



RENTAL HOUSING SAFETY & HABITABILITY STUDY COMMITTEE

Rental Housing Safety Committee Report

February 25, 2010

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I. Rental Housing Safety and Habitability Study

Final Report

February 25, 2010

Act 176 of the 2008 Legislature established a safe rental housing study committee (A) to make recommendations to achieve the following goals:

- (1) Promote the health and safety of the citizens of Vermont.
- (2) Facilitate compliance with existing health and safety standards.
- (3) Provide support to municipal health officers.
- (4) Create a resource for tenants and landlords.
- (5) Enable communities to focus on problem properties.
- (6) Encourage a private sector response to a public health and safety need.
- (7) Reduce fire fatalities.
- (8) Establish a statewide rental housing inspection system.

The safe rental housing study committee consisted of 14 members; the list is attached (B). This committee has worked diligently over the past 18 months to provide thoughtful recommendations. The discussions were lively and represented a wide range of perspectives on the complex issues facing the committee.

In January 2009 the Committee delivered an interim report which primarily focused on research that examined how other jurisdictions provided comprehensive rental safety and habitability programs. A summary of that is attached (section IV).

That research pointed out that most code enforcement programs are municipal; that a proactive periodic inspection program is valuable in increasing housing quality; that in many situations there is insufficient coordination between city and state officials and all stakeholders in general; and that funding, which is generally fee- based, with some public support for administration, is problematic.

The majority of the Committee found these same issues to be true in Vermont. In 2009, the Committee was asked to review and consider 15 issues. Responses to those are attached in section II.

One of the outcomes of this study committee has been a considerable amount of sharing and understanding of each other's role in this area, and of the current state laws and regulations. This was valuable; however as I will report in the Responses there is also considerable amount of work yet to be done to more fully respond to the legislative requests.

The fundamental issue that the Committee, and a number of others who followed the Committee's work, wrestled with was that no one has really wanted to "own" the responsibility of providing a rental housing safety and habitability program that adequately covers the whole state. There is no doubt that Committee members uniformly agreed with the goals expressed in the legislative charge, but there were differences of opinion on what was working and not working now.

Unfortunately in the midst of this, came the economic crisis. While how to pay for public programs is always a central issue in examining program alternatives, the extreme nature of the current economic environment greatly affected the Committee's deliberations. Representatives of state agencies which reasonably might participate in a more enhanced rental housing safety and habitability program were in the position of saying they could not and would not take on new responsibilities at this time unless they were explicitly funded.

One of the primary issues the Committee struggled with was whether an enhanced rental housing safety and habitability program was better operated from the top (state) down or the bottom (communities) up. After much testimony and work by an inspections sub-committee, the majority of the Committee agreed that the most efficient way to operate an effective rental safety program statewide was to start at the community level where you had knowledge of and access to the housing stock; and could more quickly and less expensively deploy inspectors. There was not consensus within the Committee about how much support and infrastructure there needs to be at the state level, but the majority of the Committee felt there needed to be some.

The specific recommendations agreed to by the majority of the Committee are listed in a section III. For serious consideration of these recommendations the majority of the Committee felt there must be continued leadership from a single state entity and some financial support through the legislature.

The Committee was given an appropriation in fiscal year 2009 of \$30,000 to be used for the purpose of assisting the Rental Housing Safety and Habitability Study Committee in carrying out its duties. About \$1500 was spent to do initial research. \$5000 is recommended to be spent to establish and maintain for five years a central website related to all the various resources and rules that affect rental housing safety and

habitability. It was not felt additional consultants were needed at this time; but for the Committee recommendations to be successfully implemented in the future there needs to be ongoing staff coordination for this issue.

The Committee has recommended that in the long term the State should create an **Office of Rental Housing Code Enforcement**, with responsibility for overseeing, adopting and supporting enforcement of rental housing codes. What responsibilities the Office might have and how it would be staffed depends on how strongly communities can be convinced or required to take responsibility for the safety and quality of their local rental housing stock. The expectations are that over time all communities or consortia of communities will take responsibility for this very critical issue, but there still needs to be one clearly identified place where this program is centered.

Understanding the current economic situation within state and local government, and realizing that implementing a fee-based community system will take time; the Committee would like to Legislature to consider two requests this year:

Require that the statewide grand list or similar vehicle indicate whether a property is residential rental property.

Knowing where rental properties are located is a fundamental prerequisite to educate, involve and inform landlords of their responsibilities and direct them to available resources. It is our understanding that the Tax Department currently tracks Homestead and non-Homestead properties. We also know that in order to properly assess the value of a building municipalities must know how the building used (*i.e.*, Is it a residential rental property?). Currently, the only way to get this information is to go town-by-town. This is a significant burden for agencies that currently have enforcement or educational responsibilities around rental housing. Asking municipalities to slightly alter their property tax records and report the new data to the Tax Department is reasonable and could be achieved with minimal additional work.

Minimum rental housing standards, covering safety and habitability provisions, should be created and adopted, incorporating the rental housing health code, lead law requirements, and basic life safety provisions.

As we mentioned earlier, the Committee is recommending that in the long term, the State should create an Office of Rental Housing Code Enforcement with responsibility for adopting and enforcing rental housing codes. However, in the short term, the Legislature should adopt recommended Minimum Rental Housing Standards which would provide essential safety and habitability standards drawn from codes currently administered by several state agencies.

A draft of these “simplified” standards is attached (attachment H). The substance of these is taken from existing law and do not add or delete any current requirements at this time. Municipalities could modify these standards to be more protective of safety and habitability, but there must be a baseline standard that is easily understood, uniformly applied. This will benefit communities, landlord and tenants.

Ensuring the safety and habitability of rental property is a public responsibility comparable to the oversight of many other health and safety issues. This Committee’s work, as well as the work by previous study groups, has demonstrated the complexity of the issues inherent in improving the rental inspection system. However, it would be a mistake to surrender to that perceived difficulty. This Committee has described a process that can be implemented with minimum public investment, but which could significantly improve a statewide system. We urge the Legislature to not let this drop, but to continue incrementally with each of the Committee’s recommendations.

Respectfully Submitted,

Sarah E. Carpenter

Chair, Safe Rental Housing Study Committee

II. Rental Housing Safety and Habitability Study Committee

Responses to Act 176 Legislation

February 25, 2010

Act 176 of the 2008 Legislature established a safe rental housing study committee to achieve a number of goals listed in the previous memo. In the course of that study, the Committee was requested to review and consider the following. Below are responses to those questions. They are followed by specific recommendations of the Committee.

(1) The development of a simplified rental housing code, to include lead safety, habitability, and basic life safety standards.

A code sub-committee reviewed this issue and is recommending, with approval of the majority of the full Committee, the attached Minimum Rental Housing Standards. The Committee did review the Federal/HUD housing quality standards (HQS), and International Property Maintenance Codes (IPMC- as defined by the International Code Council), but determined that it was more efficient to base Minimum Rental Housing Standards on codes and standards already embodied in Vermont law. This minimizes conflict between the Minimum Rental Housing Standards and existing codes while reducing the need to train code enforcers, landlords and tenants. The standards in substance in the recommended version of a Minimum Rental Housing Standards have not changed the current Vermont requirements under the Rental Housing Health Code, lead safety, habitability, and basic life safety standards. The Vermont Department of Health did not actively participate in this recommendation process as they felt it would add to their current workload without a commensurate increase in capacity.

(2) A priority for inspections based on factors including: the age of the rental unit, a score of the rental units' self-assessment, and complaints from rental units at the address.

(3) Procedures for scheduled, complaint-based, emergency and time of sale inspections, including a time frame and a priority for scheduled inspections.

The Committee is recommending that communities, or consortia of communities, establish regular rental property inspections on a four-year cycle. Inspections by a certified inspector would be performed in the first year of the four-year cycle. The property owner would conduct inspections annually for the next three years after which the cycle would start again. Which properties should be inspected first as this program is implemented was not addressed by the Committee. Complaint based inspections would be done as needed in the interim. No time of sale inspections was recommended as a building would have to have a current Certificate of Habitability.

**(4) Standards for licensed rental housing inspectors to include:
(A) Training standards (B) A code of professional ethics (C) Curriculum outlines and a delivery mechanism.**

The Committee members uniformly agreed that all the inspectors would need to be trained and certified. It was assumed that these inspectors would be a combination of private individuals and municipal employees. The current IPMC training might be an option but is expensive and more in depth than may be necessary. It is assumed that a fee would need to be collected from inspectors to cover certification and training costs. Neither DPS nor VDH felt they currently have sufficient staff to develop training materials and oversee the certification process. It was estimated this would cost about \$25,000. Since training and certification will need to precede inspections, any implementation plan must provide adequate time and resources to create a cadre of qualified inspectors.

(5) A funding structure necessary and appropriate to implement the inspection program.

The revenue sources for a local inspection program would be determined by the community. It is assumed that most municipalities would impose an inspection fee, though some may rely upon other resources or a mix of fees and other resources. At such time as the State decides to create state capacity, the Legislature could look at a number of options that would be fee based.

(6) A procedure for issuing a certificate of habitability.

Each municipality or consortium would determine how it would issue the Certificate of Habitability as more fully discussed in Recommendation 4.

(7) Procedures to assure enforcement and compliance.

This would be determined by each community as discussed in Recommendation 7. There is a lot of latitude already in state law but a number of civil procedures may need to be amended to assist communities in easier and less cumbersome enforcement at the local level.

(8) Recommendations regarding the role of town health officers in regard to safe rental housing.

There was much discussion about the role of the town health officer. In many communities it is expected that this one volunteer position oversees all health issues including the current Rental Housing Health Code. The Committee, and the

town health officers we spoke with, felt this was unrealistic in many communities. Even under the current system, towns should designate another individual (volunteer, employee or under contract) to be responsible for oversight of rental housing standards. Since the Committee is not recommending that the State immediately require towns to adopt an inspection program, the health officer system will remain in place.

(9) Training and education resources for landlords and tenants, including all the following: (a) A rental housing code self-assessment checklist. (b) A central resource for rental unit owners and managers that provides: (i) Lead safety, minimum housing habitability, and basic life safety standards available from one site. (ii) Coordinated training across disciplines for owners and managers of rental housing units.

A prerequisite to training and educating landlords and tenants is knowing where rental properties are located. Therefore the Committee recommends that municipalities report the locations of rental properties with more than one rental unit to the Vermont Department of Taxes by modifying their grand list data submission. There has been periodic training for lead safety. Training for habitability and basic life safety is not regularly available. As of now the agencies responsible for these items have indicated they have no resources to do this training and would need funding. The Committee is recommending that a resource website for this information and an assessment checklist be created. This could be done and sustained for several years from the funding appropriated for the Committee's work.

(10) Incentives and development of a process for municipalities to establish an inspection program.

The Committee did not recommend any specific incentives for municipalities to establish an inspection program. It was a sense of the majority of the Committee that to develop a meaningful process the State must take a leadership role and must mandate that communities do this over time. A phase-in process which prioritizes communities with more rental property is suggested.

(11) An implementation schedule, to begin July 1, 2010, that provides for the commencement of inspections beginning January 1, 2011.

The Committee has no recommendations on the implementation of the proposed recommendations other than the two mentioned in the Final Report (I). About nine communities in Vermont have rental housing code programs. The majority of the Committee felt this could be substantially increased if communities were given financial incentives and/or required to institute inspection programs. Again, this will take leadership from one identified state agency and the Legislature to accomplish.

(12) Staffing levels necessary to establish and maintain the program and provide for enforcement.

The recommendation from the majority of the Committee is that programs operate primarily at a local level. Revenue necessary to cover costs would be determined by the community and likely come from fees. Staffing at the local level would be determined by the community using paid staff (perhaps fire fighters) or certified inspectors on contract.

(13) An appropriation sufficient to fund the certification program, licensing, complaint-driven inspections, and enforcement.

The primary revenue for the programs would be fees or other resources collected at the local level. At such time as a state Office of Rental Housing Code Enforcement is established, the Legislature would need to approve operating budgets, staffing levels, and the source of the appropriations (fees or tax revenue). The funding sub-committee estimated that an annual budget of about \$800,000 (40,000 units x \$20/unit) could adequately fund a state office with responsibilities for registration, certification, support to towns and back up enforcement. That proposal could be funded through fees, but would need some start up funding. There was not Committee consensus on this issue.

(14) A system for coordinating appropriate displacement services.

There was no consensus about an active program for displacement services outside of what exists now, although the majority of the Committee agreed that current federal, state and local programs should be made as flexible as possible if displacement occurs through no fault of the tenant; and to the degree the state agencies participate they should be able to recoup funds by property liens or other means.

(15) A program and the identification of resources for repair and improvement.

The availability of resources for the repair and improvement of non-owner occupied, unsubsidized rental housing is still identified as a gap and needs further exploration.

III. Rental Housing Safety and Habitability Study Committee

Recommendations

February 25, 2010

The following is a summary of recommendations from the Rental Housing Safety and Habitability Study Committee. It should be noted that these were adopted by the majority of the members present, but do not necessarily reflect agreement on all points by all members.

1. Registry of Rental Housing

- a. Require the statewide grand list or similar vehicle to indicate whether the property is a residential rental property with more than a single residential unit.
- b. Each municipality shall maintain a database or registry of residential rental housing. A “database” means a listing of ownership and location of residential rental housing, and whether the property was built prior to 1978. A “registry” means an electronic listing of ownership, location, property management, number of units, and an inspection and compliance history of each property, as well as any other information which might be required by the municipality or state agency maintaining the statewide registry.
- c. Create a statewide registry of all residential rental housing in an appropriate state agency.
- d. As the system matures consider these strategies and uses of the registry:
 - i. Create a statewide registry by expanding the lead registry.
 - ii. Formulate the statewide registry to accept electronic filing of registration or compliance documents.
 - iii. Make the registry available to state agencies and Town Health Officers (THOs) or municipal representatives.
 - iv. Make the registry information available to the public via phone or mail upon request.
 - v. Make the statewide registry available to the public on-line.

2. Town Health Orders

- a. Include example health orders in the THO Manual.
- b. Allow orders to include option of “presently uninhabitable” to indicate serious habitability concerns which do not rise to the level of needing condemnation but do require tenant relocation.

- c. A landlord shall not rent a unit which becomes vacant as long as there is an outstanding order to remedy a violation of the Minimum Rental Housing Standards.
- d. Amend the Vermont statutes to allow orders of violations of the Minimum Rental Housing Standards and Rental Housing Health Code to be served in accordance with the standards contained in § 4451(1) of Title 9.

3. Inspectors

- a. Inspectors must be certified.
- b. Certification standards and process should be approved by a state entity.
- c. Training of inspectors could be accomplished with a private training program.
- d. Municipalities can designate their representatives to conduct inspections.

4. Inspections

- a. Municipalities are responsible for overseeing the inspection process.
- b. Municipalities should consider a regional approach to inspections to enhance the efficiency of their inspection program.
- c. Landlords must inspect each unit annually, using the inspection checklist (which will be developed from the Minimum Rental Housing Standards), shall correct any deficiencies, and shall keep a copy of each inspection document on file for at least four years or until the next quadrennial inspection has been completed, whichever is later, for review by a certified inspector or upon request of a governmental entity or a tenant.
- d. Each unit should be inspected by a certified inspector once every four years, who issues a Certificate of Habitability to the landlord.
- e. Certifications of Habitability should be filed with the designated governmental entity.
- f. The inspection system should be phased in over time.
- g. After the phase-in period, inspections should be mandated by state law.

5. Minimum Rental Housing Standards

- a. Minimum Rental Housing Standards, covering safety and habitability provisions, should be created, incorporating the Rental Housing Health Code, lead law requirements, and basic life safety provisions. (Attachment H)
- b. In the short term, the Legislature should adopt the Minimum Rental Housing Standards, which provides a floor for safety and habitability for municipalities.
- c. In the long term, the State should create an Office of Rental Housing Code Enforcement with responsibility for adopting and enforcing the Minimum Rental Housing Standards.

- d. Municipalities may modify these standards and codes to be more protective of safety and habitability.

6. Relocation

- a. If federal, state, or local requirements permit, modify rules on subsidized housing, emergency assistance, and other housing assistance to allow for public support of tenants when housing is determined to be “presently uninhabitable” by a certified inspector acting on behalf of a governmental entity.

7. Enforcement

- a. Municipalities should provide support for enforcement and can decide how it should be accomplished, e.g. local attorney, ticket book, processing findings and orders, filing in court.
- b. State agencies shall notify the appropriate municipal representative of their safety and habitability enforcement actions.
- c. Amend Civil Rules to clarify that habitability and possible reduction of rental amount may be addressed in rent escrow hearings.
- d. The Civil Rules committee should consider whether to require notification to landlords and tenants regarding how to prepare for the rent escrow and/or merits hearing. E.g. The committee could require that the following language be placed in the notices of rent escrow hearings: “If you (the tenant) suspect that your housing does not meet the Minimum Rental Housing Standards, (1) ask a certified housing inspector, a state inspector, or the designated local inspector to inspect the unit before the hearing; (2) tell your landlord that you have asked for an inspection; and (3) bring a copy of the inspector’s report to the hearing. Call ??? if you have questions about this notice.”
- e. Seek statutory change, if necessary, to allow the code to include optional penalties so that municipalities can assess a penalty without a town ordinance.

8. Funding

- a. In order to have an improved minimum rental housing system at the municipal and state level, a user fee must be assessed or new resources must be identified to pay for a housing registry, inspections, training, education and some enforcement.
- b. Municipalities shall assess fees and/or use municipal resources to pay for a database or registry, inspections, and/or enforcement.
- c. At such time as an Office of Rental Housing Code Enforcement is established, the Legislature should chose

- i. whether municipalities shall collect fees and send a portion to the State, the State shall collect fees and send a portion to the municipalities, or landlords shall pay the municipality and the State separate amounts set by each;
 - ii. whether all or part of the fees should be waived if the landlord is assessed a fee by the municipality (e.g. Burlington, Winooski);
 - iii. whether fees should be set at a level that allows a portion of the fees to be used for creating a revolving loan fund to be used for relocation costs and/or resources for repair and improvement of residential rental properties, and which is replenished through a lien and eventual sale of the rental property or by some other means set by the Legislature.
- d. Quadrennial inspection fees should be assessed separately or paid directly by the landlord to the inspector.
 - e. The state agency which is charged with certifying inspectors shall charge a certification fee to cover the costs of certification.

9. Educational Activities

- a. Create a rental housing website for landlords and tenants to be able to find the full range of requirements for rental housing in Vermont through information on site and/or links.
- b. Use a portion of the user fees for educational mailings, materials or periodic public trainings.

IV. Rental Housing Safety and Habitability Committee Research

Executive Summary –Interim Report

January 2009

Rental housing codes and inspections vary across the country. Programs range from publically funded and enforced programs that cover entire states, to programs using third party independent contractors, to programs that adopt International Property Codes, to a rural program that has a volunteer who inspects properties whenever he has the time. Generally, rental housing code and enforcement is not an issue often in the public spotlight.

In-depth research was done on over twenty jurisdictions with rental housing codes. This included mostly towns/cities, and a few counties and states. Six Vermont communities were researched and contacted. The research aims to highlight key differences and give an overview of current programs so as to best inform the committee for its recommendations to the legislature. The areas of focus are: the code, financing, inspection and enforcement, jurisdiction and staffing, tenant issues, and education and outreach.

The Code

A small percentage of the codes researched are completely homegrown. The majority are based on similar health, safety, and habitability standards. Language varies, but many codes address in some regard the following issues: kitchen facilities, bathroom facilities, garbage, heating, ventilation, lighting, water, sewage, electrical, structural maintenance, mold, dampness, egress, smoke/CO2 detectors, windows, locks, fire prevention, rodents, asbestos, overcrowding, accessory structures, lead paint, and exterior maintenance.

The regulations surrounding each issue are pulled from a combination of fire codes, health department codes, state sanitary and other codes, federal/section 8/HUD housing quality standards, and international property codes (as defined by the International Code Council). State and municipal ordinances outline the issues inspection will focus on and any external codes being referenced.

Many states have general fire, health, building, and other codes that units must comply with, but basic housing codes on municipal levels usually do not include all state requirements. In many situations there is insufficient coordination between city and state officials and all stakeholders in general.

Financing

In nearly all communities researched, programs are funded through rental inspection and/or certification fees. City finance departments estimate costs each year of the programs they are running and city councils set fees accordingly. Some programs set fees below the cost of the program and fund it partially through general revenues, but most try to capture the entire cost of the program in the fees. Sometimes fees do not occur on an annual basis and some governments recommend that tenants share the inspection costs with owners. Even in the select couple of communities with programs that use independent contractors, it is important to note that the program still carries costs. The government enacts legislation and has a legal obligation to make sure the laws are carried out in a fair and orderly way, which requires administration.

Inspection and Enforcement

The length of the inspection cycle, enforcement options, and ways the inspections are conducted are not as similar as in some of the other areas. Most programs do have some sort of cyclical nature (most commonly ranging from annual inspection to inspection every five years). Almost all programs have some sort of complaint-based inspection process, some more formalized than others, but at the very least the departments encourage people to call if there is a violation. For most jurisdictions, a seller would notify the government jurisdiction of the sale and the new owner files a new rental housing certificate and pays a fee, but in only one or two of the communities researched is a new inspection required. What is more common, but not required in any overwhelming numbers, is inspection at turnover. A few of the programs offer self-certification options to property owners. Most municipalities reserve the right to inspect apartments at any time they suspect a violation.

If violations are found, the owner generally has approximately 30 days to fix the problem. Re-inspection occurs, and a re-inspection fee is charged. If problems are not fixed, enforcement action is taken. Enforcement can be: fines, declaring property not fit for living, tenant relocation (paid by owner), rent escrow, jail and criminal charges (handled by city/state attorney), and even demolition depending on severity. Owners can generally appeal to their local board, city council, and/or regional court.

Jurisdiction and Staffing

In the strong majority of communities examined, inspection is handled by individual municipalities. New Jersey is an example of a state run and controlled program, and in the case of California and Iowa, they mandate municipalities to enforce certain standards, but for the most part, municipalities have autonomy over the program, which includes funding. The department in charge is usually the building or housing department or code enforcement, some larger jurisdictions have separate departments of rental housing. Officials do collect information on rental housing and maintain internal databases; some departments have opened the registries to the public.

The number one jurisdictional issue is funding. Municipalities have limited funding, especially more rural ones, and this can lead to problems if there is no state or federal support.

Tenant Issues

Tenants almost always have the right to file a complaint with the enforcing department if they feel there is a violation. Some communities have included relocation clauses in their ordinances that state if the property is in such bad condition that it is judged unsafe for human habitation, and this is the fault of the owner's neglect, the owner must pay for temporary housing for the tenant. This is obviously not indefinite housing, just enough reasonable time for the tenant to find new housing (~1 month).

Education/Outreach

Inspectors are certified by the city or state. If it is a public program, the city or state will provide the training or they will hire somebody who already has state certification. The standards used range from city/state homegrown standards, to national examinations, to simple job experience.

The city or state must also inform landlords and tenants of the rental housing programs. This is done either by maintaining an educational website, sending packets to all property owners and renters on file, or holding publically warned orientation events.

Attachment A

Act 176 – Sec. 22. Rental Housing Safety and Habitability Study

(a) Legislative purpose and intent. It is the intent of the general assembly to provide for rental housing safety and habitability. A safe rental housing study committee is hereby established to achieve all the following goals:

- (1) Promote the health and safety of the citizens of Vermont.
- (2) Facilitate compliance with existing health and safety standards.
- (3) Provide support to municipal health officers.
- (4) Create a resource for tenants and landlords.
- (5) Enable communities to focus on problem properties.
- (6) Encourage a private sector response to a public health and safety need.
- (7) Reduce fire fatalities.
- (8) Establish a statewide rental housing inspection system.

(b) Safe rental housing study committee. A safe rental housing study committee is created to consist of the following 14 members:

- (1) The director of the division of fire safety, or designee.
- (2) The commissioner of the department of health, or designee.
- (3) The commissioner of the department of housing and community affairs, or designee.
- (4) The attorney general, or designee.
- (5) The executive director of the Vermont housing finance agency, or designee.
- (6) A representative of commercial landlords.
- (7) A representative of nonprofit landlords.
- (8) A tenant representative.
- (9) A municipal inspection program representative.
- (10) A town health officer from a municipality without an exempt program.
- (11) A regional revolving loan fund representative.
- (12) An architect.
- (13) The executive director of the Vermont state housing authority, or designee.
- (14) A representative of the coalition of Vermont firefighters.

(c) Appointment of members. The speaker of the house and the senate president pro tempore shall appoint members of the committee and shall designate a chair by July 1, 2008.

(d) Duties. Before January 15, 2010, the committee shall review and consider:

- (1) The development of a simplified rental housing code, to include lead safety, habitability, and basic life safety standards.
- (2) A priority for inspections based on factors including: the age of the rental unit, a score of the rental units' self-assessment, and complaints from rental units at the address.
- (3) Procedures for scheduled, complaint-based, emergency and time-of-sale inspections, including a time frame and a priority for scheduled inspections.
- (4) Standards for licensed rental housing inspectors to include:
 - (A) Training standards.

- (B) A code of professional ethics.
- (C) Curriculum outlines and a delivery mechanism.
- (5) A funding structure necessary and appropriate to implement the inspection program.
- (6) A procedure for issuing a certificate of habitability.
- (7) Procedures to assure enforcement and compliance.
- (8) Recommendations regarding the role of town health officers in regard to safe rental housing.
- (9) Training and education resources for landlords and tenants, including all the following:
 - (A) A rental housing code self-assessment checklist.
 - (B) A central resource for rental unit owners and managers that provides:
 - (i) Lead safety, minimum housing habitability, and basic life safety standards available from one site.
 - (ii) Coordinated training across disciplines for owners and managers of rental housing units.
- (10) Incentives and development of a process for municipalities to establish an inspection program.
- (11) An implementation schedule, to begin July 1, 2010, that provides for the commencement of inspections beginning January 1, 2011.
- (12) Staffing levels necessary to establish and maintain the program and provide for enforcement.
- (13) An appropriation sufficient to fund the certification program, licensing, complaint-driven inspections, and enforcement.
- (14) A system for coordinating appropriate displacement services.
- (15) A program and the identification of resources for repair and improvement.
- (e) Reports. The committee shall submit an interim report on its progress to date on or before January 15, 2009 to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs. The committee shall submit a final written report on its findings on or before January 15, 2010 to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs.
- (f) Appropriation. In fiscal year 2009, there is appropriated from the general fund to the department of public safety the amount of \$30,000.00 to be used by the department for the purpose of assisting the rental housing safety and habitability study committee in carrying out its duties.

Attachment B – Rental Housing Code Committee Members

(b) Safe rental housing study committee. A safe rental housing study committee is created to consist of the following 14 members:

(1) The director of the division of fire safety, or designee.

John Wood, Director
Division of Fire Safety
Central Office
1311 US Route 302-Berlin Suite 600
Barre, VT 05641-2351
802-479-7561 Phone
jwood@dps.state.vt.us

(2) The commissioner of the department of health, or designee.

Dr. Austin Sumner
State Epidemiologist for Environmental Health
Department of Health
John J. Zampieri State Office Building
108 Cherry Street
P.O. Box 70
Burlington VT, 05401
802-951-4064 Phone
802-863-7425 Fax
asumner@vdh.state.vt.us

(3) The commissioner of the department of housing and community affairs, or designee.

Betsy Bishop Commissioner
Dept of Housing and Community Affairs
National Life Building
Drawer 20
Montpelier VT 05620
802-828-5216 Phone
802-828-2928 Fax
Betsy.Bishop@state.vt.us

(4) The attorney general, or designee.

Wendy Morgan, Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier VT, 05609-1001
802-828-5507
wmorgan@atg.state.vt.us

(5) The executive director of the Vermont housing finance agency, or designee.

Chair

Sarah Carpenter, Executive Director

VT Housing Finance Agency
P.O. Box 408
Burlington, VT 05402-0408
802-652-3421 Phone
802-999-9681 Cell
802-864-5746 Fax
scarpenter@vhfa.org

(6) A representative of commercial landlords.

Stuart Bennett
Vermont Apartment Owners
P.O. Box 701
Shelburne, Vermont 05482
802-985-2764 Phone
802-985-2534 Fax
stuart@bz-attorneys.com

(7) A representative of nonprofit landlords.

Kenn Sassorossi
Vice President for Asset Management & Partner Relations
Housing Vermont
123 St. Paul Street
Burlington, VT 05401-8411
802-863-8424, ext. 203 Phone
802-660-9034 Fax
kenn@hvt.org

(8) A tenant representative.

Ted Wimpey, Director
Vermont Tenants
CVOEO (Champlain Valley Office of Economic Opportunity)
294 North Winooski Ave. Suite 214
Burlington, VT 05401
802-660-3456 Phone
802-660-3454 Fax
twimpey@cvoeo.org

(9) A municipal inspection program representative.

Robbie Strachan
Director of Building Department
City of Barre
6 North Main St
Barre, VT 05641
802-476-0263 Phone
rstrachan@barrecity.org

(10) A town health officer from a municipality without an exempt program.

Sandi Capponcelli
142 Reed Rd
Athens, VT 05143
802-869-2590 Phone

redinvt@vermontel.net

(11) A regional revolving loan fund representative.

Paul Hill
Director of Housing & Community Facilities Lending
VT Community Loan Fund
15 State St.
P.O. Box 827
Montpelier, VT 05601
802-223-4429 Phone
802-223-1455 Fax
paul@vclf.org

(12) An architect

Jay Ancel
Black River Design
73 Main St.
Montpelier, VT, 05602
802-223-2044 Phone
802-223-1132 Fax
jay@blackriverdesign.com

(13) The executive director of the Vermont state housing authority, or designee.

Richard Williams, Executive Director
Vermont State Housing Authority
1 Prospect St.
Montpelier, VT 05602
802-828-3028 Phone
802-828-3248 Fax
richard@vsha.org

(14) A representative of the coalition of Vermont firefighters.

Captain Len Howard
Brattleboro Fire Department
103 Elliott Street
Brattleboro, Vermont 05301
802-254-4831 Phone
lhoward@brattleboro.org

Attachment C

Research Documents/Housing Codes: Contents

*See Individual Sections for website references

Barre, VT

- City of Barre Ordinances: Chapter 7 – Housing
- Federal Housing Quality Standards (Title 24. Part 982)
- HUD-52580-A: Inspection Form

Boston, MA

- City of Boston Ordinance
- Program Overview

Boulder, CO

- Rental Housing FAQs
- Revised Code, Chapter 10-2: Housing Code
- Revised Code, Chapter 10-3: Rental Licenses
- Baseline Inspection Checklist
- Baseline Inspection Compliance Verification Form
- Roberts & Sons (Boulder, CO licensed rental housing inspector) quote for services
- City of Boulder Contractor Licensing Handbook
- City of Boulder Contractor License Application

Brandon, VT

- Brandon Rental Housing Code

Burlington, IA

- Community Development Department Information Page
- Rental Inspection Checklist
- Permit Fee Schedule

Burlington, VT

- Burlington Rental Housing Code Ordinance
- Minimum Housing Complaint Form
- Guideline Checklist of Property Standards for Rental Property Owners

Glendale, CA

- Community Development & Housing: Rental Housing Inspection Program homepage
- Mariposa Project homepage
- Interior Inspection Checklist
- Exterior Inspection Checklist

Gresham, OR

- Rental Inspections homepage
- Rental Housing Inspection Program: Tenant Information
- Property Maintenance Notice: Inspection Checklist

Howard County, MD

- City Rental Housing Ordinance
- Department of Inspections/Licenses/Permits: Rental Housing License Fee

Attachment C

Hutchinson, MN

- Ordinance Regulating Rental Unit Registration and Inspection
- Hutchinson Fire Department Rental Safety Inspection
- Rental Housing Registration/Inspection – Q & A

Ithaca, NY

- Building Department: Housing Inspections homepage
- Building Department: Certificates of Compliance homepage

Lincoln, NE

- A Guide to the City of Lincoln Housing Code
- Rental Permit Fee Schedule

Los Angeles, CA

- Los Angeles Housing Department homepage

Morgantown, WV

- City of Morgantown Rental Housing homepage
- City Ordinance, Chapter 7: Housing

State of New Jersey

- Hotel and Multiple Dwelling Law

Sacramento, CA

- The Sacramento City Code Relating to Rental Housing Inspections
- Rental Housing Inspection Program: Process Map
- Rental Housing Inspection Program: Registration Form
- General Inspection Checklist

Tempe, AZ

- Rental Housing Code

West Lafayette, IN

- City of West Lafayette: Code Enforcement: Housing Inspection and Certification homepage

Attachment D: RENTAL HOUSING CODE COMPARISONS

| Municipality /County/State | Type of Code (if clearly stated) & Program Highlights | Fees/ Funding | Inspection and Enforcement (Public v. Private) | Period (years) | Time of Sale | Complaint | Pop. Density per sq. mi VT = 67.2 |
|----------------------------|---|--|--|---------------------------------------|--------------|---|-----------------------------------|
| Sacramento, CA | After a successful initial inspection, the property can enter the self-certification program. This requires prop. manager to do annual self-inspection (get discount on annual fee). City inspects/audits properties at random. | \$140/unit every 5 years. Billed annually (\$28/year/unit). | PUBLIC – city inspector, code enforcement division | 5 | No | Yes | 4,711 |
| Boulder, CO | Owner must contract with private city certified inspector. Three inspections: baseline, electrical, safety. Different proof of certification required to be licensed by city. Contractors pay city a fee (\$15 annual). City lists contractors and has a registry of units that are in compliance. Strong penalties for non-compliance. | Contract between owner/inspector. Quote ~ \$125/unit. Also, owner pays city recording fee. | PRIVATE – private licensed inspectors. New apartment and time of sale require baseline inspection. | 4 - for safety inspections | Yes | City mngr. has right to inspect any time. Person can call in complaint. | 3,884.10 |
| Burlington, IA | Iowa law mandates that all cities with population over 15,000 have rental housing inspection program. Annual inspector salary ~ \$40K | Approximately \$75 for 1 unit + \$10 per additional unit. | PUBLIC – city rental inspectors. City Development Department. | 3 for multi-unit. 5 for single/duplex | No | Yes | 1,910.10 |
| Howard County, MD | Have adopted the International Property Maintenance Code (IPMC) as county code. | \$82.50/unit | PUBLIC | 2 | No | Can call department | 984 |
| State of New Jersey | Entire state governed by New Jersey Hotel and Multiple Dwelling Law. State Bureau controls program, but can empower municipalities to enforce. NJ has adopted portions of International Building Codes. | \$10 one time fee. \$43-\$16/unit depending on number of units. | PUBLIC – State Inspectors. NJ Bureau of Housing Inspection. | 5 | No | Can call department | 1,134 |
| Brandon, VT | Inspection required each time new occupancy. Also, must submit annual certificate of occupancy request (pay fee), but no new inspection required every year. | No fee for inspection. | PUBLIC - City enforcing officer to do inspections. | N/A | No | Can call enforcement officer | 97.4 |
| Burlington, VT | All rental property to be inspected cyclically. Penalties exist for failed inspection. Property owner must register with city. | \$75/Unit annually | PUBLIC – city inspectors. Code enforcement division. | 1-1.5 | No | Yes – form available online | 3,682 |

Attachment D: RENTAL HOUSING CODE COMPARISONS

| | | | | | | | |
|--------------------|--|--|--|---|-----|--|----------|
| Boston, MA | Inspect for compliance with State Sanitary Code. Must inspect at turnover (unless inspected in last 12 months). Owners “can” use private authorized inspector instead of divisional staff – “authorized” means state or city inspector or private contractor registered with state. Can file for 5-yr. exemption from turnover inspections (pay fees). Can legally pass-on 50% of inspection fees to tenant. | If inspection by department - \$50/unit for 1-3 units, \$75/unit for more. Plus filing fees. | PUBLIC/PRIVATE - Boston Inspectional Services or authorized contractor. Private inspector can't charge more than 133% of city fee. \$300/month fine if fail to have inspection when turnover | 5 | No | Yes - can call to file complaint with department | 12,327 |
| Gresham, OR | Program based on IPMC standards. New apts. have mandatory inspection, but others inspected by statistical sampling. If violations found in unit inspected, triggers inspection of other units on property. | \$25/unit annually. Plus extra based on tiered system. | PUBLIC – city inspectors. Rental Housing Inspection Division. | Annual – random sample | No | Yes | 4,504.50 |
| Glendale, CA | Program makes funds available for properties that would be in non-compliance to borrow, at below market rates, from the city to improve the property. | Grant money from state. | PUBLIC - city inspectors | ~ 2-4 | No | Yes | 6,361.30 |
| Tempe, AZ | Property inspected at municipal level, registered at county level. | Set regularly by city council. | PUBLIC – Community Development Manager. City attorney can file criminal charges. | Ordinance states wherever officer deems appropriate | No | Yes | 4,067.70 |
| Lincoln, NE | Inspected each year by the city. | \$60/yr. for first 3 units. \$6 for each extra. | PUBLIC – Department of Building and Safety. | 1 | Yes | Yes | 3,022.20 |
| West Lafayette, IN | Properties divided into several categories. Fees and inspection schedules depend on classification. Also must have visible sticker of compliance in units. | \$100 - \$250+ per structure. | PUBLIC - Department of Development | 4-Jan | No | Can call department | 5,219.60 |
| Hutchinson, MN | Must post registration in rental unit, failure to do so is misdemeanor. If unit deemed uninhabitable, owner must pay for interim housing if owner at fault. | \$10/unit annually – only offsets small portion of cost. | PUBLIC – Fire department, fire personnel, or building inspector. | 3 | No | Yes – procedure listed in ordinance | 1,763.60 |
| Los Angeles, CA | Inspected for compliance with locally adopted codes, but also with overlaying state laws/codes that may apply. Rent escrow if non-compliance is option. | \$35.52/unit annually. | PUBLIC - LA Department of Housing | 4 | No | Yes | 8,205 |
| Ithaca, NY | Inspected for compliance with NY State uniform fire prevention and building code, City of Ithaca municipal code, Housing Standards, and all applicable housing standards. Must submit rental info sheet. | \$40/hour inspector on premises and work after. | PUBLIC – Building Department | 3 for multi-unit. 5 for 1-2 units | No | Yes | 5,363.90 |
| Morgantown, WV | Adoption of state building code - which is adoption of International Building Code of International Code Council. | \$25 fee per dwelling unit. | PUBLIC – city inspectors. Code Enforcement | 3 | No | Yes | 2,736 |

Attachment D: RENTAL HOUSING CODE COMPARISONS

| | | | | | | | |
|---------------------|---|------------------|------------------|-----|-----|-----|-------|
| State of California | Requires cities to ensure that housing units meet minimum standards of habitability set forth by state. | Depends on city. | Depends on city. | N/A | N/A | N/A | 234.4 |
|---------------------|---|------------------|------------------|-----|-----|-----|-------|

Attachment E: VERMONT MUNICIPALITIES

Vermont Municipalities – Rental Housing Codes/Inspection Programs

Burlington

- All rental housing to be inspected regularly by Code Enforcement (~ every 12-18 months)
- There is a form and contact info online for reporting violations with the code
- There is a checklist guide online for what an inspector might be looking for
- All rental owners must register with City and obtain certificate of occupancy – must submit basic information about unit(s)
- Fee: \$75/unit annually
- Inspection is not required at the time of sale

Brandon

- The enforcing officer is to do inspections
- Inspections occur for new units and when change in occupancy
- Each year owner must submit request for renewal of certificate of occupancy and pay fee
- There is no specific annual fee for inspection as no annual inspection required
- Enforcing officer can inspect anytime he/she suspects there is violation
- All legal matters (as with all municipalities) can be turned over to city attorney for prosecution
- Tenants (or owners) can call and file a complaint at any time

Barre

- Minimum housing standards are defined in the ordinance (which is online)
- City Inspector (building department) does annual inspections
- Fee: \$25/unit per year
- Computer database to track and maintain inspection process
- Complaint process – landlord or tenant has to notify the other of complaint. Inspector will inspect within 7 days of receiving written complaint.
- Fine for frivolous complaint
- Barre adopted the federal housing quality standards for the City of Barre with exceptions outlined in ordinance
- The US Department of Housing and Urban Development form for housing inspection is used as official housing inspection form with amendments outlined in ordinance

Montpelier

- The Building Inspector does do city inspections both on a scheduled basis and upon complaint. Resources are used to investigate complaints first, and cyclical inspections are only done as resources become available

Attachment E: VERMONT MUNICIPALITIES

Winooski

- No easily accessible information or great website
- From phone conversation, inspections are done on cyclical basis
- City split into quadrants, and then a quadrant is inspected per year
- Inspection Fee: \$100 per unit

Colchester

- Contacted City Health Officer
- He is currently working on a plan and is anxious to get it passed for Colchester(no process currently)
- Trying to find resources, would very much like state assistance
- Wants to remain in contact – Said he will contact Abby by email to stay in touch

New Haven

- Town Clerk was unaware of any such program
- Could not find any information online

Have not been able to contact the following:

Rutland – Do have some form of code

Brattleboro (Health Officer: Peter Lynch 802-254-4831)

Bennington

Attachment F
Estimated Number of Rental Housing Units by Town

Prepared by Maura Collins, VT Housing Finance Agency

The "Total Rental Units" below is data as of the 2000 Census. Between 2000 and 2009, VHFA estimates that an additional 4,425 rental units have been built in Vermont, but we do not have town by town data. Therefore, the estimated total number of units to be inspected could be up to 4,425 units higher. (The true increase is likely lower since some new units could have been constructed in towns with existing rental enforcement programs or these units could be subsidized and inspected by federal/state entities.)

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|-----------------------|---------------------------|------------------------------------|---------------------------------------|-------------------------|------------------------|
| ADDISON | 76 | | | | 76 |
| BRIDPORT | 108 | | 1 | | 107 |
| BRISTOL | 469 | | 43 | 33 | 393 |
| CORNWALL | 67 | | 1 | | 66 |
| FERRISBURG | 184 | | 5 | | 179 |
| GOSHEN | 21 | | | | 21 |
| GRANVILLE | 32 | | 1 | | 31 |
| HANCOCK | 42 | | 5 | 5 | 32 |
| LEICESTER | 73 | | | | 73 |
| LINCOLN | 81 | | 1 | | 80 |
| MIDDLEBURY | 1,118 | | 156 | 300 | 662 |
| MONKTON | 66 | | | | 66 |
| NEW HAVEN | 128 | 128 | 2 | | - |
| ORWELL | 63 | | | | 63 |
| PANTON | 51 | | | | 51 |
| RIPTON | 46 | | 1 | | 45 |
| SALISBURY | 81 | | 3 | | 78 |
| SHOREHAM | 103 | | 7 | 5 | 91 |
| STARKSBORO | 106 | | 5 | | 101 |
| VERGENNES | 356 | | 53 | 105 | 198 |
| WALTHAM | 40 | | | | 40 |
| WEYBRIDGE | 53 | | | | 53 |
| WHITING | 34 | | | | 34 |
| Addison County | 3,398 | 128 | 284 | 448 | 2,540 |
| ARLINGTON | 263 | | 11 | 37 | 215 |
| BENNINGTON | 2,498 | 2,498 | 365 | 552 | - |
| DORSET | 164 | | | 20 | 144 |
| GLASTENBURY | 2 | | | | 2 |
| LANDGROVE | 20 | | | | 20 |
| MANCHESTER | 562 | | 11 | 157 | 394 |
| PERU | 33 | | 2 | | 31 |
| POWNAI | 302 | | 6 | | 296 |
| READSBORO | 98 | | | 24 | 74 |
| RUPERT | 48 | | | | 48 |
| SANDGATE | 32 | | | | 32 |
| SEARSBURG | 3 | | | | 3 |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|--------------------------|---------------------------|------------------------------------|---------------------------------------|-------------------------|------------------------|
| SHAFTSBURY | 230 | | 6 | | 224 |
| STAMFORD | 37 | | | | 37 |
| SUNDERLAND | 62 | | 1 | | 61 |
| WINHALL | 67 | | | | 67 |
| WOODFORD | 36 | | | | 36 |
| Bennington County | 4,457 | 2,498 | 402 | 790 | 1,684 |
| BARNET | 105 | | 2 | | 103 |
| BURKE | 175 | | 1 | 15 | 159 |
| DANVILLE | 141 | | 6 | 12 | 123 |
| GROTON | 67 | | | 27 | 40 |
| HARDWICK | 374 | | 25 | 59 | 290 |
| KIRBY | 22 | | | | 22 |
| LYNDON | 688 | | 29 | 104 | 555 |
| NEWARK | 23 | | | | 23 |
| PEACHAM | 45 | | 6 | 10 | 29 |
| RYEGATE | 59 | | 2 | 7 | 50 |
| ST. JOHNSBURY | 1,499 | | 152 | 317 | 1,030 |
| SHEFFIELD | 49 | | 1 | | 48 |
| STANNARD | 11 | | 1 | | 10 |
| SUTTON | 60 | | 2 | | 58 |
| WALDEN | 35 | | | | 35 |
| WATERFORD | 36 | | | 1 | 35 |
| WHEELOCK | 20 | | | | 20 |
| Caledonia County | 3,409 | - | 227 | 552 | 2,630 |
| BOLTON | 52 | | | | 52 |
| BUELS GORE | - | | | | - |
| BURLINGTON | 9,444 | 9,444 | 1,860 | 2,165 | - |
| CHARLOTTE | 211 | | 5 | | 206 |
| COLCHESTER | 1,826 | | 34 | 314 | 1,478 |
| ESSEX | 1,623 | | 43 | 205 | 1,375 |
| HINESBURG | 296 | | 15 | 24 | 257 |
| HUNTINGTON | 77 | | | | 77 |
| JERICO | 201 | | 7 | 24 | 170 |
| MILTON | 446 | | 59 | 36 | 351 |
| RICHMOND | 301 | | 14 | 31 | 256 |
| ST. GEORGE | 41 | | 1 | | 40 |
| SHELBURNE | 533 | | 5 | 20 | 508 |
| SO BURLINGTON | 1,997 | | 21 | 576 | 1,400 |
| UNDERHILL | 85 | | 3 | | 82 |
| WESTFORD | 74 | | 2 | | 72 |
| WILLISTON | 478 | | 17 | 221 | 240 |
| WINOOSKI | 1,826 | 1,826 | 352 | 659 | - |
| Chittenden County | 19,511 | 11,270 | 2,438 | 4,275 | 6,564 |
| AVERILL | - | | | | - |
| AVERY'S GORE | - | | | | - |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|--------------------------|--------------------|-----------------------------|--------------------------------|------------------|-----------------|
| BLOOMFIELD | 17 | | | | 17 |
| BRIGHTON | 193 | | 23 | 57 | 113 |
| BRUNSWICK | 6 | | | | 6 |
| CANAAN | 127 | | | 12 | 115 |
| CONCORD | 77 | | 3 | 10 | 64 |
| EAST HAVEN | 10 | | | | 10 |
| FERDINAND | - | | | | - |
| GRANBY | 3 | | | | 3 |
| GUILDHALL | 16 | | 1 | | 15 |
| LEMINGTON | 9 | | | | 9 |
| LEWIS | - | | | | - |
| LUNENBURG | 115 | | 2 | | 113 |
| MAIDSTONE | 9 | | | | 9 |
| NORTON | 6 | | | | 6 |
| VICTORY | 4 | | | | 4 |
| WARNER'S GRANT | - | | | | - |
| WARREN'S GORE | - | | | | - |
| Essex County | 592 | - | 29 | 79 | 484 |
| BAKERSFIELD | 63 | | 2 | | 61 |
| BERKSHIRE | 93 | | 1 | | 92 |
| ENOSBURG | 320 | | 18 | 122 | 180 |
| FAIRFAX | 178 | | 11 | 20 | 147 |
| FAIRFIELD | 109 | | 2 | 8 | 99 |
| FLETCHER | 51 | | | | 51 |
| FRANKLIN | 56 | | 15 | 41 | - |
| GEORGIA | 155 | | | 8 | 147 |
| HIGHGATE | 246 | | 10 | | 236 |
| MONTGOMERY | 79 | | 3 | | 76 |
| RICHFORD | 256 | | 24 | 51 | 181 |
| ST. ALBANS CITY | 1,688 | | | 287 | 1,401 |
| ST. ALBANS TOWN | 315 | | 343 | 100 | (128) |
| SHELDON | 114 | | 5 | | 109 |
| SWANTON | 593 | | 66 | 80 | 447 |
| Franklin County | 4,316 | - | 500 | 717 | 3,184 |
| ALBURG | 170 | | 5 | 29 | 136 |
| GRAND ISLE | 145 | | 11 | 40 | 94 |
| ISLE LA MOTTE | 36 | | 1 | | 35 |
| NORTH HERO | 63 | | 1 | | 62 |
| SOUTH HERO | 135 | | 1 | | 134 |
| Grand Isle County | 549 | - | 19 | 69 | 461 |
| BELVIDERE | 20 | | | | 20 |
| CAMBRIDGE | 367 | | 18 | 39 | 310 |
| EDEN | 75 | | 1 | | 74 |
| ELMORE | 39 | | | | 39 |
| HYDE PARK | 227 | | 10 | | 217 |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|------------------------|---------------------------|------------------------------------|---------------------------------------|-------------------------|------------------------|
| JOHNSON | 452 | | 25 | 34 | 393 |
| MORRISTOWN | 785 | | 65 | 146 | 574 |
| STOWE | 650 | | 3 | 98 | 549 |
| WATERVILLE | 55 | | 3 | | 52 |
| WOLCOTT | 117 | | 2 | | 115 |
| Lamoille County | 2,787 | - | 127 | 317 | 2,343 |
| BRADFORD | 362 | | 23 | 71 | 268 |
| BRAINTREE | 79 | | 1 | | 78 |
| BROOKFIELD | 82 | | 1 | | 81 |
| CHELSEA | 137 | | 1 | 36 | 100 |
| CORINTH | 78 | | | | 78 |
| FAIRLEE | 144 | | 2 | | 142 |
| NEWBURY | 227 | | 24 | 61 | 142 |
| ORANGE | 38 | | | | 38 |
| RANDOLPH | 543 | | 44 | 164 | 335 |
| STRAFFORD | 73 | | | | 73 |
| THETFORD | 223 | | | | 223 |
| TOPSHAM | 60 | | 1 | | 59 |
| TUNBRIDGE | 105 | | 2 | | 103 |
| VERSHIRE | 67 | | 1 | | 66 |
| WASHINGTON | 52 | | 1 | | 51 |
| WEST FAIRLEE | 81 | | | | 81 |
| WILLIAMSTOWN | 234 | | 14 | 88 | 132 |
| Orange County | 2,585 | - | 115 | 420 | 2,050 |
| ALBANY | 61 | | 1 | | 60 |
| BARTON | 416 | | 7 | 96 | 313 |
| BROWNINGTON | 48 | | | | 48 |
| CHARLESTON | 77 | | 1 | | 76 |
| COVENTRY | 75 | | 1 | 9 | 65 |
| CRAFTSBURY | 77 | | | 24 | 53 |
| DERBY | 451 | | 22 | 38 | 391 |
| GLOVER | 50 | | 2 | 12 | 36 |
| GREENSBORO | 68 | | 1 | 10 | 57 |
| HOLLAND | 37 | | | | 37 |
| IRASBURG | 77 | | | | 77 |
| JAY | 44 | | | | 44 |
| LOWELL | 41 | | | | 41 |
| MORGAN | 38 | | 2 | | 36 |
| NEWPORT CITY | 1,038 | | 6 | 126 | 906 |
| NEWPORT TOWN | 110 | | 88 | | 22 |
| TROY | 190 | | 1 | 14 | 175 |
| WESTFIELD | 48 | | | | 48 |
| WESTMORE | 42 | | | | 42 |
| Orleans County | 2,988 | - | 132 | 329 | 2,527 |
| BENSON | 117 | | 2 | 15 | 100 |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|-----------------------|---------------------------|------------------------------------|---------------------------------------|-------------------------|------------------------|
| BRANDON | 400 | 400 | 60 | 138 | - |
| CASTLETON | 451 | | 4 | 59 | 388 |
| CHITTENDEN | 86 | | | | 86 |
| CLARENDON | 222 | | 7 | | 215 |
| DANBY | 110 | | 3 | | 107 |
| FAIR HAVEN | 445 | | 36 | 79 | 330 |
| HUBBARDTON | 43 | | | | 43 |
| IRA | 23 | | | | 23 |
| KILLINGTON | 164 | | | | 164 |
| MENDON | 91 | | 1 | | 90 |
| MIDDLETOWN | 58 | | 4 | | 54 |
| MOUNT HOLLY | 75 | | | | 75 |
| MOUNT TABOR | 24 | | | | 24 |
| PAWLET | 155 | | 1 | | 154 |
| PITTSFIELD | 52 | | | | 52 |
| PITTSFORD | 329 | | 3 | 30 | 296 |
| POULTNEY | 375 | | 5 | 45 | 325 |
| PROCTOR | 206 | | 9 | 12 | 185 |
| RUTLAND CITY | 3,646 | 3,646 | 3 | 814 | - |
| RUTLAND TOWN | 396 | | 327 | 65 | 4 |
| SHREWSBURY | 64 | | 1 | | 63 |
| SUDBURY | 37 | | | | 37 |
| TINMOUTH | 37 | | | | 37 |
| WALLINGFORD | 182 | | 2 | 28 | 152 |
| WELLS | 72 | | 2 | | 70 |
| WEST HAVEN | 14 | | | | 14 |
| WEST RUTLAND | 300 | | 17 | 20 | 263 |
| Rutland County | 8,174 | 4,046 | 487 | 1,305 | 3,421 |
| BARRE CITY | 2,418 | 2,418 | 139 | 496 | - |
| BARRE TOWN | 521 | | 197 | 45 | 279 |
| BERLIN | 221 | | 1 | 44 | 176 |
| CABOT | 72 | | 8 | 8 | 56 |
| CALAIS | 97 | | 2 | | 95 |
| DUXBURY | 80 | | 1 | | 79 |
| EAST MONTPELIER | 212 | | 2 | | 210 |
| FAYSTON | 104 | | | | 104 |
| MARSHFIELD | 123 | | 5 | 16 | 102 |
| MIDDLESEX | 91 | | | | 91 |
| MONTPELIER | 1,726 | 1,726 | 125 | 361 | - |
| MORETOWN | 146 | | 22 | 16 | 108 |
| NORTHFIELD | 595 | | 37 | 96 | 462 |
| PLAINFIELD | 127 | | 23 | 13 | 91 |
| ROXBURY | 29 | | | | 29 |
| WAITSFIELD | 215 | | 4 | 42 | 169 |
| WARREN | 205 | | | | 205 |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|--------------------------|---------------------------|------------------------------------|---------------------------------------|-------------------------|------------------------|
| WATERBURY | 611 | | 39 | 54 | 518 |
| WOODBURY | 53 | | 1 | | 52 |
| WORCESTER | 65 | | 1 | | 64 |
| Washington County | 7,711 | 4,144 | 607 | 1,191 | 3,075 |
| ATHENS | 30 | | | | 30 |
| BRATTLEBORO | 2,711 | 2,711 | 276 | 711 | - |
| BROOKLINE | 28 | | | | 28 |
| DOVER | 180 | | 8 | 33 | 139 |
| DUMMERSTON | 159 | | 1 | | 158 |
| GRAFTON | 85 | | | | 85 |
| GUILFORD | 159 | | 2 | 21 | 136 |
| HALIFAX | 44 | | | | 44 |
| JAMAICA | 118 | | 3 | | 115 |
| LONDONDERRY | 220 | | | 24 | 196 |
| MARLBORO | 60 | | | | 60 |
| NEWFANE | 127 | | 1 | | 126 |
| PUTNEY | 321 | | 7 | 36 | 278 |
| ROCKINGHAM | 959 | | 81 | 173 | 705 |
| SOMERSET | - | | | | - |
| STRATTON | 7 | | | | 7 |
| TOWNSHEND | 105 | | 4 | 52 | 49 |
| VERNON | 129 | | 3 | 78 | 48 |
| WARDSBORO | 64 | | | | 64 |
| WESTMINSTER | 247 | | 3 | 9 | 235 |
| WHITINGHAM | 93 | | 4 | 9 | 80 |
| WILMINGTON | 340 | | 4 | 7 | 329 |
| WINDHAM | 27 | | | | 27 |
| Windham County | 6,213 | 2,711 | 397 | 1,153 | 3,040 |
| ANDOVER | 46 | | | | 46 |
| BALTIMORE | 19 | | | | 19 |
| BARNARD | 66 | | | | 66 |
| BETHEL | 236 | | 5 | 25 | 206 |
| BRIDGEWATER | 113 | | 3 | 14 | 96 |
| CAVENDISH | 135 | | 1 | 22 | 112 |
| CHESTER | 357 | | 15 | 66 | 276 |
| HARTFORD | 1,545 | | 168 | 272 | 1,105 |
| HARTLAND | 233 | | 2 | | 231 |
| LUDLOW | 329 | | 32 | 85 | 212 |
| NORWICH | 333 | | 2 | 24 | 307 |
| PLYMOUTH | 39 | | | | 39 |
| POMFRET | 99 | | 3 | | 96 |
| READING | 56 | | 2 | | 54 |
| ROCHESTER | 158 | | 6 | 23 | 129 |
| ROYALTON | 516 | | 7 | 15 | 494 |
| SHARON | 142 | | | | 142 |

| NAME | Total Rental Units | Existing Rental Enforcement | Tenant Based Rental Assistance | Subsidized Units | Estimated Total |
|----------------|--------------------|-----------------------------|--------------------------------|------------------|-----------------|
| SPRINGFIELD | 1,372 | | 179 | 416 | 777 |
| STOCKBRIDGE | 40 | | 2 | | 38 |
| WEATHERSFIELD | 171 | | 1 | | 170 |
| WESTON | 66 | | | | 66 |
| WEST WINDSOR | 96 | | | | 96 |
| WINDSOR | 635 | | 54 | 160 | 421 |
| WOODSTOCK | 442 | | 3 | 26 | 413 |
| Windsor County | 7,244 | - | 485 | 1,148 | 5,611 |
| VERMONT | 73,934 | 24,797 | 6,249 | 12,793 | 39,614 |

Methodology:

1. Total rental units includes vacant and occupied rental units as of the 2000 Census.
2. Existing rental enforcement levels vary town to town, and are not uniform standards.
3. Tenant Based Rental Assistance is an estimate of where tenant-based voucher-holders were living as of February 2008. Turnover and migration patterns would change these specific numbers, but the geographic trends are probably similar.
4. Subsidized units are subsidized housing units. Some tenant-based voucher holders are likely living in some subsidized units, thereby double counting those units. We do not have data on how often this occurs. Also, different subsidized housing programs have different housing standards and inspection requirements and therefore are not uniform. Finally, this is an over-estimate of all subsidized housing since often a building may have some number of market rate units included with subsidized units, *although* according to VSHA, most inspections will take the overall condition of the building into account during their review and therefore even market rate units are somewhat covered.
5. Estimated Total: This is the estimated total number of units that are *not* currently inspected by an existing enforcement system or a federal or state housing program. For most communities, one can see the “Total Rental Units” and subtract any “Tenant Based Rental Assistance” and “Subsidized Units” for an approximate total. For communities with existing inspection programs in place, the “Estimated Total” to be inspected is 0 even if there are *also* assisted units within the community. Therefore, for the state as a whole, one cannot simply take the “Total Rental Units” and subtract all “Existing Rental Enforcement,” “Tenant Based Rental Assistance,” and “Subsidized Units” since the assisted units in towns with existing rental enforcement are not counted.
6. This does not include any Shelter Plus Care vouchers, since data on the number in the state and geographic breakdown was unavailable.
7. Local PHA's vouchers (not VSHA's) were added only to the town where the PHA's offices are based. Meaning: Hartford's 43 vouchers all appear in Hartford although tenants may be in surrounding towns. The local PHA's also have voucher programs as follows:

Burlington: 1712 Brattleboro: 187 Rutland: 70 Springfield: 61 Barre: 185
Winooski: 320 Montpelier: 122 Bennington: 207 Hartford: 43 St. Albans: 85

Estimated Number of Rental-Occupied Units by County and by Structure¹

| NAME | Buildings with 1 unit | Buildings with 2 units | Buildings with 3 or more units | Mobile homes | Boats, RVs, Vans, other |
|-------------------|-----------------------|------------------------|--------------------------------|--------------|-------------------------|
| Addison County | 1267 | 523 | 1122 | 359 | 0 |
| Bennington County | 1435 | 878 | 1727 | 207 | 0 |

¹ Census 2000 data.
Rental Unit Estimate| 7

| | | | | | |
|-------------------|-------|-------|-------|------|----|
| Caledonia County | 888 | 447 | 1529 | 291 | 2 |
| Chittenden County | 3398 | 3524 | 11773 | 458 | 8 |
| Essex County | 182 | 101 | 160 | 86 | 0 |
| Franklin County | 1282 | 960 | 1541 | 413 | 0 |
| Grand Isle County | 268 | 30 | 112 | 107 | 0 |
| Lamoille County | 925 | 508 | 1076 | 172 | 10 |
| Orange County | 1024 | 325 | 782 | 259 | 3 |
| Orleans County | 958 | 529 | 974 | 247 | 2 |
| Rutland County | 1952 | 2068 | 3306 | 428 | 0 |
| Washington County | 1605 | 1403 | 4271 | 178 | 0 |
| Windham County | 1757 | 920 | 2875 | 334 | 10 |
| Windsor County | 2193 | 1009 | 3194 | 482 | 0 |
| VERMONT | 19134 | 13225 | 34442 | 4021 | 35 |

Town level data available at www.housingdata.org

Estimated Number of Renter-Occupied Units by County and by Year Built²

| NAME | 1980 - 2000 | 1960 - 1979 | 1940 - 1959 | 1939 or earlier | % Before 1980 |
|-------------------|-------------|-------------|-------------|-----------------|---------------|
| Addison County | 826 | 834 | 351 | 1260 | 75% |
| Bennington County | 854 | 1012 | 708 | 1673 | 80% |
| Caledonia County | 481 | 655 | 362 | 1659 | 85% |
| Chittenden County | 4988 | 5333 | 2829 | 6011 | 74% |
| Essex County | 119 | 94 | 27 | 289 | 78% |
| Franklin County | 817 | 944 | 564 | 1871 | 81% |
| Grand Isle County | 150 | 163 | 39 | 165 | 71% |
| Lamoille County | 741 | 689 | 288 | 973 | 73% |
| Orange County | 531 | 502 | 286 | 1074 | 88% |
| Orleans County | 530 | 551 | 303 | 1326 | 81% |
| Rutland County | 1235 | 1718 | 1145 | 3656 | 84% |
| Washington County | 2205 | 1558 | 973 | 3746 | 75% |
| Windham County | 768 | 1376 | 713 | 3039 | 87% |
| Windsor County | 1305 | 1740 | 1092 | 2741 | 82% |
| VERMONT | 14896 | 17740 | 10012 | 31102 | 80% |

Town level data available at www.housingdata.org

² Census 2000 data.
Rental Unit Estimate | 8

| Who? | Enforces What? | Statute Chapter | Enforcement Authority | Statute Section |
|------------------------------------|----------------------------|------------------------|--|-----------------------|
| Fire Safety | Fire Safety | 20 V.S.A , Chapter 173 | Orders to Repair, Rehabilitate, Remove | 20 V.S.A. 2733 |
| | | | Penalties | 20 V.S.A. 2734 |
| | | | Municipal Enforcement | 20 V.S.A. 2736 |
| | Boilers | 20 V.S.A., Chapter 173 | Boiler Rules | Rules |
| | Generally | | Penalties | 20 V.S.A. 2885 |
| | Electrical/Electricians | 26 V.S.A., Chapter 15 | Issuance of Order | 26 V.S.A. 895 |
| Penalty | | | 26 V.S.A. 911 | |
| | Plumbing/Plumbers | 26 V.S.A., Chapter 39 | Work Notice; fees; enforcement; appeals, penalties | 26 V.S.A. 2175 |
| | | | Penalties | 26 V.S.A. 2197 |
| Health | Rental Housing Health Code | 18 V.S.A. Chapter 3 | Issuance of search warrant | 18 V.S.A. 121 |
| | | | Voluntary Compliance | 18 V.S.A. 124 |
| | | | Assurance of Discontinuance | 18 V.S.A. 125 |
| | | | Health Orders | 18 V.S.A. 126 |
| | | | Emergency Health Orders | 18 V.S.A. 127 |
| | | | Civil Enforcement | 18 V.S.A. 130 |
| | | | Criminal Penalty | 18 V.S.A. 131 |
| | | | | |
| | Lead Paint/EMP | Title 18, Chapter 38 | Enforcement; administrative order; penalties | 18 V.S.A. 1760a |
| Selectboard/THO | RHHC | | Issuance of search warrant | 18 V.S.A. 121 |
| | | | Voluntary Compliance | 18 V.S.A. 124 |
| | | | Health Orders | 18 V.S.A. 126 |
| | | | Emergency Health Orders | 18 V.S.A. 127 |
| | | | Civil Enforcement | 18 V.S.A. 130 |
| | | | Criminal Penalty | 18 V.S.A. 131 |
| | | | | |
| Agency of Natural Resources | Wastewater | Title 10, Chapter 201 | Administrative Environmental Law Enforcement | Title 10, Chapter 201 |
| | Potable Water Supply | Title 10, Chapter 201 | Administrative Environmental Law Enforcement | Title 10, Chapter 201 |
| | Public Water Supply | Title 10, Chapter 201 | Administrative Environmental Law Enforcement | Title 10, Chapter 201 |
| Attorney General | Wastewater | Title 10, Chapter 211 | Civil Enforcement | 10 V.S.A. 8221 |
| | Potable Water Supply | Title 10, Chapter 211 | Civil Enforcement | 10 V.S.A. 8221 |
| | Public Water Supply | Title 10, Chapter 211 | Civil Enforcement | 10 V.S.A. 8221 |
| | Consumer Fraud | Title 9, Chapter 63 | Civil Penalty | 9 V.S.A. 2461 |
| | | | | |

| | | | | |
|---------------|--------------------|----------------------|--|------------------|
| Tenant | RRAA | Title 9, Chapter 137 | Habitability; tenant remedies | 9 V.S.A. 4458 |
| | | Title 9, Chapter 137 | Minor defects; repair and deduct | 9 V.S.A. 4459 |
| | | Title 9, Chapter 137 | Retaliation | 9 V.S.A. 4465 |
| | Consumer Fraud Act | Title 9, Chapter 63 | Civil Penalty | 9 V.S.A. 2461(b) |
| | RHHC | Title 18, Chapter 3 | Private Right of Action | 18 V.S.A. 122 |
| | Lead Paint | Title 18, Chapter 38 | Duty of Reasonable care; negligence; liability | 18 V.S.A. 1761 |
| | | | | |

Attachment H

Minimum Rental Housing Standards

I. GENERAL PROVISIONS

1. Purpose: The purpose of these standards is to protect the health, safety and well-being of the occupants of rental housing by establishing minimum habitability standards for all residential rental housing in Vermont.
2. Compliance with Vermont Statutes and Codes: Each rental property must comply with all applicable housing laws and codes, including the Lead Poisoning Law, 18 V.S.A. §§ 1759-1760; Rental Housing Health Code, promulgated by the Vermont Department of Health; and the Vermont Fire and Building Safety Code, promulgated by the Department of Fire Safety.
3. Scope: These Minimum Rental Housing Standards apply to all rented dwellings, dwelling units, rooming houses, rooming units and mobile home lots used as a regular residence. This code does not apply to transient occupancy in a hotel, motel, or other lodging licensed by the Department of Health during the time the occupancy is subject to a tax levied under 32 V.S.A. Chapter 225.

II. SANITATION FACILITIES

1. Kitchen Facilities: Every dwelling unit shall contain within the unit space to store, prepare and serve foods in a sanitary manner.
2. Bathroom Facilities: Every dwelling unit shall contain within the unit a flush toilet, sink, and bathtub or shower.
3. Water Supply: Every dwelling unit shall be connected to, and every rented mobile home lot shall have access to, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupant(s).
4. Hot Water: Every kitchen sink, lavatory sink, shower and tub shall be connected with water-heating facilities capable of safely heating an adequate yield of water.
5. Sewage Disposal: Every dwelling unit shall be connected to, and every rented mobile home lot shall have access to, a public sewage system if available or to a properly operating subsurface wastewater disposal system.
6. Trash: The owner of any dwelling shall provide and maintain appropriate receptacles for the removal of garbage and rubbish and shall assure that arrangements are made for the removal of garbage and rubbish.
7. Rodents and insects: The owner of a dwelling shall maintain all common spaces free from rodent and insect infestation and shall be responsible for extermination of rodent and insect infestation in all common spaces or if the infestation exists in two or more dwelling units.

III. BUILDING SYSTEMS

1. Heating: Heating facilities in all dwelling units shall be able to maintain a room temperature of at least 65°F (18°C) in all habitable rooms when the outside temperature is less than 55°F.
2. Ventilation: Every habitable room in a dwelling unit shall have ventilation to the outdoors, including at least one window or door that can be opened to the outdoors without tools, and every bathroom shall have ventilation to the outdoors.
3. Electricity and Lighting: Every habitable room in a dwelling unit shall contain at least two duplex electrical outlets or one duplex electrical outlet and a light fixture, and each bathroom and entrance shall be adequately lit.

IV. STRUCTURAL ELEMENTS

Every dwelling unit shall be weather tight, watertight, rodent proof, and in good repair.

V. LEAD PAINT

1. Owners of pre-1978 rental housing shall ensure that essential maintenance practices (“EMPs”) are performed by a person certified to do so, and shall file an EMP compliance statement annually with the Vermont Department of Health, the owner’s insurance carrier; and an adult tenant in each rented unit of the property.
2. No person shall disturb more than one square foot of lead paint using unsafe work practice in any rental housing, unless specifically authorized by a Department of Health permit.

VI. LIFE SAFETY

1. Working smoke alarms with battery back-up, shall be directly wired to the building electrical service. Smoke alarms installed after June 15, 2009, must be the photoelectric-only type.
2. Working carbon monoxide (CO) alarms, with battery back-up, shall be directly wired to the building electrical service.
3. The exits and means of escape from dwelling units and the building must be of sufficient size to allow escape and must be kept clear and unobstructed. The exits and means of escape must not be used for storage, trash or recycling containers, or appliances. Furniture or other obstructions must not block access to windows or doors.
4. All fuel-burning heating appliances must be vented to the outside of the building and be inspected.

VI. MOBILE HOMES ON A RENTED LOT

Every rented mobile home lot shall provide connection to electrical services, water supply and sewage disposal.