

1 H.229

2 Introduced by Representative Stevens of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Housing

6 Statement of purpose of bill as introduced: This bill proposes to identify the
7 Department of Health as the primary government entity responsible for rental
8 housing health code enforcement; to direct the Department to create a rental
9 housing code website; to create two FTE positions in the Department to
10 oversee enforcement; to authorize the Department to provide legal assistance
11 to municipalities concerning housing enforcement; to enhance municipal
12 authority to enforce housing code violations; to require town health officers to
13 provide health inspection reports to the Department and create a data collection
14 system for reports; and to direct the Department of Housing and Community
15 Development to develop an implementation plan for the comprehensive
16 collection of rental housing data.

17 An act relating to rental housing safety, oversight, data collection, and
18 enforcement

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 5 is amended to read:

3 § 5. DUTIES OF DEPARTMENT OF HEALTH

4 The Department of Health shall:

5 (1) Conduct studies, develop State plans, and administer programs and
6 State plans for hospital survey and construction, hospital operation and
7 maintenance, medical care, and treatment of substance abuse.

8 (2) Provide methods of administration and such other action as may be
9 necessary to comply with the requirements of federal acts and regulations as
10 relate to studies, development of plans and administration of programs in the
11 fields of health, public health, health education, hospital construction and
12 maintenance, and medical care.

13 (3) Appoint advisory councils, with the approval of the Governor.

14 (4) Cooperate with necessary federal agencies in securing federal funds
15 ~~which~~ that become available to the State for all prevention, public health,
16 wellness, and medical programs.

17 (5) Seek accreditation through the Public Health Accreditation Board.

18 (6) Create a State Health Improvement Plan and facilitate local health
19 improvement plans in order to encourage the design of healthy communities
20 and to promote policy initiatives that contribute to community, school, and
21 workplace wellness, which may include providing assistance to employers for

1 wellness program grants, encouraging employers to promote employee
2 engagement in healthy behaviors, and encouraging the appropriate use of the
3 health care system.

4 (7) Serve as the leader and primary State authority for the
5 implementation and enforcement of State rental housing health and safety
6 laws.

7 (8) Provide policy assistance, technical support, financial resources, and
8 legal guidance to municipalities concerning the interpretation, implementation,
9 and enforcement of State rental housing health and safety laws.

10 Sec. 2. 18 V.S.A. § 603 is amended to read:

11 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

12 (a)(1) When conducting an investigation of rental housing, a local health
13 officer shall issue a written inspection report on the rental property using the
14 protocols for implementing the Rental Housing Health Code of the Department
15 or the municipality, in the case of a municipality that has established a code
16 enforcement office.

17 (2) A written inspection report shall:

18 (A) contain findings of fact that serve as the basis of one or more
19 violations;

20 (B) specify the requirements and timelines necessary to correct a
21 violation;

1 (C) provide notice that the landlord is prohibited from renting the
2 affected unit to a new tenant until the violation is corrected; and

3 (D) provide notice in plain language that the landlord and agents of
4 the landlord must have access to the rental unit to make repairs as ordered by
5 the health officer consistent with the access provisions in 9 V.S.A. § 4460.

6 (3) A local health officer shall provide a copy of the inspection report;

7 (A) to the Department of Health using an electronic system created
8 for that purpose; and

9 (B) to the landlord and any tenants affected by a violation by
10 delivering the report electronically, in person, by ~~first-class~~ first-class mail, or
11 by leaving a copy at each unit affected by the deficiency.

12 (4) If an entire property is affected by a violation, the local health officer
13 shall post a copy of the inspection report in a common area of the property and
14 include a prominent notice that the report shall not be removed until authorized
15 by the local health officer.

16 (b)(1) A local health officer may impose a ~~fine~~ civil penalty of not more
17 than ~~\$100.00~~ \$200.00 per day for each violation that is not corrected by the
18 date provided in the written inspection report, or when a unit is re-rented to a
19 new tenant prior to the correction of a violation.

20 (2)(A) If the cumulative amount of penalties imposed pursuant to this
21 subsection is \$800.00 or less, the local health officer, Department of Health, or

1 State's Attorney may bring a civil enforcement action in the Judicial Bureau
2 pursuant to 4 V.S.A. chapter 29.

3 (B) The waiver penalty for a violation in an action brought pursuant
4 to this subsection is 50 percent of the full penalty amount.

5 (3) If the cumulative amount of penalties imposed pursuant to this
6 subsection is more than \$800.00, or if injunctive relief is sought, the local
7 health officer, Department of Health, or State's Attorney shall commence an
8 action in the Civil Division of the Superior Court for the county in which a
9 violation occurred.

10 (c) If a local health officer fails to conduct an investigation pursuant to
11 section 602a of this title or fails to issue an inspection report pursuant to this
12 section, a landlord or tenant may request that the Department, at its discretion,
13 conduct an investigation or contact the local board of health to take action.

14 Sec. 3. 4 V.S.A. § 1102 is amended to read:

15 § 1102. JUDICIAL BUREAU; JURISDICTION

16 (a) The Judicial Bureau is created within the Judicial Branch under the
17 supervision of the Supreme Court.

18 (b) The Judicial Bureau shall have jurisdiction of the following matters:

19 * * *

1 (21) Violations of State or municipal rental housing health and safety
2 laws when the amount of the cumulative penalties imposed pursuant to 18
3 V.S.A. § 603 is \$800.00 or less.

4 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
5 violations.

6 (d) Three hearing officers appointed by the Court Administrator shall
7 determine waiver penalties to be imposed for violations within the Judicial
8 Bureau's jurisdiction, except:

9 ~~(1) Municipalities~~ municipalities shall adopt full and waiver penalties
10 for civil ordinance violations pursuant to 24 V.S.A. § 1979. For purposes of
11 municipal violations, the issuing law enforcement officer shall indicate the
12 appropriate full and waiver penalty on the complaint.

13 ~~(2) [Repealed.]~~

14 Sec. 4. DEPARTMENT OF HOUSING AND COMMUNITY

15 DEVELOPMENT; COLLECTION OF RENTAL HOUSING DATA

16 (a) On or before January 15, 2020, the Department of Housing and
17 Community Development shall design and implement a comprehensive rental
18 housing data management system, through which the Department is able to
19 collect, organize, and make available to the public information concerning
20 rental housing in this State, including:

21 (1) location of building;

1 (2) age of building;

2 (3) number of units;

3 (4) type of units;

4 (5) School Property Account Number;

5 (6) owner name and contact information; and

6 (7) manager name and contact information.

7 (b) In performing its duties pursuant to this section, the Department shall
8 consult and shall have the full cooperation and assistance of:

9 (1) the Department of Taxes and other agencies and departments as
10 necessary;

11 (2) the Vermont Assessors and Listers Association;

12 (3) the Vermont Center for Geographic Information;

13 (4) the emergency communications centers of the Vermont State Police;

14 (5) the Vermont Housing Finance Agency;

15 (6) the Vermont League of Cities and Towns; and

16 (7) any other affected stakeholders.

17 Sec. 5. DEPARTMENT OF HEALTH; HEALTH INSPECTION REPORTS

18 The Department of Health shall create and manage an electronic system to
19 collect and maintain health inspection reports submitted by local health
20 officers pursuant to 18 V.S.A. § 603.

1 Sec. 6. DEPARTMENT OF HEALTH; RENTAL HOUSING HEALTH AND
2 SAFETY ENFORCEMENT SYSTEM; RECOMMENDATIONS;
3 REPORT

4 (a) On or before January 15, 2020, in collaboration with the Rental
5 Housing Advisory Board, the Department of Health shall develop
6 recommendations for the design and implementation of a comprehensive
7 system for the professional enforcement of State rental housing health and
8 safety laws, which shall include:

9 (1) an outline of options, with a timeline and budget for each; and

10 (2) any additional recommendations from the Rental Housing Advisory
11 Board, the Department of Public Safety, the Department of Housing and
12 Community Development, or other executive branch agencies.

13 (b) On or before September 30, 2019, the Department of Health shall
14 provide an interim progress report to the Senate Committee on Economic
15 Development, Housing and General Affairs and the House Committee on
16 General, Housing, and Military Affairs.

17 Sec. 7. DEPARTMENT OF HEALTH; APPROPRIATIONS; POSITIONS

18 (a) In fiscal year 2020, the amount of \$300,000.00 is appropriated from the
19 General Fund to the Department of Health as follows:

20 (1) the amount of \$200,000.00 for two new full-time equivalent,
21 classified positions, whose duties shall include:

1 (A) collecting and maintaining data concerning inspection reports;

2 (B) providing additional training to town health officers concerning
3 best practices, the health officer role and responsibilities, and rental housing
4 health and safety issues; and

5 (C) providing additional guidance and support to municipalities
6 concerning difficult rental housing enforcement issues;

7 (2) the amount of \$50,000.00 to provide legal assistance and related
8 support to municipalities; and

9 (3) the amount of \$50,000.00 for information technology and additional
10 support, including to update and maintain the RentalCodes.org website, or a
11 similar resource, that provides easy access to information for consumers,
12 landlords, municipal officials, and the public concerning rental housing health
13 and safety laws.

14 Sec. 8. EFFECTIVE DATES

15 This act shall take effect on passage, except that Sec. 7 (Department of
16 Health; appropriations) shall take effect on July 1, 2019.