



**Poverty Law Project**

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To: Senator Kesha Ram Hinsdale, Chair, and members of Senate Economic Development Housing & General Affairs Committee; Senator Dick Sears, Chair, and members of Senate Committee on Judiciary; Senator Virginia Lyons, Chair, and members of Senate Committee on Health & Welfare

From: Sandra Paritz, Vermont Legal Aid, Inc.

Re: Testimony for Public Safety Hearing

Date: January 19, 2024

My name is Sandra Paritz. I am an attorney and the Director of the Poverty Law Project at Vermont Legal Aid. At Vermont Legal Aid we represent low-income and vulnerable tenants and advocate for the right to safe, affordable, and fair housing for all. We appreciate your attention to the issue of public safety for low-income and vulnerable tenants who reside in affordable housing, and the opportunity to submit written testimony.

We do not have statistical information about the amount of criminal activity that is taking place at Decker Towers, and affordable housing locations around the state. But it is undeniable that the opioid crisis is alive and well, and drug dealers prey on low-income and vulnerable people who reside in affordable housing. The most effective way to ensure tenants' safety is through adequate police response and proper management of a building that is designed to provide safe affordable housing. Relying on evictions is not an effective means of keeping residents safe, nor is it in keeping with the mission of Burlington Housing Authority or other housing authorities to rely on this method alone. Nonetheless, to the extent that evictions are necessary, they are being processed efficiently and effectively in the court system.

In August 2023, Vermont Digger published an [article](#) detailing the safety concerns raised by the residents of Decker Towers. The article states that the police department has had to limit its response to calls for service due to staffing constraints. Fully staffing the police department and responding to calls for criminal enforcement is essential to improving public safety. As was noted at the hearing, there are already laws about drug trafficking and destruction of property. Those laws should be fully enforced to keep residents safe.

Owners of public housing are responsible for ensuring the safety of its residents. For example, Burlington Housing Authority's (BHA's) [mission](#) is to "provide low-income, vulnerable members of our community access to safe, affordable housing

and retention support services in ways that encourage stability, improve quality of life, end homelessness, and foster vibrant neighborhoods.” The most effective way to do that is to foster a positive relationship with residents<sup>1</sup>, listen to the residents’ concerns, make necessary repairs, keep common spaces clean and sanitary, and increase security in the parking and lobby areas. The VT Digger article indicated that residents noted that: “The magnetic lock on the front door is easy to defeat and many people can gain access to the building with a hard yank on the door. The callbox used for remote entry is routinely abused by guests calling random apartments until someone lets them into the building. Too many people have keycards. The stairwells often contain human waste, bodily fluids and used needles. The parking lot is used for drug dealing or selling stolen goods. Packages are often stolen from the lobby.” Addressing these issues would go a long way to making the building safer for all tenants.

Eviction of suspected drug dealers is not an effective solution. As BHA’s Executive Director, Steve Murray testified, the residents are primarily disabled, elderly and vulnerable. Polly Major from VHCB testified that those residents sometimes fall victim to drug dealers, but they are not the source of the problem. Practically speaking, in a building with 161 units, there will always be some percentage of tenants who engage in crime. Adequate police response and improved building security are the most effective ways of keeping tenants safe.

To the extent that evictions are necessary, it appears that the judicial system is processing cases reasonably well. We reviewed eviction case statistics in August 2023 and found that 78% of pending eviction cases in Chittenden were less than 4 months old. <sup>2</sup>

Evictions based on criminal activity can proceed more quickly than other types of eviction cases. The Residential Rental Agreements Act provides a shortened notice period, only 14 days, for termination of a tenancy based on criminal activity, illegal drug activity, or acts of violence (9 V.S.A. § 4467(b)). If done properly with knowledgeable counsel, a tenancy can be terminated, and an eviction processed efficiently. In our experience, the evictions that take longer are those where

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<sup>1</sup> The VT Digger article pointed out that, “at a meeting with residents in May, Foley put together a 22-slide presentation titled “changing the culture” that pointed out there seems to be an adversarial relationship between the housing authority and residents, and that there were shortcomings on both sides.”

<sup>2</sup> In the past, we have been able to locate this information on the Judiciary Website, but it appears to be missing currently. There is some statewide data, but nothing that shows the age of active pending cases and time to disposition. However, because we provide representation to tenants with pending eviction cases, we receive updates from the court about active cases every week. The information provided here is based on an analysis of that data that we did in August 2023.

landlords do not hire competent counsel, resulting in defective cases that ultimately must be dismissed.

BHA testified that in one case a tenant's apartment was taken over by drug dealers and the tenant moved out, but it took 15 months to evict that tenant and regain possession of the unit. We are not familiar with the case itself, but this appears to be an outlier given the statistics noted above. In addition, under the Residential Rental Agreements Act, ([9 V.S.A. §4462](#)), a landlord can reclaim a dwelling unit without having to file an eviction if it has been abandoned by the tenant. If it is not clear that the apartment has been abandoned, and it is necessary to file an eviction, a tenant must answer the complaint within 21 days of service. If the tenant has left and therefore does not answer the complaint, the property owner can move for a default judgement and quickly be granted a Writ of Possession.

The Vermont Judiciary is tasked with carefully following the law and providing due process for all, while ensuring that cases proceed efficiently. Housing is a basic human right. The forcible removal from one's home is a serious and often devastating event that likely results in homelessness and a general downward spiral in all aspects of life. There are tenants who are wrongly accused of illegal activity and deserve an opportunity to fully present a defense. It is not a process that should be rushed. Vermont courts do a good job of striking a balance between judicial efficiency and due process for all parties. Any change that would speed up the process or take away the rights of tenants is a fix to a system that is not broken. The change would result in an increase in homelessness and do nothing to address the root causes of safety issues in public housing. The root causes are best addressed by adequate law enforcement and proper management of affordable housing.

Rather than relying on evictions, we hope that BHA and other housing authorities focus on proper maintenance of their buildings, improving security, and supporting tenants in a way that is consistent with their mission of encouraging stability, improving quality of life, and ending homelessness.

Thank you for your time and attention to this issue.