

1
2
3
4
5
6
7
8
9
10

H.280

Introduced by Representatives Marcotte of Coventry and Page of Newport
City

Referred to Committee on

Date:

Subject: Health; food and lodging establishments; short-term rentals

Statement of purpose of bill as introduced: This bill proposes to require short-term rentals to be inspected and licensed in the same manner as lodging establishments. It also directs the Department of Health to amend its rules on food and lodging establishments.

11
12
13
14
15
16
17
18
19

An act relating to inspection and licensure of short-term rentals

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

Sec. 1. 18 V.S.A. § 4303 is amended to read:

§ 4303. RULEMAKING

(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish minimum standards for the safe and sanitary operation of food or lodging establishments, short-term rentals, or children's camps or any combination thereof and for their administration and enforcement. The rules shall require that an establishment, short-term rental, or camp be constructed,

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,
21 together with an order commanding both abatement of the violation and

1 compliance with this chapter within a reasonable period of time to be fixed in
2 the order. Under any related rules adopted by the Commissioner, a person
3 upon whom the notice and order are served shall be given an opportunity to be
4 heard and to show cause as to why the order should be vacated or amended.

5 When, upon a hearing, it appears that the provisions of this chapter have not
6 been violated, the Commissioner shall immediately vacate the order, but
7 without prejudice. When, however, it appears that the provisions have been
8 violated and the person fails to comply with an order issued by the
9 Commissioner under the provisions of this section, the Commissioner shall
10 revoke, modify, or suspend the person's license or enforce a civil penalty.

11 Sec. 4. 18 V.S.A. § 4351 is amended to read:

12 § 4351. LICENSE FROM DEPARTMENT OF HEALTH

13 (a) A person shall not operate or maintain a food manufacturing facility,
14 retail food establishment, lodging establishment, children's camp, seafood
15 vending facility, short-term rental, or any other place in which food is prepared
16 and served, unless he or she obtains and holds from the Commissioner a
17 license authorizing such operation. All licenses shall be displayed in a manner
18 as to be easily viewed by the public.

19 * * *

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 rentals.

1 Sec. 13. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.