

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 739 entitled “An act relating to improving rental
4 housing health and safety” respectfully reports that it has considered the same
5 and 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. 20 V.S.A. chapter 173 is amended to read:

8 CHAPTER 173. PREVENTION AND INVESTIGATION OF FIRES;
9 PUBLIC BUILDINGS; HEALTH AND SAFETY; ENERGY STANDARDS

10 * * *

11 Subchapter 2. Fire Safety Division; Public Buildings; Building Codes; Rental
12 Housing Health and Safety; Building Energy Standards

13 * * *

14 § 2730. DEFINITIONS

15 (a) As used in this subchapter, “public building” means:

16 * * *

17 (D) a building in which people rent accommodations, whether
18 overnight or for a longer term;

19 * * *

20 (2) Use of any portion of a building in a manner described in this
21 subsection shall make the entire building a “public building” for purposes of

1 this subsection. For purposes of this subsection, a “person” does not include
2 an individual who is directly related to the employer and who resides in the
3 employment-related building.

4 (b) The term “public building” does not include:

5 (1) An owner-occupied single family residence, unless used for a
6 purpose described in subsection (a) of this section.

7 * * *

8 ~~(4) A single family residence with an accessory dwelling unit as~~
9 ~~permitted under 24 V.S.A. § 4406(4)(D).~~

10 * * *

11 § 2731. RULES; INSPECTIONS; VARIANCES

12 (a) Rules. The Commissioner is authorized to adopt rules regarding the
13 construction, health, safety, sanitation, and fitness for habitation of buildings,
14 maintenance and operation of premises, and prevention of fires and removal of
15 fire hazards, and to prescribe standards necessary to protect the public,
16 employees, and property against harm arising out of or likely to arise out of
17 fire.

18 (b) Inspections.

19 (1) The Commissioner shall conduct inspections of premises to ~~assure~~
20 ensure that the rules adopted under this subchapter are being observed and may
21 establish priorities for enforcing these rules and standards based on the relative

1 risks to persons and property from fire of particular types of premises. The
2 Commissioner may also conduct inspections to assure that buildings are
3 constructed in accordance with approved plans and drawings.

4 (2) When conducting an investigation of a building in which people rent
5 accommodations, the Commissioner shall:

6 (A) issue a written inspection report on the building that:

7 (i) contains findings of fact that serve as the basis of one or more
8 violations;

9 (ii) specifies the requirements and timelines necessary to correct a
10 violation;

11 (iii) provides notice that the landlord is prohibited from renting the
12 affected unit to a new tenant until the violation is corrected; and

13 (iv) provides notice in plain language that the landlord and agents
14 of the landlord must have access to the rental unit to make repairs as ordered
15 by the Commissioner consistent with the access provisions in 9 V.S.A. § 4460;

16 (B) provide an electronic copy of the inspection report to the
17 landlord, to the person who requested the inspection, and to any tenants who
18 are affected by a violation for whom the Department has an electronic mailing
19 address;

1 be temporarily or permanently displaced by the order, including owners,
2 tenants, mortgagees, attaching creditors, lien holders, and public utilities or
3 water companies serving the premises.

4 * * *

5 Sec. 2. 3 V.S.A. 2478 is added to read:

6 § 2478. STATE RENTAL HOUSING REGISTRY

7 The Department of Housing and Community Development, in coordination
8 with the Division of Fire Safety, the Department of Health, the Enhanced 911
9 Board, and the Department of Taxes, shall create and maintain a registry of the
10 rental housing in this State.

11 Sec. 3. 3 V.S.A. § 2479 is added to read:

12 § 2479. RENTAL HOUSING REGISTRATION

13 (a) Except as provided in subsection (b) of this section, on or before
14 January 31 of each year an owner of rental housing shall register each rental
15 unit with the Department of Housing and Community Development.

16 (b)(1) An owner of a mobile home lot within a mobile home park who has
17 registered the lot with the Department and who does not own a mobile home
18 on the lot is exempt from registering the lot pursuant to this section.

19 (2) An owner of a mobile home lot within a mobile home park who has
20 registered the lot with the Department and who owns a mobile home on the lot

1 that is available for rent or rented shall register the property with the
2 Department.

3 (3) An owner of a mobile home who rents the mobile home, whether or
4 not located in a mobile home park, shall register pursuant to this section.

5 (c) An owner of rental housing who fails to register pursuant to this section
6 shall pay a late registration fee of \$150.00 and may be subject to administrative
7 penalties not to exceed \$5,000.00 for each violation.

8 Sec. 4. DEPARTMENT OF PUBLIC SAFETY; POSITIONS

9 The Department of Public Safety is authorized to create five full-time,
10 classified Inspector positions in order to conduct rental housing health and
11 safety inspections and enforcement pursuant to 20 V.S.A. chapter 173,
12 subchapter 2.

13 Sec. 5. DEPARTMENT OF HOUSING AND COMMUNITY

14 DEVELOPMENT; POSITIONS

15 The Department of Housing and Community Development is authorized to
16 create one full-time classified position to administer the registry created in 3
17 V.S.A. § 2478 and one full-time classified position to enforce compliance with
18 registry requirements.

19 Sec. 6. 18 V.S.A. chapter 11 is amended to read:

20 CHAPTER 11. LOCAL HEALTH OFFICIALS

21 * * *

1 § 602a. DUTIES OF LOCAL HEALTH OFFICERS

2 ~~(a)~~ A local health officer, within his or her jurisdiction, shall:

3 (1) ~~upon request of a landlord or tenant, or upon receipt of information~~
4 regarding a condition that may be a public health hazard, conduct an
5 investigation;

6 (2) enforce the provisions of this title, the rules promulgated, and
7 permits issued thereunder;

8 (3) prevent, remove, or destroy any public health hazard, or mitigate any
9 significant public health risk in accordance with the provisions of this title;

10 (4) in consultation with the Department, take the steps necessary to
11 enforce all orders issued pursuant to chapter 3 of this title; and

12 (5) have the authority to assist the Division of Fire Safety in inspecting
13 rental housing pursuant to 20 V.S.A. chapter 173, subchapter 2.

14 ~~(b) Upon discovery of violation or a public health hazard or public health~~
15 ~~risk that involves a public water system, a food or lodging establishment, or~~
16 ~~any other matter regulated by Department rule, the local health officer shall~~
17 ~~immediately notify the Division of Environmental Health. Upon discovery of~~
18 ~~any other violation, public health hazard, or public health risk, the local health~~
19 ~~officer shall notify the Division of Environmental Health within 48 hours of~~
20 ~~discovery of such violation or hazard and of any action taken by the officer.~~

21 § 603. ~~RENTAL HOUSING SAFETY; INSPECTION REPORTS~~

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

6 ~~(2) A written inspection report shall:~~

7 ~~(A) contain findings of fact that serve as the basis of one or more~~
8 ~~violations;~~

9 ~~(B) specify the requirements and timelines necessary to correct a~~
10 ~~violation;~~

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

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

16 ~~(3) A local health officer shall:~~

17 ~~(A) provide a copy of the inspection report to the landlord and any~~
18 ~~tenants affected by a violation by delivering the report electronically, in~~
19 ~~person, by first class mail, or by leaving a copy at each unit affected by the~~
20 ~~deficiency; and~~

1 ~~(B)(i) if a municipality has established a code enforcement office,~~
2 ~~provide information on each inspection according to a schedule and in a format~~
3 ~~adopted by the Department in consultation with municipalities that have~~
4 ~~established code enforcement offices; or~~

5 ~~(ii) if a municipality has not established a code enforcement office,~~
6 ~~provide information on each inspection to the Department within seven days of~~
7 ~~issuing the report using an electronic system designed for that purpose, or~~
8 ~~within 14 days by mail if the municipality is unable to utilize the electronic~~
9 ~~system.~~

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

14 ~~(5) A municipality shall make an inspection report available as a public~~
15 ~~record.~~

16 ~~(b)(1) A local health officer may impose a civil penalty of not more than~~
17 ~~\$200.00 per day for each violation that is not corrected by the date provided in~~
18 ~~the written inspection report, or when a unit is re-rented to a new tenant prior~~
19 ~~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 may commence an~~
8 ~~action in the Civil Division of the Superior Court for the county in which a~~
9 ~~violation occurred.~~

10 ~~(e) 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 [Repealed.]

15 * * *

16 Sec. 7. DEPARTMENT OF PUBLIC SAFETY; TRANSITION

17 PROVISIONS

18 (a) Notwithstanding any provision of law to the contrary:

19 (1) Until the Commissioner of Public Safety adopts rules governing
20 rental housing health and safety pursuant to 20 V.S.A. § 2731, the Department
21 of Health and the Department of Public Safety have concurrent authority to

1 enforce the Vermont Rental Housing Health Code adopted by the Department
2 of Health pursuant to 18 V.S.A. § 102, 3 V.S.A. § 3003(a), and 3 V.S.A.
3 § 801(b)(11).

4 (2) The Commissioner of Public Safety may immediately adopt a rule
5 incorporating the Rental Housing Health Code without following the
6 procedures otherwise required for general rulemaking in 3 V.S.A. chapter 25.

7 (3) Except as provided in subdivision (2) of this subsection, the
8 Commissioner of Public Safety shall comply with the requirements for general
9 rulemaking in 3 V.S.A. chapter 25 when adopting rules governing rental
10 housing health and safety.

11 (b) Upon the adoption of rules governing rental housing health and safety
12 pursuant to the authority in 20 V.S.A. § 2731:

13 (1) the Department of Public Safety is the State government entity with
14 primary authority to enforce State laws governing rental housing health and
15 safety;

16 (2) the Department of Public Safety and local officials have concurrent
17 authority to enforce State and local laws governing rental housing health and
18 safety pursuant to 18 V.S.A. chapter 11, 20 V.S.A. chapter 173, subchapter 2,
19 24 V.S.A. chapters 83 and 123, and applicable municipal law; and

20 (3) the Department of Health, the State Board of Health, and local health
21 officials have concurrent authority to enforce State and local laws governing

1 public health hazards and public health risks, as those terms are defined in
2 18 V.S.A. § 2, pursuant to 18 V.S.A. chapters 1, 3, and 11.

3 Sec. 8. PENALTIES FOR VACANT PROPERTY; STUDY

4 (a) On or before March 15, 2021, the Secretary of Commerce and
5 Community Development, in consultation with the Executive Director of the
6 Vermont League of Cities and Towns, shall study and write a report on
7 approaches to imposing penalties on property owners who leave property
8 vacant for one year or more. The report shall include recommendations for
9 any necessary legislative action.

10 (b) The Secretary shall submit a copy of the report described in
11 subsection (a) of this section to the House Committees on Commerce and
12 Economic Development and on General, Housing, and Military Affairs and the
13 Senate Committee on Economic Development, Housing and General Affairs.

14 Sec. 9. EFFECTIVE DATE

15 This act shall take effect on passage.

16
17 (Committee vote: _____)

18 _____

19 Representative _____

20 FOR THE COMMITTEE