

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

\* \* \*

§ 4467. TERMINATION OF TENANCY; NOTICE

\* \* \*

(b) Termination for breach of rental agreement.

\* \* \*

(3) The actual notice required under this subsection shall be accompanied by an affidavit setting forth particular facts and the basis thereof in support of the termination with sufficient details to inform the tenant of the reasoning behind the termination.

(4) 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.

(5)(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.





1 § 4852. MODE OF PROCESS; DECLARATION; TRIAL BY JURY

2 (a) The process may issue as a summons or writ of attachment, requiring  
3 the defendant to appear and answer to the complaint of the plaintiff, which  
4 shall state that the defendant is in the possession of the lands or tenements in  
5 question (describing them), which with a description thereof, that the tenant  
6 holds unlawfully and against the right of the plaintiff. A copy of the rental  
7 agreement, if any, and any notice to terminate the defendant's tenancy,  
8 including the affidavit required by 9 V.S.A. § 4467(b)(3), shall be attached to  
9 the complaint. If the complaint is based on a termination under 9 V.S.A.  
10 § 4467(a), the complaint shall include a copy of the rent ledger, if available.

11 (b) Either party shall have the right to a trial by jury.

12 \* \* \*

13 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

14 [~~Subsection (a) as amended by 2007, Act No. 125 (Adj. Sess.), § 1.~~]

15 (a) ~~In any action against a tenant for possession, the landlord may file a~~  
16 ~~motion for an order that the tenant pay rent into court. The motion may be~~  
17 ~~filed and served with the complaint or at any time after the complaint has been~~  
18 ~~filed. The motion shall be accompanied by affidavit setting forth particular~~  
19 ~~facts in support of the motion.~~

20 [~~Subsection (a) as amended by 2007, Act No. 176 (Adj. Sess.), § 51.~~]

1 (a) In any action against a tenant for possession brought in accordance with  
2 this chapter, 9 V.S.A. chapter 137, 10 V.S.A. chapter 153, or 11 V.S.A. chapter  
3 14, the landlord may file a motion for an order that the tenant pay rent into  
4 court. The motion may be filed and served with the complaint or at any time  
5 after the complaint has been filed. The motion shall be accompanied by  
6 affidavit setting forth particular facts in support of the motion.

7 \* \* \*

8 § 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER  
9 EVICTION

10 (a) A landlord may dispose of any personal property remaining in a  
11 dwelling unit or leased premises without notice or liability to the tenant or  
12 owner of the personal property:

13 (1) ~~15 days after a writ of possession is served pursuant to this chapter~~  
14 ~~or~~ immediately upon the landlord being legally restored to possession of the  
15 dwelling unit or leased premises pursuant to this chapter, ~~whichever is later~~; or

16 (2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153,  
17 40 days after a writ of possession issued for failure to pay rent into court  
18 pursuant to subsection 4853a(h) of this title is served or upon the landlord  
19 being legally restored to possession of the leased premises by a writ of  
20 possession issued for failure to pay rent into court pursuant to subsection  
21 4853a(h) of this title, whichever is later.

1 (b) Notwithstanding subsection (a) of this section, if the court stays the  
2 execution of a writ of possession issued pursuant to this chapter, then a  
3 landlord may dispose of any personal property remaining in a dwelling unit or  
4 leased premises without notice or liability to the tenant or owner of the  
5 personal property ~~one day~~ immediately after the landlord is legally restored to  
6 possession of the dwelling unit or leased premises.

7 \* \* \*

8 **Fourth:** In Sec. 5, 13 V.S.A. § 3705, by striking out subdivision (g)(1)(B)  
9 in its entirety and inserting in lieu thereof a new subdivision (g)(1)(B) to read  
10 as follows:

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

13 **Fifth:** In Sec. 5, 13 V.S.A. § 3705, in subdivision (g)(1)(D), by inserting  
14 “**(2)**” after “4467(b)”

15 **Sixth:** In Sec. 5, 13 V.S.A. § 3705, by inserting a new subdivision to be  
16 subdivision (g)(4)(B) to read as follows and by relettering the remaining  
17 subdivisions to be alphabetically correct:

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

1       **Seventh**: By striking out Secs. 7, positive rental payment credit reporting  
2       pilot; 8, security deposit; transition period; and 9, landlord and tenant  
3       education and technical assistance program, in their entirety and inserting in  
4       lieu thereof new Secs. 7, 8, and 9 to read as follows:

5       Sec. 7. [Deleted.]

6       Sec. 8. [Deleted.]

7       Sec. 9. [Deleted.]

8       **Eighth**: By striking out Sec. 11, housing court study; report, in its entirety  
9       and inserting in lieu thereof a new Sec. 11 to read as follows:

10       Sec. 11. HOUSING COURT STUDY; REPORT

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

16               (1) the financial costs of implementing a dedicated residential rental  
17       docket in Vermont;

18               (2) the workforce impact of a dedicated residential rental docket,  
19       including:

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

2                   (i) resolve all ejectment actions statewide within 90 days

3 following the filing of the complaint;

4                   (ii) meet the timelines outlined in 12 V.S.A. chapter 169 for

5 expedited hearings; and

6                   (iii) resolve ejectment actions brought due to the termination of a

7 residential rental agreement under 9 V.S.A. § 4467(b)(2) within 21 days after

8 the date of filing of the complaint; and

9           (B) the impact on other court staff with the implementation of a

10 dedicated residential rental docket;

11           (3) whether current State facilities have the capacity to support a

12 dedicated residential rental docket statewide and whether new or expanded

13 facilities would be required or whether current technical capacities within the

14 Judiciary can handle the virtual statewide implementation of a centralized

15 residential rental docket;

16           (4) procedural impacts for the timeline suggested in subdivision (2) of

17 this subsection, including information about the impacts of beginning the 21-

18 day timeline for an expedited ejectment hearing with the filing of the

19 complaint versus the service of the answer;

20           (5) whether to include other legal matters beyond residential rental

21 agreements within the dedicated docket; and

1           (6) any other matter deemed relevant to the issue of implementing a  
2           statewide residential rental docket.

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

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

8           (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE