
**Report to
The Vermont Legislature**

**Rental Housing Safety Report
2019 Report to the Legislature**

In Accordance with Act 48, Section 8, An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence

Submitted to: House Committee on General, Housing and Military Affairs
Senate Committee on Economic Development, Housing and General Affairs

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Background

Act 48 (2019) Section 8 requires the Health Department to work with the Division of Fire Safety and the Rental Housing Advisory Board to describe a potential State-run rental housing health and safety inspection program based on needs assessment data collected over the summer of 2019.

The Health Department first promulgated rules on rental housing health on October 17, 1974. These rules are enforced by Town Health Officers. Each municipality in Vermont is required by 24 App. V.S.A. ch. 156, § 15 to have a Town Health Officer. Not all municipalities employ their Town Health Officers – many are volunteers or do their duties as part of a different municipal job. If no Town Health Officer volunteers, the Chair of the Selectboard is the designated Town Health Officer. The Division of Fire Safety conducts inspections of rental units when there are complaints related to fire safety and plumbing violations.

State-Run Program

Using data submitted to the Health Department by towns, the Division of Fire Safety and the Department of Health have determined that should the State establish a State-run inspection program it should be run by Fire Safety. Fire and building safety, electrical and plumbing complaints comprise over 70% of the violations found from the needs assessment data. Under this model, Town Health Officers would maintain their other public health-related duties (such as responding to rabid dog reports) but would no longer be responsible for rental housing inspections. Towns that run their own code enforcement/rental housing inspection programs and have granted authority from the Department of Public Safety would continue to do so.

The Division of Fire Safety would require 5 full-time equivalent (FTE) new Fire Marshals, geographically dispersed. The Division of Fire Safety has information technology systems already in place to collect and track data from inspections and would need minimal additional infrastructure to begin conducting these inspections. The program would need one-year to hire, train and place the new personnel. Such a program would require a budget of approximately \$600,000 annually.

FTE Justification:

Based on the inspection data collected by the Health Department and an estimate developed by the Division of Fire Safety, one FTE Fire Marshal can conduct an average of 350 inspections a year. Rental complaints typically require at least one follow-up, and many require multiple visits validating progress toward compliance (2-3 follow-ups). For the purposes of estimating, we assume each complaint requires at least one follow-up and that 40% (257) of the complaints require a third follow-up. Many complaints require inspections from both electrical and plumbing inspectors. For the purposes of this estimate, it is assumed these would be absorbed by Fire Safety. In order to absorb that work, Fire Safety would move the 130 rental housing complaints they currently respond to over to the new inspectors.

Effort	Calculation
Estimated THO complaints	643
Additional follow-up inspection	$643 \times 2 = 1,286$
Complaints requiring a second follow-up (40% of original)	$257 + 1,286 = 1,543$
Inspections currently conducted by Fire Safety	$1,543 + 130 = 1,673$
Number of complaints per FTE	$1,673 / 350 = 4.78$
Total FTE needed	~5

Budget

Fiscal Year	2022	2023	2024
Personal services Details	5 AFM Positions with health plan \$84,584.00 x 5 = Total: \$422,920.00	5 AFM Positions with a health plan \$84,584.00 x 5 + 3.7% = \$15,648.04 Total: \$438,568.04	5 AFM Positions with health plan \$84,584.00 x 5 + 3.7% = \$15,648.04 Total: \$454,568.04
Indirect rate	1.(19.2% Indirect Rate) = \$81,200.64 (Insurance)	1.(19.2% Indirect Rate) = \$84,205.13 (Insurance)	1.(19.2% Indirect Rate) = \$87,277.06 (Insurance)
Personal Services Total	\$504,120.64	\$522,773.17	\$541,845.10
Transportation Total (Vehicle Costs, Fuel and Maintenance)	\$158,300.00	\$39,700.00	\$39,700.00
Communication Totals (Air Cards, Cell Phones and Code Books)	\$6,800.00	\$4,800.00	\$4,800.00
Safety Equipment Total (Clothing/Uniforms)	\$2,500.00	\$2,500.00	\$2,500.00
Total FY22 Cost	\$671,720.64	\$567,273.17	\$588,845.10

Transition

The Division of Fire Safety already has authority to enter and inspect rental housing units. The transition of rental housing inspections from the Town Health Officers to the Division of Fire Safety would necessitate the removal of the statutory provisions requiring Town Health Officers to respond to rental housing health and safety complaints, and the requirement that they report to the Health Department. Upon passage of legislation, the Health Department would transfer the Rental Housing Health Code Rule and cede this authority to the Division of Fire Safety.

The Division of Fire Safety would enforce all areas of the current Rental Housing Health Code Rule in their purview and refer cases to the appropriate authorities when not under their purview (e.g. lead law compliance issues would be referred to the Health Department for enforcement).

Under this structure the issue of pests has no program, funding or authority. In this area the Health Department and the Division of Fire Safety recommend incorporating language into 9 V.S.A. §§ 4457 and 4458 that would clarify responsibilities of landlords and tenants in this area similar to [2013 language](#) passed in New Hampshire.

Appendix A: Needs Assessment Data

In this report the data are broken out between those towns that use only a “complaint-based” rental housing inspection system, and those that incorporate the rental housing inspection into a broader code enforcement program and conduct regular rental housing inspections. This breakout was made because the type of inspection, rate of inspection, and violations cited differ between these two systems, and because any State-run system would continue to leave enforcement and control at the local level for those municipalities that currently run their own code enforcement programs, similar to the structure employed by the Division of Fire Safety today.

General

The Health Department collected data from Town Health Officers on rental housing inspections completed between July 1, 2018 and June 30, 2019. In summary, extrapolating from the reported data to a state-wide number (only 88 municipalities completed the reporting), in towns without professional code enforcement programs, Town Health Officers responded to approximately 640 initial rental housing safety complaints in the reporting period. Of the complaints reported, the vast majority (~70%) involved fire and building safety, electrical safety, and plumbing violations.

A total of 88 towns responded to the data request. Of these, 82 conduct only complaint-based inspections, and do not have code enforcement programs. There were 292 inspections in response to complaints completed by the 82 towns that only conduct complaint-based inspections.

Using the 2017 population estimates and assuming the unresponsive towns without code enforcement programs had similar complaint rates, there were approximately 643 initial complaints (see below). Using American Community Survey data from the U.S. Census from 2016 on the number of rental units per town and village, the estimated total complaint rate was calculated at 747 (data and calculations not shown).

Violation Data

Each inspection may or may not include a finding of a violation. There may also be multiple violations per inspection. Of the total violations (including those found by professionalized code enforcement programs), the vast majority (~70%) were related to fire and building safety, electrical safety, and plumbing issues (see Appendix B).

Enforcement Action Data

There was only one reported fine in a complaint-based town in fiscal year 2019, 16 Health Orders, and approximately 17 Emergency Health Orders (data for emergency health orders were unreliable).

Fire Safety Data

Fire Marshalls conducted approximately 130 fire safety inspections in response to complaints on rental housing units in fiscal year 2019. Some of these are duplicates of the complaints that Town Health Officers responded to as Town Health Officers often refer cases to the Division of Fire Safety when their inspection uncovers a potential violation of one of Division of Fire Safety’s codes (fire and building safety, electrical safety and plumbing).

Extrapolation of reported data to non-responsive towns:

Complaint-based Municipalities	Population	Complaints reported
<i>Municipalities that reported</i>	224,061	292
<i>Municipalities that did NOT report</i>	269,318	351**

**Formula to estimate: $(292/224,061) \times 269,318 = 351$

Towns with authority from Fire Safety (assumed that the Town Health Officer duties are included): Barre, Bennington, Brattleboro, Burlington, Hartford, Montpelier, Putney, South Burlington, St. Albans City, and Winooski.

Appendix B: Needs Assessment Data

Town Health Officer Reported Violations from July 1, 2018 through June 30, 2019. Includes towns with professional code enforcement programs. One inspection can result in more than one violation.

Violation Type	%
Smoke Alarms	13%
Carbon Monoxide Detectors	12%
Fire Extinguisher	12%
Vermont Lead Law	11%
Electrical Systems Working	7%
Trash, Recycling, Food Scrap Receptacles provided	6%
Trash, Recycling, Food Scrap Removed weekly	5%
Stairway Handles	3%
Exits Free of Obstruction	3%
Two Exits for each Dwelling	2%
Weathertight and Watertight	2%
Standing Water	2%
Hot Water Provided	2%
Electrical Outlets Working	2%
Other	2%
Pest Infestation	2%
Structurally Sound	1%
Bathroom Facilities available and constructed of non-permeable surfaces	1%
Heating Sufficient and Consistent	1%
Sewage Disposal Functioning	1%
Water Potable	1%
Water Supplied in Sufficient Quantity	1%
Ventilation	1%
Fuel Fired Heating System	1%
Electrical Service @ Mobile Home	1%
Water Supply @ Mobile Home	1%
Sewage Disposal @ Mobile Home	1%
Wood / Pellet Stove Clearance	1%
Bedroom Windows Open + Big Enough	1%
Heating System Function	1%
Kitchen Facilities available and constructed of non-permeable surfaces	0%