

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.771

Introduced by Representatives Gamache of Swanton, Savage of Swanton,
Batchelor of Derby, Berry of Manchester, Brennan of
Colchester, Browning of Arlington, Burditt of West Rutland,
Canfield of Fair Haven, Chesnut-Tangerman of Middletown
Springs, Christie of Hartford, Cupoli of Rutland City, Dame of
Essex, Dickinson of St. Albans Town, Fagan of Rutland City,
Forguites of Springfield, Gage of Rutland City, Hebert of
Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of
Milton, Keenan of St. Albans City, LaClair of Barre Town,
Lawrence of Lyndon, Martel of Waterford, Myers of Essex,
Parent of St. Albans Town, Pearce of Richford, Purvis of
Colchester, Russell of Rutland City, Shaw of Pittsford, Shaw of
Derby, Tate of Mendon, Van Wyck of Ferrisburgh, Viens of
Newport City, and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Commerce and trade; residential rental agreements; landlord-tenant;
unlawful trespass

Statement of purpose of bill as introduced: This bill proposes to require a
landlord's consent to any sublease agreement; to clarify that the statutory

1 provisions governing residential rental agreements do not apply to individuals
2 residing in a rented dwelling without either a rental agreement or the landlord's
3 consent; and to permit the prosecution for unlawful trespass of an individual
4 residing in a dwelling unit without the landlord's consent.

5 An act relating to residential rental agreements

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

7 Sec. 1. 9 V.S.A. § 4451 is amended to read:

8 § 4451. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (4) "Landlord" means the owner, ~~lessor, or where applicable, the~~
12 ~~sublessor~~ or the owner's agent of a residential dwelling unit or of the building
13 of which it is a part.

14 * * *

15 (9) "Tenant" means a person entitled under a rental agreement with the
16 landlord to occupy a ~~residential~~ dwelling unit to the exclusion of others.

17 (10) "Subtenant" means a person entitled to occupy a dwelling unit to
18 the exclusion of others pursuant to a rental agreement between the subtenant
19 and a tenant, provided that the landlord has consented to the agreement.

1 Sec. 2. 9 V.S.A. § 4452 is amended to read:

2 § 4452. EXCLUSIONS

3 Unless created to avoid the application of this chapter, this chapter does not
4 apply to any of the following:

5 * * *

6 (7) transient residence in a campground, which ~~for the purposes of as~~
7 used in this chapter means any property used for seasonal or short-term
8 vacation or recreational purposes on which are located cabins, tents, or
9 lean-tos, or campsites designed for temporary set-up of portable or mobile
10 camping, recreational, or travel dwelling units, including tents, campers, and
11 recreational vehicles such as motor homes, travel trailers, truck campers, and
12 van campers; ~~or~~

13 (8) transient occupancy in a hotel, motel, or lodgings during the time the
14 occupant is a recipient of General Assistance or Emergency Assistance
15 temporary housing assistance, regardless of whether the occupancy is subject
16 to a tax levied under 32 V. S.A. chapter 225; or

17 (9) an occupant of a dwelling unit who is unable to demonstrate either
18 that he or she is a tenant or that he or she is occupying the dwelling unit with
19 the landlord's consent.

1 Sec. 3. 9 V.S.A. § 4452a is added to read:

2 § 4452a. UNAUTHORIZED OCCUPANTS; UNLAWFUL TRESPASS;

3 NOTICE

4 A landlord may give an occupant of a dwelling unit that is excluded from
5 the provisions of this chapter pursuant to subdivision 4452(9) of this chapter
6 notice against trespass pursuant to 13 V.S.A. § 3705(a) and order the
7 individual to vacate the premises within 24 hours after receiving the notice.
8 If the individual fails to vacate the premises within 24 hours of receiving the
9 notice, he or she shall be in violation of 13 V.S.A. § 3705(a) and may be
10 prosecuted under that subsection. This section shall not be construed to limit
11 the rights and remedies available to a landlord pursuant to this chapter.

12 Sec. 4. STATUTORY REVISION

13 The Legislative Council, in its statutory revision capacity pursuant to
14 2 V.S.A. § 424, is authorized to correct instances of the word “tenant”
15 appearing in 9 V.S.A. chapter 137 to “tenant and subtenant” or “tenant or
16 subtenant” as necessary to effect the intent of Sec. 1 of this act (amending
17 9 V.S.A. § 4451).

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on July 1, 2016.