

1 Introduced by Committee on General and Housing and Military Affairs
2 Referred to Committee on
3 Date:
4 Subject: Housing; rental housing safety
5 Statement of purpose of bill as introduced: This bill proposes to provide for
6 the creation of a residential rental housing board; to specify duties and rights
7 relating to local health officer and inspections of rental housing; and to direct
8 the Department of Taxes to make available a database of Vermont rental
9 housing units.

10 An act relating to improving rental housing safety

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

12 Sec. 1. FINDINGS

13 The General Assembly finds:

14 (1) Vermont's prosperity and the well-being of its citizens depend in
15 great measure on an adequate supply of safe, stable, and affordable housing.

16 (2) Vermont has one of the oldest housing stocks in the United States,
17 with many rental homes in need of basic life safety repairs and having high
18 levels of lead paint and mold. As a result, many Vermonters have no choice
19 but to live in substandard conditions.

1 (3) Substandard housing increases health care costs by causing and
2 exacerbating respiratory illnesses, allergies, and other health problems, costing
3 Vermont and Vermonters millions of dollars annually in health care and work
4 absence costs.

5 (4) Rental of residential housing is a business activity in Vermont, but
6 the State lacks comprehensive statewide information on the location and
7 condition of its rental housing. This made it difficult for those displaced by
8 Tropical Storm Irene to find replacement housing and will make it difficult to
9 address displacement resulting from future natural disasters.

10 (5) Vermont has no one State agency responsible for reviewing the
11 various policy and implementation issues that arise around the condition,
12 inspection, and availability of rental housing.

13 Sec. 2. 3 V.S.A. § 2477 is added to read:

14 § 2477. RESIDENTIAL RENTAL HOUSING ADVISORY BOARD

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

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

21 (B) three members representing tenants;

1 (C) three members representing municipalities;

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 Public Safety, shall provide support to the Board as
12 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 (5) to provide information to community partners, municipalities,
4 landlords, and tenants, including educational materials on applicable rental
5 housing statutes, regulations, and ordinances; and

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

10 Sec. 3. IMPROVING EFFECTIVENESS OF LOCAL HEALTH OFFICERS;
11 REPORT

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

19 (b) The Department shall assign a person to assist local health officers in
20 their duties, and will publish the name and contact information of that person
21 on its website.

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

2 § 602A. DUTIES OF LOCAL HEALTH OFFICERS

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

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

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

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

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

13 * * *

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

15 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

16 (a)(1) Upon discovering a violation of the Rental Housing Health Code
17 adopted by the Department, or any other law adopted to protect residential
18 tenants or ensure the safety of rental units, a local health officer:

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

- 1 (i) contains findings of fact that serve as the basis of one or more
2 violations;
- 3 (ii) specifies the requirements necessary to correct a violation; and
4 (ii) prohibits the owner from renting the affected unit to a new
5 tenant until corrected;
- 6 (B) may impose a fine of not more than \$100 per day for each
7 violation, or a prospective fine should the violation not be corrected by a date
8 provided; and
- 9 (C) shall provide a copy of the inspection report to the owner and any
10 tenants affected by a violation by delivering the report in person, by first class
11 mail, or by leaving a copy at each unit affected by the deficiency.
- 12 (2) If an entire property is affected by a violation, the local health officer
13 shall post a copy of the inspection report in a common area and include a
14 prominent notice that the report shall not be removed until authorized by the
15 local health officer.
- 16 (b)(1) The owner of a property, or a tenant affected by a violation, may
17 appeal an inspection report issued pursuant to this section by filing a notice of
18 appeal with the Commissioner or his or her designee.
- 19 (2) A person may appeal a decision of the Commissioner or designee
20 pursuant to section 128 of this title.

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

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

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

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

13 (e)(1) If a local health officer fails to conduct an investigation pursuant to
14 section 602a of this title, or fails to issue an inspection report pursuant to this
15 section within three business days, a tenant may request the Department to
16 conduct an investigation and issue an inspection report.

17
18 (2)(A) A municipality shall enforce an inspection report issued pursuant
19 to this section.

20 (B) If a municipality does not enforce an inspection report after the
21 time provided in the report to correct a violation, or if no time is provided, the

1 Commissioner may enforce an inspection report after a reasonable time
2 commensurate with the seriousness of the violation.

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

4 § 6069. LANDLORD CERTIFICATE

5 * * *

6 (f) Annually, on or before October 31, the Department shall prepare, and
7 make available to a member of the public upon request, a database in the form
8 of a sortable spreadsheet that contains the following information for each rental
9 unit for which the Department received a certificate pursuant to this section:

- 10 (1) name of owner or landlord;
11 (2) mailing address of landlord;
12 (3) location of rental unit;
13 (4) type of rental unit;
14 (5) number of units in building; and
15 (6) School Property Account Number.

16 Sec. 7. EFFECTIVE DATE

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