

VERMONT LEGAL AID, INC.

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OFFICES:

BURLINGTON
MONTPELIER
RUTLAND

OFFICES:

ST. JOHNSBURY
SPRINGFIELD
WATERBURY

DATE

LANDLORD

Re: CLIENT, ADDRESS

Dear Mr. LANDLORD:

I am writing this letter on behalf of your former tenant CLIENT. Ms. CLIENT was a resident of ADDRESS, Vermont. I am writing this letter to request \$X,XXX as compensation for Ms. CLIENT to replace her personal property that you destroyed in the aftermath of DISASTER.

Ms. CLIENT was evacuated from her apartment prior to DISASTER. Ms. CLIENT called you from a Disaster Recovery Center on DATE. You told Ms. CLIENT that her apartment had been rendered uninhabitable by the DISASTROUS WEATHER and that you were not sure how long it would take for you to make repairs. You and Ms. CLIENT agreed that her tenancy was terminated as of DATE OF DISASTER. When Ms. Client returned to the apartment two days later to retrieve her belongings, she found an empty apartment. Flood waters had not reached the second floor of the apartment, but the beds, dressers, clothing, and linens were gone. On the first floor, the kitchen cupboards containing her dishes and some small appliances were empty. The upper shelves of the closets, which had not been touched by the water, no longer contained bins packed with winter scarves, holiday decorations, and craft supplies. And all furniture and electronics on the first floor were gone, too. It is likely that most of Ms. Client's personal property, other than electronics and upholstered furniture, was not damaged or could have been cleaned and put back into use. When Ms. Client called you to find out what happened to her belongings, you said "everything is gone" and terminated the call. You have not responded to her calls since that time. She is seeking reimbursement for the cost of replacing her personal property: \$X,XXX.

I am certain you must be facing extremely difficult circumstances right now as the owner of a flood-damaged rental property. I am truly sorry for your losses. However, tenants like Ms. CLIENT who were forced to vacate uninhabitable rental units are facing significant losses, too, and are still afforded the protections set out for tenants in the Residential Rental Agreements Act.

Vermont law requires a landlord to store tenant property left behind by a tenant for 60 days, and to give the tenant written notice that the property will be disposed of after that time. Here is the exact language of the statute, 9 V.S.A. § 4462(c):

If any property, except trash, garbage or refuse, is unclaimed by a tenant who has

abandoned a dwelling unit, the landlord shall give written notice to the tenant mailed to the tenant's last known address that the landlord intends to dispose of the property after 60 days if the tenant has not claimed the property and paid any reasonable storage and other fees incurred by the landlord. The landlord shall place the property in a safe, dry, secured location, but may dispose of any trash, garbage or refuse left by the tenant.

In this case, Ms. CLIENT got no notice that you were planning to dispose of her property. She attempted to retrieve her belongings only 6 days after DISASTER, but you had already disposed of everything Ms. CLIENT owned. It did not appear that the disposal was necessary due to health or safety hazards, and now Ms. CLIENT and her family have nothing.

Ms. CLIENT estimates that it will cost \$XX,XXX to replace her furniture, electronics, clothing, and so forth. Her family photos and mementos can never be replaced, and Ms. CLIENT cannot put a dollar value on them. Ms. CLIENT recognizes that some of her personal property was probably destroyed when you disposed of it. For that reason, she is only asking for \$X,XXX. Please pay Ms. CLIENT \$X,XXX no later than DATE. The check can be mailed to Ms. CLIENT at the following address:

ADDRESS

If you have any questions or concerns, please feel free to contact me at CONTACT INFO. Thank you for your attention to this matter.

Sincerely,

YOU

cc: CLIENT