

February 23, 2018

Dear Chair Head:

On February 22, 2018, the committee received alternative suggested language for Draft 4.1. of the Rental Housing Safety Bill, Page 6, Lines 12-15. The suggested changes were:

(b) If a local health officer fails to conduct an investigation pursuant to section 602a of this title or fails to issue an inspection report pursuant to this section, a landlord or tenant may request that the Department, at its discretion, to conduct an investigation and issue an inspection report or contact the Local Board of Health to take action.

The Department does not support this language for the following reasons:

- The new proposed language does not remove the implied requirement that the Department have the ability to conduct back-up inspections on behalf of Town Health Officers (THOs). Establishing this capability would cost the Department \$1.9 million (\$1.1 million in personal services; \$112,000 in operating costs; and \$700,000 in indirect expenses) and require 13 new positions.
- Establishing a new program of this scale would be premature before both the Rental Advisory Board and the Department have had a chance to explore regional approaches and alternative funding structures.
- The housing advocates have indicated the goal in changing the language is not to have the Department conduct these inspections but to “close the loop” when a health officer has failed in his or her duties because it can be stressful for a tenant in crisis to interact with a select board on these issues. However, directing a tenant to a Department for assistance when that Department does not have the capabilities to perform an inspection only exacerbates the stress and delays any potential resolution to the issue.
- There is already a process in place for these cases when a tenant is not satisfied with the action or inaction of a health officer. A complaint is made to the select board/local board of health, who may deem that the health officer has been negligent in his or her duties and request that the Department remove this officer for cause and appoint a new THO. The local board of health may also issue a health order over the objections of the health officer.
- Finally, the other changes in this law clarify the inspection requirements for THOs and municipalities and will likely address most of the concerns that currently exist on this issue.

For these reasons the Department still suggests the following language change:





(b) If a local health officer fails to conduct an investigation pursuant to section 602a of this title or fails to issue an inspection report pursuant to this section, a landlord or tenant may consult with the Department, Division of Environmental Health, and request action be taken by the Local Board of Health. ~~request the Department to conduct an investigation and issue an inspection report.~~

Sincerely,

/s/ Lillian Colasurdo  
Public Health Policy Advisor

