and its contractors shall take steps necessary to avoid any conflict of interest relating to the performance of their responsibilities under this chapter. For the purposes of this chapter, a conflict of interest exists whenever the Office, its employees, or its</u>			

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	<u>contractors or a person affiliated with the Office, its employees, or its contractors:</u> <u>(1) has a direct or indirect interest in the information, referrals, or assistance provided to individuals about obtaining or providing housing services;</u> <u>(2) has a direct ownership interest or investment interest in a place of housing or housing provider;</u> <u>(3) is employed by or participating in the management of a place of housing or housing provider; or</u> <u>(4) receives or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with a place of housing or housing provider.</u> <u>12 V.S.A. § 4857. RIGHT TO COUNSEL</u> <u>(a) The defendant in an action brought under subchapter 3 of this chapter shall have the right to representation by counsel throughout the proceeding. Upon the filing of the complaint, the court shall notify the defendant that the defendant has the right to counsel. If the defendant states that the defendant is unable to pay for counsel, the court shall appoint counsel to be paid by the State or set a hearing for a determination of the defendant’s ability to pay for counsel.</u> <u>(b) In appointing counsel under this section, the court may appoint counsel from the Office of Tenant’s Rights Advocate established in 3 V.S.A. § 2480.</u>			
		<u>12 V.S.A. § 663. ALTERNATE SERVICE OF PROCESS; DURATION OF ORDER</u> <u>(a) When the court orders that alternate service of process be made in a civil proceeding, the order shall remain in effect and apply to all subsequent service of process in the same proceeding, including postjudgment proceedings. This section</u>		

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		<u>shall apply to orders issued pursuant to Vermont Rule of Civil Procedure 4(d)(1) permitting service of process by publication or by leaving a copy at the defendant's dwelling house or usual place of abode, or to orders permitting alternate service of process under any other provision of law.</u> <u>(b) When a motion for alternative service of process is filed pursuant to Vermont Rule of Civil Procedure 4(d)(1) in an action under 10 V.S.A. chapter 153, 11 V.S.A. chapter 14, or 12 V.S.A. chapter 169, the court shall rule on the motion within three days after it is filed.</u>		
§ 4852. MODE OF PROCESS; DECLARATION; TRIAL BY JURY The process may issue as a summons or writ of attachment, requiring the defendant to appear and answer to the complaint of the plaintiff which shall state that the defendant is in the possession of the lands or tenements in question (describing them), which the tenant holds unlawfully and against the right of the plaintiff. A copy of the rental agreement, if any, and any notice to terminate the defendant's tenancy shall be attached to the complaint. Either party shall have the right to a trial by jury.		§ 4852. MODE OF PROCESS; DECLARATION; TRIAL BY JURY <u>(a) The process may issue as a summons or writ of attachment, requiring the defendant to appear and answer to the complaint of the plaintiff, which shall state that the defendant is in the possession of the lands or tenements in question (describing them), which the tenant holds unlawfully and against the right of the plaintiff. A copy of the rental agreement, if any, and any notice to terminate the defendant's tenancy shall be attached to the complaint. Either party shall have the right to a trial by jury.</u> <u>(b) Notwithstanding any other provision of law or rule, the defendant shall file an answer within five business days after receiving the complaint. The computation of the five-day period shall include the day on which the defendant receives the complaint.</u> <u>(c) When the court sets the date for the initial hearing on the complaint, dates shall also be set for consideration of lease violations and for payment of rent into court if a motion for such payment was filed pursuant to section 4853a of this title.</u> <u>(d) The parties may consent to mediation of the case at any time during the proceedings.</u>	§ 4852. MODE OF PROCESS; DECLARATION; TRIAL BY JURY <u>(a) The process may issue as a summons or writ of attachment, requiring the defendant to appear and answer to the complaint of the plaintiff, which shall state that the defendant is in the possession of the lands or tenements in question (describing them), which the tenant holds unlawfully and against the right of the plaintiff. A copy of the rental agreement, if any, and any notice to terminate the defendant's tenancy shall be attached to the complaint. Either party shall have the right to a trial by jury.</u> <u>(b) Notwithstanding any other provision of law or rule, the defendant shall file an answer within five business days after receiving the complaint. The computation of the five-day period shall include the day on which the defendant receives the complaint.</u> <u>(c) When the court sets the date for the initial hearing on the complaint, dates shall also be set for consideration of lease violations and for payment of rent into court if a motion for such payment was filed pursuant to section 4853a, 4853b, or 4853c of this title.</u>	

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§ 4853. SERVICE OF PROCESS The process shall be served and notice given as in other civil actions.		§ 4853. SERVICE OF PROCESS The Unless otherwise provided by law, the process shall be served and notice given as in other civil actions.		
§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING [Subsection (a) as amended by 2007, Act No. 125 (Adj. Sess.), § 1.] (a) In any action against a tenant for possession, the landlord may file a motion for an order that the tenant pay rent into court. The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall be accompanied by affidavit setting forth particular facts in support of the motion. [Subsection (a) as amended by 2007, Act No. 176 (Adj. Sess.), § 51.] (a) In any action against a tenant for possession brought in accordance with this chapter, 9 V.S.A. chapter 137, 10 V.S.A. chapter 153, or 11 V.S.A. chapter 14, the landlord may file a motion for an order that the tenant pay rent into court. The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall be accompanied by affidavit setting forth particular facts in support of the motion. (b) A hearing on the motion shall be held any time after 14 days’ notice to the parties. If the tenant appears at the hearing and has not been previously defaulted, the court shall not enter judgment by default unless the tenant fails to file a written answer within 14 days after the hearing. Any rent escrow order shall remain in effect notwithstanding the issuance of a default		§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING * * * (b) A hearing on the motion shall be held any time after 14 <u>three</u> days’ notice to the parties <u>and within 14 days after the</u>		

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judgment but shall cease upon execution of a writ of possession. (c) Any memorandum in opposition filed by the defendant pursuant to Rule (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied by affidavit setting forth particular facts in support of the memorandum. (d) If the court finds the tenant is obligated to pay rent and has failed to do so, the court shall order full or partial payment into court of rent as it accrues while the proceeding is pending and rent accrued from the date of filing with the court the complaint for ejectment or the date the summons and complaint for ejectment were served on the tenant pursuant to Rule 3 of the Vermont Rules of Civil Procedure, whichever occurs first. (e) All funds paid into court shall be made payable to the court clerk by money order, certified check, cash, or any other means that guarantees the availability of the funds for distribution after a hearing on the merits. The funds shall be distributed forthwith in accordance with the final order from the trial court. (f) The landlord may at any time by motion apply to the court for disbursement of all or part of the funds paid into court. The motion for disbursement shall be accompanied by affidavit setting forth particular facts in its support. If the court		<u>motion is filed.</u> If the tenant appears at the hearing and has not been previously defaulted, the court shall not enter judgment by default unless the tenant fails to file a written answer <u>within 14 five business</u> days after the hearing. <u>The computation of the five-day period shall include the day on which the defendant receives the complaint.</u> <u>If the tenant fails to appear at the hearing, the court shall, unless it finds good cause for the tenant’s failure to appear, enter judgment by default within three days after the hearing.</u> Any rent escrow order shall remain in effect notwithstanding the issuance of a default judgment but shall cease upon execution of a writ of possession. (c) Any memorandum in opposition filed by the defendant pursuant to Rule (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied by affidavit setting forth particular facts in support of the memorandum. (d) If the court finds the tenant is obligated to pay rent and has failed to do so, the court shall order full or partial payment into court of rent as it accrues while the proceeding is pending and rent accrued from the date of filing with the court the complaint for ejectment or the date the summons and complaint for ejectment were served on the tenant pursuant to Rule 3 of the Vermont Rules of Civil Procedure, whichever occurs first. (e) All funds paid into court shall be made payable to the court clerk by money order, certified check, cash, or any other means that guarantees the availability of the funds for distribution after a hearing on the merits. The funds shall be distributed forthwith in accordance with the final order from the trial court. (f) The landlord may at any time by motion apply to the court for disbursement of all or part of the funds paid into court. The motion for disbursement shall be accompanied by affidavit setting forth particular facts in its support. If the court		

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finds that the landlord is in actual danger of loss of the premises or other personal hardship resulting from the loss of rental income, it may award all or any portion of the funds under deposit to the landlord. (g) The tenant may at any time by motion apply to the court to reduce the amount ordered to be paid into court under this section. The motion for reduction shall be accompanied by affidavit setting forth particular facts in its support. (h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not earlier than seven days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.		finds that the landlord is in actual danger of loss of the premises or other personal hardship resulting from the loss of rental income, it may award all or any portion of the funds under deposit to the landlord. (g) The tenant may at any time by motion apply to the court to reduce the amount ordered to be paid into court under this section. The motion for reduction shall be accompanied by affidavit setting forth particular facts in its support. [Repealed.] (h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not earlier than seven days later than 24 hours after the writ is served issued, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.		
§ 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION If the court finds that the plaintiff is entitled to possession of the premises, the plaintiff shall have judgment for possession and rents due, damages, and costs, and when a written rental agreement so provides, the court may award reasonable attorney's fees. A writ of possession shall issue on the date judgment is entered, unless the court for good cause orders a stay. The writ shall direct any sheriff to serve the writ upon the defendant and, not earlier than 14 days after the writ is served, to put the plaintiff into possession.		§ 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION If the court finds that the plaintiff is entitled to possession of the premises, the plaintiff shall have judgment for possession and rents due, damages, and costs, and when a written rental agreement so provides, the court may award reasonable attorney's fees. A writ of possession shall issue on the date judgment is entered, unless the court for good cause orders a stay. The writ shall direct any sheriff to serve the writ upon the defendant and, not earlier than 14 days later than 24 hours after the writ is served issued, to put the plaintiff into possession.		

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§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION (a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property: (1) 15 days after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or (2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later. (b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property one day after the landlord is legally restored to possession of the dwelling unit or leased premises.		§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION (a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property: (1) 15 days immediately after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or (2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later. (b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property one day after the landlord is legally restored to possession of the dwelling unit or leased premises.		
§ 3701. UNLAWFUL MISCHIEF (a) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property which is valued in an amount exceeding \$1,000.00 shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both.		§ 3701. UNLAWFUL MISCHIEF (a) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she <u>the person</u> has such a right, does any damage to any property which is valued in an amount exceeding \$1,000.00 shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both.		

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(b) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property which is valued in an amount exceeding \$250.00 shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both. (c) A person who, having no right to do so or any reasonable ground to believe that he or she has such a right, intentionally does any damage to property of any value not exceeding \$250.00 shall be imprisoned for not more than six months or fined not more than \$500.00, or both. (d) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property by means of an explosive shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both. (e) For the purposes of this section “property” means real or personal property. (f) A person who suffers damages as a result of a violation of this section may recover those damages together with reasonable attorney’s fees in a civil action under this section.		* * * (e) For the purposes of this section “property” means real or personal property, <u>including real or personal property owned by a landlord that is damaged by the property’s leaseholder.</u> (f) A person who suffers damages as a result of a violation of this section may recover those damages together with reasonable attorney’s fees in a civil action under this section.		

§ 4851. ISSUANCE OF PROCESS BY SUPERIOR JUDGE When the lessee of lands or tenements, either by parole or written lease, or a person holding under the lease, holds possession of the demised premises without right, after the termination of the lease by its own limitation or after breach of a stipulation contained in the lease by the lessee or a person holding under the lessee, the person entitled to the possession of the premises may have from the presiding judge of the Superior Court a writ to restore him or her to the possession thereof. § 4852. MODE OF PROCESS; DECLARATION; TRIAL BY JURY The process may issue as a summons or writ of attachment, requiring the defendant to appear and answer to the complaint of the plaintiff which shall state that the defendant is in the possession of the lands or tenements in question (describing them), which the tenant holds unlawfully and against the right of the plaintiff. A copy of the rental agreement, if any, and any notice to terminate the defendant’s tenancy shall be attached to the complaint. Either party shall have the right to a trial by jury. § 4853. SERVICE OF PROCESS The process shall be served and notice given as in other civil actions. § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING [Subsection (a) as amended by 2007, Act No. 125 (Adj. Sess.), § 1.] (a) In any action against a tenant for possession, the landlord may file a motion for an order that the tenant pay rent into court. The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall		See § 4852 above See § 4853 above. See § 4853a above.	See § 4852 above	<u>Subchapter 4. Superior Court Ejectment for Just Cause</u> <u>§ 4861. ISSUANCE OF PROCESS FOR JUST CAUSE BY SUPERIOR JUDGE</u> <u>When the lessee of lands or tenements, either by parole or written lease, or a person holding under the lease, holds possession of the demised premises without right, after the termination of the lease under 9 V.S.A. § 4467(a) or (b), the person entitled to the possession of the premises may have from the presiding judge of the Superior Court a writ to restore the person to the possession thereof.</u> <u>§ 4862. MODE AND SERVICE OF PROCESS; TRIAL BY JURY PROHIBITED</u> <u>(a) The process may issue as a summons or writ of attachment, requiring the defendant to appear and answer to the complaint of the plaintiff, which shall state that the defendant is in the possession of the lands or tenements in question (describing them), which the tenant holds unlawfully and against the right of the plaintiff. A copy of the rental agreement, if any, and any notice to terminate the defendant’s tenancy shall be attached to the complaint, including a copy of the rent ledger if the complaint is based on a termination under 9 V.S.A. § 4467(a).</u> <u>(b) Neither party shall have the right to a trial by jury.</u> <u>§ 4863. ANSWER</u> <u>(a) Notwithstanding any other provision of law or rule to the contrary, the defendant shall file an answer within seven days after receiving the complaint.</u> <u>(b) An answer to a complaint filed under this subchapter shall be accompanied by an affidavit setting forth particular facts in opposition to the complaint.</u> <u>(c)(1) If the complaint is based on a termination under 9 V.S.A. § 4467(a), the</u>
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be accompanied by affidavit setting forth particular facts in support of the motion. [Subsection (a) as amended by 2007, Act No. 176 (Adj. Sess.), § 51.] (a) In any action against a tenant for possession brought in accordance with this chapter, 9 V.S.A. chapter 137, 10 V.S.A. chapter 153, or 11 V.S.A. chapter 14, the landlord may file a motion for an order that the tenant pay rent into court. The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall be accompanied by affidavit setting forth particular facts in support of the motion. (b) A hearing on the motion shall be held any time after 14 days’ notice to the parties. If the tenant appears at the hearing and has not been previously defaulted, the court shall not enter judgment by default unless the tenant fails to file a written answer within 14 days after the hearing. Any rent escrow order shall remain in effect notwithstanding the issuance of a default judgment but shall cease upon execution of a writ of possession. (c) Any memorandum in opposition filed by the defendant pursuant to Rule (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied by affidavit setting forth particular facts in support of the memorandum. (d) If the court finds the tenant is obligated to pay rent and has failed to do so, the court shall order full or partial payment into court of rent as it accrues while the proceeding is pending and rent accrued from the date of filing with the court the complaint for ejectment or the date the summons and complaint for ejectment were served on the tenant pursuant to Rule 3 of the Vermont Rules of Civil Procedure, whichever occurs first. (e) All funds paid into court shall be made payable to the court clerk by money order, certified check, cash, or any other means that guarantees the availability of the funds for distribution after a hearing on the			<u>defendant may cure the action by paying all rents owed, court costs, and service fees by the answer date. If payment is not received by the answer date, the defendant shall lose the right to cure the complaint as a matter of law. A plaintiff may accept payment in whole or in part and dismiss the complaint. A defendant shall not have the right to cure in a subsequent action brought by the plaintiff for termination under 9 V.S.A. § 4467(a).</u> <u>(2) Upon receipt of an answer to a complaint based on a termination under 9 V.S.A. § 4467(a), the court shall set a final hearing date not later than 60 days from the filing of the complaint.</u> <u>§ 4864. DEFAULT</u> <u>If the defendant fails to provide a written answer as provided in this subchapter, the plaintiff shall be entitled to possession of the premises. The plaintiff shall file a motion for possession based on the default and shall include an affidavit that provides proof of service on the defendant. The court shall decide on the motion within three days after the filing by the plaintiff.</u> <u>§ 4865. SHOW CAUSE HEARING</u> <u>(a) If the complaint is based on a termination under 9 V.S.A. § 4467(b)(2), the court shall set a show cause hearing within seven days after an answer is filed by the defendant. If the defendant fails to appear, the plaintiff shall be awarded possession of the premises.</u> <u>(b) At the show cause hearing, the defendant shall prove a substantiated defense to the termination claims brought by the plaintiff.</u> <u>(c)(1) Parties may rely on affidavit evidence during the show cause hearing made under the pains and penalties of perjury. If the defendant makes a credible showing that live testimony is required or upon the court’s own determination, a final hearing may be ordered.</u>
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merits. The funds shall be distributed forthwith in accordance with the final order from the trial court. (f) The landlord may at any time by motion apply to the court for disbursement of all or part of the funds paid into court. The motion for disbursement shall be accompanied by affidavit setting forth particular facts in its support. If the court finds that the landlord is in actual danger of loss of the premises or other personal hardship resulting from the loss of rental income, it may award all or any portion of the funds under deposit to the landlord. (g) The tenant may at any time by motion apply to the court to reduce the amount ordered to be paid into court under this section. The motion for reduction shall be accompanied by affidavit setting forth particular facts in its support. (h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not earlier than seven days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession. § 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING (a)(1) In an action for ejectment, the landlord, the landlord’s agent, or the tenant may file a motion for a judgment that the plaintiff is entitled to immediate possession of the premises on the grounds that the defendant is a person that is occupying a dwelling unit without right or permission and the written rental agreement for the dwelling unit prohibits subleasing pursuant to 9 V.S.A. § 4456b(a)(2). (2) The motion may be filed and served with the complaint or at any time			§ 4853c. SUSPECTED CRIMINAL ACTIVITY; EXPEDITED HEARING (a)(1) In an action for ejectment, the landlord, the landlord’s agent, or the tenant may file a motion for a judgment that the plaintiff is entitled to immediate possession of the premises on the grounds that the termination of the rental agreement is based on criminal activity, illegal drug activity, human trafficking, or acts of violence, any of which threaten the health or safety of other residents under 9 V.S.A. § 4467(b). (2) The motion may be filed and served with the complaint or at any time	(2) <u>In the event a final hearing is ordered to resolve the complaint, a final hearing shall be set within 30 days from the date of the initial complaint.</u> <u>§ 4866. COSTS; JUDGMENT FOR PLAINTIFF; POSSESSION</u> <u>If the court finds the plaintiff is entitled to possession, whether by default or after a final hearing, the plaintiff shall have a judgment for possession and rents due, if applicable, including damages and costs, and when a written rental agreement so provides, the court may award reasonable attorney’s fees. A writ of possession shall issue on the date of judgment and shall direct any sheriff to serve the writ upon the defendant and, not earlier than seven days after the writ is served, put the plaintiff in possession.</u> <u>§ 4867. SERVICE BY POSTING</u> <u>[Reserved.]</u> <u>§ 4868. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION</u> <u>A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this subchapter.</u>
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after the complaint has been filed. The motion shall be accompanied by an affidavit setting forth particular facts in support of the motion and a copy of the lease agreement. (b) A hearing on the motion shall be held any time after 10 days' notice to the parties. (c) At any time before the hearing, the defendant may oppose the motion pursuant to Rule (7)(b)(6) of the Vermont Rules of Civil Procedure by filing an affidavit, a signed written statement, or a memorandum in opposition to the motion. The affidavit, signed written statement, or memorandum shall set forth particular facts to show that a genuine dispute of fact exists in relation to the motion. (d)(1) If the defendant fails to appear for the hearing, or to file an affidavit, signed written statement, or memorandum in opposition to the plaintiff's motion, or has failed to file an answer in the time provided pursuant to Rule 12 of the Vermont Rules of Civil Procedure, the plaintiff shall be entitled to judgment by default for immediate possession of the premises. (2) If the court finds that the defendant is a person that is occupying the dwelling unit without right or permission and the written rental agreement for the dwelling unit prohibits subleasing pursuant to 9 V.S.A. § 4456b(a)(2), the court shall grant the plaintiff's motion and issue judgment in favor of the plaintiff for immediate possession of the premises. (e) If the court issues judgment in favor of the plaintiff pursuant to subsection (d) of this section, the court shall, on the date judgment is entered, issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not sooner than five days after the writ is served, to put the plaintiff into possession. (f) At any time prior to the execution of the writ of possession, the defendant may file an affidavit, signed written statement, or a motion with the court setting forth facts			<u>after the complaint has been filed. The motion shall be accompanied by an affidavit setting forth particular facts in support of the motion and a copy of the lease agreement.</u> <u>(b) A hearing on the motion shall be held within 10 days after the motion is filed.</u> <u>(c) At any time before the hearing, the defendant may oppose the motion pursuant to Rule 7(b)(6) of the Vermont Rules of Civil Procedure by filing an affidavit, a signed written statement, or a memorandum in opposition to the motion. The affidavit, signed written statement, or memorandum shall set forth particular facts to show that a genuine dispute of fact exists in relation to the motion.</u> <u>(d) If the defendant fails to appear for the hearing, or to file an affidavit, signed written statement, or memorandum in opposition to the plaintiff's motion, or has failed to file an answer in the time provided pursuant to section 4852 of this title, the plaintiff shall be entitled to judgment by default for immediate possession of the premises.</u> <u>(e) If the court issues judgment in favor of the plaintiff pursuant to subsection (d) of this section, the court shall, on the date judgment is entered, issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not sooner than five days after the writ is served, to put the plaintiff into possession.</u>	
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demonstrating that the defendant is occupying the premises lawfully. The court shall treat an affidavit, signed written statement, or a motion filed under this subsection as a motion pursuant to Rule 59 or 60 of the Vermont Rules of Civil Procedure, as appropriate. § 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION If the court finds that the plaintiff is entitled to possession of the premises, the plaintiff shall have judgment for possession and rents due, damages, and costs, and when a written rental agreement so provides, the court may award reasonable attorney’s fees. A writ of possession shall issue on the date judgment is entered, unless the court for good cause orders a stay. The writ shall direct any sheriff to serve the writ upon the defendant and, not earlier than 14 days after the writ is served, to put the plaintiff into possession. § 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION (a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property: (1) 15 days after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or (2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later.		See § 4854 above. See § 4854a above.		
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(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property one day after the landlord is legally restored to possession of the dwelling unit or leased premises. § 4855. CLOSE JAIL EXECUTION, WHEN NOT TO ISSUE When such judgment includes rent for the use of leased premises prior to the giving of notice to quit, the court shall not certify on an execution issued thereon that the cause of action arose from the willful and malicious act and neglect of the defendant, and that the defendant ought to be confined in close jail. § 4856. JUDGMENT FOR DEFENDANT; EXECUTION When the plaintiff's complaint is dismissed or he or she does not prove his or her right to the possession, the defendant shall have judgment for his or her costs, and execution therefor.				§ 4869. TRESPASS ORDERS (a) <u>After the execution of a writ of possession, the plaintiff may issue the defendant an order against trespass for the entire premises subject to the ejectment action.</u> (b) <u>The order shall be effective and may be enforced with criminal penalties in accordance with 13 V.S.A. § 3705, regardless of whether the defendant has been invited onto the property by another resident.</u>
				§ 3705. UNLAWFUL TRESPASS (a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, the person enters or remains on any land or in any place as to which notice against trespass is given by: * * * (3) <u>If a person has been issued an order against trespass under 12 V.S.A. § 4869, it shall be a violation of this subsection if the person enters or remains</u>

				<u>on any land or in any place subject to the order against trespass regardless of whether the person has the consent of the person in lawful possession of the land or place.</u> * * *
	Not Included: • State Rental Housing Registry • Rental Housing Registration • Expungement • Tenant Right to Purchase Downpayment Assistance Program		Not Included: • Increased Penalties for Human Trafficking in a Dwelling • Increased Penalties for Sale of Regulated Drugs in a Dwelling • Landlord Assistance Program	Not Included: • Confidentiality of Ejectment Records • Positive Rental Payment Credit Reporting Pilot Program • Landlord & Tenant Education and Technical Assistance Program