

1 SPECIAL SESSION

2 S.6

3 Introduced by the Committee on Economic Development and Housing and  
4 General Affairs

5 Date: June 7, 2018

6 Subject: Taxation; public health; short-term rentals

7 Statement of purpose of bill as introduced: This bill proposes to impose  
8 additional obligations on the operators of short-term rentals, including posting  
9 on any advertisement for the unit the meals and rooms tax account number and  
10 posting within the unit certain contact information.

11 An act relating to short-term rentals

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 18 V.S.A. chapter 85 is amended to read:

14 CHAPTER 85. FOOD AND LODGING ESTABLISHMENTS

15 Subchapter 1. Food and Lodging Establishments Generally

16 § 4301. DEFINITIONS

17 (a) As used in this ~~subchapter~~ chapter:

18 \* \* \*

1           (14) “Short-term rental” means a furnished ~~home~~ house, condominium,  
2           or other dwelling room or self-contained dwelling unit rented to the transient,  
3           traveling, or vacationing public for a period of fewer than 30 consecutive days  
4           and for more than 14 days per calendar year.

5   \* \* \*

6           § 4302. GENERAL REQUIREMENTS

7   \* \* \*

8           (b) A person shall not engage in the business of conducting a lodging  
9           establishment, short-term rental, or children’s camp under unclean, unsanitary,  
10          or unhealthful conditions.

11   \* \* \*

12   Subchapter 7. Short-Term Rentals

13          § 4466. INSPECTION

14          (a) The Commissioner may inspect through his or her duly authorized  
15          officers, inspectors, agents, or assistants, at all reasonable times, a short-term  
16          rental and the registrant’s records related to the short-term rental.

17          (b) Whenever an inspection demonstrates that the short-term rental is not  
18          operated in accordance with applicable provisions of this chapter, the officer,  
19          inspector, agent, or assistant shall notify the registrant of the conditions found  
20          and shall direct necessary changes.

21          (c) Nothing in this section shall be construed to supersede the authority and

1 responsibilities of the Division of Fire Safety. The Division's Executive  
2 Director shall inform the Commissioner in a timely manner of any  
3 enforcement actions that the Division has taken against the registrant of a  
4 short-term rental.

5 § 4467. POSTING CONTACT INFORMATION

6 A short-term rental operator shall post within the unit a telephone number  
7 for the person responsible for the unit and the contact information for the  
8 Department of Health and the Department of Public Safety's Division of Fire  
9 Safety.

10 § 4468. EDUCATIONAL MATERIALS

11 (a) The Department of Health, in collaboration with the Department of  
12 Public Safety's Division of Fire Safety, shall prepare a packet of information  
13 pertaining to the health, safety, and financial obligations of short-term rental  
14 operators, including information regarding the importance of reviewing  
15 options for property and liability insurance with the operator's insurance  
16 company.

17 (b) Included with the information packet set forth in subsection (a) of this  
18 section shall be a self-certification form pertaining to health and safety  
19 precautions that short-term rental operators must take into consideration prior  
20 to renting a unit. The form shall be retained by the operator and need not be  
21 filed with the Department.

1 Sec. 2. 32 V.S.A. chapter 225 is amended to read:

2 CHAPTER 225. MEALS AND ROOMS TAX

3 \* \* \*

4 § 9202. DEFINITIONS

5 The following words, terms, and phrases when used in this chapter shall  
6 have the meanings ascribed to them in this section unless the context clearly  
7 indicates a different meaning:

8 \* \* \*

9 (3) "Hotel" means an establishment ~~which~~ that holds itself out to the  
10 public by offering sleeping accommodations for a consideration, whether or  
11 not the major portion of its operating receipts is derived therefrom and whether  
12 or not the sleeping accommodations are offered to the public by the owner or  
13 proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the  
14 agent of any of the foregoing. The term includes inns, motels, tourist homes  
15 and cabins, ski dormitories, ski lodges, lodging homes, rooming houses,  
16 furnished-room houses, boarding houses, and private clubs, as well as any  
17 building or structure or part thereof to the extent to which any such building or  
18 structure or part thereof in fact is held out to the public by offering sleeping  
19 accommodations for a consideration. As used in this chapter, the term  
20 includes "short-term rental" as defined in 18 V.S.A. § 4301. The term shall  
21 not include the following:

1 (A) a hospital, licensed under 18 V.S.A. chapter 43 or a nursing  
2 home, residential care home, assisted living residence, home for the terminally  
3 ill, therapeutic community residence as defined pursuant to 33 V.S.A.  
4 chapter 71, or independent living facility;

5 (B) any establishment operated by any state or U.S. agency or  
6 institution, except the Department of Forests, Parks and Recreation of the State  
7 of Vermont;

8 (C) an establishment operated by a nonprofit corporation or  
9 association organized and operated exclusively for religious, charitable, or  
10 educational purposes, one or more, which, in furtherance of any of the  
11 purposes for which it was organized, operates a hotel as defined herein; and

12 (D) a continuing care retirement community certified under 8 V.S.A.  
13 chapter 151.

14 \* \* \*

15 § 9282. SHORT-TERM RENTAL OPERATORS

16 (a) A short-term rental operator shall post the corresponding meals and  
17 rooms tax account number on any advertisement for the short-term rental.

18 (b) The Department shall disseminate the information packet prepared by  
19 the Department of Health pursuant to 18 V.S.A. § 4468 to a short-term rental  
20 operator when the operator first registers a unit. The operator of a unit  
21 registered prior to July 1, 2018 shall receive an information packet from the

1 Department prior to July 1, 2019.

2 Sec. 3. DATA COLLECTION; REPORTS

3 (a)(1) The Department of Health and the Department of Public Safety's  
4 Division of Fire Safety shall maintain records on all complaints received  
5 between July 1, 2018 and January 1, 2020 pertaining to a short-term rental  
6 located in Vermont.

7 (2) On or before January 15, 2020, the Commissioner of Health, in  
8 collaboration with the Executive Director of the Department of Public Safety's  
9 Division of Fire Safety, shall submit a written report to the House Committees  
10 on General, Housing, and Military Affairs and on Human Services and to the  
11 Senate Committees on Economic Development, Housing and General Affairs  
12 and on Health and Welfare addressing whether any complaints have been  
13 received about short-term rentals, and if so, the nature of the complaints, the  
14 name of the entity receiving the complaints, and the process by which the  
15 complaints are addressed.

16 (b) On or before January 15, 2019, the Commissioner of Taxes, in  
17 collaboration with the Commissioner of Health and the Executive Director of  
18 the Department of Public Safety's Division of Fire Safety, shall present to the  
19 House Committees on General, Housing, and Military Affairs and on Ways  
20 and Means and to the Senate Committees on Economic Development, Housing  
21 and General Affairs and on Finance information on the number of short-term

1 rental units in Vermont, the number of short-term rental operators, and the  
2 progress in implementing this act to date.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2018.