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To: Senate Committee on Judiciary
From: Jean Murray, Senior Housing Attorney jmurray@vtlegalaid.org
Re: H. 772
Date: April 16, 2026

Thirty percent of Vermont households are renters. Half of them pay more than 30% of their income for rent. Median rents increased 40% in the last five years. Vacancy rates have been very low for years. Vermont's rate of people experiencing homelessness is fourth highest in the nation and continues to increase. The number of evictions filed in court has increased 9% since 2019; an unknown number of tenancy terminations have caused tenants to move out to avoid being taken to court. Vermont has a **housing crisis**. Unavailability, Unaffordability, Instability. It affects Vermont's economy because rents have increased, but Vermont incomes have not increased. Vermont needs workers and consumers, but they cannot afford to live here.

H. 772 does not respond to this crisis. There is no logical reason, **no evidence** of any kind to explain why evicting tenants faster will make housing more stable, affordable, or available.

If the goal was to reduce landlord expenses to incentivize landlords to keep long-term rental units on the market, why was tax relief not considered?

If the goal was to help non-profit housing providers keep buildings safe for all tenants, why not put this relief in a protective order process, like relief from abuse, or protection of vulnerable adult processes.

If the goal was to prevent delay in court process, why not give the courts more resources?

The goal in this bill was not to rebalance rights between landlord and tenants. There is no evidence that the Residential Rental Agreements Act is not balanced, nor is the RRAA responsible for the unbalanced market conditions that exacerbate Vermont's housing crisis.

The RRAA has been the law for 40 years. It ensures due process for both landlords and tenants and has not been changed by any challenge claiming lack of due process. It does not need to be rebalanced.

Due Process means parties are provided with Notice and Opportunity to be Heard. It means laws passed and court procedures consider "the private interest that will be affected by the official action," "the risk of an **erroneous deprivation** of such interest through the procedures used, and probable value, if any, of additional procedural safeguards," and "the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail. Mathews v. Eldridge, 424 U.S. 319, 321, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

Both landlords and tenants have important interests. A residential tenancy is more than a contract. A tenancy is a conveyance by a landlord of some of the “bundle of rights” attendant with ownership. A landlord retains the right to control and transfer the property, a tenant is granted possession, use, enjoyment, and the right to exclude others. Rental agreements set conditions on the conveyance, including how and when the landlord may terminate the conveyance.

H. 772 risks erroneous deprivation of tenants interest weighs in favor of landlords. **It gives landlords** many things, less reliable notice methods shorter notice times, more grounds for eviction, ability to charge fees at the time of application, the continued ability to raise rent by any amount, the continued ability to evict for no cause and at the expiration of a lease term of time. It gives an expedited eviction process that does not require testimonial evidence in court.

H. 772 **takes rights away from tenants**. It allows applicants to be charged fees, rent to be raised more than once every 12 months, standardizes three months up front to move in, takes away time to cure a non-payment, reduces time to defend against an allegation of breach of lease or law adds additional, and sometimes non-sensical grounds for eviction.

H. 772 **will not work** to achieve its stated purpose. The reason advanced for the changes in H. 772 is that it will address “systemic court inefficiencies.” Though there are stories, there is no evidence that the court system is inefficient, but if efficiency in kicking tenants out of their homes is what is desired, H. 772 will not do it. From a practitioner’s point of view, H. 772 **injects chaos** into a system that has functioned predictably for 40 years, without addressing how the changes would play out. For example, current law, and longstanding practice allows landlords to send two notices at a time, one for non-payment and one for no cause. H. 772 created a separate process for non-payment, with onerous requirements for tenants, and a faster timeline, but no cause (which is a more certain way to get a judgment of eviction) gets the current process. As is now written, a tenant could have to face two simultaneous processes.

H. 772 adds and rearranges grounds for eviction, seemingly ending a tenant right to defeat a non-payment termination notice by paying, adding grounds that conflict with two long-standing sections of the RRAA, allowing eviction for no cause but removing the words “no cause” from the law, adding termination by “government notice” without saying what that is -- all of this means landlords and tenants will be arguing alternate interpretations of this for a long time. It doesn’t make process faster or more efficient.

H.77s reconstructs court process into two processes (regular and short) based on the termination reason, incognizant of the longstanding Vermont practice and law where landlords send multiple notices. Notice directs to two different processes, and H. 772 does not answer who decides which process, meaning there could be litigation around that issue.

Most concerning is the wide door opened for a landlord to bring an expedited Motion (really fast process) to end a tenancy. A landlord can bring a Motion alleging that an “other activity” which

does not need to be a crime nor breach of lease, and doesn't need to occur on the premises, threatens the health and safety of other residents, the landlord, or the neighbors. This wide door invites discriminatory eviction, doesn't let tenants know what they could be evicted for, and could include many legal activities.

The court procedures for H. 772's fast, 90-day evictions are unfairly weighted in favor of landlords. A landlord's Complaint doesn't have to include sworn-to facts, but a tenants' Answer must attach an affidavit. This means tenants must provide evidence before the landlord provides evidence. A tenant must file more than just an Answer; failure to file crucial paperwork could result in default judgment.

In the really fast expedited process: landlord's Motion for Immediate Possession, a landlord need not describe the acts done by the tenant that threaten health and safety, rather landlord could choose particular facts, such as "violated Lease paragraph 13" without a description of what tenant allegedly did. A tenant's failure to show a genuine dispute of fact, or failure to succinctly describe a need for live evidence, could result in a tenancy being ended without evidence in a live hearing. H. 772 does not require a court review of landlord's motion: it is landlord, not court, who can decide if hearing in ten days is warranted. These procedures risk an erroneous deprivation of a tenant's interest in their home.

H. 772 gives landlords an ineffective and unconstitutional ability to serve tenant's guests with notices against trespass. Because the tenant has possession, and the non-consent of the landlord cannot override the tenant's consent to guests, these trespass provisions aren't effective. If they were, they would be unconstitutional because they allow a landlord, without review by a neutral body, to take away a tenant liberty interest in their home.

The provisions in H. 772 came from the committee; other than "faster for landlords" no policy goal was identified. Stakeholders did not craft the bill; there were no compromises to the goal of aiding landlord autonomy, decreasing court discretion, and truncating tenant rights.

H. 772 will make Vermont's housing crisis worse and increase homelessness. It should not pass.