



To: Senate Committee on Economic Development, Housing and General Affairs

From: Jean Murray, Senior Housing Attorney, Vermont Legal Aid, Inc.

Date: May 10, 2026

Re: H. 772 Draft 5.1 Sec. 11 Housing Court Study

H. 772 Amendment 5.1 Sec. 11 would require the Court Administrator to prepare a report to the legislature to answer specific questions about the cost and workforce needed to have a dedicated housing docket.

Disputes between landlords and tenants raise many legal issues, all of which require the court to apply law to procedural requirements, and/or to hear and weigh evidence. Evictions, even non-payment evictions, are not necessarily straightforward and routine. Additionally, the resolution of cases is often helped by programs outside of the court process. These programs operate on their own schedules.

Specifically, Sec. 11 asks the Judiciary what it would cost to implement a docket which could resolve all ejectment actions within 90 days of filing and resolve expedited hearings for threatening behavior within 21 days of filing.

Costs and timelines can't be calculated without regard to what procedures parties can or must follow. Procedural rules assure fairness and due process for both sides.

The legislature's question seems to assume the proposed dedicated housing docket would use the same procedural rules as the rest of the civil docket.¹ The timelines in current rules

¹ Those rules currently provide:

- If a case is commenced by filing, the Plaintiff/Landlord is allowed 60 days to serve the summons and Complaint. VRCP 3
- After service of the Complaint, the Defendant/Tenant has 21 days to file an Answer and any Counterclaims. VRCP 12
- If no Answer is filed, a Plaintiff/Landlord can Move for a Default Judgment; VRCP 5, VRCP 55, there are circumstances which may require the court to schedule a hearing on the motion, with notice to the Defendant/tenant.
- Either party can request jury trial, VRCP 38 jury draws are scheduled quarterly.
- The court can require a scheduling order VRCP 16.2

would, in many cases, make it impossible for the court to adhere to a 90-day deadline to resolve ejectment cases. A 21-day deadline would ensure that a Defendant/Tenant would have no opportunity to make discovery requests², or have the court decide on a dispositive Motion.

The question of cost should not be answered with court data on how fast eviction cases are currently resolved, because baked into the data is the uneven power and resource dynamics between landlords and tenants. Court data shows that many cases are indeed resolved in 90 days, and most resolved in 180 days, but that data should be explored further, to understand how those dispositions were achieved in those timeframes. A high percentage of cases are disposed of by default. A significant number of cases are settled with an agreement between landlord and tenant.

Court data also shows the disparity in parties' resources; the vast majority of landlords are represented by counsel, while less than 1 in 10 tenants have attorneys. A dedicated housing docket with a 90-day resolution requirement based on data of the current typical amount of time it takes to resolve ejectment cases institutionalizes inequity of resources.

There is an alternative to funding 90-day timelines.

Several states and many large municipalities have specialty housing courts. Those courts were set up to adjudicate landlord tenant issues both efficiently, fairly and with a recognition that as public policy, evictions represent a failure in assuring housing stability. Specialty housing courts bring resources to both parties seeking relief, and include specialist housing mediators, eviction diversion programs, and problem-solving expertise that benefits both landlords and tenants.

A study committee, including stakeholders, could address the question of the costs and benefits of a Housing Court in Vermont.

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- Either party may serve a discovery request at any time; the party being served has 30 days to provide responses to discovery. VRCP 33, 34, 36 Failure to respond to requests results in a motion process to compel answers to discovery. VRCP 37.
 - Either party may file a Motion for Dismissal VRCP 12 or Summary Judgment VRCP 56 at any time; for these kinds of dispositive motions, the opposing party has 30 days to respond. VRCP 7; VRCP 56.

² Keep in mind that when a landlord terminates a tenancy pursuant to 9 VSA 4467(b)(2), the landlord has taken all the time they need to make necessary preparations to prove their case. It seems the intention of the proposed expedited hearing process is to cut short the time the tenant has to prepare a defense.

