

Draft Rental Safety Legislation (02/08/2018)

Sec 1 and 2 - Rental Advisory Board

Vermont has no one State agency responsible for reviewing the various policy and implementation issues that arise around the condition, inspection, and availability of rental housing. Landlords, Tenants, State Agencies and Legislators have struggled with how and with whom to vet various policy and programs ideas. These sections propose the composition, duties and tasks of a Residential Rental Housing Advisory Board.

Sec 3 – Health Dept. Report

The Dept. of Health (DOH) currently oversees the Town Health Officer (THO) program and the Rental Housing Health Code (RHHC). Over the years there has been testimony and reports on some of the shortcomings and challenges of the program. The Legislature needs to get DOH's complete and professional opinion on the best way to structure the RHHC programs. This section also asks DOH to start keeping data on the number and type of complaints received by THO's and identify who in the DOH is responsible for program oversight.

Sec 4 – THO Inspections

Current law says that "Upon receipt of information regarding a condition that may be a public health hazard, THO's are to conduct an investigation". The only thing this section adds is a proposal that "in the case of rental housing, the local health officer shall conduct the investigation utilizing the Department's protocols implementing the Rental Housing Health Code". This should include the well thought out checklist the DOH already has developed. This would provide consistency and good documentation for all parties. The rest of language in this section already exists in current law.

Sec 5 – Inspection Reports for Serious Health and Safety Violations

The proposals to set up a Rental Housing Advisory Board and a report by DOH are intended to provide recommendations on overall systems and options, and a venue for ongoing policy review and future legislation. Section 5 is intended in the short term to offer a few changes under current law to improve responsiveness for health and safety violations caused either by the landlord or the tenant:

- THO's must do an investigation upon complaint now. For rental housing, this provision explicitly says the inspection report will be in writing using DOH protocols.
- The written inspection report must specify timelines and requirements for correcting the problem.
- Landlords are already prohibited by the warranty of habitability from re-renting dwellings with existing health code violations. This provision would have THOs include reminder language to that effect in their written reports.
- A provision that the town may impose a fine if desired without having to enact special ordinances.
- The written inspection report must be given to the landlord and tenants.
- If the THO fails to conduct the investigation the occupant may request DOH to step in.

Sec 6 – Landlord Certificates

Having a list of rental property owners and addresses is critical to better understand Vermont's rental housing stock. Rental housing is one of the few businesses in the state that is not required in some fashion to register. The Dept. of Taxes now (as of 2016) collects most of the necessary information through the Landlord Certificate associated with the rent rebate program. The intent of this provision is to allow the Tax Dept. to make non-confidential information public upon request. This also might be accomplished by adding rental unit information to the Grand List information which is already public.