

1 Introduced by

2 Referred to Committee on

3 Date:

4 Subject: Housing

5 Statement of purpose of bill as introduced: This bill proposes to identify the
6 Department of Health as the primary government entity responsible for rental
7 housing health code enforcement; to direct the Department to create a rental
8 housing code website; to create two FTE positions in the Department to
9 oversee enforcement; to authorize the Department to provide legal assistance
10 to municipalities concerning housing enforcement; to enhance municipal
11 authority to enforce housing code violations; to require town health officers to
12 provide health inspection reports to the Department and create a data collection
13 system for reports; and to direct the Department of Housing and Community
14 Development to develop an implementation plan for the comprehensive
15 collection of rental housing data.

16 An act relating to rental housing safety, oversight, data collection, and
17 enforcement

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

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

20 § 5. DUTIES OF DEPARTMENT OF HEALTH

1 The Department of Health shall:

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

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

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

11 (4) Cooperate with necessary federal agencies in securing federal funds
12 which become available to the State for all prevention, public health, wellness,
13 and medical programs.

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

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

1 (7) Serve as the leader and primary State authority for the
2 implementation and enforcement of State rental housing health and safety
3 laws.

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

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

8 § 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS

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

14 (2) A written inspection report shall:

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

17 (B) specify the requirements and timelines necessary to correct a
18 violation;

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

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

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

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

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

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

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

1 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
2 violations.

3 (d) Three hearing officers appointed by the Court Administrator shall
4 determine waiver penalties to be imposed for violations within the Judicial
5 Bureau's jurisdiction, except:

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

10 Sec. 4. DEPARTMENT OF HOUSING AND COMMUNITY

11 DEVELOPMENT; COLLECTION OF RENTAL HOUSING DATA

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

17 (1) location of building;

18 (2) age of building;

19 (3) number of units;

20 (4) type of units;

21 (5) School Property Account Number;

1 (6) owner name and contact information; and

2 (7) manager name and contact information.

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

5 (1) the Department of Taxes and other agencies and departments as
6 necessary;

7 (2) the Vermont Assessors and Listers Association;

8 (3) the Vermont Center for Geographic Information;

9 (4) the emergency communications centers of the Vermont State Police;

10 (5) the Vermont Housing Finance Agency;

11 (6) the Vermont League of Cities and Towns; and

12 (7) any other affected stakeholders.

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

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

17 Sec. 6. DEPARTMENT OF HEALTH; RENTAL HOUSING HEALTH AND
18 SAFETY ENFORCEMENT SYSTEM; RECOMMENDATIONS; REPORT

19 (a) On or before January 15, 2020, in collaboration with the Rental
20 Housing Advisory Board, the Department of Health shall develop
21 recommendations for the design and implementation of a comprehensive

1 system for the professional enforcement of State rental housing health and
2 safety laws, which shall include:

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

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

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

11 Sec. 7. DEPARTMENT OF HEALTH; APPROPRIATIONS; POSITIONS

12 (a) In fiscal year 2020 the amount of \$300,000.00 is appropriated from the
13 General Fund to the Department of Health as follows:

14 (1) the amount of \$200,000.00 for two new full-time equivalent,
15 classified positions, whose duties shall include:

16 (A) collecting and maintaining data concerning inspection reports;

17 (B) providing additional training to town health officers concerning
18 best practices, the health officer role and responsibilities, and rental housing
19 health and safety issues; and

20 (C) providing additional guidance and support to municipalities
21 concerning difficult rental housing enforcement issues;

1 (2) the amount of \$50,000.00 to provide legal assistance and related
2 support to municipalities; and

3 (3) the amount of \$50,000.00 for information technology and additional
4 support, including to update and maintain the RentalCodes.org website, or a
5 similar resource, that provides easy access to information for consumers,
6 landlords, municipal officials, and the public concerning rental housing health
7 and safety laws.

8 Sec. 8. EFFECTIVE DATE

9 This act shall take effect on passage, except that Sec. 7 (Department of
10 Health appropriations) shall take effect on July 1, 2019.