

Rental Safety Legislation (02/28/2018)

Sec 1 and 2 - Rental Advisory Board

Vermont has no one State agency is 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 and duties of a Residential Rental Housing Advisory Board, and tasks them to provide recommendations on certain issues by January 2019. This includes recommendations for incentives and programs to assist landlords with repairs.

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 challenges of the program. The Legislature needs to get DOH's complete and professional opinion on the best way to structure the RHHC programs and present recommendations by January 2019. This section also asks DOH to start keeping data on the number and type of complaints received by THO's and specially assign someone in the DOH is responsible for program oversight.

Sec 4 – THO Inspections

Current law says that the THO shall “upon receipt of information regarding a condition that may be a public health hazard, conduct an investigation”. The only thing this section adds is a clarification that an investigation can be also conducted “upon request of a landlord or tenant”.

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 best practice changes under current law to improve the process 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 shall be in writing using Dept. of Health protocols for implementing the Rental Housing Health Code or those of the municipality if they have a code enforcement office.
- 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 until the violation is corrected. This provision would have THOs include reminder language to that effect in their written reports.
- A provision that the town may (but is not required to) impose a fine if the violation is not corrected by the specified timeline. This could happen if desired by the town without having to enact special ordinances.
- The written inspection report must be given to the landlord and tenants.
- If the local THO fails to conduct an investigation the landlord or the tenant may request DOH, at its discretion, conduct an investigation or contact the local board of health to take action.

Sec 6 – Landlord Certificates

Having a list of rental property owners and addresses is critical to better understand Vermont's rental housing stock. According to the U.S Census there are 77,000 rental units in VT, which results in \$846 million dollars in annual activity. 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.