

Just Cause is a Racial Justice Issue

By Devon Ayers and Erika Johnson of Vermont Legal Aid's Housing Discrimination Law Project

This March, voters in Burlington will decide whether to give the City of Burlington the power to stop no cause evictions. Right now, a tenant who has paid all of their rent and never broken their lease can still be made homeless for no reason – that is what a “no cause” eviction is. The proposed charter change would mean that landlords have to give a reason for ending a tenancy. Tenant can still lose their homes for non-payment of rent, serious or repeated breach of lease, or a violation of the law that endangers the health and safety of other tenants or neighbors. Landlords could also end a tenancy for some reasons that are not the fault of tenants like the sale of a property or to do a major rehabilitation of their property. It just can't be “no reason.”

The problem is, no reason is almost never really no reason. It's just a reason that the landlord is not disclosing. And too often, the real reason is that the tenant asserted – or tried to assert – their basic rights to safe and fair housing. Just cause protects tenants from retaliation when they report health and safety issues, habitability claims, or discrimination in their housing. It makes it safer for tenants to advocate for their needs and interests without fear of angering their landlord and losing their homes.

Vermont Legal Aid's Housing Discrimination Law Project (HDLP) represents people who are trying to enforce their right to fair housing. Many of our clients receive no cause notices or non-renewal letters from their landlords when they try to assert their fair housing rights. While just cause is important for all renters, it is especially important for people of color, people with children, and people with disabilities.

People of color face discrimination both in finding a place to live and in keeping it. HDLP has represented several refugee clients who received notices that terminated their tenancy for no cause when they complained that their landlords frequently entered their apartments without notice. The landlords made derogatory statements about where the families were from and told the tenants that they didn't understand how to use appliances or the bathrooms because of their culture and the countries they came from. These families lost their housing only after they attempted to assert their right to privacy in their housing and complained to us about their harassment and living conditions.

Vermont Legal Aid has also recently heard from several tenants whose landlords sought to evict them for pursuing guardianship or foster care of a minor, for becoming pregnant, or for attempting to gain custody of their biological children. We frequently hear from tenants with children whose landlords terminated their tenancies because their children make age-appropriate noises or engage in play that inconveniences or annoys other tenants. Although these behaviors rarely rise to the level of a lease violation, the tenants can lose their homes anyway through a simple “no cause” eviction.

Vermont Legal Aid has also had countless cases of tenants with documented disabilities who received notices that ended their tenancies shortly after requesting emotional support animals (“ESAs”). ESAs are not pets, and getting one is not a violation of a “no pet” policy. But despite well-established federal and state law guaranteeing tenants the right to live with ESAs, tenants with the documented need for ESAs continue to have their requests denied and lose their housing for no cause when they attempt to assert their rights.

People who face discrimination during their tenancy often face even more discrimination when they get evicted. Burlington tenants face a housing market where there are few available apartments and the conditions favor renters who are white, “professional,” childless, high income-earners—in short, people who are a lot like landlords in background, income, education, and culture. While some decisions may be driven by these implicit biases, discrimination is clearly at play in the rental housing market in Vermont, just as it is across the rest of the country.

It is long overdue for Burlington, and the whole state of Vermont, to adopt the policy of just cause eviction. It protects our most vulnerable renters. It ensures that all tenants have the security to exercise their rights in housing. It is also key to fighting housing discrimination. Just cause is an essential tool for making Burlington a more just and equitable place to live.

The Housing Discrimination Law Project (HDLP) works to stop housing discrimination and to protect Vermonters' right to choose where they live. We represent individuals and organizations in court and before state agencies, housing authorities, municipal governments and the legislature. We also provide help, advice and limited legal services to people who believe they may have been discriminated against. We conduct housing discrimination investigations to document the presence of housing discrimination in our communities, and we educate the public about housing discrimination practices and how they harm everyone.

More info: www.vtlegalaid.org/housing-discrimination-law-project