

Comments of Maryellen Griffin, Staff Attorney, Vermont Legal Aid

Senate Committee on Economic Development, Housing and General Affairs

April 4, 2018

Mr. Chair and Members of the Committee:

Thank you for having me and for caring about the safety of Vermont tenants.

My name is Maryellen Griffin. I am a staff attorney at Vermont Legal Aid in St. Johnsbury, Vermont, and I am the chair of Legal Aid's Housing Task Force. I have been representing tenants in habitability cases in Vermont for 16 years. I was the lead attorney in the case *Alger v. Department of Labor and Industry*, which was a 2006 class action seeking to improve code enforcement in rental housing by what is now the Division of Fire Safety. I am one of two Legal Aid attorneys who will testify today. My colleague Rachel Seelig will discuss the report, *Renters at Risk*, which she supervised, as well as her work with the medical legal partnership.

I support the bill before you today, H. 907, and I ask you to pass it out of Committee.

Legal Aid housing attorneys frequently represent individual tenants who face unsafe housing conditions. We are grateful for the work of Town Health Officers in promoting and protecting safe housing, but we also know that the system in which our THOs work is flawed and inadequate. This bill is a big step forward in terms of getting our code enforcement system working more efficiently and effectively, and I hope and believe it will lead to safer housing and a better housing market.

There are three things in particular I want to point out to you in the bill: improving THO enforcement, written reports, and data on rental housing.

On THO enforcement: Most landlords maintain their rental property because it is the right thing to do, without ever having to be asked or ordered. Of the few who don't, most of those will fix things when the Town Health Officer asks them to. But in cases where voluntary compliance does not work, under present law, THOs do not have a lot of good tools at their disposal. And, unfortunately, there are a minority of landlords who take advantage of this fact, which is unfair to tenants and also unfair to law abiding landlords and to towns.

This law changes that. THOs will now routinely remind landlords that Vermont law prohibits re-renting a dwelling – and thereby collecting another security deposit and first and last months' rent – while problems remain. Moreover, in this law, the THO can issue fines of \$100 per day for noncompliance I suspect this will greatly increase rates of voluntary compliance.

Second, written reports. We need written reports to keep everyone on the same page, so we all know what the problems are and what is being required and when. I have had many cases where different people heard different things from the THO – I mean, we all sometimes hear what we want to hear – but that causes delay and difficulty in resolving repair issues. Having it in black and white should help everyone – not just landlords and tenants but also neighbors, judges, legal aid lawyers and other

advocates – to know what the THO really found or did not find and what the THO ordered or did not order.

Finally, data. We know generally that Vermont's rental housing is some of the oldest in the country and that the current system of code enforcement is not enough to stop that stock from degrading. We know generally that poor quality housing costs taxpayers money in the form of increased health costs, missed school and work, and declining property values. But we do not have the data that would allow us to improve things. We do not even really know where the rental housing is.

This bill is a first step to changing that. From the tax data, we can get a sense of where rental housing is. Then, through both the Department of Health report commissioned by this law and the Rental Advisory Board created by it, we can figure out how to develop more data about the condition of that rental housing. We can also use this data in case of natural disaster. It would have really helped to have such a database in the aftermath of Hurricane Irene.

Thank you for your work on this issue and your consideration of H. 907.