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To: Chair Marc Mihaly, House Committee on General and Housing and
Chair Alison Clarkson, Senate Committee on Economic Development, Housing and
General Affairs.

From: Jean Murray¹, Project Director, Housing for Everyone Law Project, Vermont Legal Aid.

Re: Landlord/Tenant Study Committee, testimony of 1/22/2025

The work I have done since July of 2020 has been funded by federal grants with the purpose of helping Vermonters have rental housing stability. Housing stability is needed because no other parts of life: not work, not health, not education can be pursued without a stable home. Eviction traumatically disrupts the work, health, and education of the most vulnerable families. By vulnerable I mean households with lower-income or who have a household member who is elderly, or with health or mental health issues or with a child with special needs, or who has lost a job, or who has lost a family member. These are the households who are being evicted, and these are the households least able to cope with the trauma of eviction. In many cases, when vulnerable Vermonters are evicted, they end up in the State's shelter system, or without shelter at all.

The Landlord-Tenant Study Committee heard from tenants, and landlords, and experts on housing policy. We did not hear much about housing law itself. In Vermont, after a couple of centuries of common law rules addressing the conveyance of possession by property owners to tenants, and the procedures for returning possession to property owners, the Residential Rental Agreements Act (RRAA) 9 V.S.A. 4451 et seq, was enacted 40 years ago. It incorporated the common law rules and filled in other then-common expectations of tenants and landlords. It was thought to delineate a "balance of rights and duties." That balance depended on the market conditions of 40 years ago. The RRAA includes time periods for notice of rent raises and

¹ I have practiced landlord-tenant law since 1991, the last 27 years in Vermont. I work at Vermont Legal Aid. Housing work, as are many kinds of work at Legal Aid, is funded by a grant from the State and the Bar Association, and by numerous federal grants. The work I have done since July of 2020 has been funded by federal grants with the purpose of helping Vermonters have rental housing stability. The federal funding allowed Vermont Legal Aid and Legal Services Vermont to increase the services to Vermonters in terms of number of tenants served, and level of service. That federal funding is ending on June 30, 2025.

termination that were thought reasonable 40 years ago, when finding a new, affordable apartment was not the impossibility it is today.

The housing crisis in Vermont has changed market conditions, and now there is a huge power imbalance in favor of landlords. We heard tenants testify they had no control over their own housing stability: landlords can and do terminate their tenancies for no reason and places to move to are non-existent. Tenants cannot rely on “tenant protections” because most protections depend on tenant’s willingness to make complaints to the landlord, as in asking for repairs, or protests when the landlord does not follow the law, as in proper notice of rent increase. Few tenants are willing to risk their housing stability by asking their landlords for what the law provides.

Housing stability is also threatened by the Opioid crisis as drug dealers push in to the homes of vulnerable people. Again, the committee did not hear much about existing law: The RRAA already provides a shortened time to terminate the tenancies of tenants who place other tenants at risk of harm. The RRAA already has an immediate court process for unauthorized occupants. Court procedures already exist for requesting expedited hearings where there is evidence that delay could cause irreparable harm to the health and safety of other tenants, but the committee did not hear any testimony about how often landlords choose to use those procedures. The committee did not hear ideas to protect tenants targeted by drug dealers. In order to maintain housing stability, some tenants are going to need on-going services so they can resist problems and people associated with the drug epidemic; some buildings are going to need security.

The committee heard from landlords their belief that eviction court processes take a year or more. So, we heard that the judiciary aspires to complete eviction cases within six months, and in 76% of the cases filed, that aspirational goal is met. But the committee did not hear the reasons some cases take longer: the choices made by the Plaintiff/landlords. How long do they wait after the termination date to file a case? How long do they wait to serve? Do they neglect to file a motion for default? Do they postpone the final hearing of the case by making a motion for rent into court?

The committee heard that numbers of evictions filed are increasing, but did not hear about the grounds for eviction, which is increasingly for no cause. Also, there is no source of data to understand how many tenants who receive a termination notice leave, without waiting for court action. Perhaps if Vermont had a registry of rental properties and better understood the undercurrents in the rental housing market, Vermont would be better able to make policies to achieve and preserve housing stability for vulnerable Vermonters.