

**TO:** Community Development and Neighborhood Revitalization (CDNR)

**FROM:** Devon Ayers and Erika Johnson, Housing Discrimination Law Project, Vermont Legal Aid

**RE:** Why Vermont Legal Aid Supports Just Cause Reform

**DATE:** July 14, 2020

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## Introduction

In Chittenden County over the last five fiscal years, there were 1839 filed landlord-tenant cases.<sup>1</sup> With few exceptions, these cases are eviction cases. Vermont Legal Aid's 2019 report Eviction in Vermont: A Closer Look found that approximately 70% of evictions in Vermont are for nonpayment of rent.<sup>2</sup> Breach of lease accounts for another 10% of filed eviction cases.<sup>3</sup> This means that 20% of all filed eviction cases are for no cause at all. "No cause" eviction allows landlords to evict tenants even if the tenants have paid rent on time and have never broken their leases. A landlord does not have to give a reason for evicting a tenant under no cause.<sup>4</sup>

If Chittenden County is consistent with statewide trends, no cause eviction cases comprise approximately 368 of the eviction actions filed in Chittenden County over the last five years. In addition to the number of *filed* eviction cases each year, landlords frequently evict tenants for no cause without ever filing a court case. In Vermont, a landlord must begin an eviction case by giving their tenant notice that their tenancy is ending and a specific move-out date.<sup>5</sup> Many tenants who receive these notices simply move out by this date. These landlords do not have to file an eviction action, and there is no official record of the termination. These cases and other non-judicial move-outs are often referred to as "informal evictions."<sup>6</sup> Although there is no available data on informal evictions in Vermont, our experience and studies of other jurisdictions lead us to believe that informal evictions are equal to (and perhaps surpass) filed evictions.<sup>7</sup>

For tenants, the consequences of an eviction can be devastating and have deep and lasting effects. Housing has a major impact on a person's health, economic, and social outcomes.<sup>8</sup> Renters who experience a forced move relocate to neighborhoods with higher rates of poverty and crime than those

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<sup>1</sup> <https://www.vermontjudiciary.org/sites/default/files/documents/Appendix%20II.pdf>.

<sup>2</sup> Vermont Legal Aid, Eviction in Vermont: A Closer Look 5, 23 n.21 (2019), available at <https://www.vtlegalaid.org/sites/default/files/Eviction-Report-VLA-3.18.19-web.pdf>.

<sup>3</sup> Id.

<sup>4</sup> 9 V.S.A. § 4467(e).

<sup>5</sup> 9 V.S.A. § 4467.

<sup>6</sup> See, e.g., Matthew Desmond, Eviction and the Reproduction of Urban Poverty, 18 Am. J. of Sociology 88, 95 (July 2012), available at <https://scholar.harvard.edu/files/mdesmond/files/desmond.evictionpoverty.ajs2012.pdf>.

<sup>7</sup> See, e.g., Deena Greenberg et. al., Discrimination in Evictions: Empirical Evidence and Legal Challenges, 51 Harv. C.R.-C.L. L. Rev. 115, 125 (2016) (in study of evictions in Milwaukee, informal evictions comprised 48% of all forced moves, suggesting court records of evictions provide a substantial underestimate of all evictions).

<sup>8</sup> See Where You Live Matters: 2015 Fair Housing Trends Report, Nat'l Fair Housing Alliance, 1 (2015), available at <https://nationalfairhousing.org/wp-content/uploads/2017/04/2015-04-30-NFHA-Trends-Report-2015.pdf> ("Where you live determines whether or not you have access to a high-performing school, fresh foods, reliable transportation, good job, quality health care, and recreation in a green space. It often determines even how long you will live.").

who move voluntarily, which has particularly harmful effects on children.<sup>9</sup> Eviction can also lead to job loss; a recent study suggests that tenants who experience evictions or other forced moves are as many as 22 percentage points more likely than similarly situated people to subsequently lose their jobs.<sup>10</sup> And eviction attacks the physical and mental health of the tenants who experience it. In one study, mothers who were evicted the previous year experienced higher levels of material hardship and parenting stress and were more likely to suffer from depression and to report their health and that of their children as being poor.<sup>11</sup> These effects lasted for several years.<sup>12</sup>

These reports are a small sample of a rapidly growing body of evidence that evictions deeply injure individuals, families, and communities. As the personal and systemic consequences of our national eviction epidemic have become clear, several cities and states have enacted laws designed to limit opportunities for landlords to use no cause eviction to displace tenants for no fault of their own.<sup>13</sup> These laws are broadly referred to as “just cause” eviction reforms.

Over the last several months, Burlington residents have joined communities around the nation in demanding just cause reforms to Burlington’s housing ordinances. In 2019, in response to public demand for housing policy reform, CEDO and the Department of Permitting & Inspections conducted a review of existing tenant protections in Burlington and Vermont and issued recommendations for ways Burlington can improve its policies to better support tenants.<sup>14</sup> Their subsequent memorandum dedicated several sections to a summary of just cause provisions in other states and concluded by recommending that the City of Burlington “review ‘just cause’ eviction standards and consider tenant assistance for ‘no cause’ evictions.”<sup>15</sup> Building on these recommendations, in February 2020 the Burlington Tenants Union presented CDNR with a list of demands that included a demand for the City of Burlington to enact just cause eviction reforms to increase housing and community stability.<sup>16</sup>

This memo builds on the work of CEDO and the Burlington Tenants Union and lays the groundwork for future conversations about what reforms are needed. Simply put, this memo seeks to

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<sup>9</sup> Matthew Desmond and Tracey Schollenberger, Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences 1752, *Demography* (2015), available at <https://scholar.harvard.edu/files/mdesmond/files/desmondshollenberger.demography.2015.pdf>.

<sup>10</sup> Matthew Desmond and Carl Gershenson, Housing and Employment Insecurity among the Working Poor, *Demography* (Jan. 11, 2016), available at <https://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>.

<sup>11</sup> Matthew Desmond and Rachel Tolbert Kimbro, Eviction’s Fallout: Housing, Hardship, and Health 316, *Social Forces* (Sept. 2015), available at <https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.socialforces.2015.pdf>.

<sup>12</sup> *Id.*

<sup>13</sup> See generally Memorandum from CEDO and the Department of Permitting & Inspections to City Councilors, available at [https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/20191031\\_TenantRightsResearch\\_Final\\_1.pdf](https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/20191031_TenantRightsResearch_Final_1.pdf).

<sup>14</sup> *Id.* at 1.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> Proposed Tenant Protections Submitted to the Community Development and Neighborhood Revitalization Committee by Burlington Tenants Union (Feb. 2020), available at [https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/CDNR-Burlington-Tenants-Union\\_2.pdf](https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/CDNR-Burlington-Tenants-Union_2.pdf).

answer two questions: What are the problems associated with no cause in Burlington, and why does Burlington need just cause eviction reform?

To answer these questions, the memo pulls together recent studies of evictions and housing needs in the State of Vermont and emerging research from around the country about how eviction and housing discrimination work together to destabilize housing and undermine long-established housing rights, particularly for tenants of color and other protected classes. The memo's authors rely on our experience as housing discrimination advocates to fill in the gaps left by the currently available research, often referring to recent, anonymized cases and calls as real-life examples of the harmful impact of no cause eviction in Burlington and statewide.

This memo is organized as follows. Section I provides a brief summary of the relevant state housing laws and local ordinances that define no cause eviction in Burlington. Section II discusses how no cause eviction makes it possible (and in some situations, profitable) for landlords to unlawfully discriminate against tenants based on their status as members of protected groups: tenants of color, tenants with vouchers, tenants with disabilities, and tenants with children. Section III discusses how no cause eviction disincentivizes landlords from addressing health and safety issues within their units and discourages tenants from reporting their concerns. Section IV reviews state anti-retaliation protections for tenants who report violations of their housing rights and how these protections fall short of their goal of meaningfully shielding tenants from retaliatory no cause eviction. Section V outlines Vermont Legal Aid's initial recommendations for changes to Burlington ordinances that minimize the negative impacts of no cause and create meaningful access to housing rights. Section VI concludes.

### **I. Background: No Cause Eviction Law in Vermont and Burlington**

The Vermont Residential Rental Agreement Act ("RRAA") allows tenants to be evicted for no cause at the end of a rental term.<sup>17</sup> Landlords must give tenants written notice to terminate a tenancy.<sup>18</sup> When terminating a tenancy for no cause, the amount of notice landlords must give their tenants depends on two things: whether a rental agreement is written or oral and the length of the tenancy. The shortest notice period is just 7 days, while the longest notice period is 90 days.<sup>19</sup>

Burlington ordinances mandate longer notice periods than state law, but only in situations where there is no written rental agreement.<sup>20</sup> The mandatory notice periods for no cause terminations are currently 90 days for tenancies of less than 2 years and 120 days for tenancies of more than 2 years.<sup>21</sup> Burlington does not have unique ordinances for no cause evictions where there is a written rental agreement. Burlington landlords must comply with the state law requirements summarized above, but Burlington tenants with written leases do not have additional protections beyond what the state requires. In some situations, tenants may be asked to move out in as few as 7 days.

Once a landlord has filed an eviction action against a tenant for no cause, the tenant has few or no legal defenses. If the termination notice complies with state law, there are only two potential defenses: retaliation and discrimination. But even those tenants who have claims for retaliation or

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<sup>17</sup> 9 V.S.A § 4467 (c)-(e).

<sup>18</sup> Id.

<sup>19</sup> 9 V.S.A. § 4467.

<sup>20</sup> Burlington Code of Ordinances Ch. 18 Housing, Section 29(a).

<sup>21</sup> Id.

discrimination face an uphill battle to prove their cases, as we discuss in more detail later. Practically speaking, there is effectively no defense to a no cause eviction.

## II. The Impact of No Cause Eviction on Fair Housing Rights

Vermont Legal Aid's Housing Discrimination Law Project represents individuals and organizations who have suffered violations of their fair housing rights. The Housing Discrimination Law Project frequently hears from people who receive no cause notices or non-renewal letters from their landlords when they attempt to assert their fair housing rights. Unlawful discrimination can happen to anyone, but the Housing Discrimination Law Project gets reports most frequently from people of color, people with housing vouchers, people with disabilities, and people with minor children. This section will discuss how no cause eviction exacerbates, conceals, and incentivizes housing discrimination against members of each of these protected classes.

### a. *Discrimination against people of color*

Although housing discrimination based on race has been illegal for over 150 years, racial discrimination in housing remains a troublingly common problem. An extensive study of the Greater Boston rental market published by The Boston Foundation in July 2020 found evidence of discrimination based on a prospective renter's race in 71% of tests.<sup>22</sup> While white testers who were not using vouchers were able to arrange to view apartments 80% of the time, similarly situated black testers seeking to view the same apartments were only able to visit 48% of the time.<sup>23</sup> The landscape is even more dire for black voucher holders, who were only able to view apartments they were interested in renting (and qualified to rent) 18% of the time.<sup>24</sup> The impact of this discrimination can be long-lasting; as one prominent study summarizes, discrimination that prevents an individual from living in high-opportunity neighborhoods "lowers the ceiling on that individual's future success."<sup>25</sup>

Vermont is far from immune to this type of racism. The available data show similar patterns of race discrimination to those uncovered by the tests in Boston. Phone tests conducted by the Housing Discrimination Law Project found discrimination against a black tester of Kenyan origin in 56% of cases.<sup>26</sup> In tests involving in-person visits, 36% of Vermont Legal Aid's tests found discrimination against the black testers or preferential treatment of the white testers.<sup>27</sup>

Race discrimination in housing choice intensifies the challenges that BIPOC tenants in Vermont already face finding safe and affordable housing. HUD uses American Community Survey data to estimate the number of households with housing problems. A household is defined as having a housing problem if it has any one or more of four problems: 1) housing unit lacks complete kitchen facilities; 2)

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<sup>22</sup> Qualified Renters Need Not Apply: Race and Voucher Discrimination in the Metro Boston Rental Housing Market 7 (July 2020), available at <https://www.tbf.org/-/media/tbf/reports-and-covers/2020/housing-voucher-report-20200701.pdf?la=en>.

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> See Raj Chetty et al., The Opportunity Atlas: Mapping the Childhood Roots of Social Mobility 1 (Oct. 2018), available at [https://opportunityinsights.org/wp-content/uploads/2018/10/atlas\\_paper.pdf](https://opportunityinsights.org/wp-content/uploads/2018/10/atlas_paper.pdf).

<sup>26</sup> Rental Discrimination Report: Housing Discrimination in Vermont Rental Markets 11 (May 2014), available at [https://www.vtlegalaid.org/sites/default/files/Rental%20Discrimination%20Report%202014\\_0.pdf](https://www.vtlegalaid.org/sites/default/files/Rental%20Discrimination%20Report%202014_0.pdf).

<sup>27</sup> Id. at 18.

housing unit lacks complete plumbing; 3) household is overcrowded; 4) household is cost-burdened. While a little over 33% of white Vermont households have housing problems, around 50% of all BIPOC Vermont households have housing problems.<sup>28</sup>

While the data clearly show that race discrimination occurs when people of color apply for housing, it is much harder to identify when landlords evict tenants for racially discriminatory reasons. Although testing can catch discriminatory housing practices at the application stage, the wide range of possible reasons for eviction make it nearly impossible to find the equally situated tenants needed to conduct testing at the eviction stage.<sup>29</sup> However, an early study suggests that race discrimination is a significant influence on landlords when they decide whether to evict tenants.<sup>30</sup>

Though we do not yet know definitively whether no cause evictions mask race discrimination, they certainly allow it to flourish. Even if white residents and tenants of color are terminated for no cause at similar rates, white residents will have a much easier time finding new housing than their BIPOC counterparts, who experience discrimination at every stage of the application process.<sup>31</sup> And if tenants of color are indeed evicted for no cause at higher rates than white tenants, the obstacles to conducting fair housing testing at the eviction stage make it nearly impossible for them to prove that it was because of their race. No cause evictions create an environment where tenants of color can be discriminated against from application to eviction without ever knowing the reason why.

*b. Discrimination against voucher holders*

Vermont is one of seventeen states that has enacted fair housing laws that prohibit some form of source-of-income discrimination.<sup>32</sup> Under Vermont law, it is unlawful for a housing provider to discriminate against a person “because [the] person is a recipient of public assistance.”<sup>33</sup> This law extends fair housing protections to people who rely on vouchers funded and administered by the Department of Housing and Urban Development (“HUD”), Vermont State Housing Authority (“VSHA”), or a local housing authority to pay for a portion or all of their housing. Voucher-holders typically must meet income cutoffs to qualify for the voucher.

Discrimination against voucher holders is an increasingly well-documented form of unlawful housing discrimination.<sup>34</sup> In the most recent study on the subject, the Boston Foundation found that in the Greater Boston housing market, voucher holders faced discrimination in a whopping 86% of tests.<sup>35</sup>

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<sup>28</sup> Vermont Housing Finance Agency, Vermont Housing Needs Assessment: 2020-2024 (Feb. 2020) 95, available at <https://accd.vermont.gov/sites/accdnew/files/documents/Housing/VT%20HNA%202020%20Report.pdf>.

<sup>29</sup> Greenberg et al., *supra* note 7, at 120.

<sup>30</sup> See generally *id.* (finding that Hispanics living in neighborhoods in Milwaukee where more than two-thirds of residents are white were roughly twice as likely to be evicted as those in predominantly non-white neighborhoods).

<sup>31</sup> See generally *Qualified Renters Need Not Apply*, *supra* note 22.

<sup>32</sup> Robert G. Schwemm, *Source of Income Discrimination and the Fair Housing Act*, 70 Case W. Res. L. Rev. 573, 598 (2020), available at <https://scholarlycommons.law.case.edu/caselrev/vol70/iss3/4>.

<sup>33</sup> 9 V.S.A. § 4503.

<sup>34</sup> See U.S. Dep’t of Housing and Urban Development, *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers* xi (2018), available at <https://www.huduser.gov/portal/sites/default/files/pdf/Landlord-Acceptance-ofHousing-Choice-Vouchers.pdf>.

<sup>35</sup> *Qualified Renters Need Not Apply*, *supra* note 22, at 6.

Testers who had vouchers, regardless of their race, were prevented from viewing apartments at very high rates. White voucher holders were able to view rental apartments only 12% of the time, while black voucher holders were able to view apartments they were interested in renting only 18% of the time.<sup>36</sup>

To our knowledge, Vermont currently has no state-specific data on housing discrimination based on receipt of public assistance. However, staff in the Housing Discrimination Law Project regularly hear from tenants with these experiences. Many landlords tell tenants up front that they do not accept vouchers even though this statement itself is a violation of state fair housing law.<sup>37</sup> Others claim to accept vouchers in theory but refuse to cooperate with the mandatory inspections and certifications that go along with the programs. Still others “ghost” or lie about their availability when they learn that the applying tenant has a voucher, exhibiting similar behavior to the housing providers studied in the Boston Foundation’s report.<sup>38</sup>

As with tenants of color, no cause eviction disadvantages voucher holders most clearly during their search for a new home. Like tenants of color, tenants with vouchers face gargantuan rates of housing discrimination at the application stage. Discrimination against voucher holders reinforces the disadvantages faced by tenants who fall into other protected categories, as voucher holders are significantly more likely to be women, people of color, or people with disabilities.<sup>39</sup> Moreover, voucher holders have extraordinarily high stakes when they receive a no cause termination. Most programs require that a voucher holder “places their voucher” by finding a new place to live within a certain period of time after their tenancy terminates (varies by program, but 60 days minimum).<sup>40</sup> If the tenant does not place their voucher by the deadline, the housing authority can take their voucher away. When stacked with rampant discrimination and an expensive rental market that makes most market housing out-of-reach for voucher holders, no cause eviction destabilizes the housing security of those who have the most to lose from an eviction.

*c. Discrimination against people with disabilities: Reasonable accommodations and reasonable modifications*

Federal and state fair housing laws protect people with disabilities in their housing by requiring landlords to make or allow changes to rules, policies, practices, or structural changes to a property when these changes are necessary to allow tenants with disabilities equal use and enjoyment of their housing.<sup>41</sup> These changes are called reasonable accommodations or reasonable modifications. Each request must be evaluated on a case-by-case basis and is very fact-specific—what is “reasonable” depends on what each tenant needs and what limitations the landlord has.

No cause evictions can provide a shield for landlords to discriminate against their tenants with disabilities. Reasonable accommodation requests create legal obligations for landlords that many would prefer to avoid. They often require landlords to think creatively about solutions and to balance the rights

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<sup>36</sup> *Id.*

<sup>37</sup> 9 V.S.A. § 4503(a)(3).

<sup>38</sup> *Qualified Renters Need Not Apply*, *supra* note 22, at 16.

<sup>39</sup> Schwemm, *Source of Income Discrimination and the Fair Housing Act* 602, n.157 (citing 2017 HUD Report finding that in the eighteen-month period ending September 30, 2017, voucher-receiving heads-of-households were 48.5% black, 17.3% Latino, 79.3% female, and 43.6% disabled).

<sup>40</sup> *See, e.g.*, 24 C.F.R. § 982.303(a).

<sup>41</sup> 42 U.S.C. § 3604(f).

of the tenant making the request with other tenants in the building or apartment complex. The law also requires that landlords engage in an interactive process with their tenants if they are unable to grant the initial reasonable accommodation request. Time and time again, we see that it is easier for landlords to evict tenants with disabilities than it is to make the accommodations or modifications required by law. When landlords are inconvenienced by a reasonable accommodation request or need to have hard conversations with other tenants who may be affected by the request, maintaining the status quo by removing the vocal tenant is often the easiest way to solve the problem.

*d. Familial status discrimination: Tenants growing their families through adoption, seeking guardianship of a minor, foster care, or pregnancy*

Federal and state fair housing law prohibits housing providers from discriminating against households based on their familial status.<sup>42</sup> These laws include protections for households with minor children, household members who are pregnant, and those seeking to gain custody or guardianship of a child.

The unfortunate reality is that familial status discrimination happens at all stages of renting, from application to move-out. Vermont Legal Aid has recently encountered several cases where the landlord sought to evict a tenant for pursuing guardianship or foster care of a minor, for becoming pregnant, or for attempting to gain custody of their biological children. Landlords also commonly terminate the tenancies of families with young children, who may make unusual noises or engage in play that inconveniences or annoys other tenants. Because these behaviors rarely rise to the level of a lease violation, landlords often prefer to terminate families' tenancies for no cause than to manage kid-related conflicts between neighbors.

### **III. Habitability**

The combination of Burlington's competitive housing market and the risk of no cause termination discourages tenants from reporting health and safety issues in their homes. Vermont Legal Aid's 2018 report Renters at Risk: The Cost of Substandard Housing concludes that fear of eviction is a significant factor that often prevents tenants from reporting housing health code violations.<sup>43</sup> Tenants' fear of eviction is exacerbated by their limited options for affordable housing. The U.S. Census Bureau reports that 59% of Burlington tenants are "rent-burdened"—that is, they pay more than 30% of their incomes in rent.<sup>44</sup> 33% of Burlington tenants spent more than 50% of their income on rent.<sup>45</sup> Even unaffordable housing is hard to come by; the annual vacancy rate for units in Burlington from 2012-2018 was around 1.5%.<sup>46</sup> A lack of affordable housing creates even higher stakes for eviction, often leaving tenants to balance the competing stresses of living in an uninhabitable unit with the possibility of homelessness.

Fear of eviction is not unfounded. Vermont Legal Aid frequently encounters tenants whose leases are not renewed because they complained about habitability issues in their units. Many of these tenants have serious concerns like unreliable heating, lack of running water, electrical issues, structural

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<sup>42</sup> 42 U.S.C. §§ 3602(k), 3604; 9 V.S.A. § 4503.

<sup>43</sup> Vermont Legal Aid, Renters at Risk: The Cost of Substandard Housing 16 (2018).

<sup>44</sup> <https://www.housingdata.org/profile/rental-housing-costs/renter-cost-burden>.

<sup>45</sup> Id.

<sup>46</sup> Allen, Brooks & Minor, Apartment Market Vacancy Study for the City of Burlington (July 25, 2019).

damage, or plumbing and sewage leaks. Although tenants are technically protected from retaliation if they report health and safety violations to a state agency, this statute is difficult to enforce in practice (as the next section will discuss). In short, no cause creates a financial incentive for landlords to evict and replace tenants who complain about safety and habitability issues rather than taking on the expense of making their units livable and safe.

#### **IV. Anti-Retaliation Provisions and No Cause**

While state law does prohibit landlords from retaliating against tenants who seek to enforce their rights, in practice it does little to shield tenants from the risks outlined in this memo. State law prohibits landlords from retaliating against tenants who complain to a governmental agency about habitability issues, complain to their landlord about a violation of the RRAA, or organize or join a tenant's union or similar organization.<sup>47</sup> If a landlord attempts to evict a tenant in violation of this law, the law gives the tenant a defense to the eviction action.<sup>48</sup> If a landlord terminates a tenant's tenancy for any reason other than nonpayment of rent within 90 days after a local or state agency issues the landlord a report for violations of health or safety regulations, there is a rebuttable presumption that the termination is in retaliation for the tenant having reported the noncompliance.<sup>49</sup>

But these protections are limited in scope and almost impossible for tenants to access in practice. In habitability cases, tenants have a rebuttable presumption that a landlord's termination is retaliatory, but only if a state or local agency issues a report. The statute is silent on whether tenants who simply ask their landlords to repair the conditions in their unit benefit from this presumption. It is also unclear whether the presumption extends to tenants who seek to enforce their right to organize or to report violations of the RRAA or their fair housing rights. Without the presumption, tenants often lack clear proof of retaliation. Landlords rarely discriminate in writing, and they are often repeat players in court who can offer persuasive testimony. And even tenants with strong cases lack the resources to litigate their claims in court. Vermont Legal Aid's 2019 report Eviction In Vermont: A Closer Look reveals that in 75% of eviction cases, the landlord is represented and the tenant is not.<sup>50</sup> In short, the protections against retaliation afforded by state law do not effectively protect tenants from wrongful eviction when landlords can terminate tenancies for no cause.

#### **V. Recommendations for Just Cause Evictions Ordinance**

Vermont Legal Aid strongly supports increasing tenant protections in the City of Burlington through the passage of a Just Cause Ordinance. We believe an effective ordinance achieves the following:

1. Covers as many landlords as possible, including "mom and pop" landlords;
2. Defines "cause" narrowly, limited to material breach of lease and nonpayment of rent;
3. In cases of material breach, requires landlords to give tenants written notice of the breach and an opportunity to cure it (similar to current requirements for nonpayment terminations).
4. Requires landlords to inform their tenants about civil legal such as Legal Services Vermont and Vermont Legal Aid;

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<sup>47</sup> 9 V.S.A. § 4465.

<sup>48</sup> 9 V.S.A. § 4465(b).

<sup>49</sup> 9 V.S.A. § 4465(c).

<sup>50</sup> Vermont Legal Aid, Eviction in Vermont: A Closer Look, *supra* note 2, at 8.

5. Limits landlords' ability to mimic no fault/no cause eviction by raising the rent an unreasonable amount.

## **VI. Conclusion**

Vermont Legal Aid believes that adopting a just cause ordinance is a necessary step to protect and advance the rights of Burlington tenants, prevent and end homelessness by putting an end to informal evictions, fight housing discrimination, and improve the safety of tenants living in Burlington's aging housing stock. Just cause empowers tenants to communicate with their landlords when issues arise in their tenancies without fear of reprisal or retaliation. It ensures that tenants have consistent access to safe, stable and secure housing. And it increases stability for tenants in neighborhoods that are rapidly becoming unaffordable. We recognize that just cause cannot be the answer to all of our housing problems, but we also acknowledge it as a necessary reform in our work of dismantling the systemic barriers to housing that renters in Burlington face.

We urge the Community Development and Neighborhood Revitalization Committee to advance a recommendation to the full City Council requesting a charter change from the legislature that allows Burlington to adopt a just cause ordinance. We thank the City Council for undertaking this urgent and complex work at a moment when our communities face so many crises and for your recognition that housing stability is an issue that can longer be put off.