

1 Introduced by Committee on General, Housing, and Military Affairs

2 Date:

3 Subject: Housing; rental housing safety

4 Statement of purpose of bill as introduced: This bill proposes to provide for
5 the creation of a residential rental housing board; to specify duties and rights
6 relating to local health officer and inspections of rental housing; and to direct
7 the Department of Taxes to make available a database of Vermont rental
8 housing units.

9 An act relating to improving rental housing safety

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

11 **Sec. 1. FINDINGS**

12 Sec. 1. 3 V.S.A. § 2477 is added to read:

13 § 2477. RESIDENTIAL RENTAL HOUSING ADVISORY BOARD

14 (a)(1) The Department of Housing and Community Development shall
15 create a Residential Rental Housing Advisory Board consisting of 11 members,
16 each of whom shall be a resident of Vermont and shall be appointed by the
17 Commissioner of the Department, as follows:

18 (A) three members representing landlords, one of whom is a for-
19 profit landlord and one of whom represents a nonprofit housing provider;

20 (B) three members representing tenants;

1 (C) three members representing municipalities; and

2 (D) two members of the public.

3 (2) A member shall serve a term of three years.

4 (3) The Board shall annually elect a chairperson from among its
5 members.

6 (4) A majority of the Board shall constitute a quorum for transacting
7 business.

8 (5) The Board shall take action by a majority vote of the members
9 present and voting.

10 (b) The Board shall be staffed by the Department, which, along with the
11 Departments of Health and of Public Safety, shall provide support to the Board
12 as required.

13 (c) The Board shall have the following powers and duties:

14 (1) to act as an advisory group to the Governor, General Assembly, and
15 appropriate State agencies on issues related to residential rental housing
16 statutes, policies, and regulations;

17 (2) to report regularly to the Vermont Housing Council on its
18 deliberations and recommendations;

19 (3) to work with appropriate State agencies on developing adequate data
20 on the location and condition of Vermont's rental housing stock;

1 (4) to provide guidance to the State on the implementation of programs,
2 policies, and regulations to better support decent, safe, and sanitary housing,
3 including recommendations for incentives and programs to assist landlords
4 with building repairs;

5 (5) to provide information to community partners, municipalities,
6 landlords, and tenants, including educational materials on applicable rental
7 housing statutes, regulations, and ordinances; and

8 (6) in the event of a natural disaster, to work in conjunction with
9 appropriate local, State, and federal agencies to communicate information
10 regarding available resources, disaster-related information, and community
11 needs.

12 Sec . 2 . TASKS OF RESIDENTIAL RENTAL HOUSING ADVISORY

13 BOARD

14 On or before January 15, 2019, the Residential Rental Housing Advisory
15 Board created in 3 V.S.A. § 2477 shall consider, and if it deems appropriate
16 shall submit to the General Assembly draft legislation concerning, the
17 following issues:

18 (1) whether to retain or modify current statutory provisions for issuance
19 of health orders for violations of a rental housing health code;

20 (2) whether inspection reports should utilize a hazard index rating
21 system similar to that used by the Department of Fire Safety to standardize

1 timelines for repair and amounts of fines, and whether landlords or tenants
2 should have to submit an action plan for correcting the violations within the
3 time limit for repair;

4 (3) whether a landlord or tenant should be allowed to appeal an
5 inspection report to address habitability issues; and

6 (4) whether the local health officer should file a report of violation in the
7 land records as a lien on the property if a landlord does not comply with the
8 inspection report.

9 Sec. 3. IMPROVING EFFECTIVENESS OF LOCAL HEALTH OFFICERS;

10 REPORT

11 (a) On or before December 1, 2018, the Department of Health, with input
12 from the Residential Rental Housing Advisory Board, shall provide the
13 General Assembly with recommendations and a plan on how to improve the
14 effectiveness of local health officers and the enforcement of Vermont
15 residential rental housing and habitability statutes and regulations. The report
16 shall include recommendations for regional approaches to housing code
17 enforcement and for funding.

18 (b) The Department shall develop a system for keeping data about the type
19 and number of complaints concerning violations of the rental safety codes.

1 (c) The Department shall assign a person to assist local health officers in
2 their duties and will publish the name and contact information of that person
3 on its website.

4 Sec. 4. 18 V.S.A. § 602a is amended to read:

5 § 602a. DUTIES OF LOCAL HEALTH OFFICERS

6 (a) A local health officer, within his or her jurisdiction, shall:

7 (1)(A) upon receipt of information regarding a condition that may be a
8 public health hazard, conduct an investigation;

9 (B) in the case of rental housing, the local health officer shall conduct
10 the investigation using the Department's protocols for implementing the Rental
11 Housing Health Code;

12 (2) enforce the provisions of this title, the rules promulgated, and
13 permits issued thereunder;

14 (3) prevent, remove, or destroy any public health hazard, or mitigate any
15 significant public health risk in accordance with the provisions of this title; and

16 (4) in consultation with the Department, take the steps necessary to
17 enforce all orders issued pursuant to chapter 3 of this title and inspection
18 reports issued pursuant to section 603 of this title.

19 (b) Upon discovery of violation or a public health hazard or public health
20 risk that involves a public water system, a food or lodging establishment, or
21 any other matter regulated by Department rule, the local health officer shall

1 immediately notify the Division of Environmental Health. Upon discovery of
2 any other violation, public health hazard, or public health risk, the local health
3 officer shall notify the Division of Environmental Health within 48 hours of
4 discovery of such violation or hazard and of any action taken by the officer.

5 Sec. 5. 18 V.S.A. § 603 is added to read:

6 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

7 (a)(1) Upon discovering a violation of the Rental Housing Health Code
8 adopted by the Department or any other law adopted to protect residential
9 property owners or tenants or ensure the safety of rental units a local health
10 officer:

11 (A) shall issue immediately a written inspection report on the rental
12 property that:

13 (i) contains findings of fact that serve as the basis of one or more
14 violations;

15 (ii) specifies the requirements and timelines necessary to correct a
16 violation; and

17 (iii) prohibits the owner from renting the affected unit to a new
18 tenant until the violation is corrected;

19 (B) may impose a fine of not more than \$100.00 per day for each
20 violation or a prospective fine should the violation not be corrected by a date
21 provided; and

1 (C) shall provide a copy of the inspection report to the owner and any
2 tenants affected by a violation by delivering the report electronically, in
3 person, by first class mail, or by leaving a copy at each unit affected by the
4 deficiency.

5 (2) If an entire property is affected by a violation, the local health officer
6 shall post a copy of the inspection report in a common area and include a
7 prominent notice that the report shall not be removed until authorized by the
8 local health officer.

9 ~~(b)(1) The owner of a property, or a tenant affected by a violation, may~~
10 ~~appeal an inspection report issued pursuant to this section by filing a notice of~~
11 ~~appeal with the Commissioner or designee.~~

12 ~~(2) A person may appeal a decision of the Commissioner or designee~~
13 ~~pursuant to section 128 of this title.~~

14 ~~(c) If a landlord does not comply with an inspection report issued pursuant~~
15 ~~to this section, the local health officer shall file the report in the land records as~~
16 ~~a lien on the property on the later date of the following:~~

17 ~~(1) for a report that imposes a fine for a violation, not later than 90 days~~
18 ~~after the date of the report if the owner fails to pay the fine within the~~
19 ~~90 days; or~~

1 ~~(2) for a report that specifies a date by which the owner shall correct a~~
2 ~~violation, not later than 90 days after the date specified if the owner fails to~~
3 ~~correct the violation within the time specified in the report.~~

4 ~~(d) A State or municipal official may post on a public website an inspection~~
5 ~~report issued pursuant to this section and upon request shall make a report~~
6 ~~available to a member of the public in not more than three business days.~~

7 (b) If a local health officer fails to conduct an investigation pursuant to
8 section 602a of this title or fails to issue an inspection report pursuant to this
9 section within three business days, a tenant may request the Department to
10 conduct an investigation and issue an inspection report.

11 ~~(2)(A) A municipality shall enforce an inspection report issued pursuant~~
12 ~~to this section.~~

13 ~~(B) If a municipality does not enforce an inspection report after the~~
14 ~~time provided in the report to correct a violation, or if no time is provided, the~~
15 ~~Commissioner may enforce an inspection report after a reasonable time~~
16 ~~commensurate with the seriousness of the violation.~~

17 Sec. 6. 32 V.S.A. § 6069 is amended to read:

18 § 6069. LANDLORD CERTIFICATE

19 * * *

20 (f) Annually, on or before October 31, the Department shall prepare and
21 make available to a member of the public upon request a database in the form

1 of a sortable spreadsheet that contains the following information for each rental
2 unit for which the Department received a certificate pursuant to this section:

- 3 (1) name of owner or landlord;
4 (2) mailing address of landlord;
5 (3) location of rental unit;
6 (4) type of rental unit;
7 (5) number of units in building; and
8 (6) School Property Account Number.

9 Sec. 7. EFFECTIVE DATE

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