

April, 2026

Landlord Tenant Policy



Disclaimer

- This presentation is for information purposes—it is not legal advice.
- Always consult a lawyer if you have situation specific questions.

Introduction to ACLU-VT

- The American Civil Liberties Union (ACLU) of Vermont defends and advances civil liberties for all people across a broad range of constitutionally protected rights and freedoms.
- We are the statewide affiliate of the national ACLU.
- Our efforts are focused on a broad range of issues impacting Vermonters' constitutional rights, including the rights of Vermonters without shelter, privacy rights, and the right to housing.
- We litigate, advocate for policy change, organize, offer public education, and engage in strategic communications.

Agenda

- H. 772: Why we care about this bill
- H. 772 Feedback
- Recommendations

H. 772: Why we care about this bill

H. 772: Why we care about this bill

We all need a safe and secure place to live. But for thousands of our neighbors, access to reliable housing is out of reach. In the midst of one of the worst housing crises in the country, the changes H. 772 proposes to landlord-tenant law **risk increasing the speed and volume of eviction filings and as a result, homelessness.**

H. 772 is proposing significant changes to the Residential Rental Agreements Act (RRAA). The RRAA was a law enacted 40 years ago to strike a balance between the property rights of landlords and tenants. But this new proposed bill would remove important protections for tenants in the RRAA.

H. 772: Why we care about this bill

- According to a [2024 report](#) from Vermont legal aid, **eviction support needs have increased.**
 - In their 2019 report, evictions represented 28% of all housing contacts; in 2024, that percentage skyrocketed to 43%.
 - Even more striking, while the percentage of non-payment evictions remained the same, the percentage of “for cause/no cause” evictions jumped even more, from 10% to 25%.
- **Landlords in Vermont and across the country have substantially higher rates of access to legal counsel.**
 - According to a [study from UVM](#) Center for Rural Studies examining a VLS pilot program across four years in Rutland County, on average **over two-thirds of landlords** in the study worked with a lawyer (63.0% in Rutland County and 74.4% in Windsor County).
 - For the courts included in the study without a pro bono clinic, an average of about **14.7% of tenants** worked with a lawyer.
- In 2025, close to half of all 1,803 eviction cases in Vermont were resolved in court in under 90 days, according to court data provided to [VTDigger/Vermont Public](#) by state court administrator Teri Corsones. About 20% of cases took longer than six months to get to a resolution.

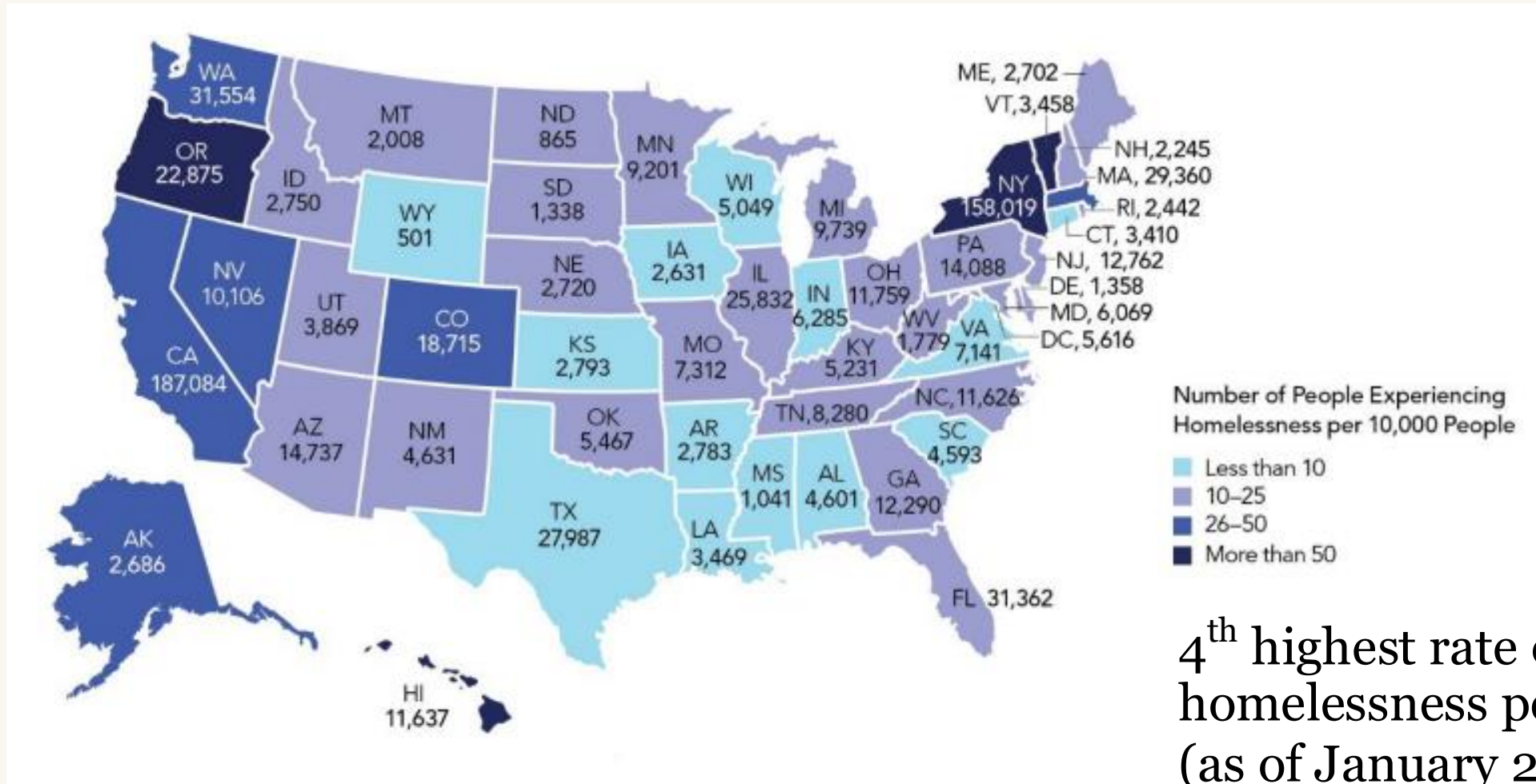
H. 772: Why we care about this bill

It fails to strike a balance because it does not place these laws into the context of Vermont's reality:

1. A lack of tenant access to counsel
2. We have 4th lowest vacancy rates in the country, limiting tenant ability to find alternative housing
3. Tenants have seen their rent raised on average by 35% since the pandemic
4. Extreme rates of homelessness placing VT at #4 in the country with 4,000-5,000 people experiencing homelessness
 - Community shelter capacity hovers at just 695 spaces
 - Motels capacity will likely be reduced to 700-1,000 rooms
5. A loss of vouchers
6. A loss of resources for tenant discrimination protections

This means that if a person is evicted- especially for nonpayment of rent- they will not be able to find an apartment, shelter bed, voucher. Our current system offers nowhere for people to go. This will increase homelessness

H. 772: Why we care about this bill



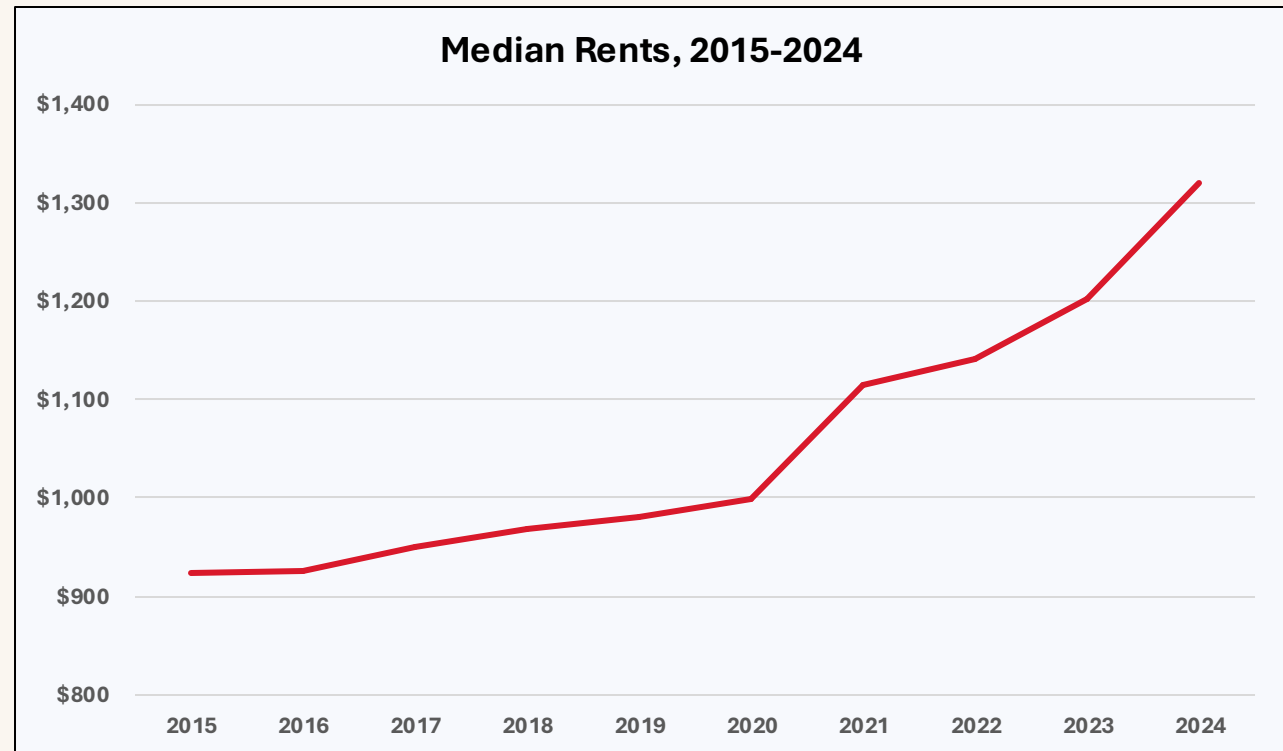
4th highest rate of homelessness per capita (as of January 2024)

H. 772: Why we care about this bill

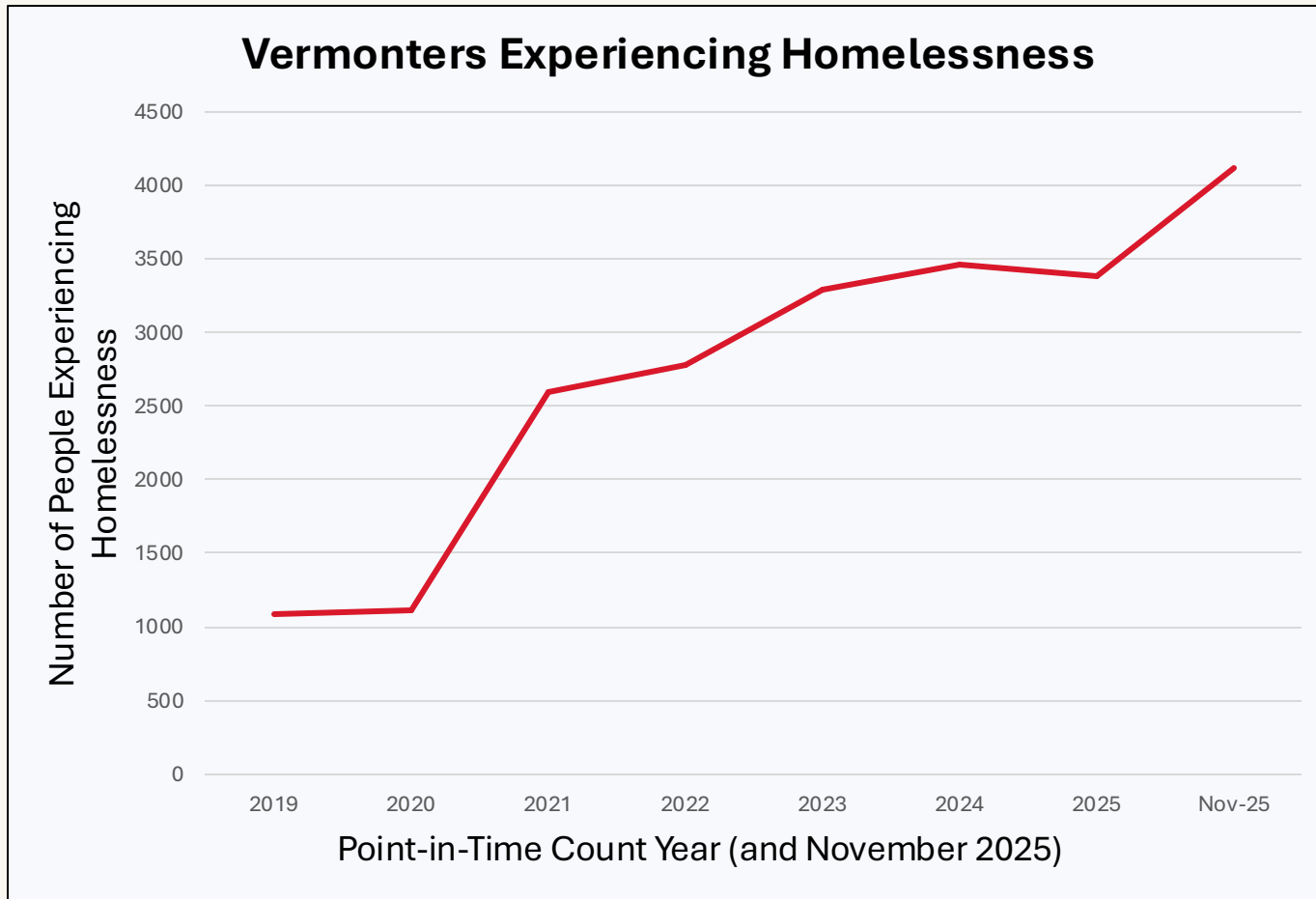
Vermont's severe shortage of rental homes means that landlords can increase rents for the few vacancies that exist.

Median rents in Vermont increased 34.6% in just 5 years (American Community Survey)

- [2019](#) median rent: \$980
- [2024](#) median rent: \$1,319



H. 772: Why we care about this bill



4171 Vermonters are experiencing homelessness.

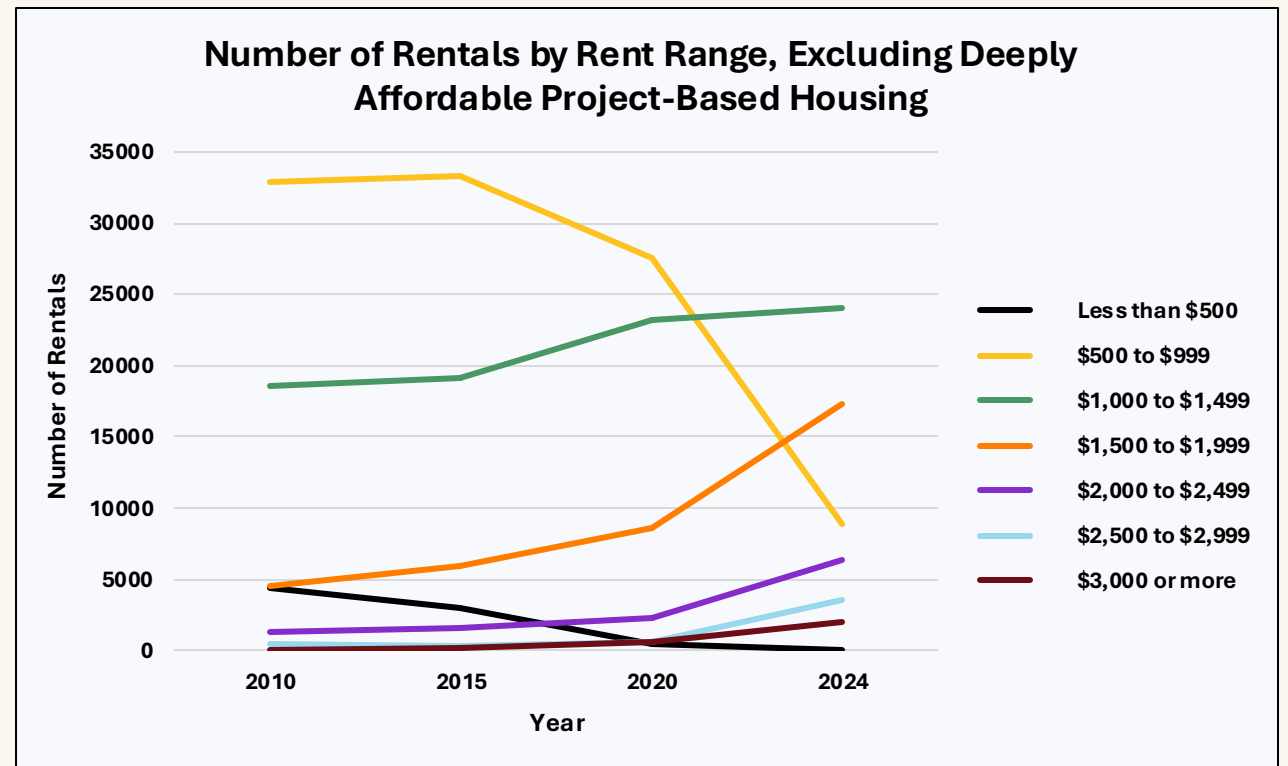
275% increase in homelessness since 2020.

H. 772: Why we care about this bill

Factoring out [publicly subsidized units](#), the lack of housing affordable to the lowest income Vermonters is dramatic.

Looking solely to market-rate units:

- There are now **zero rentals below \$500** in the private market.
- The number of rentals priced at \$500-\$999 is now only 14.3% of rentals.



H. 772: Why we care about this bill

There are not enough shelter beds available to meet the level of need.



H. 772: Why we care about this bill

We do not think the bill will practically solve the issue it intends to: long eviction processes. Legislative studies have found the biggest factor leading to long evictions is lack of judges, not statutory timelines.

In 2025, Vermont convened a legislatively mandated study committee on Landlord Tenant law [resulting in a report](#).

The Judiciary testified to the study committee that **the single greatest obstacle to timely disposition is judge vacancy** and reported that the courts endured a nearly-year long period of seven vacancies from 2022 to 2023.

The Judiciary stated that calendars are extended during a vacancy. Given that other dockets, like juvenile, emergency, and mental health dockets, must follow strict deadlines to ensure due process, the courts end up extending out other cases, like evictions cases, further.

H. 772: Why we care about this bill

The Negative Outcomes of Eviction

○ Evictions Cause Homelessness

- There is a significant causal relationship between eviction filings and homelessness ([Treglia et al., 2023](#))
- Evictions increase the probability of subsequent homelessness- even just through an eviction filing, with the cost per eviction estimated at \$8,000 over the first two years after filing ([Collinson & Reed, 2018](#))
 - The largest component of this cost is increased use of homeless shelters, accounting for about 75% of the cost. The remaining cost is roughly evenly divided between lost earnings and increased emergency room utilization
- One quantitative study showed that evictions resulted in a 60% increase in the duration of a subsequent shelter spell compared to other families in shelter that did not receive an eviction judgment ([Richter et al., 2021](#))
- According to one high-quality study, nearly half (47%) of tenants who moved after their eviction described a subsequent period of homelessness ([Brantley et al., 2025](#))
 - (78%) said that their eviction filing limited their future housing options in terms of quality, cost, or neighborhood.
 - 85% had at least one application denied

H. 772: Why we care about this bill

The Negative Outcomes of Eviction

○ Housing & Economic Stability

- weakened job and financial security ([Desmond & Gershenson, 2016](#))
- housing instability ([Desmond et al., 2015](#))
- research points to eviction as a destabilizing force that reproduces poverty and undermines well-being among tenant households ([Desmond, 2012](#))
- more likely to lose access to credit ([Humphries et al., 2019](#))
- eviction filing records, even if a case is dismissed, become and remain part of the public record, and may damage households' ability to rent again, leading to further housing, income, health, and educational instability ([Treglia et al., 2023](#))

"Renters with eviction filings on their records can face what criminal legal scholars call **'invisible punishments'** or what Polk ([2020](#)) deemed the 'collateral consequences of eviction. Namely, tenants encounter lasting consequences for future housing access, quality, and stability due to the stain (or 'Scarlet E') on their records ([Pappoe, 2023](#)). Once a landlord files an eviction complaint in court, a record is created and – in the absence of eviction record sealing laws – remains public, regardless of whether the case goes before a judge or the court determines the tenant at fault" ([Brantley et al., 2025](#))

Context: The Eviction Process

It's not that one side is "good" or "bad"- there are just power dynamics at play

- Larger landlords and property management companies are better equipped to navigate the court system and use eviction processes even when the goal isn't to displace the tenant ([Balzarini & Boyd, 2021](#); [Immergluck et al., 2020](#))
- Research indicates landlords increasingly rely on tenant screening practices (i.e. the use of internet searches and tenant screening algorithms to inform tenancy decisions) to avoid renting to tenants with any kind of eviction record ([Choi et al., 2022](#); [Leiwant, 2022](#)).
- Evidence suggests landlords assume any record of eviction court involvement resulted in an executed eviction order ([So, 2023](#))
- The accessibility of eviction court records and landlords' reliance on them to assess applicants effectively "chills tenant action" ([Gold, 2016](#)).

Context: The Eviction Process

Power Dynamics at Play

- By withholding rent and using the court system to enforce one's rights, for example, a tenant risks being automatically perceived as a troublemaker or a difficult tenant, impacting their long-term housing access ([Gold, 2016](#))
- This leaves tenants 'perpetually undesirable' to prospective landlords, excluded from the rental market, and pushed into neighborhoods and housing of last resort ([Gomory & Desmond, 2023](#))
- Research on eviction courts suggests tenants' understanding of their housing challenges and trouble-shooting strategies are often misaligned with the formal rules of the legal system ([Golio et al., 2023](#); [Nelson, 2021](#))
- In many cases, tenants are not familiar with their rights or opportunities to dispute the eviction, and flee a property before an eviction judgment is issued ([Cassidy & Currie, 2022](#))

H. 772: Why we care about this bill

The Negative Outcomes Associated with Eviction

○ Health

- more likely to suffer material hardship, depression, and poor health than their peers ([Desmond & Kimbro, 2015](#))
- poor physical and mental health outcomes ([Benfer, 2024](#); [Hatch & Yun, 2021](#); [Hoke & Boen, 2021](#); [Acharya et al., 2022](#))

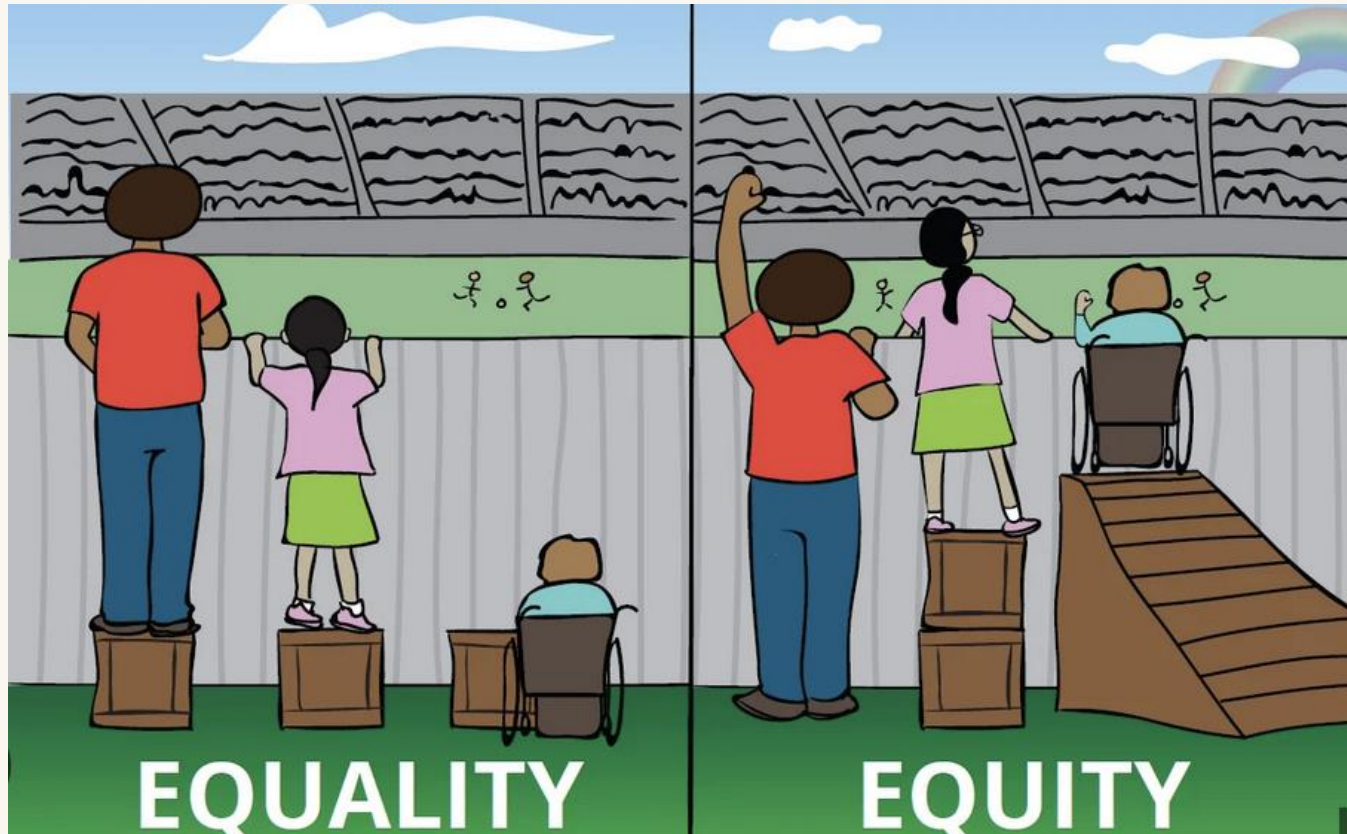
○ Development

- For children, the mobility associated with an eviction hurts academic achievement, the creation of healthy social networks, and behavioral and developmental outcomes ([Cordes et al., 2016](#); [Desmond & Kimbro, 2015](#) [Leifheit et al., 2020](#); [Ramphal et al., 2023](#))

○ Systemic Disparities

- Research shows that Black women and children are disproportionately impacted by eviction, reinforcing racial inequities in the U.S. housing system ([Graetz et al., 2023](#); [Hepburn et al., 2020](#))

Why We Care About This Bill



There is no 1:1 policy match in an inherently imbalanced relationship

The scales are already tipped- some inherently

Tenants



Landlords

- Housing in question is necessary for survival
 - Class difference: Renting by necessity
 - Very few affordable housing options
 - Can be denied housing everywhere
 - Can only hold a landlord accountable to repairs in health or safety violations
 - Experiences rent increases with no protection
 - Has few discrimination protection resources
 - Has no recourse against standard lease practices the law is silent on
- Housing in question is a commodity
 - Class difference: Landowner
 - Many tenants looking for housing
 - Can choose who they rent to
 - Can withhold deposits for discretionary damage with no oversight
 - Can increase rents without regulation
 - Can evict for no cause
 - Can place any requirements in a lease

H. 772 Feedback

H. 772 Tips the Scales Further



- **H. 772 is absent of protections for people with disabilities** to comply with significant court process changes, and **does not provide discrimination protections** for protected classes- while proposing further discretion to landlords
- **Does not create mirror process** strengthening tenant protections for landlord violations
- **Shifts the burden of proof** from the landlord to the tenant in several instances
 - Requires a tenant to set forth facts in opposition to a landlord complaint (for evictions related to nonpayment, lease breach, violence, damage to unit, threats to health or safety) before a hearing
 - In certain instances, some of which are notably broad and vague (acts of violence, or other activity any of which threaten threatens the health or safety of other residents, the landlord or landlord's agent, or neighbors) the landlord could be granted possession of the unit without live testimony.
 - This would grant a landlord an expedited hearing based solely on filing; there is no expressed discretion of court to deny need for expedited hearing. Action would need to be affirmatively taken by the tenant to disprove the landlord's claims in order to avoid a default judgement in the landlord's favor.

H. 772 Feedback

H. 772 poses tenant benefit provisions that we think **actually hurts tenants**

- Tenants would still have no security that rent will not be raised
- Gives landlords the right to charge fees to applicants
- Increases security deposit costs from what is currently standard practice
- Termination for no stated reason is still allowed

Taken together, the provisions within the bill shift the balance of power dramatically and unfairly toward landlords.

H. 772 Feedback: Tenant Provisions

§ 4455. TENANT OBLIGATIONS; PAYMENT OF RENT; RENT INCREASES

(c) A landlord shall not increase rent more than once in any 12-month period. This subsection shall not prohibit a landlord from increasing rent after the purchase of a dwelling unit subject to the requirements of this section

- **Tenants have no security that rent will not be raised**

§ 4456a. RESIDENTIAL RENTAL APPLICATION

(3) A landlord or a landlord's agent may charge actual costs to conduct a background or credit check of an applicant

- **Gives landlords the right to charge fees to applicants.**

§ 4461. SECURITY DEPOSITS

(2) A landlord shall not charge for or receive a security deposit exceeding an amount equal to two months' rent, in addition to any rent for the first month paid on or before initial occupancy.

- **Increases security deposit costs from what is currently standard practice, overriding local ordinances limiting security deposits to one month.**

H. 772 Feedback

H.772 undermines fundamental protections:

- ❑ Allows all eviction proceedings to move forward without reliable notice
- ❑ Limits tenants' ability to resolve issues before losing their homes
- ❑ Adds multiple new grounds for eviction
- ❑ Expands vague and overly broad grounds for eviction that would receive a fast-tracked process
- ❑ Removes court discretion to order partial rent into court unless further action is taken by tenants
- ❑ Creates a faster eviction process for non-payment of rent
- ❑ Shifts the burden of proof to tenants in multiple instances
- ❑ Creates significant process barriers for tenants—especially those without legal representation
- ❑ Applies unlawful occupant policies- policies related to people who are not tenants and who would not have rights to a unit- to tenant eviction proceedings
- ❑ Allows landlords to **unconstitutionally** obtain criminal no trespass orders for tenant's guests for highly discretionary reasons, such breaking any lease term - without the tenant's consent. This would allow landlords to have tenant's guests arrested when they visit a friend who lives in the building.

These changes will make evictions faster, easier, and far more likely—particularly for those already facing housing instability.

H. 772 Feedback

§ 4451. DEFINITIONS

- **Allows all eviction proceedings to move forward without reliable notice**
 - This gives landlords presumption of receipt for emailed or door-posted notice of termination of tenancy, notice methods found to be unreliable by courts.

§ 4467. TERMINATION OF TENANCY; NOTICE:

- **Limits tenants' ability to resolve issues before losing their homes**
 - This section gives landlords shorter termination notice times before eviction, reducing tenants' opportunities to find new housing, access support, or prepare a defense.
 - Nonpayment would be reduced to just 10 days after the date of actual notice (changed from 14)
 - Lease breach, late rent payment, or not allowing a landlord into a unit would be 21 days (changed from 30)
 - Vague and overly broad eviction grounds related to health and safety would require five days notice (changed from 14)

H. 772 Feedback

§ 4467. TERMINATION OF TENANCY; NOTICE:

- **Adds multiple new grounds for eviction**
 - This bill 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, and damage to the dwelling unit or premises.
- **Expands vague and overly broad grounds for eviction, some of which would require an expedited eviction process, such as with non-payment**
 - This adds a new eviction reason- 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” - this is separate and in addition to the category of “acts of violence” currently under 9 V.S.A. § 4467 (b)(2).

H. 772 Feedback

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

- **Removes court discretion to order partial rent into court** unless further action is taken by tenants
 - Removes court discretion to make payment plan, nor order less than full rent even where there is subsidy.

§ 4863. ANSWER; HEARING

- **Gives landlords a faster court scheduling for non-payment or breach of a lease**
 - final hearing within 90 days after the filing of the complaint absent good cause

H. 772 Feedback

§ 4863. ANSWER; HEARING

- **Shifts the burden of proof to tenants**

- *(a) An answer to a complaint filed under this subchapter shall be accompanied by an affidavit setting forth particular facts in opposition to the complaint*
- For “particular facts in opposition to the case”; this is a reversal of due process; tenants should not need to initially disprove a negative- landlords should need to affirmatively prove wrong-doing.
 - We don't think the guardrails around the complaint will give tenants sufficient information to plan a defense. A complaint is the landlords allegations- they file a document that lists out the things they will prove in court. The law allows the court to review and see if this is a claim the law can remedy. An answer is similarly a response that states whether you agree with their assertion, to be later proved in court. This essentially asks the tenant to provide evidence before the landlord does.

H. 772 Feedback

§ 4865. THREATENING BEHAVIOR; EXPEDITED HEARING

- **Creates significant process barriers for tenants**—especially those without legal representation
 - This section gives a landlord an expedited process where landlord alleges a tenant “threatens harm.” In certain instances, some of which are notably broad and vague (*or other activity any of which threaten threatens the health or safety*) the landlord would be granted possession of the unit without live testimony.

This section takes away tenants rights by applying unlawful occupant policies- policies related to people who are not tenants and who would not have rights to a unit- to tenant eviction proceedings.

H. 772 Feedback

§ 4865. THREATENING BEHAVIOR; EXPEDITED HEARING

- **Creates significant process barriers for tenants**—especially those without legal representation
 - *(a)(1) In an action for ejectment based on a termination under 9 V.S.A. § 4467(b)(2), the plaintiff may file a motion for a judgment that the plaintiff is entitled to immediate possession of the premises on the grounds that the defendant's continued occupation of the lands or tenements is threatening the health or safety of other residents, the landlord or the landlord's agent, or neighbors.*
 - *(2) The motion may be filed and served with the complaint or at any time after the complaint has been filed. The motion shall be accompanied by an affidavit setting forth particular facts in support of the motion and a copy of the lease agreement*
 - In VT there is a complaint, answer, and merits hearing, and you can have motions in-between. They are using rules about motions to heighten what tenants need to do to stay in the game.
 - When it's a motion the defendant must request an opportunity evidence to be reviewed and the court can say no.
 - Is this the same affidavit as listed in § 4863. ANSWER; HEARING (a)? Are there two affidavits?

H. 772 Feedback

§ 4865. THREATENING BEHAVIOR; EXPEDITED HEARING

- **Creates significant process barriers for tenants**—especially those without legal representation
 - *(b) A hearing on the motion shall be held promptly any time after 10 days' notice to the parties but not later than 21 days after the motion is filed absent good cause*
 - Potential 10-day period to dispute/answer with dispute of evidence before the hearing

H. 772 Feedback

§ 4865. THREATENING BEHAVIOR; EXPEDITED HEARING

- **Creates significant process barriers for tenants**—especially those without legal representation
 - *Bill language:*(c) *At any time before the hearing, the defendant may oppose the motion pursuant to Rule 7(b)(6) of the Vermont Rules of Civil Procedure by filing an affidavit, a signed written statement, or a memorandum in opposition to the motion. The affidavit, signed written statement, or memorandum shall set forth particular facts to show that a genuine dispute of fact exists in relation to the motion*
 - Rule 7(b)(6) Evidentiary Hearings. “The court shall provide an opportunity to present **evidence if requested, unless the court finds that an evidentiary hearing is not necessary**. The request for an opportunity to present evidence shall include a statement of the evidence which the party wishes to offer.”
 - For “particular facts in opposition to the case”; this is a reversal of due process; tenants should not need to initially disprove a negative- landlords should need to affirmatively prove wrong-doing.
 - We don't think the guardrails around the complaint will give tenants sufficient information to plan a defense. A tenant's ability to do this relies on the facts told to you through the landlords complaint.
 - You could also be calling in other facts unrelated to what is in the complaint. This is especially important for reasonable accommodations
 - This essentially asks the tenant to provide evidence before the landlord does.

H. 772 Feedback

§ 4865. THREATENING BEHAVIOR; EXPEDITED HEARING

- **Creates significant process barriers for tenants**—especially those without legal representation
 - *(d)(1) If the defendant fails to appear for the hearing, or to file an affidavit, signed written statement, or memorandum in opposition to the plaintiff's motion, or has failed to file an answer in the time provided pursuant to Rule 12 of the Vermont Rules of Civil Procedure, the plaintiff shall be entitled to judgment by default for immediate possession of the premises.*
 - *(e) If the court issues judgment in favor of the plaintiff pursuant to subsection (d) of this section, the court shall, on the date judgment is entered, issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not sooner than five days after the writ is served, to put the plaintiff into possession.*
- This changes what a tenant needs to do to avoid a default judgement. Currently, a tenant only has to do any one of the things under (d)(1). This would require a tenant do all things listed.
- This will be hard without legal representation and for people with disabilities that may impact their ability to engage in this process.

H. 772 Feedback

Sec. 4. PURPOSE

The purpose of Sec. 5 of this act is to overrule the Vermont Supreme Court's decision in State v. Dixon, 169 Vt. 15 (1999), and allow the landlord of a dwelling unit to obtain a no trespass order prohibiting the tenant's invitees or licensees from entering the dwelling unit's common areas if the invitee or licensee subject to the order has violated the terms of the lease agreement.

- The law already requires that tenants guests follow the lease
- This overrides person in lawful possession. **Does this change who is in possession of the unit by law?** Or is this saying that regardless of who is in possession, landlords can still issue no trespass orders?
 - State v Dixon ruling would still be in statute under: 13 V.S.A. § 3705(a)(1)
*(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, **if, without legal authority or the consent of the person in lawful possession,** the person enters or remains on any land or in any place as to which notice against trespass is given by.*

H. 772 Feedback: Tenant Provisions

§ 3705. UNLAWFUL TRESPASS:

- **Allows landlords to put tenant's guests at risk of being charged with a crime by serving them with an order against trespass- for highly discretionary reasons, such breaking any lease term - without the tenant's consent.**
 - It would subject tenant guests who are disfavored by a landlord to criminal prosecution based on trespass when they are doing no more than exercising their right to associate. This would allow landlords to have tenant's guests arrested if they visit friend who lives in the building.
 - This section unconstitutionally interferes with tenants' right to association and to privacy in one's home and proposes a deprivation of property and liberty interest without due process.
 - 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.

H. 772 Feedback: Tenant Provisions

§ 3705. UNLAWFUL TRESPASS:

(g)(1) Notwithstanding subsection (a) of this section or any provision of law to the contrary, a landlord of a dwelling unit may cause to be served an order against trespass that prohibits a tenant's invitees or licensees from trespassing in the dwelling unit or any of the dwelling unit's common areas if:

(A) the tenant responsible for the invitee or licensee consents to the order;

(B) the invitee or licensee subject to the order has violated the terms of the dwelling unit's lease agreement;

or (C) the invitee or licensee has violated a State or federal law while on the premises of the dwelling unit.

- Who is deciding that this violates the lease or the law? On what basis?
 - (a) would be written into every lease.
 - (b) is not a criminal action warranting a criminal trespass order. A violation of the lease could be many things. This is not a power landlords should have- to be able to no trespass community members for broad and discretionary reasons related to lease terms.
 - (c) is way too broad. Is there a tribunal between the landlord deciding it and the notice being allowed? I.e. "I say you are violating federal law." Are you a lawyer? Are you a police officer? Are you a court?

Recommendations

Recommendations

- Explore the concept of a Landlord Tenant Court through a working group or committee
- Providing universal access to legal counsel for tenants
- Expand emergency rental assistance programs
- Increase resources to the judiciary, nonprofit affordable housing providers, shelter providers
- Increase resources to landlord liaison services, landlord-tenant education and outreach, and fair housing programs
- Increased supportive services for renters struggling with financial hardship, addiction and mental illness
- Explore automatic eviction record sealing and pre-filing clinic options
- Implement rent stabilization policies and just cause eviction protections

"The true measure of any society can be found in how it treats it's most vulnerable members."