



# **Eviction in Vermont: A Closer Look**

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# Why did we do this study?



- **Eviction is a significant problem:**
  - Tenants experience loss of their homes, become harder-to-house, lose income, and suffer negative health outcomes.
  - Landlords lose rent money, court costs, attorney fees, and time.
  - Vermont's costs: Court administration, shelters, EA/GA emergency housing, medical & mental health, education.
- **No available reliable measure**
  - Eviction Lab data is incorrect (found only 39 cases in 2016).
- **We wanted to know:**
  - How many households are being evicted, why, how much did they owe, what happened in the case, and what is the backstory?
- **With this data, can we come up with new solutions?**

# Some basic data on evictions in Vermont



- LL/Tenant Cases
  - 2017: 1782
  - 2016: 1690
  - 2015: 1807
  - 2014: 1791
  - 2013: 1678
- 2.41% of renting households in Vermont are subject to eviction annually
- Nonpayment is the leading cause of eviction

	2013	2014	2015	2016	2017
Addison	57	63	65	49	53
Bennington	124	134	160	150	141
Caledonia	67	89	80	97	98
Chittenden	343	377	379	365	375
Essex	6	7	3	11	7
Franklin	124	145	181	150	164
Grand Isle	8	15	13	16	6
Lamoille	66	47	40	35	53
Orange	53	60	58	42	69
Orleans	46	52	50	35	55
Rutland	284	280	268	255	253
Washington	155	159	160	166	178
Windham	161	162	178	164	154
Windsor	184	201	172	155	176
TOTAL	1678	1791	1807	1690	1782

# Methodology



- Selected 2 representative counties: Windsor & Lamoille
  - 165 cases in Windsor
  - 42 cases in Lamoille
  - Representative of statewide demographics
- Reviewed entire court file
  - All pleadings: Basis for eviction in complaint, motions, final disposition
  - Documented who had an attorney
  - How much was owed & how many months in arrears
  - Would a lawyer have made a difference?
    - Subsidized, conventional, or mobile home park

# Findings



- **Types of tenancies in eviction cases:**
  - No subsidy (and not mobile home park): 85.9%
  - Subsidy: 13.2%
  - Mobile home park: 0.9%
- **Nonpayment is the #1 reason for eviction**
  - Nonpayment was the sole basis for the complaint in 70% of cases.
- **Average arrearage in nonpayment cases: \$2000**
- **Representation: In 75% of cases, LLs have an attorney & the tenant does not.**
- **75% of cases resulted in eviction**
- **Would a lawyer make a difference?**
  - 43% of cases found to have legal defects warranting dismissal.
  - Solutions through community resources apparent in some cases.

# Findings



- “[U]ntil my fiance lost her job at Applebee’s everything was going so well . . . . My fiance is starting a new job at Chili’s full time soon but we have been very broke. . . . We love our home and our children are doing quite well at their school and we would hate to need to uproot them and move.” Docket No. 13-1-16 Wrcv (Feb. 29, 2016).
- “I fell asleep during my ride home from work, totaling my car. (Due to lack of sleep from working a full time overnight job & being a full time mommy) Unfortunately I lost my job due to injuries that kept me from going to work. . . . We always pay (late or not) and we will catch up!” Docket No. 529-11-16 Wrcv (Nov. 22, 2016).

# Findings



Cap on Grant Amount	% of Cases Resolved Without Court Filing	Estimated Vermont-Wide Cost
<b>\$1,000</b>	21%	\$246,000
<b>\$2,000</b>	42%	\$783,000
<b>\$3,000</b>	58%	\$1,494,000
<b>\$4,000</b>	66%	\$1,947,000

# Recommendations: Money



- Increase HOP funding
  - Increase consistency statewide
  - Increase grant for subsidized tenancies and MHPs
    - E.g., rent is \$240/month, client is 5 months behind, total \$900 to save a subsidized tenancy.
- Reallocate GA to rent arrears rather than motels
  - 28/84 days in motel @ \$50/day = \$1400/\$4200
- Expand Vermont Rental Subsidy
  - 84 days in a motel costs as much as one year of VRS!



# Recommendations: Money Management



- **Banking & EFT opportunities for low income HHs**
  - Low-income HHs are often unable to have bank accounts
  - Banking programs for EFT and a debit card
    - EFT rent and utilities and repayment plans
- **Direct payments from public benefits**
  - Vendor payments of Reach Up for rent and repayment plans
    - Amend Rules 2375.3, 2375.4 (housing protection for sanctions)
  - Increase availability of rep payees
- **Homebuyer savings programs for low-income workers**
  - Model: Family Self-Sufficiency Section 8 Homeownership

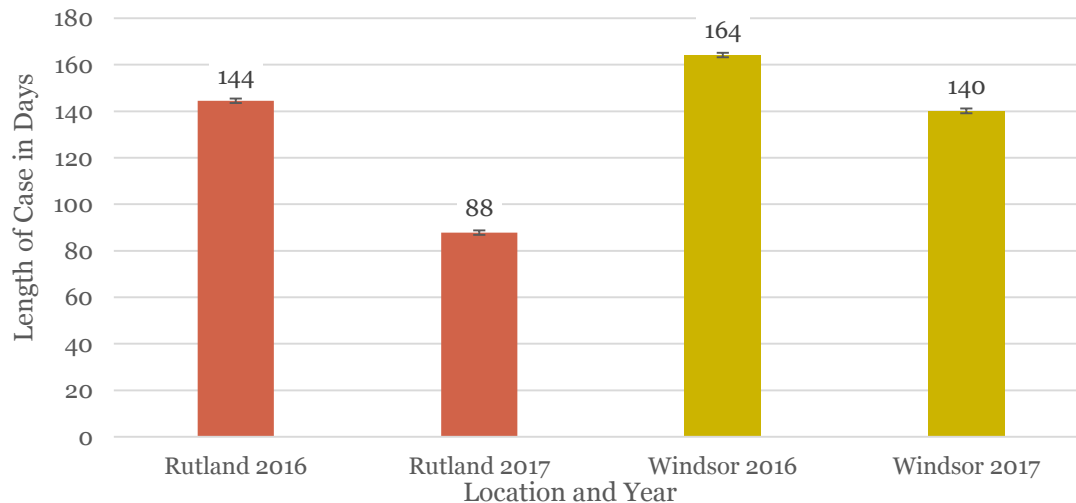
# Recommendations: Legal Process

## Limited Representation for Rent Escrow



- Improve access to justice for tenants & expedite resolution of cases
- PBI Clinics: Rutland, Addison, Washington Counties
  - Chittenden Rent Escrow Clinic
- Expand VLA intake
- Explore creation of additional rent escrow clinics staffed by VLA, LSSL, and pro/low bono attorneys.

Mean Length of Eviction Cases in Days  
Rutland and Windsor Counties, Vermont



# Recommendations: Legal Process Making Pro Se Easier



- **Notice of hearing:**
  - Referral to VLA/LSLL on notice
  - If a clinic is in place, notify ability to consult an attorney
- **Scheduling: Block scheduling for rent escrow, LL-tenant.**
  - Facilitates lawyer-for-the-day programs
- **Improve pro se answer form and ease access**
  - Attach to summons and notice of hearing
    - many tenants don't have computers/printers
- **Referral and access to community resources**
  - Referral list on judiciary website, attach to notice of hearing
  - Community Action at courthouse LL-tenant day?

# Recommendations: \$ to Landlords



- Tax credits for landlords:
  - Incentivize affordable pricing of rentals and encourage renting to RU, VRS, RRH, and S8 tenants
    - Tax credit = 8.33% of the annual rental amount (i.e., one month)
  - Encourage repayment agreements and extending tenancies to allow tenants to pay back their LLs
    - Where a landlord consents to a repayment agreement to prevent eviction and extends the tenancy for a year, offer tax credit of 25% of the repayment agreement amount.
- Tax credit would reduce the amount of property tax due from LL for following year (or income tax credit).
- Legislation: Amend Title 32, adding Ch. 155, §§ 6100 *et seq.*

# Recommendations: Long Term



- Expand affordable housing programs
- Support and expand low-income wage growth and worker protections
  - Increase the minimum wage
  - Paid sick leave
  - Paid family leave
- Support and expand rental subsidy programs that close the gap between income and rent.
  - VRS
  - Section 8
- Mediation for landlord-tenant matters

# We want to hear from you!



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