

1 Introduced by Committee on Economic Development and Housing and
2 General Affairs

3 Date:

4 Subject: Housing; health and safety; rehabilitation; weatherization

5 Statement of purpose of bill as introduced: This bill proposes to adopt
6 miscellaneous housing proposals relating to health and safety, rehabilitation,
7 and weatherization, including by ensuring compliance with rental housing
8 codes, requiring residential contractors to register with the Secretary of State,
9 and the expansion of rehabilitation and weatherization programs.

10 An act relating to housing safety, rehabilitation, and weatherization
11 initiatives

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

13 * * * Housing Health and Safety;

14 Rental Housing Health Code Enforcement * * *

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

16 § 5. DUTIES OF DEPARTMENT OF HEALTH

17 The Department of Health shall:

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

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

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

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

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

11 (6) Create a State Health Improvement Plan and facilitate local health
12 improvement plans in order to encourage the design of healthy communities
13 and to promote policy initiatives that contribute to community, school, and
14 workplace wellness, which may include providing assistance to employers for
15 wellness program grants, encouraging employers to promote employee
16 engagement in healthy behaviors, and encouraging the appropriate use of the
17 health care system.

18 (7) Serve as the leader and primary State authority for the
19 implementation and enforcement of State rental housing health and safety
20 laws.

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

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

5 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

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

11 (2) A written inspection report shall:

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

14 (B) specify the requirements and timelines necessary to correct a
15 violation;

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

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

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

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

3 (B) to the landlord and any tenants affected by a violation by
4 delivering the report electronically, in person, by first class mail, or by leaving
5 a copy at each unit affected by the deficiency.

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

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

14 (2)(A) If the cumulative amount of penalties imposed pursuant to this
15 subsection is \$800.00 or less, the local health officer, Department of Health, or
16 State’s Attorney may bring a civil enforcement action in the Judicial Bureau
17 pursuant to 4 V.S.A. chapter 29.

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

20 (3) If the cumulative amount of penalties imposed pursuant to this
21 subsection is more than \$800.00, or if injunctive relief is sought, the local

1 health officer, Department of Health, or State’s Attorney shall commence an
2 action in the Civil Division of the Superior Court for the county in which a
3 violation occurred.

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

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

9 § 1102. JUDICIAL BUREAU; JURISDICTION

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

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

13 * * *

14 (21) Violations of State or municipal rental housing health and safety
15 laws when the amount of the cumulative penalties imposed pursuant to
16 18 V.S.A. § 603 is \$800.00 or less.

17 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
18 violations.

19 (d) Three hearing officers appointed by the Court Administrator shall
20 determine waiver penalties to be imposed for violations within the Judicial
21 Bureau’s jurisdiction, except:

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

5 Sec. 4. DEPARTMENT OF HOUSING AND COMMUNITY

6 DEVELOPMENT; COLLECTION OF RENTAL HOUSING DATA

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

12 (1) location of building;

13 (2) age of building;

14 (3) number of units;

15 (4) type of units;

16 (5) School Property Account Number;

17 (6) owner name and contact information; and

18 (7) manager name and contact information.

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

- 1 (1) the Department of Taxes and other agencies and departments as
- 2 necessary;
- 3 (2) the Vermont Assessors and Listers Association;
- 4 (3) the Vermont Center for Geographic Information;
- 5 (4) the emergency communications centers of the Vermont State Police;
- 6 (5) the Vermont Housing Finance Agency;
- 7 (6) the Vermont League of Cities and Towns; and
- 8 (7) any other affected stakeholders.

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

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

13 Sec. 6. DEPARTMENT OF HEALTH; RENTAL HOUSING HEALTH
14 AND SAFETY ENFORCEMENT SYSTEM;
15 RECOMMENDATIONS; REPORT

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

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

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

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

8 Sec. 7. EFFECTIVE DATE

9 This act shall take effect on passage.