

1 H.639

2 An act relating to flood risk disclosure, accessibility standards for State-
3 funded residential construction, housing accountability, and recovery
4 residence evictions

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

6 * * * Flood Risk Disclosure * * *

7 Sec. 1. 27 V.S.A. § 380 is added to read:

8 § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

9 ESTATE

10 (a) Prior to or as part of a contract for the conveyance of real property, the
11 seller shall provide the buyer with the following information:

12 (1) whether the real property is located in a Federal Emergency
13 Management Agency mapped special flood hazard area;

14 (2) whether the real property is located in a Federal Emergency
15 Management Agency mapped moderate flood hazard area;

16 (3) whether the real property was subject to flooding or flood damage
17 while the seller possessed the property, including flood damage from
18 inundation or from flood-related erosion or landslide damage; and

19 (4) whether the seller maintains flood insurance on the real property.

20 (b) The failure of the seller to provide the buyer with the information
21 required under subsection (a) of this section is grounds for the buyer to

1 terminate the contract prior to transfer of title or occupancy, whichever occurs
2 earlier.

3 (c) A buyer of real estate who fails to receive the information required to be
4 disclosed by a seller under subsection (a) of this section may bring an action to
5 recover from the seller the amount of the buyer's damages and reasonable
6 attorney's fees. The buyer may also seek punitive damages when the seller
7 knowingly failed to provide the required information.

8 (d) A seller shall not be liable for damages under this section for any error,
9 inaccuracy, or omission of any information required to be disclosed to the
10 buyer under subsection (a) of this section when the error, inaccuracy, or
11 omission was based on information provided by a public body or by another
12 person with a professional license or special knowledge who provided a
13 written report that the seller reasonably believed to be correct and that was
14 provided by the seller to the buyer.

15 (e) Noncompliance with the requirements of this section shall not affect the
16 marketability of title of a real property.

17 Sec. 2. 9 V.S.A. § 4466 is added to read:

18 § 4466. REQUIRED DISCLOSURE; MODEL FORM

19 (a) A landlord shall disclose in advance of entering a rental agreement with
20 a tenant whether any portion of the premises offered for rent is located in a
21 Federal Emergency Management Agency mapped special flood hazard area.

1 This notice shall be provided to the tenant at or before execution of the lease in
2 a separate written document substantially in the form prescribed by the
3 Department of Housing and Community Development pursuant to subsection
4 (b) of this section.

5 (b) The Department of Housing and Community Development shall
6 develop a model form for the notice provided under this section that shall
7 include the information required under subsection (a) of this section.

8 Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

9 (e) All mobile home lot leases shall contain the following:

10 * * *

11 (8)(A) Notice that the mobile home park is in a flood hazard area if any
12 lot within the mobile home park is wholly or partially located in a flood hazard
13 area according to the flood insurance rate map effective for the mobile home
14 park at the time the proposed lease is furnished to a prospective leaseholder.
15 This notice shall be provided in a clear and conspicuous manner in a separate
16 written document substantially in the form prescribed by the Department of
17 Housing and Community Development pursuant to subdivision (B) of this
18 subdivision (8) and attached as an addendum to the proposed lease.

19 (B) The Department of Housing and Community Development shall
20 develop a model form for the notice provided under this section that shall
21 include the information required under subdivision (A) of this subdivision (8).

1 Sec. 4. 10 V.S.A. § 6201 is amended to read:

2 § 6201. DEFINITIONS

3 As used in this chapter, ~~unless the context requires otherwise:~~

4 (1) “Mobile home” means:

5 (A) a structure or type of manufactured home, including the
6 plumbing, heating, air-conditioning, and electrical systems contained in the
7 structure, that is:

8 (i) built on a permanent chassis;

9 (ii) designed to be used as a dwelling with or without a permanent
10 foundation when connected to the required utilities;

11 (iii) transportable in one or more sections; and

12 (iv)(I) at least eight feet wide, 40 feet long, or when erected has at
13 least 320 square feet; or

14 (II) if the structure was constructed prior to June 15, 1976, at
15 least eight feet wide or 32 feet long; or

16 (B) any structure that meets all the requirements of this
17 subdivision (1) except the size requirements, and for which the manufacturer
18 voluntarily files a certification required by the U.S. Department of Housing
19 and Urban Development and complies with the construction and safety
20 standards established under Title 42 of the U.S. Code.

21 (C) [Repealed.]

1 adjacent or attached structures located on the site and the value of the sited
2 location, if applicable, and valuations of sales of comparable properties.

3 (2) In the case of a new mobile home, the seller shall provide to a
4 prospective buyer a written disclosure that states the retail price of the unsited
5 mobile home, any applicable taxes, the set-up and transportation costs, and the
6 value of the sited location, if applicable.

7 (3) In the case of a mobile home as defined in 10 V.S.A. § 6201, the
8 seller shall provide to a prospective buyer a written disclosure of any flooding
9 history or flood damage to the mobile home known to the seller, including
10 flood damage from inundation or from flood-related erosion or landslide
11 damage.

12 (4) A legible copy of the disclosure required in subdivision (2) of this
13 subsection shall be prominently displayed on a new mobile home in a location
14 that is clearly visible to a prospective buyer from the exterior.

15 * * *

16 * * * Accessibility Standards * * *

17 Sec. 6. 20 V.S.A. chapter 174 is amended to read:

18 CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC
19 BUILDINGS ~~AND~~ PARKING, AND STATE-FUNDED RESIDENTIAL

20 BUILDINGS

21 Subchapter 1. Public Buildings and Parking

1 § 2900. DEFINITIONS

2 * * *

3 Subchapter 2. State-Funded Residential Construction

4 § 2910. DEFINITIONS

5 As used in this subchapter:

6 (1) “Adaptable” means a residential unit that complies with the
7 requirements for a Type A Unit or a Type B Unit set forth in section 1103 or
8 1104, respectively, of the 2017 ICC Standard for Accessible and Useable
9 Buildings and Facilities or a similar standard adopted by the Access Board by
10 rule pursuant to section 2901 of this chapter.

11 (2) “ICC” means the International Code Council.

12 (3) “State-funded residential building” means a building that is designed
13 or intended for occupancy as a residence by one or more individuals the
14 construction of which is funded in whole or in part by State funds.

15 (4) “Visitable” means a residential unit that complies with the
16 requirements for a Type C Unit set forth in section 1105 of the 2017 ICC
17 Standard for Accessible and Useable Buildings and Facilities or a similar
18 standard adopted by the Access Board by rule pursuant to section 2901 of this
19 chapter.

1 § 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION;

2 ACCESSIBILITY REQUIREMENTS

3 (a) Any State-funded residential building that is constructed in Vermont on
4 or after July 1, 2025 shall comply with the following requirements:

5 (1) All residential units that are located partially or wholly on the
6 ground floor or are accessible by an elevator or lift shall be adaptable units.

7 (2) Any residential unit that is not located on the ground floor and is not
8 accessible by an elevator or a lift shall be a visitable unit.

9 (b) A State-funded residential building constructed in accordance with the
10 requirements of this section shall not be modified in any way that would
11 reduce its compliance with the requirements of subsection (a) of this section, as
12 applicable, during any subsequent repairs, renovations, alterations, or
13 additions.

14 (c) The Access Board shall adopt rules as necessary to implement the
15 provisions of this section.

16 Sec. 7. 24 V.S.A. § 4010 is amended to read:

17 § 4010. DUTIES

18 (a) In the operation of or management of housing projects, an authority
19 shall at all times observe the following duties with respect to rentals and tenant
20 selection:

21 * * *

1 housing target by separate measure for each of price, quality, unit size or type,
2 and zoning district, as applicable; and

3 (B) steps taken to achieve any actions recommended to satisfy the
4 regional housing needs published in the regional plan for a region subject to
5 the regional housing target.

6 (b) The Department shall employ the metrics developed under subsection
7 (a) of this section to set annual goals for achieving the statewide and regional
8 housing targets required pursuant to 24 V.S.A. § 4348a.

9 (c) Within one year following publication of the Statewide Housing Needs
10 Assessment setting out the statewide and regional housing targets required
11 pursuant to 24 V.S.A. § 4348a and annually thereafter through 2030, the
12 Department shall publish a report on progress toward the statewide and
13 regional housing targets, including:

14 (1)(A) annual and cumulative progress toward the statewide and
15 regional housing targets based on the metrics developed pursuant to subsection
16 (a) of this section; and

17 (B) for any statewide or regional housing target the Department
18 determines may not practicably be measured by any of the metrics developed
19 pursuant to subsection (a) of this section, an explanation that the statewide or
20 regional housing target may not practicably be measured by the Department's

1 metrics and a description of the status of progress toward the statewide or
2 regional housing target;

3 (2) progress toward the annual goals for the year of publication set
4 pursuant to subsection (b) of this section;

5 (3) an overall assessment whether, in the Department's discretion,
6 annual progress toward the statewide and regional housing targets is
7 satisfactory based on the measures under subdivisions (1) and (2) of this
8 subsection and giving due consideration to the complete timeline for achieving
9 the statewide and regional housing targets; and

10 (4) if the Department determines pursuant to subdivision (3) of this
11 subsection that annual progress toward the statewide and regional housing
12 targets is not satisfactory, recommendations for accelerating progress. The
13 Department shall specifically consider whether the creation of a process that
14 permits developers to propose noncompliant housing developments under
15 certain conditions, like a builder's remedy, or a cause of action would be likely
16 to accelerate progress.

17 (d) The Department shall have broad discretion to determine any timeline
18 or annual goal under subsection (a) or (b) of this section, provided the
19 Department determines that any step in a timeline or annual goal, when
20 considered together with the other steps or annual goals, will reasonably lead

1 to achievement of the statewide or regional housing targets published in the
2 Statewide Housing Needs Assessment.

3 (e) If the statewide and regional housing targets are not published in the
4 Statewide Housing Needs Assessment published in 2024, the Department shall
5 develop and publish the required housing targets within six months following
6 publication of the Statewide Housing Needs Assessment. Any reference to the
7 statewide and regional housing targets published in the Statewide Housing
8 Needs Assessment in this section shall be deemed to refer to the housing
9 targets published under this subsection, and any reference to the date of
10 publication of the Statewide Housing Needs Assessment in this section shall be
11 deemed to refer to the date of publication of the housing targets published
12 under this subsection.

13 * * * Recovery Residences * * *

14 Sec. 8a. 9 V.S.A. § 4452 is amended to read:

15 § 4452. EXCLUSIONS

16 (a) Unless created to avoid the application of this chapter, this chapter does
17 not apply to any of the following:

18 * * *

19 (b)(1) Notwithstanding sections 4467 and 4468 of this chapter, a recovery
20 residence that has adopted a written exit and transfer policy approved by the

1 Vermont Alliance for Recovery Residences may immediately exit or transfer a
2 resident in accordance with the policy if:

3 (A) the exit or transfer is necessary for the resident’s welfare;

4 (B) the resident’s needs cannot be met at the recovery residence; or

5 (C) the health and safety of other residents or recovery resident
6 employees would be at risk if the resident continues to reside at the recovery
7 residence.

8 (2) As used in this subsection, “recovery residence” means a shared
9 living residence supporting persons recovering from a substance use disorder
10 that:

11 (A) provides tenants with peer support and assistance accessing
12 support services and community resources available to persons recovering
13 from substance use disorders; and

14 (B) is certified by an organization approved by the Department of
15 Health and that is either a Vermont affiliate of the National Alliance for
16 Recovery Residences or another approved organization or is pending such
17 certification.

18 Sec. 8b. RECOMMENDATION; RECOVERY RESIDENCE

19 CERTIFICATION

20 (a) The Department of Health, in consultation with State agencies and
21 community partners, shall develop and recommend a certification program for

1 recovery residences operating in the State. The certification program shall
2 incorporate those elements of the existing certification program operated by
3 the Vermont Alliance of Recovery Residences. The recommended
4 certification program shall also:

5 (1) identify an organization to serve as the certifying body for recovery
6 residences in the State;

7 (2) propose certification fees for recovery residences;

8 (3) establish a grievance and review process for complaints pertaining to
9 certified recovery residences;

10 (4) identify certification levels, which may include distinct staffing or
11 administrative requirements, or both, to enable a recovery residence to provide
12 more intensive or extensive services;

13 (5) identify eligibility requirements for each level of recovery residence
14 certification, including:

15 (A) staff and administrative requirements for recovery residences,
16 including staff training and supervision;

17 (B) compliance with industry best practices that support a safe,
18 healthy, and effective recovery requirement; and

19 (C) data collection requirements related to resident outcomes; and

1 (6) establish the required policies and procedures regarding the
2 provision of services by recovery residences, including policies and procedures
3 related to:

4 (A) resident rights;

5 (B) resident use of legally prescribed medications; and

6 (C) promoting quality and positive outcomes for residents.

7 (b) In developing the certification program recommendations required
8 pursuant to this section, the Department shall consider:

9 (1) available funding streams to sustainably expand recovery residence
10 services throughout the State;

11 (2) how to eliminate barriers that limit the availability of recovery
12 residences; and

13 (3) recovery residence models used in other states and their applicability
14 to Vermont.

15 (c) On or before October 15, 2024, the Department shall submit a written
16 report describing its recommended recovery residence certification program
17 and containing corresponding draft legislation to the House Committee on
18 Human Services and to the Senate Committee on Health and Welfare.

19 (d) As used in this section, “recovery residence” means a shared living
20 residence supporting persons recovering from a substance use disorder that:

1 (1) provides tenants with peer support and assistance accessing support
2 services and community resources available to persons recovering from
3 substance use disorders; and

4 (2) is certified by an organization approved by the Department of Health
5 and that is either a Vermont affiliate of the National Alliance for Recovery
6 Residences or another approved organization or is pending such certification.

7 Sec. 8c. LEGISLATIVE INTENT; RECOVERY RESIDENCES;

8 LANDLORD-TENANT EXEMPTION

9 It is the intent of the General Assembly upon passage of legislation
10 codifying the recovery residence certification program recommended by the
11 Department of Health:

12 (1) to repeal 9 V.S.A. § 4452(b) (recovery residence exit or transfer
13 exemption from eviction laws); and

14 (2) to add an exemption from the application of 9 V.S.A. chapter 137
15 (residential rental agreements) for occupancy in a recovery residence that has
16 been certified by the Vermont Alliance for Recovery Residences according to
17 the requirements of the certification process recommended by the Department
18 of Health.

1 Sec. 8d. 18 V.S.A. § 4812 is added to read:

2 § 4812. RECOVERY RESIDENCES; EXIT AND TRANSFER REPORTING

3 (a) Annually on or before January 1, a recovery residence shall report to the
4 certifying body for the recovery residence any exit or transfer of a resident by
5 the recovery residence in the previous year and the asserted basis for exiting or
6 transferring the resident.

7 (b) Annually on or before January 15, the certifying body for a recovery
8 residence shall report to the Department of Health the data received under
9 subsection (a) of this section.

10 (c) Annually on or before February 1, the Department of Health shall
11 submit the data received under subsection (b) of this section to the House
12 Committees on General and Housing and on Human Services and the Senate
13 Committees on Economic Development, Housing and General Affairs and on
14 Health and Welfare.

15 (d) As used in this section, “recovery residence” means a shared living
16 residence supporting persons recovering from a substance use disorder that:

17 (1) provides tenants with peer support and assistance accessing support
18 services and community resources available to persons recovering from
19 substance use disorders; and

