



**Tenant Representation Pilot Project**  
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To: Chair Martin LaLonde and House Committee on Judiciary  
From: Jean Murray, Senior Housing Attorney, Vermont Legal Aid  
Date: February 27, 2026  
Re: H. 772

Please ask for H. 772 to be reviewed by your committee. The proposed changes to Court Processes, Court capacity and due process are in House Judiciary's jurisdiction.

**H. 772 intentionally defeats the civil rule requirement that civil process be just, as well as speedy and inexpensive V.R.C.P. 3**

The objective of the bill is to allow landlords to deprive tenants of their homes with less court oversight and insufficient due process. This is not just.

Our judiciary does not have time in the day to adjudicate eviction the way H. 772 proposes. This bill will increase the number of evictions filed, and evictions are already 26% of the civil docket outside of small claims. Chaos will not be speedy and inexpensive.

Short time frames will work an extreme unfairness to vulnerable Vermonters who have no ability to respond nor get help to respond in short times.

Requires the court to treat parties before it unequally. Accepts landlord allegations at face value while requiring tenants to petition and verify.

**1. Proposed 12 VSA 4865 SHOW CAUSE does not follow established due process requirements for expedited hearings. V.R.C.P. 65**

**No court review** of need for expedited hearing. Mandatory expedited hearing based on landlord filing complaint termination under 9 V.S.A. 4467(b)(2).

**No requirement of specific and verified facts** of tenant violation and imminent irreparable harm to justify need for expedited hearing. Landlord allegations can be based on landlord "reasoning behind the termination."

Termination notice standard has been that the notice must contain enough information for tenant to know what to defend. By using termination notice as basis for mandatory hearing, the proposed process skips landlord verification to court of facts justifying expedited hearing.)

**Evidentiary burden shifted to tenant** to prove a negative in writing. Tenant to “provide a rebuttal” Can “. . .rely of affidavit evidence during the show cause hearing”

**No requirement of live testimony** No live testimony (including cross examination) unless tenant shows in writing it is necessary is necessary.

**If tenant misses hearing**, no court review of landlord has lawful reason to evict. “If defendant fails to appear, the plaintiff shall be awarded possession” contradicts VRCP 55 default process which requires affidavit made on personal knowledge setting forth facts as to liability and damages”

**2. Proposed 12 VSA 4863 process for non-payment or non-safety lease violations deprives tenants of due process rights afforded to all other Vermonters**

**(in violation of Article 4 of Vermont Constitution: “Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.”)**

**Reduces tenant time to Answer Complaint** from 21 days to 14

**Tenants required to verify Answer, Landlords not required to verify complaint.**

**No civil discovery process for tenants.** No mandatory disclosures for landlord beyond alleged lease, termination notice and rent ledger. No definition of rent ledger.

**Two processes:** Current Subchapter 3 for some tenancy terminations, new Subchapter 4 for others. No process to determine which process applies when more than one reason for tenancy termination; could lead to multiple lawsuits on different timetables for disputes arising out of the same transaction and occurrence; prohibited by V.R.C.P. 13

**These procedural unfairnesses and flaws mean the H. 772 will not accomplish what it proposes to do. Instead, it will create litigation and re-litigation.**