

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred House Bill No. 772 entitled “An act relating to residential
4 rental agreements, eviction procedures, and the creation of the positive rental
5 payment credit reporting pilot program” respectfully reports that it has
6 considered the same and recommends that the report of the Committee on
7 Judiciary be amended as follows:

8 First: By striking out Sec. 1, 9 V.S.A. chapter 137, in its entirety and
9 inserting in lieu thereof a new Sec. 1 to read as follows:

10 Sec. 1. 9 V.S.A. chapter 137 is amended to read:

11 CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

12 Subchapter 1. General

13 § 4451. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (11) “Domestic abuse” has the same meaning as abuse in 15 V.S.A.

17 § 1101(1).

18 (12) “Protected tenant” has the same meaning as in section 4471 of this
19 title.

20 (13) “Sexual assault” has the same meaning as in 12 V.S.A. § 5131(5).

21 (14) “Stalking” has the same meaning as in 12 V.S.A. § 5131(6).

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Subchapter 2. Residential Rental Agreements

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§ 4467. TERMINATION OF TENANCY; NOTICE

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(b) Termination for breach of rental agreement.

* * *

(3) A landlord shall not terminate a rental agreement under this subsection solely based on a person seeking medical assistance for a drug overdose, being the subject of a good faith request for medical assistance, or being at the scene of a drug overdose or within close proximity of the scene of a drug overdose as provided in 18 V.S.A. § 4254 and evidence obtained from the good faith request for medical assistance for a drug overdose shall not be used in an ejectment action brought under 12 V.S.A. chapter 169.

(4)(A) A landlord shall not terminate a rental agreement of a protected tenant under this subsection (b) because of an incident or pattern of domestic abuse, sexual assault, or stalking.

(B) A protected tenant may request to bifurcate the rental agreement as authorized in section 4472a of this title.

* * *

1 Second: By striking out Sec. 1a, 9 V.S.A. § 4472a, in its entirety and
2 inserting in lieu thereof a new Sec. 1a to read as follows:

3 Sec. 1a. 9 V.S.A. § 4472a is added to read:

4 § 4472a. RIGHT TO BIFURCATION OF A RENTAL AGREEMENT

5 (a)(1) Notwithstanding a contrary provision of a rental agreement or of
6 subchapter 2 of this chapter, a landlord may approve a protected tenant’s
7 written request to bifurcate a rental agreement in order to eject, remove, or
8 terminate a rental agreement with any individual who is a tenant or lawful
9 occupant of the dwelling unit that engages in abuse, sexual assault, or stalking,
10 against the protected tenant without ejecting, removing, or terminating the
11 rental agreement with the protected tenant.

12 (2) If the protected tenant includes with a written request to bifurcate the
13 rental agreement a copy of a court order that requires the perpetrator to leave
14 the premises, a landlord shall bifurcate a rental agreement in order to eject,
15 remove, or terminate a rental agreement to any individual who is a tenant or
16 lawful occupant of the dwelling unit that engages in abuse, sexual assault, or
17 stalking against the protected tenant without ejecting, removing, or terminating
18 the rental agreement with the protected tenant.

19 (3) Nothing in this subsection shall be construed to require that a
20 protected tenant submit documentation of the status of the protected tenant as a

1 victim of domestic violence, sexual assault, or stalking in order to request to
2 bifurcate a rental agreement under this section.

3 (b)(1) In the event the bifurcation and removal of an individual under
4 subsection (a) of this section results in the protected tenant being unable to
5 cover the rent of the dwelling unit, the landlord shall provide the protected
6 tenant with a reasonable opportunity to locate additional tenants or to
7 otherwise find new housing.

8 (2) A reasonable opportunity under this section shall be not less than 90
9 days.

10 (3) Nothing in this section shall prohibit a landlord from collecting past
11 due rent or recovering losses due to damages from the terminated tenant or the
12 protected tenant.

13 Third: In Sec. 5, 13 V.S.A. § 3705, by striking subdivision (g)(1)(B) in its
14 entirety and inserting in lieu thereof a new subdivision (g)(1)(B) to read as
15 follows:

16 (B) the invitee or licensee subject to the order has engaged in a
17 pattern of violating the terms of the dwelling unit's lease agreement;

18 Fourth: In Sec. 5, 13 V.S.A. § 3705, in subdivision (g)(1)(D) by inserting
19 the word (2) after “4467(b)”

1 Fifth: In Sec. 5, 13 V.S.A. § 3705, by inserting a new subdivision (g)(4)(B)
2 to read as follows and by renumbering the remaining definitions to be
3 alphabetically correct:

4 (B) “Pattern of violating” means two or more acts over a period of
5 time, however short, in which a person violates the terms of the lease
6 agreement.

7 Sixth: By striking out Secs. 7 (positive rental payment credit reporting
8 pilot), 8 (security deposit; transition period), and 9 (landlord and tenant
9 education and technical assistance program) in their entireties and inserting in
10 lieu thereof new Secs. 7, 8, and 9 to read as follows:

11 Sec. 7. [Deleted.]

12 Sec. 8. [Deleted.]

13 Sec. 9. [Deleted.]

14 Seventh: By striking out Sec. 11, housing court study; report, in its entirety
15 and inserting in lieu thereof a new Sec. 11 to read as follows:

16 Sec. 11. HOUSING COURT STUDY; REPORT

17 (a) On or before January 31, 2027, the Court administrator shall submit to
18 the General Assembly a report on the feasibility of implementing a dedicated
19 docket in Vermont for handling all matters governing residential rental
20 agreements under 9 V.S.A. chapter 137 and ejectment actions under 12 V.S.A.
21 chapter 169. The report shall include an examination of:

1 (1) the financial costs of implementing a dedicated housing docket in
2 Vermont;

3 (2) the workforce impact of a dedicated housing docket, including:

4 (A) the number of judges and staff necessary to:

5 (i) resolve all ejectment actions statewide within 90 days
6 following the filing of the complaint;

7 (ii) meet the timelines outlined in 12 V.S.A. chapter 169 for
8 expedited hearings; and

9 (iii) resolve ejectment actions brought due to the termination of a
10 residential rental agreement under 9 V.S.A. § 4467(b)(2) within 21 days from
11 the date of filing of the complaint; and

12 (B) the impact on other court staff with the implementation of a
13 dedicated housing docket;

14 (3) whether current State facilities have the capacity to support a
15 dedicated housing docket statewide and whether new or expanded facilities
16 would be required or whether current technical capacities within the Judiciary
17 can handle the virtual statewide implementation of a centralized housing
18 docket;

19 (4) procedural impacts for the timeline suggested in subdivision (2) of
20 this subsection, including information about the impacts with beginning the

1 21-day timeline for an expedited ejectment hearing with the filing of the
2 complaint versus the service of the answer;

3 (5) whether to include other legal matters beyond residential rental
4 agreements within the dedicated docket; and

5 (6) any other matter deemed relevant to the issue of implementing a
6 statewide housing docket.

7 (b) The report shall include information on the legal issues to consider in
8 requiring an expedited hearing for ejectment actions brought due to a
9 termination of a residential rental agreement under 9 V.S.A. § 4467(b)(2);
10 including:

11 (1) how the court could determine that a tenant is an ongoing threat to
12 the health and safety of others if that were to be a condition upon which an
13 expedited ejectment hearing would be allowed;

14 (2) whether there are procedural issues with beginning the 21-day
15 timeline for an expedited ejectment hearing with the filing of the complaint
16 versus the service of the answer;

17 (3) how the court would determine that damage to the dwelling unit is a
18 threat to the health and safety of others; and

19 (4) whether there are procedural issues with shortening the timeframes
20 for the termination of a residential rental agreement.

1 (c) In developing the report, the Court Administrator shall consult with
2 interested parties, including landlords, tenants, Vermont Legal Aid, and others
3 deemed necessary by the Court Administrator.

4

5 and that after passage the title of the bill be amended to read: “An act
6 relating to residential rental agreements, ejectments, and unlawful trespass”

7 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE