

COMMENTS ON H.123 LANGUAGE AND PROPOSED CHANGES  
PAM FAVREAU, DIRECTOR, VERMONT TENANTS, CVOEO.

First, I would like to state clearly that Vermont Tenants is supportive of changes to the existing language in Sec. 1. 10 V.S.A. §6205. Enforcement; penalties. We feel strongly that the current language does not meet the needs and concerns of park residents dealing with Warranty of Habitability problems. Mobile Home Parks are not all occupied by owners of the homes. There are countless rental units within parks. Indeed, in some areas of the state there are parks where all of the units are owned by the park and are all rentals.

The problem we see with the existing language is that it falls to the town where the violation exists, or the tenants, to file in Superior Court. My experience has been that neither party has the financial resources to do this. Additionally, while the Statute speaks of possible fines, it is very rare to find towns that have the ability to issue them within their own ordinances.

Allow me to take you through the steps we walk residents in such situations through. In order to make the case for State enforcement I will give two scenarios.

Park #1 – Failing septic system backing up into units.

- We refer the tenants of the park to their local Town Health Officer (THO).
- The THO inspects and issues orders to the park owner to come into compliance.
- The park owner does not comply.
- The THO takes the issue to the Select Board, which issues a compliance order to the park owner.
- The owner still does not comply.
- We refer the tenants to the Department of Health. They are informed that the Department does not have to legislative authority to intervene.

At this point the only available options are to either issue an emergency health order and displace all the effected residents, or take the owner to court. It is not within the budget of the town to take action in civil court. The problem is not corrected.

This is the current situation in a number of parks, orders have been issued, but there is no compliance. The tenants I deal directly with are frustrated and in many cases have given up. A mobile home renter has the option of moving. Owners of their homes often do not.

Park # 2 – Failing electrical system.

- We refer the tenants to the local fire safety officer.
- The fire safety officer inspects and issues orders to the park owner to come into compliance with electrical safety codes.
- The park owner does not comply.
- The local fire safety officer brings in a state electrical inspector representing the State Department of Public Safety.
- The State Department of Public Safety issues a compliance order.
- The park owner does not comply.
- DPS uses its legislative enforcement authority to levy penalties or seek injunctive action.
- Repairs are made.

The difference in these scenarios, and indeed the safety and health of the residents is the designation of a state office with enforcement authority.

We feel strongly that when the state sets the codes, they must have the ability to enforce them when local government cannot or will not. The proposed language changes to §6205, giving the Department of Housing and Community Development enforcement authority is a much needed move.