

To: Vermont House Committee on Judiciary

Date: February 19, 2025

Good afternoon.

My name is Amber Thibeault, and I am an attorney with Bauer Gravel Farnham.

Thank you for taking the time to hear testimony on H.21. For a decade +, I have represented landlords. As the committee is aware, since COVID, the number of complaints filed with the court for evictions has risen substantially. In our firm, the predominant number of these complaints are related to failure to pay. Landlords attempt to work with tenants for months, before they seek representation, and the ultimate result of evicting the tenant. Therefore, when the complaint is filed, the landlord seeks an efficient process to legally regain possession of the unit – which is done through the execution of a writ of possession.

As proposed in H.21, the modification to the language in 12 VSA § 4854, will enable, but not require, the landlord, to have the writ of possession served by any sheriff, not necessarily the sheriff in the county in which the property is located.

This modification will assist landlords in situations such as the following:

1. A writ of possession is served on the tenant, January 30th. Landlord is entitled to regain possession on the 14th of February. After numerous email correspondence with the sheriff's department, a lockout date of the 18th of February is provided but with no time. On the morning of the lockout when attempting to confirm the time for the lockout, I'm informed by the sheriff, that this no longer can occur on the 18th due to short staffing/holiday but is now on the 20th – almost a week after the landlord is legally allowed to regain possession of the unit. Execution of writs outside the 7 or 14-day window happen routinely in one county – which delays the legal possession of the unit, harming the landlord and potentially the unit.
2. Property is in Winooski, but one of the tenants is incarcerated in Newport. Plain reading of the statute requires any writ of possession to be served by Chittenden, because this is where the property is located. But in practicality, it makes more sense for Orleans to serve the writ on the incarcerated individual.

As there is additional cost to hire a sheriff in another county to serve/execute a writ of possession, this will only be used when it is more efficient, but landlords would appreciate the ability to work with another county to enable them to regain possession of the unit in a timely manner.

Thank you for taking the time, and I'd be happy to answer any questions the committee may have.