

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. 3 V.S.A. § 2477 is added to read:

12 § 2477. RESIDENTIAL RENTAL HOUSING ADVISORY BOARD

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

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

19 (B) three members representing tenants;

20 (C) three members representing municipalities; and

- 1           (D) two members of the public.
- 2           (2) A member shall serve a term of three years.
- 3           (3) The Board shall annually elect a chairperson from among its  
4 members.
- 5           (4) A majority of the Board shall constitute a quorum for transacting  
6 business.
- 7           (5) The Board shall take action by a majority vote of the members  
8 present and voting.
- 9           (b) The Board shall be staffed by the Department, which, along with the  
10 Departments of Health and of Public Safety, shall provide support to the Board  
11 as required.
- 12           (c) The Board shall have the following powers and duties:
- 13           (1) to act as an advisory group to the Governor, General Assembly, and  
14 appropriate State agencies on issues related to residential rental housing  
15 statutes, policies, and regulations;
- 16           (2) to report regularly to the Vermont Housing Council on its  
17 deliberations and recommendations;
- 18           (3) to work with appropriate State agencies on developing adequate data  
19 on the location and condition of Vermont's rental housing stock;
- 20           (4) to provide guidance to the State on the implementation of programs,  
21 policies, and regulations to better support decent, safe, and sanitary housing.

1 including recommendations for incentives and programs to assist landlords  
2 with building repairs;

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 preparation for a natural disaster, to collect information regarding  
7 available resources, disaster-related information, and community needs, and, in  
8 the event of a natural disaster, work with government authorities in charge of  
9 disaster response and communication.

10 Sec . 2 . TASKS OF RESIDENTIAL RENTAL HOUSING ADVISORY

11 BOARD

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

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

18 (2) whether inspection reports should utilize a hazard index rating  
19 system similar to that used by the Department of Fire Safety to standardize  
20 timelines for repair and amounts of fines, and whether landlords or tenants

1 should have to submit an action plan for correcting the violations within the  
2 time limit for repair;

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

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

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

10 (a) On or before ~~January 15~~December 1, 2019, the Department of Health, with  
input  
11 from the Residential Rental Housing Advisory Board, shall provide a report to  
12 the General Assembly with preliminary recommendations and a plan on how to  
13 improve the effectiveness of local health officers and the enforcement of  
14 Vermont residential rental housing and habitability statutes and regulations.  
15 The report shall include recommendations for regional approaches to housing  
16 code enforcement and for funding.

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

19 (c) The Department shall assign a person to be in charge of providing  
20 assistance to local health officers in their duties and make the name and contact  
21 information of that person available on request.

**Comment [CL1]:** Understanding that the desire is to have a report as soon as possible, this would allow the Department the ability to review data and findings from the Rental Housing Advisory Board. If December is too far into the future, the Department would request a compromise of July 1, 2019 so that this report may build off of the report submitted directly by the Advisory Board.

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 request of a landlord or tenant, or upon receipt of information  
5 regarding a condition that may be a public health hazard, conduct an  
6 investigation;

7 \* \* \*

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

9 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

10 (a)(1) When conducting an investigation of rental housing a local health  
11 officer:

12 (A) shall issue a written inspection report on the rental property using  
13 the protocols for implementing the Rental Housing Health Code of the  
14 Department or the municipality, in the case of a municipality that has  
15 established a code enforcement office, which report shall:

16 (i) contain findings of fact that serve as the basis of one or more  
17 violations;

18 (ii) specify the requirements and timelines necessary to correct a  
19 violation; and

20 (iii) prohibit the landlord from renting the affected unit to a new  
21 tenant until the violation is corrected;

1 (B) may impose a fine of not more than \$100.00 per day for each  
2 violation ~~if the landlord or tenant has not corrected by the violation~~ by the date  
3 provided; and

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

8 (2) If an entire property is affected by a violation, the local health officer  
9 shall post a copy of the inspection report in a common area of the property and  
include a

10 prominent notice that the report shall not be removed until authorized by the  
11 local health officer.

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

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

17 § 6069. LANDLORD CERTIFICATE

18 \* \* \*

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

**Comment [CA2]:** AHS feels the inclusion of “tenant” represents a significant change and opens the potential for THOs or municipal inspectors to be caught in the middle of determining what party is at fault for the violation. While VDH can mitigate confusion by training to this with the THOs under their jurisdiction, it could become convoluted in municipalities with their own code enforcement.

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.