

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

Order Abrogating Rule 9.3 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 9.3 of the Vermont Rules of Civil Procedure is abrogated, effective immediately. The Reporter’s Notes are advisory.

Reporter’s Notes—2024 Amendment

Rule 9.3 is abrogated. This rule, entitled “Special Procedures in Certain Home Foreclosures and Mobile Home Replevin Actions,” applied in all one-to-four-unit residential property foreclosure actions pursuant to 12 V.S.A. §§ 4941 or 4945 and all residential mobile home replevin actions pursuant to 9A V.S.A. § 9-609. The rule required notice to certain homeowners who suffered a financial hardship related to the COVID-19 pandemic of possible help available from the Vermont Homeowner Assistance Program (VHAP) and allowed a stay of proceedings while the VHAP processed applications for assistance.

The VHAP closed to new requests for assistance in August 2023, and completed processing of all pending applications as of January 31, 2024. Because the program is closed, Rule 9.3 is abrogated as obsolete.

2. That the Court finds that this rule must be abrogated immediately notwithstanding the provisions of Administrative Order No. 11, because the Vermont Homeowner Assistance Program is closed and continuing the notice requirement would be confusing and counterproductive.

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 5th day of February, 2024

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice



Signed by the Vermont Supreme Court