

1 H.352

2 Introduced by Representatives Weed of Enosburgh, Cina of Burlington,
3 Connor of Fairfield, LaClair of Barre Town, and Potter of
4 Clarendon

5 Referred to Committee on

6 Date:

7 Subject: Commerce and trade; court procedure; residential rental agreements

8 Statement of purpose of bill as introduced: This bill proposes to create an
9 expedited process for the eviction of a tenant whose rent is more than 90 days
10 overdue; to create an outreach program for landlords that rent to tenants
11 receiving assistance through Reach Up, General Assistance, or the Rental
12 Arrearage Program; and to create a registry of landlord-tenant court decisions.

13 An act relating to residential rental agreements

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 12 V.S.A. § 4853c is added to read:

16 § 4853c. RENT 90 DAYS OR MORE PAST DUE; EXPEDITED PROCESS

17 (a) In an action of ejectment for nonpayment of rent where the defendant
18 has failed to pay rent for 90 days or more, the plaintiff may submit a motion to
19 the court for judgment that the plaintiff is entitled to immediate possession of
20 the premises.

1 (b) The court shall enter judgment in favor of the plaintiff and issue a writ
2 of possession within ten days after the plaintiff serves notice of his or her
3 motion on the defendant, unless the defendant requests a hearing within the
4 ten-day period.

5 (c) If the defendant requests a hearing, the hearing shall be held within five
6 days of the defendant's request.

7 (d) The plaintiff's motion and any memorandum in opposition filed by the
8 defendant shall be accompanied by an affidavit setting forth particular facts in
9 support of it.

10 (e) If the court grants judgment in favor of the plaintiff, it shall promptly
11 issue a writ of possession directing the sheriff of the county in which the
12 property or a portion of the property is located to serve the writ upon the
13 defendant and, not earlier than five days after the writ is served, to put the
14 plaintiff into possession.

15 Sec. 2. 12 V.S.A. § 4774 is added to read:

16 § 4774. NONPAYMENT OF RENT; SEARCHABLE ONLINE
17 DATABASE

18 (a) The Superior Court shall develop on the Vermont Judiciary website a
19 publicly accessible database containing all decisions issued during the prior
20 five years in proceedings:

21 (1) for ejectment pursuant to this chapter and 9 V.S.A. chapter 137;

1 (2) for a landlord's breach of the warranty of habitability pursuant to
2 9 V.S.A. § 4458; or

3 (3) for retaliatory conduct pursuant to 9 V.S.A. § 4465.

4 (b) The database shall conform to the following requirements:

5 (1) The database shall be available to the public at no charge and shall
6 be accessible without requiring a user to have a specific software or browser.

7 (2) Data included in the database shall be separated into distinctive
8 fields designated by field headings that shall be searchable within the database,
9 including searching by the name of a party, including maiden name, if
10 applicable, the Superior Court unit, and date of birth.

11 (3) All decisions listed in the database pursuant to subsection (a) of this
12 section shall be made available in the database as soon as practicable after the
13 judgment has been entered by the court and becomes final.

14 (4) The database shall be continuously updated.

15 (5) The clerk of the Superior Court shall audit the database to ensure the
16 information has been submitted correctly.

17 (6) The clerk of the Superior Court shall remove a decision from the
18 database after five years have elapsed since the date the judgment was entered
19 by the court.

1 Sec. 3. OUTREACH TO LANDLORDS AND TENANTS

2 The Department of Housing and Community Development, with input from
3 parties representing the interests of both landlords and tenants, shall conduct a
4 public outreach and information program to provide information to landlords
5 and tenants regarding their rights and responsibilities under the law. In
6 particular, the Department shall provide information to landlords renting only
7 one or two units regarding landlord-tenant law, the eviction process, and the
8 informational resources available to them.

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on July 1, 2017.