

**STATE OF VERMONT  
VERMONT SUPREME COURT  
FEBRUARY TERM, 2024**

**Order Promulgating Amendments to Rules 9.2 of the Vermont Rules of Civil Procedure**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 9.2 of the Vermont Rules of Civil Procedure be amended as follows (deleted matter struck through):

**RULE 9.2. SPECIAL PLEADING REQUIREMENTS IN RESIDENTIAL  
EVICTION PROCEEDINGS**

(a) **Applicability.** This rule applies to all actions for eviction of a tenant of residential housing based solely or in part on nonpayment of rent.

(b) **Notice of Termination of Residential Tenancy.**

(1) A complaint in an action to which this rule applies must contain or be accompanied by a declaration showing either compliance with the 30-day notice requirement of the CARES Act, 15 U.S.C. § 9058(c), or that the dwelling from which the plaintiff seeks to evict the tenant is not located on or in a “covered property” as defined in the CARES Act, 15 U.S.C. § 9058(a)(2).

(2) The declaration must be in the form approved by the State Court Administrator and published on the Judiciary website.

(3) The court may dismiss a case filed without the declaration.

~~(c) **Emergency Rental Assistance; Stay.** When sufficient evidence has been submitted in an action to which this rule applies that the tenant has applied for funds from the Vermont Emergency Rental Assistance Program (VERAP), the court, in its discretion, may take any action that it deems appropriate in fashioning a rent escrow order or writ of possession, including adjusting the timing of issuance of the order or writ, or adjusting the timing and amount of payment.~~

**Reporter’s Notes—2024 Amendment**

Rule 9.2(c) is deleted. Rule 9.2(c) provided that the court could take appropriate action when there was sufficient evidence that a tenant had applied for funds from the Vermont Emergency Rental Assistance Program (VERAP). VERAP was closed to new applications on October 1, 2022. By January 1, 2024, all pending applications were processed, and available funds exhausted. Therefore, Rule 9.2(c) is deleted as obsolete.

2. That these amendments be prescribed and promulgated, effective on July 1, 2024. The Reporter's Notes are advisory.

3. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 5<sup>th</sup> day of February, 2024



Signed by the Vermont Supreme Court

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice