

To: Chair Martin Lalonde, House Judiciary Committee

From: Alex Karambelas, Policy Advocate, American Civil Liberties Union of Vermont

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Introduction

Vermont's homelessness crisis is one of the most urgent challenges facing our state and should be a primary consideration for all policy proposals related to housing and rental regulations. The ACLU of Vermont supports proposals that will provide greater housing stability to tenants and recognize their rights under our Constitution, and we vehemently oppose proposals- such as H. 772- that are likely to increase homelessness, erode rights, and criminalize people subject to eviction. To that end, we ask that the Judiciary Committee work to amend the bill by striking the following sections of the bill.

High Level Summary of Our Concerns

- **§ 3705. UNLAWFUL TRESPASS:** The bill unconstitutionally interferes with tenants' right to association and right to liberty and privacy in their home. It's a matter of basic dignity and fundamental constitutional rights for tenants to have guests, including ones disfavored by their landlords. Similarly, for tenants' guests, subjecting them to criminal prosecution based on trespass when they are doing no more than exercising their right to associate with a friend or family member in their home is contrary to our values of freedom and unity.
 - We believe there is a solution to the concerns raised by Vermont's nonprofit affordable housing providers that does not jeopardize the rights of all tenants. The legislature should facilitate this discussion with **all** perspectives represented.
- **§ 4467. TERMINATION OF TENANCY; NOTICE; § 4863. ANSWER; § 4865. SHOW CAUSE HEARING:** This bill shortens eviction proceedings in terms of both the notice period and the court process for non-payment of rent and for-cause evictions. This reverses established due process requirements for expedited hearings and jeopardizes tenant rights as a result.
- **§ 4865. SHOW CAUSE HEARING:** It lowers the threshold of evidence and process needed to substantiate claims against tenants, significantly eroding due process rights. This includes only allowing for live testimony (including cross examination) unless tenant shows in writing it is necessary; and removing the court review process determining if a landlord has lawful reason to evict within instances where tenants miss a hearing.
- It retains all no-cause eviction, both at expiration of written lease and for tenancies with no written lease. This essentially undermines the key aspect of just-cause eviction protections that would allow households to remain in their housing year-to-year.

- **§ 4467. TERMINATION OF TENANCY; NOTICE:** This bill also adds new eviction justifications that could result in removal prior to the end of a lease term, such as repeated late payment, tenant denial of landlord access to a unit, damage to the dwelling unit or premises; and the undefined category of “other activity any of which threatens health and safety of other residents, the landlord or the landlord’s agent or neighbors” (separate and in addition to the category of “acts of violence” currently under 9 V.S.A. § 4467 (b)(2)). In these instances, as well as nonpayment of rent and the breach of a rental agreement, the bill would not provide for confidentiality of eviction records. This will create barriers for impacted households to find alternative housing. We want to note that many folks are experiencing challenges in paying rent due to rental increases imposed by landlords.
- **§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING:** This bill removes the option to pay partial rent into court, removing processes supportive to people who are financially struggling to pay their rent.

Context for the ACLU of Vermont’s Stance

According to the 2025 Vermont State of Homelessness Report, at least 4,588 Vermonters — including more than 1,000 children — are currently experiencing homelessness. More than half (52%) are people with disabilities. They are our neighbors. The fundamental role of our government is to protect the lives, liberty, and property of Vermonters, and there is no protection without shelter. Our government needs to act – now. While the shortage of affordable housing affects all of us, it disproportionately harms older adults, families with children, people with disabilities, and other vulnerable Vermonters. Unmanageable rents push more Vermonters into homelessness each year and make it increasingly difficult for our neighbors without shelter to secure stable housing. The result is profound instability, increased suffering, and long-term harm to individuals, families, and communities.

According to data provided to the House General Housing and Military Affairs Committee from Vermont Legal Aid (VLA), eviction trends further illuminate the structural challenges within Vermont’s housing system and a contributing factor to our homelessness crisis. Approximately 22% are “no-cause” evictions, where tenants are not alleged to have done anything wrong. Notably, 10% of evictions involve households living at poverty-level incomes who are evicted by private landlords without cause. In such a constrained market, eviction often leads to homelessness, especially for the lowest income households.

Stable housing is not only foundational to individual well-being — it is essential to the economic and social health of our state. The data is clear: homelessness is driven not by individual failure, but by structural problems in our housing market. Addressing these challenges requires sustained investment in affordable housing, rental assistance, eviction prevention, and supportive services for people who want and need them.

The ACLU of Vermont opposes H. 772, because the bill will have negative impacts on tenant rights, eviction prevention, and reducing homelessness.

In-depth Comments

The ACLU of Vermont Opposes H. 772. Tenants, like every other Vermonter, have rights under our Constitution. H.772, as introduced, eliminates and devalues the core constitutional rights of Vermont tenants, many of whom are already resource constrained. This is never acceptable, but it is particularly disconcerting when we are in the midst of an already escalating crisis homelessness crisis.

Our Constitution recognizes the significance of a person's home as a "repository of heightened privacy expectations." *State v. Bryant*, 2008 VT 39, ¶ 12. Yet H. 772 makes a tenant's refusal to allow a landlord access to a dwelling subject to a "for cause" eviction afforded only 21 days notice prior to termination. This is unacceptable.

The bills severely undermine tenants' procedural due process rights. For example, H. 772 dramatically reduces the notice period for termination of a tenancy. The notice period serves multiple functions. First, where a tenant does not dispute the landlord's termination, notice gives the tenant time to move before an eviction against is filed against them. Shortening the notice period unfairly removes a tenant's opportunity to secure new housing before the date of termination and will create additional burdens on our court system by leading to more eviction filings that could have been avoided had the tenant been afforded more time to secure a resolution. Notice is designed to give a tenant an opportunity to do what their landlord has requested – vacate – and reducing the adequacy of that notice is patently unfair and counter-productive.

Similarly, the bill shortens various deadlines in eviction cases. Shortening deadlines results in an inadequate process. For instance, where an answer deadline is reduced, the tenant has less opportunity to secure counsel, access rental assistance, secure other support services, and simply understand what is happening so they can timely file a responsive pleading. Any abrogation of due process does not streamline the eviction process — it only tilts it more decisively against tenants and weakens long-standing protections designed to ensure fairness. In a state already facing a housing crisis, we should be strengthening due process, not eroding it.

This bill notably lowers the threshold of evidence and process needed to substantiate claims against tenants, significantly eroding due process rights. This includes only allowing for live testimony (including cross examination) unless tenant shows in writing it is necessary; and removing the court review process determining if a landlord has lawful reason to evict within instances where tenants miss a hearing.

We are also deeply alarmed to see proposals that criminalize tenants. Not only is § 4868 *Trespass Orders* terrible policy, it is unlawful. The bill unconstitutionally interferes with tenants' right to association and right to liberty and privacy in their home. It's a matter of basic dignity and fundamental constitutional rights for tenants to have guests, including ones disfavored by their landlords. Similarly, for tenants' guests, subjecting them to criminal prosecution based on trespass when they are doing no more than exercising their right to associate with a friend or family member in their home is contrary to our values of freedom and unity.

Vermont already has an unlawful trespass law, 13 V.S.A. 3705 and landlords are already and always have been able to exercise their rights under that law. H. 772 would allow a property owner to issue an order against trespass for "the entire premises subject to the eviction action," and makes it a violation of the unlawful trespass law for a person to enter or remain that place even if they have the consent of the person in lawful possession. This is not lawful. Tenants remaining on the property have a right to have guests – including persons previously evicted from the property. 9 V.S.A. 4451(9). A landlord cannot legally keep a person out of "the entire premises" because remaining tenants have a right to guests. *State v. Dixon*, 169 Vt. 15, 18 (1999).

The bill also adds new eviction justifications that could result in removal prior to the end of a lease term, such as repeated late payment, tenant denial of landlord access to a unit, damage to the dwelling unit or premises; and the undefined category of "other activity any of which threatens health and safety of other residents, the landlord or the landlord's agent or neighbors" (separate and in addition to the category of "acts of violence" currently under 9 V.S.A. § 4467 (b)(2)). In these instances- as well as for nonpayment of rent and the breach of a rental agreement- the bill would not provide for confidentiality of eviction records. Both adding new justifications for tenants to be evicted and disallowing the confidentiality of these records would place individuals at risk of experiencing homelessness and create future barriers to finding housing for impacted people. We want to note that many folks are experiencing challenges in paying rent due to rental increases imposed by landlords.

Protecting Vermonters from Discrimination

Lastly, we believe there is language that can be included to positively impact homelessness through the rental market by addressing the rights of people actively experiencing homelessness. Towards this end, we recommend including language of [H. 885 An act relating to use of public lands by individuals for life-sustaining activities](#) in this bill, which seeks to add "housing status" as a status protected from discrimination in housing, employment, and places of public accommodation.

Closing

Vermont-funded programs offer opportunities for landlords to work collaboratively with tenants to access back rent assistance and rental subsidies. Housing retention services can help resolve disputes, connect tenants to supportive services, and facilitate transfers when necessary — solutions that promote stability rather than displacement. We encourage the Committee to focus on solutions that advance housing stability and prevent homelessness and reject the bill as currently written.