

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

H.772

Representative Logan of Burlington moves that the bill be amended as follows:

First: In Sec. 1, 9 V.S.A. chapter 137, in section 4461, by inserting subsection (g) to read as follows:

(g)(1) A town or municipality may adopt an ordinance governing security deposits on dwellings. The ordinance shall be supplemental to and not inconsistent with the minimum protections of the provisions of this section.

(2) The ordinance ~~may~~ shall not limit how a security deposit is held.

(3) The ordinance may:

(A) Provide for greater protection than the provisions of this section.

(B) ~~authorize~~ Authorize the payment of interest on a security deposit.

(C) ~~The ordinance may provide~~ Provide that a housing board of review constituted pursuant to 24 V.S.A. § 5005 may hear and decide disputes related to security deposits upon request for a hearing by a landlord or tenant.

The board's actions shall be reviewable under 24 V.S.A. § 5006.

Second: By adding a Sec. 10a, a Sec. 10b, and an accompanying reader assistance heading to read as follows:

1 (B) The ordinance shall exclude from “just cause” the expiration of a
2 rental agreement as the sole grounds for termination of tenancy. In addition to
3 the exemptions in 9 V.S.A. chapter 137, the ordinance shall exempt from this
4 provision, subject to mitigation provisions, sublets and in-unit rentals as well
5 as the following properties, but not limited to:

6 (i) owner-occupied duplexes and triplexes;

7 (ii) those being withdrawn from the rental market, including
8 properties to be occupied by the owner or an immediate family member as a
9 primary residence; and

10 (iii) those in need of substantial renovations that preclude
11 occupancy.

12 (C) The ordinance shall include provisions that:

13 (i) mitigate potential negative impacts on tenants and property
14 owners, including requirements of adequate notice and reasonable relocation
15 expenses;

16 (ii) provide for a reasonable probationary period after initial
17 occupancy; and

18 (iii) limit unreasonable rent increases to prevent de facto evictions
19 or nonrenewals, although this shall not be construed to limit rents beyond the
20 purpose of preventing individual evictions.

1 (13)(A) To adopt by ordinance protections for residential tenants, as
2 defined in 9 V.S.A. chapter 137, from eviction without just cause. Just cause
3 shall include:

4 (i) a tenant’s material breach of a written rental agreement;

5 (ii) a tenant’s violation of State statutes regulating tenant
6 obligations in residential rental agreements;

7 (iii) nonpayment of rent; and

8 (iv) a tenant’s failure to accept written, reasonable, good faith
9 renewal terms.

10 (B) The ordinance shall:

11 (i) exclude from the definition of just cause the expiration of a
12 rental agreement as the sole grounds for termination of tenancy; and

13 (ii) exempt, subject to mitigation provisions, sublets, in-unit
14 rentals, and the following properties:

15 (I) owner-occupied duplexes and triplexes;

16 (II) properties being withdrawn from the rental market,
17 including properties to be occupied by the owner or an immediate family

18 member as a primary residence; and

19 (III) properties in need of substantial renovations that preclude
20 occupancy.

1 Sec. 10f. 24 App. V.S.A. chapter 117 is amended to read:

2 CHAPTER 117. TOWN OF ESSEX

3 * * *

4 § 103. POWERS OF THE TOWN

5 * * *

6 (e) The Selectboard shall have the power to provide, by ordinance,
7 protections for residential tenants, as defined in 9 V.S.A. chapter 137, from
8 eviction without just cause.

9 * * *

10 Fifth: By adding a Sec. 10g and accompanying reader assistance heading to
11 read as follows:

12 * * * Municipal Regulation of Evictions * * *

13 Sec. 10g. 24 V.S.A. § 2293a is added to read:

14 § 2293a. REGULATION OF EVICTION FROM RESIDENTIAL TENANCY

15 (a) A municipality may propose to authorize the legislative body of the
16 municipality to adopt an ordinance governing the eviction of residential
17 tenants, provided that the proposal is approved by the voters at any annual or
18 special meeting warned for that purpose. The proposal may be made by the
19 legislative body of the municipality or by petition of five percent of the voters
20 of the municipality.

1 (b) The warning and ballot for the annual or special meeting to vote on the
2 proposal shall contain an article providing for a vote upon the following
3 question and take the following form:

4 Shall the legislative body have the authority to adopt an ordinance
5 regulating eviction from residential tenancies within this municipality?

6 Yes ___ No ___

7 (c) A vote to authorize the adoption of an ordinance pursuant to this section
8 shall remain in effect until rescinded by majority vote of those present and
9 voting by Australian ballot at a subsequent annual or special meeting warned
10 for that purpose.

11 (d)(1) Notwithstanding any provision of 9 V.S.A. chapter 137 to the
12 contrary, a municipal legislative body granted ordinance authority pursuant to
13 this section may adopt an ordinance governing eviction from residential
14 tenancy without just cause. For purposes of this section, just cause shall
15 include:

16 (A) a tenant’s material breach of a written rental agreement;

17 (B) a tenant’s violation of State statutes regulating tenant obligations
18 in residential rental agreements;

19 (C) nonpayment of rent; and

20 (D) a tenant’s failure to accept written, reasonable, good faith
21 renewal terms.

1 (2) An ordinance adopted pursuant to this section shall:

2 (A) exclude from the definition of just cause the expiration of a rental
3 agreement as the sole grounds for termination of tenancy; and

4 (B) exempt, subject to mitigation provisions, sublets, in-unit rentals,
5 and the following properties:

6 (i) owner-occupied duplexes and triplexes;

7 (ii) properties being withdrawn from the rental market, including
8 properties to be occupied by the owner or an immediate family member as a
9 primary residence; and

10 (iii) properties in need of substantial renovations that preclude
11 occupancy.

12 (3) The ordinance shall include provisions that:

13 (A) Mitigate potential negative impacts on tenants and other property
14 owners, including requirements of adequate notice and reasonable relocation
15 expenses.

16 (B) Provide for a reasonable probationary period after initial
17 occupancy.

18 (C) Limit unreasonable rent increases to prevent de facto evictions or
19 nonrenewal. This subdivision (C) shall not be construed to limit rental rates
20 beyond the purpose of preventing individual evictions.

1 (4) The ordinance shall define “reasonable” and “adequate notice” and
2 shall require that landlords provide notice of just cause and other legal
3 requirements as part of the rental agreement.