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Department of Public Safety

**Division of Fire Safety**

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**TO:** Representative Stevens, Chair, General, Housing, and Military Affairs

**DATE:** April 12, 2022

**FROM:** Michael Desrochers, Executive Director, Division of Fire Safety

**SUBJECT:** S.210 (Improving Rental Housing Safety)

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Thank you for providing me the opportunity to testify on S.210 specifically the section of the bill pertaining to Fire Safety. At your request, I am providing you feedback/clarification on the bill as passed by the Senate. There are 3 areas in the bill pertaining to the Division of Fire Safety I wish to bring to the Committee's attention.

- Positions:** First, the Administration has repeatedly expressed concern over adding positions in the Division of Fire Safety to do this work, funded by new fees. Given our workforce crisis that spans all sectors, the Department of Public Safety is already struggling to recruit law enforcement officers, fire marshals, and other positions. State Government as a whole currently has over 700 open positions. The same way there are a shortage of Town Health Officers, it is possible that we may not be able to adequately recruit people to fill these inspection positions in State Government. There has been an uptick in complaints in calendar year 2021 and quantifying the number of complaints will be higher than previously calculated through the former Health Department Survey. The authority under S.210 also requires the Division of Fire Safety to expand its inspection authority into what was generally characterized as health and sanitation. Therefore, it is questionable if the new fee revenue generated from Vermonters for the rental registry will be enough to properly resource the work for the Division in the long term. Instead, similar to what was proposed by Senator Brock in the Senate, we would prefer a continued partnership with the towns on responding to these complaints.
- Code Enforcement Management:** The current language in the bill requires fire safety to notify the owner the apartment unit or dwelling unit cannot be rented if a single violation exists. This language is found on page 2 lines 18&19 (*provides notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected*). The Division of Fire Safety utilizes a hazard index rating designation (1-5) for managing code violations, thus this language strips fire safety from managing hazards while being mindful of the housing shortage. We all want safety buildings, and we can and have effectively managed risk. The major concern with this language is that it will further exacerbate the housing shortage by removing livable units from our housing stock over non-life-threatening infractions.
  - This language should be removed, and new language inserted to resort to our hazard index rating system to effectively manage occupancy.



- New Language: *The Division of Fire Safety shall manage follow up inspections in accordance with their hazard index rating*

3. **Inspection Reports:** Page 3 lines 11-13 reads: *(If an entire building is affected by a violation, provide a notice of inspection directly to the individual tenants, and may also post the notice in a common area)*. Many, if not most code violations, have the potential to expose multiple tenants to risk associated with fire, smoke, or carbon monoxide. With the volume of complaints and the pure nature of smoke and fire development, we will be put in a position of making notification to all tenants in the majority of inspections conducted. This will be unmanageable, and perhaps unnecessarily alarming to tenants not in immediate risk of danger from their own units, and we feel the notice of inspection should be provided by the landlord and we will make available copies of the report when requested.