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1	H.280
2	Introduced by Representatives Marcotte of Coventry and Page of Newport
3	City
4	Referred to Committee on
5	Date:
6	Subject: Health; food and lodging establishments; short-term rentals
7	Statement of purpose of bill as introduced: This bill proposes to require short-
8	term rentals to be inspected and licensed in the same manner as lodging
9	establishments. It also directs the Department of Health to amend its rules on
10	food and lodging establishments.
11	An act relating to inspection and licensure of short-term rentals
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 18 V.S.A. § 4303 is amended to read:
14	§ 4303. RULEMAKING
15	(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to
16	establish minimum standards for the safe and sanitary operation of food or
17	lodging establishments, short-term rentals, or children's camps or any
18	combination thereof and for their administration and enforcement. The rules

shall require that an establishment, short-term rental, or camp be constructed,

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1	maintained, and operated with strict regard for the health of the employees and
2	the public pursuant to the following general requirements:
3	* * *
4	Sec. 2. 18 V.S.A. § 4306 is amended to read:
5	§ 4306. INSPECTION
6	(a) It shall be the duty of the Commissioner to enforce the provisions of
7	this chapter and of 6 V.S.A. § 3312(d), and he or she shall be permitted to
8	inspect through his or her duly authorized officers, inspectors, agents, or
9	assistants, at all reasonable times, an establishment or short-term rental, an
10	establishment's establishment or short-term rental's records, and a salvage
11	food facility subject to the provisions of this chapter.
12	(b) Whenever an inspection demonstrates that the establishment, short-term
13	rental, or salvage food facility is not operated in accordance with the provision
14	provisions of this chapter, the officer, inspector, agent, or assistant shall notify
15	the licensee of the conditions found and direct necessary changes.
16	Sec. 3. 18 V.S.A. § 4307 is amended to read:
17	§ 4307. HEARING; ORDERS
18	When an inspection demonstrates that any establishment or short-term
19	rental is being maintained or operated in violation of the provisions of this
20	chapter or any related rules, the Commissioner shall provide written notice,

together with an order commanding both abatement of the violation and

the order. Under any related rules adopted by the Commissioner, a person		
upon whom the notice and order are served shall be given an opportunity to be		
heard and to show cause as to why the order should be vacated or amended.		
When, upon a hearing, it appears that the provisions of this chapter have not		
been violated, the Commissioner shall immediately vacate the order, but		
without prejudice. When, however, it appears that the provisions have been		
violated and the person fails to comply with an order issued by the		
Commissioner under the provisions of this section, the Commissioner shall		
revoke, modify, or suspend the person's license or enforce a civil penalty.		
Sec. 4. 18 V.S.A. § 4351 is amended to read:		
§ 4351. LICENSE FROM DEPARTMENT OF HEALTH		
(a) A person shall not operate or maintain a food manufacturing facility,		
retail food establishment, lodging establishment, children's camp, seafood		
vending facility, short-term rental, or any other place in which food is prepared		
and served, unless he or she obtains and holds from the Commissioner a		

compliance with this chapter within a reasonable period of time to be fixed in

* * *

as to be easily viewed by the public.

license authorizing such operation. All licenses shall be displayed in a manner

1	Sec. 5. 18 V.S.A. § 4352 is amended to read:
2	§ 4352. APPLICATION
3	Prior to operating an establishment or short-term rental in which food is
4	prepared and served or in which three or more any number of lodging units are
5	offered to the public, a person shall apply to the Commissioner upon forms
6	supplied by the Department and shall pay a license fee as provided by section
7	4353 of this title. An application for licensure shall be submitted no not fewer
8	than 30 days prior to the opening of a food or lodging establishment or short-
9	term rental. Upon receipt of such license fee and when satisfied that the
10	premises are sanitary and healthful in accordance with the provisions of this
11	chapter and related rules, the Commissioner shall issue a license to the
12	applicant with respect to the premises described in the application.
13	Sec. 6. 18 V.S.A. § 4353 is amended to read:
14	§ 4353. FEES
15	(a) The Commissioner may establish by rule any requirement the
16	Department needs to determine the applicable categories or exemptions for
17	licenses. The following license fees shall be paid annually to the Department
18	at the time of making the application according to the following schedules:
19	* * *
20	(7) Short-term rental — \$130.00.
21	* * *

1	Sec. 7. 18 V.S.A. § 4358 is amended to read:
2	§ 4358. EXEMPTIONS
3	(a) The provisions of this subchapter shall apply only to those hotels, inns,
4	restaurants, tourist camps, short-term rentals, and other places that solicit the
5	patronage of the public by advertising by means of signs, notices, placards,
6	radio, electronic communications, or printed announcements.
7	* * *
8	Sec. 8. 18 V.S.A. § 4466 is amended to read:
9	§ 4466. INSPECTION
10	(a) The Commissioner may inspect through his or her duly authorized
11	officers, inspectors, agents, or assistants, at all reasonable times, a short-term
12	rental and the registrant's records related to the short-term rental.
13	(b) Whenever an inspection demonstrates that the short term rental is not
14	operated in accordance with applicable provisions of this chapter, the officer,
15	inspector, agent, or assistant shall notify the registrant of the conditions found
16	and shall direct necessary changes.
17	(c) Nothing in this section shall be construed to supersede the authority and
18	responsibilities of the Division of Fire Safety. The Division's Executive
19	Director shall inform the Commissioner in a timely manner of any enforcement
20	actions that the Division has taken against the registrant of a short-term rental.
21	[Repealed.]

1	Sec. 9. 18 v.S.A. § 4467 is amended to read:
2	§ 4467. POSTING CONTACT INFORMATION
3	A short term rental operator shall post within the unit a telephone number
4	for the person responsible for the unit and the contact information for the
5	Department of Health and the Department of Public Safety's Division of Fire
6	Safety. [Repealed.]
7	Sec. 10. 18 V.S.A. § 4468 is amended to read:
8	§ 4468. EDUCATIONAL MATERIALS
9	(a) The Department of Health, in collaboration with the Department of
10	Public Safety's Division of Fire Safety, shall prepare a packet of information
11	pertaining to the health, safety, and financial obligations of short term rental
12	operators, including information regarding the importance of reviewing options
13	for property and liability insurance with the operator's insurance company.
14	(b) Included with the information packet set forth in subsection (a) of this
15	section shall be a self-certification form pertaining to health and safety
16	precautions that short term rental operators must take into consideration prior
17	to renting a unit. The form shall be retained by the operator and need not be
18	filed with the Department. [Repealed.]
19	Sec. 11. 32 V.S.A. § 9282 is amended to read:
20	§ 9282. SHORT-TERM RENTAL OPERATORS

1	(a) A short-term rental operator shall post the corresponding meals and
2	rooms tax account number on any advertisement for the short-term rental.
3	(b) The Department shall disseminate the information packet prepared by
4	the Department of Health pursuant to 18 V.S.A. § 4468 to a short-term rental
5	operator when the operator first registers a unit. The operator of a unit
6	registered prior to July 1, 2018 shall receive an information packet from the
7	Department prior to July 1, 2019. [Repealed.]
8	Sec. 12. RULEMAKING
9	The Commissioner of Health shall amend the food and lodging
10	establishment rules pursuant to 3 V.S.A. chapter 25 as follows:
11	(1) to create three categories of temporary lodging requirements:
12	(A) multifamily residences with or without an owner in residence;
13	(B) self-contained accessory residential units or single-family homes
14	that are not owner occupied; and
15	(C) single-family owner-occupied residences; and
16	(2) to create three categories of temporary food establishments:
17	(A) full-service restaurants serving the general public;
18	(B) catering kitchens; and
19	(C) meal preparation or food service solely for guests of short-term
20	<u>rentals.</u>

- 1 Sec. 13. EFFECTIVE DATE
- 2 This act shall take effect on July 1, 2019.