

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred House Bill No. 907 entitled “An act relating to improving
4 rental housing safety” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 3 V.S.A. § 2477 is added to read:

8 § 2477. RENTAL HOUSING ADVISORY BOARD

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

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

15 (B) three members representing tenants;

16 (C) three members representing municipalities; and

17 (D) two members of the public.

18 (2) A member shall serve a term of three years.

19 (3) The Board shall annually elect a chair from among its members.

20 (4) A majority of the Board shall constitute a quorum for transacting
21 business.

1 (5) The Board shall take action by a majority vote of the members
2 present and voting.

3 (b) The Board shall be staffed by the Department, which, along with the
4 Departments of Health and of Public Safety, shall provide support to the Board
5 as required.

6 (c) The Board shall have the following powers and duties:

7 (1) to act as an advisory group to the Governor, General Assembly, and
8 appropriate State agencies on issues related to rental housing statutes, policies,
9 and regulations;

10 (2) to report regularly to the Vermont Housing Council on its
11 deliberations and recommendations;

12 (3) to work with appropriate State agencies on developing adequate data
13 on the location and condition of Vermont's rental housing stock;

14 (4) to provide guidance to the State on the implementation of programs,
15 policies, and regulations better to support decent, safe, and sanitary housing,
16 including recommendations for incentives and programs to assist landlords
17 with building repairs;

18 (5) to provide information to community partners, municipalities,
19 landlords, and tenants, including educational materials on applicable rental
20 housing statutes, regulations, and ordinances; and

1 (6) in preparation for a natural disaster, to collect information regarding
2 available resources, disaster-related information, and community needs, and, in
3 the event of a natural disaster, work with government authorities in charge of
4 disaster response and communication.

5 Sec. 2. TASKS OF RENTAL HOUSING ADVISORY

6 BOARD

7 (a) On or before January 15, 2019, the Rental Housing Advisory Board
8 created in 3 V.S.A. § 2477 shall submit to the General Assembly potential
9 legislation or policy changes to better support decent, safe, and sanitary rental
10 housing that address the following issues:

11 (1) recommendations for one State agency to be responsible for
12 overseeing all aspects of rental housing code enforcement; and

13 (2) whether to retain or modify the current system of rental housing
14 code enforcement, including current statutory provisions for issuance of health
15 orders for violations of a rental housing health code.

16 (b) In formulating the potential legislation or policy changes identified
17 pursuant to subsection (a) of this section, the Board shall consider the
18 following proposals:

19 (1) professionalize or otherwise improve the current system of town
20 health officers;

21 (2) regionalize rental housing code enforcement;

1 (3) create a public-private system of rental housing code inspections and
2 enforcement;

3 (4) allow self-certification by property owners of compliance with
4 applicable rental housing codes;

5 (5) require inspection reports to utilize a hazard index rating system
6 similar to that used by the Department of Public Safety’s Division of Fire
7 Safety to standardize timelines for repair and amounts of fines;

8 (6) require landlords and tenants, as applicable, to submit an action plan
9 for correcting violations within the time limit for correction;

10 (7) enable a landlord or tenant to appeal an inspection report to address
11 habitability issues;

12 (8) make inspection reports available to the public online; and

13 (9) enable a local health officer to file a report of violation in the land
14 records as a lien on the property if a landlord does not comply with the
15 inspection report.

16 (c) Not later than September 1, 2018 and November 15, 2018, the Board
17 shall report on its progress on formulating the potential legislation or policy
18 changes identified pursuant to subsection (a) of this section to the Senate
19 Committee on Economic Development, Housing and General Affairs and the
20 House Committee on General, Housing, and Military Affairs.

1 Sec. 3. IMPROVING EFFECTIVENESS OF LOCAL HEALTH OFFICERS;
2 REPORT

3 (a) The Department of Health, shall provide the Rental Housing Advisory
4 Board with information on the current system for local health officers and the
5 enforcement of Vermont rental housing and habitability statutes and
6 regulations, as well as any recommendation it has for how the system could be
7 improved or substantially modified, including recommendations for regional
8 approaches to housing code enforcement.

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

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

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

15 § 602a. DUTIES OF LOCAL HEALTH OFFICERS

16 (a) A local health officer, within his or her jurisdiction, shall:
17 (1) upon request of a landlord or tenant, or upon receipt of information
18 regarding a condition that may be a public health hazard, conduct an
19 investigation;

20 * * *

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

2 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

3 (a)(1) When conducting an investigation of rental housing, a local health
4 officer:

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

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

11 (ii) specify the requirements and timelines necessary to correct a
12 violation;

13 (iii) provide a notice in plain language that the tenant must allow
14 the landlord and agents of the landlord access to the rental unit to make repairs
15 as ordered by the health officer, consistent with 9 V.S.A. § 4660, including that
16 the landlord may enter the unit either with the tenant's consent, which shall not
17 be unreasonably withheld, or between 9:00 a.m. and 9:00 p.m. on not less than
18 48 hours' notice, and that if the health officer has identified imminent danger,
19 the landlord may have access immediately; and

20 (iv) provide a notice that the landlord is prohibited from renting
21 the affected unit to a new tenant until the violation is corrected;

1 (B) may impose a fine of not more than \$100.00 per day for each
2 violation that is not corrected by the date provided, or when a unit is re-rented
3 to a new tenant prior to the correction of a violation; 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
10 include a prominent notice that the report shall not be removed until authorized
11 by the 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 request that the Department, at its discretion,
15 conduct an investigation or contact the local board of health to take action.

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

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. ACCELERATED WEATHERIZATION PROGRAM; HOUSING**

10 **IMPROVEMENT PROGRAM; STATE TREASURER; FUNDING**

11 (a) The General Assembly finds that, in addition to the weatherization
12 efforts provided under the Home Weatherization Assistance Program
13 established in 33 V.S.A. chapter 25, an increased pace of weatherization would
14 result in both environmental and economic benefits to the State. Accelerated
15 weatherization efforts will:

16 (1) decrease the emission of greenhouse gases; and

17 (2) increase job opportunities in the field of weatherization.

18 (b) The General Assembly further finds that the State of Vermont has one
19 of the oldest housing stocks in the United States, with many owned and rented
20 homes in need of basic health and safety repairs and having high levels of lead
21 paint and mold. Increased housing improvement initiatives will:

- 1 (1) enable Vermonters to live in safer, healthier housing; and
2 (2) reduce health care costs by reducing the incidence of respiratory
3 illnesses, allergies, and other health problems.

4 (c) In fiscal years 2019 and 2020, the State Treasurer is authorized to invest
5 up to \$5,000,000.00 of funds from the credit facility established in 10 V.S.A.
6 § 10 for an accelerated weatherization and housing improvement program,
7 provided that:

8 (1) for owner-occupied homes, the funds shall be used to support
9 weatherization efforts and housing improvement efforts for homeowners with a
10 family income that is not more than 120 percent of the area or statewide median
11 family income, whichever is higher, as reported by the U.S. Department of
12 Housing and Urban Development for the most recent year for which data are
13 available; and

14 (2) for multi-family rental homes, the funds shall be used in conjunction
15 with other State programs, and that not less than 50 percent of the tenant
16 households residing in properties to be rehabilitated shall have an annual
17 household income that is not more than 80 percent of the area or statewide
18 median family income, whichever is higher, as reported by the U.S.
19 Department of Housing and Urban Development for the most recent year for
20 which data are available.

21 Sec. 8. EFFECTIVE DATES

22 (a) This section and Sec. 1 (advisory board) shall take effect on passage.

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(b) Sec. 6 (rental housing database) shall take effect on July 1, 2019.

(c) The remaining sections shall take effect on July 1, 2018.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE