1	S.259
2	Introduced by Senator McCormack
3	Referred to Committee on
4	Date:
5	Subject: Commerce and trade; residential rental agreements; smoke-free rental
6	housing
7	Statement of purpose of bill as introduced: This bill proposes to require that in
8	a building with four or more dwelling units at least one-half of the rented
9	dwelling units be smoke free.
10	An act relating to smoke-free rental housing
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. 9 V.S.A. chapter 137, §§ 4451–4469a are designated as:
13	Subchapter 1. Rental Agreements
14	Sec. 2. 9 V.S.A. chapter 137, subchapter 2 is added to read:
15	Subchapter 2. Rental Housing Health Standards
16	§ 4469b. SMOKE-FREE RENTAL HOUSING
17	(a) As used in this section:
18	(1) "Commissioner" means the Commissioner of Health.

1	(2) "Dwelling unit" means a building or the part of a building that is
2	used as a home, residence, or sleeping place by one or more persons who
3	maintain a household.
4	(3) "Landlord" means the owner or the owner's agent of a dwelling unit
5	or of the building of which it is a part.
6	(4) "Rental agreement" means all agreements, written or oral,
7	embodying terms and conditions concerning the use and occupancy of a
8	dwelling unit and premises.
9	(5) "Smoke-free dwelling unit" means a dwelling unit in which the
10	possession of lighted tobacco products in any form is prohibited.
11	(6) "Tenant" means a person entitled under a rental agreement to occupy
12	a dwelling unit to the exclusion of others.
13	(7) "Tobacco products" has the same meaning as in 7 V.S.A. § 1001.
14	(b)(1) A landlord shall ensure that, in any building with four or more
15	dwelling units, no fewer than one-half of the rented dwelling units be
16	smoke-free dwelling units.
17	(2) For each smoke-free dwelling unit, a landlord shall, at a minimum,
18	either:
19	(A) develop and maintain a written occupancy policy or rules that
20	prohibit the possession of any form of lighted tobacco products in the dwelling
21	unit; or

1	(B) include a clause in the lease for the dwelling unit that prohibits
2	the possession of any form of lighted tobacco products in the dwelling unit.
3	(c) A landlord who violates this section shall be assessed a civil penalty of
4	up to \$500.00 for each violation. Each dwelling unit that violates this section
5	shall constitute a separate violation.
6	(d)(1) The Commissioner shall adopt rules as necessary to implement this
7	section.
8	(2) Nothing in this section shall be construed to limit the authority of the
9	Commissioner to enforce this section pursuant to 18 V.S.A. chapters 1 and 3.
10	(e) Nothing in this section shall be construed to prevent a municipality
11	from adopting a municipal smoking ordinance or habitability standards for
12	rental housing that are more stringent than the requirements of this section.
13	Sec. 3. 4 V.S.A. § 1102 is amended to read:
14	§ 1102. JUDICIAL BUREAU; JURISDICTION
15	* * *
16	(b) The Judicial Bureau shall have jurisdiction of the following matters:
17	* * *
18	(27) Violations of 9 V.S.A. § 4469b, relating to smoke-free rental
19	housing.
20	* * *
21	Sec. 4. EFFECTIVE DATE
22	This act shall take effect on July 1, 2016.