



2022

Residential Rental Housing Health & Safety Code



Vermont Department of Public Safety

DIVISION OF FIRE SAFETY

firesafety.vermont.gov

EFFECTIVE DATE:

Introduction

Residential fires account for approximately 75% of all fire related fatalities in the United States with 64% of these fires in One-Two Family Dwellings. On average, a fire department responded to a fire somewhere in the US every 23 seconds in 2021. A home structure fire was reported every 93 seconds, a home fire death occurred every three hours and eight minutes, and a home fire injury occurred every 47 minutes.

Vermont has some of the strongest smoke and carbon monoxide alarm laws in the country spanning all residential occupancies including single-family owner-occupied homes. Fire behavior has dramatically changed over the years primarily because of the introduction of synthetics, plastics, open floor plans, tight construction, and larger fuel content. These few factors alone contribute to rapid and intense fire and smoke spread, high levels of carbon monoxide production and extreme temperature rise in your structure. These factors have significantly reduced your evacuation time to less than 3 minutes compared to 8 minutes 20 years ago. It is critical to have properly installed and maintained smoke alarms and carbon monoxide alarms in your home or rental property. Properly installed and maintained smoke alarms increase your chance of surviving a home fire by more than 50%. Residential Home Fire Sprinkler Systems are the most reliable and passive fire protection technology available today. Home fire sprinklers contain the fire to the point of origin, reduce the temperature of the fire so flashover does not occur, fills the gap in time between when a call for help is made and the fire department arrives and most importantly it saves lives, property and reduces the impact to our environment.

ACT 181-Rental housing health and safety and affordable housing.

On June 7, 2022, Governor Scott signed into law Act 181 transferring primary responsibility of Rental Housing Safety from local Health Officers to the Division of Fire Safety. This program is complaint driven and will allow the Division of Fire Safety to respond to allegations of unhealthy/unsafe living conditions. The division will establish a network of partners and engage in public fire safety education to ensure we continue to keep Vermonters safe and healthy where they live, work and play.

Vermont Residential Rental Housing Health and Safety Code

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1 - Authority

- **Act No. 181**
- This code is adopted under the authority of 20 V.S.A., Chapter 172
- Vermont Fire and Safety Building Code-2015

2 - Purpose

The purpose of this code is to protect the health, safety, and well-being of the occupants of rental housing. These rules in combination with the currently adopted Vermont Fire and Building Safety Code, establishes minimum safety, health and habitability standards that all residential rental housing in Vermont must conform to. Additional information about these rules and their application may be obtained from the contact information below:

Division of Fire Safety. 45 State Drive, Waterbury, VT 05671

Telephone: 802-479-7561

Website: www.firesafety.vermont.gov

3 - Scope

- 3.1** This Rental Housing Health and Safety Code shall apply to all rented dwellings, dwelling units, rooming houses, rooming units, and mobile home lots used as a regular residence.
- 3.2** This code does not apply to a licensed lodging establishment when the occupancy is subject to meals and rooms tax pursuant to 32 V.S.A. Ch. 225. This code does not apply to tents or similar structures provided to persons choosing to live in such shelters as part of what is primarily an educational or experiential opportunity.

4 - Definitions

- 4.1** **“Common Space”** means all interior passageways, hallways, foyers, stairways, basements, and other rooms in a dwelling or rooming house used or intended for use by the occupants of more than one dwelling unit or rooming unit.
- 4.2** **“Dwelling”** means a rented building or structure, excluding tents or similar structures used for the express purpose of camping, that is wholly or partly used or intended to be used as a primary residence for living or sleeping by human inhabitants. This includes rented mobile homes and “housing provided as a benefit of farm employment” as defined in 9 V.S.A. § 4469a (a)(3).
- 4.3** **“Dwelling Unit”** means a room or group of rooms within a dwelling, or any dwelling forming a single habitable unit used or intended for use for living, sleeping, cooking, and eating.
- 4.4** **“Food Residual or Food Scrap”** means source separated and uncontaminated material that is derived from processing or discarding of food and that is

recyclable, in a manner consistent with 10 V.S.A. § 6605k. Food residual may include pre-consumer and post-consumer food scraps. "Food residual" does not mean meat and meat-related products when the food residuals are composted by a resident on site.

- 4.5** **"Habitable Room"** means every room or enclosed floor space, used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas.
- 4.6** **"Immediate Family"** means a person's parents, spouse, domestic partner, children, and siblings.
- 4.7** **"Infestation"** means the presence of any pest or bedbug that creates a health hazard or other risk to the preservation of public health.
- 4.8** **"Local board of health"** means the select board or city council, together with the health officer as provided by 18 V.S.A. §§ 601 and 604.
- 4.9** **"Local Health Officer"** means the properly designated and appointed health officer or health officer as authorized and appointed in accordance with 18 V.S.A. § 601.
- 4.10** **"Mobile Home"** means a structure or type of manufactured home as defined in 10 V.S.A. § 6201 (1) that is designed for long-term and continuous residential occupancy.
- 4.11** **"Mobile Home Lot"** means any parcel of land not located in a mobile home park (as defined in 10 V.S.A. § 6201{(2)}) that is leased to a mobile homeowner and established by the owner of the parcel of land as being the area in which the leaseholder establishes a property right by way of a lease. This code is not meant to apply to the rental of a lot in a mobile home park under the jurisdiction of 10 V.S.A. Ch. 153.
- 4.12** **"Occupant"** means a tenant and every person or guest entitled to be living and sleeping in a dwelling, dwelling unit, rooming house, or rooming unit or on the premises of a rented mobile home lot.
- 4.13** **"Owner"** means any person who alone, jointly, or severally with others:
 - 4.13.1** Has legal or equitable title to any premises, dwelling, dwelling unit, rooming house, rooming unit, or mobile home lot; or
 - 4.13.2** Has charge, care, management or control of any premises, dwelling unit, rooming house, rooming unit, or mobile home lot; or
 - 4.13.3** Is the landlord or lessor of any premises, dwelling, dwelling unit, rooming house, rooming unit, or mobile home lot; or
 - 4.13.4** Is the authorized agent of the property owner of any premises, dwelling, dwelling unit, rooming house, rooming unit, or mobile home lot.

- 4.14** “**Person**” means every individual, corporation, partnership, government, governmental subdivision or agency, business trust, estate, trust, association, firm, group or any other legal or commercial entity.
- 4.15** “**Pest**” means any unwanted animal, including any insect, that is a potential vector for human disease and presents a public health threat.
- 4.16** “**Premises**” means the buildings, grounds and facilities associated with a dwelling, dwelling unit, rooming house or rooming unit and the grounds, areas and facilities associated with a rented mobile home lot that are held out for the use of occupants generally or whose use is promised to the occupant.
- 4.17** “**Recyclables**” means the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.
- 4.18** “**Rental Housing**” means all dwellings, dwelling units, rooming houses, rooming units, or mobile home lots let by the owner to one or more persons to be used as a regular residence.
- 4.19** “**Rooming House**” means any dwelling or part thereof containing one or more rooming units and/or one or more dormitory rooms in which space is let by the owner or operator to one or more persons who are not immediate family members of the owner.
- 4.20** “**Rooming Unit**” means the room or group of rooms let to an individual or household for use as living and sleeping, but not for cooking or eating purposes, whether or not, common cooking facilities are made available.
- 4.21** “**Rodent-proof**” means construction, installation, and maintenance which under foreseeable conditions will prevent the movement of rodents to or from a dwelling or rooming house, or gaining access to food, water, or any place where rodents can live, nest or seek shelter. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or other methods.
- 4.22** “**Trash**” means combustible and noncombustible waste materials that are not composted or recycled. This includes any products not included in the definitions of “Food Residual or Food Scrap” or “Recyclables.”
- 4.23** “**Ventilation**” means the adequate supply and removal of air to and from a space through windows, skylights, doors, grilles, ducts, or mechanical devices.
- 4.24** “**Violation**” means any condition in or on the premises of a rented dwelling, rooming unit, rooming house or rented mobile home lot which fails to meet any

requirement of this code.

4.25 “Watertight” means so constructed that the structure is substantially impermeable to water.

4.26 “Weathertight” means so constructed that the structure resists weather and excludes rain and snow and prevents the infiltration of air.

5 - Sanitation Facilities

5.1 Kitchen Facilities: Every dwelling unit shall contain within the unit space to store, prepare and serve foods in a sanitary manner, including the presence of a kitchen sink.

5.2 Bathroom Facilities:

5.2.1 Every dwelling unit shall contain within the unit a flush toilet, sink and bathtub or shower located in a room or rooms separate from the habitable rooms and which affords privacy.

5.2.2 Shared Bathroom Facilities: The occupants of not more than two dwelling units which are located within the same dwelling may share bathroom facilities under the following circumstances:

5.2.2.1 Neither of the two dwelling units contains more than two habitable rooms. However, for the purpose of this section, a kitchen with not more than 60 square feet of floor area is not counted as a room: and

5.2.2.2 The habitable room area of each dwelling unit aggregates not more than 300 square feet: and

5.2.2.3 The toilet and sink are within a room separate from the habitable rooms, which affords privacy, and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling; and

5.2.2.4 The bathtub or shower is within a room separate from the habitable rooms, which affords privacy, and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

5.2.3 Rooming Houses:

5.2.3.1 Every rooming house shall be equipped with at least one toilet and one sink for each 10 persons and one bathtub or shower for each eight persons or fraction thereof living within the rooming house, including members of the immediate family of the owner if they share use of the facilities.

5.2.3.2 Every toilet, sink and bathtub or shower required by this section shall be located in a room or rooms which: afford privacy and are separate from the habitable rooms and are accessible from a common hall without going outside the rooming house and are not more than one story removed from the rooming unit of any occupant intended to share

the facilities.

5.3 Non-absorbent Surfaces: The floor and counter surfaces of every bathroom and kitchen in dwelling units and rooming houses shall be constructed and maintained to be a smooth, non-corrosive, non-absorbent and waterproof covering. This shall not prohibit the use of carpeting for floors in kitchens and bathrooms, or the use of wood for floors in kitchens, provided the following qualifications are met:

5.3.1 Carpeting must contain a solid, nonabsorbent, water repellent backing which will prevent the passage of moisture through it to the floor below: and

5.3.2 Wood flooring must have a water-resistant finish and have no cracks to allow the accumulation of dirt and food, or the harborage of insects.

5.4 Water Supply/Wastewater Disposal:

5.4.1 Supply: Every rented mobile home lot shall have access to, and every dwelling unit or rooming house shall be connected to a supply of water sufficient in quantity and pressure to meet the ordinary needs of the occupant(s).

5.4.2 Potable Water: Water provided to a rented mobile home lot and to every kitchen sink, bathroom sink and bathtub or shower in a dwelling unit or rooming house shall be from a public water supply system that is monitored and regulated by the Water Supply Division of the Vermont Department of Environmental Conservation, or a private supply free from impurities in amounts sufficient to cause disease or harmful physiological effects as per Vermont Department of Health testing guidelines for private water supplies. Any health-based contaminant in a private water supply that is found to be elevated shall be treated to reduce levels to existing maximum contaminant levels (MCL) or Vermont Health Advisories where no MCL exists.

5.4.3 Hot Water: Every kitchen sink, lavatory sink, shower, and tub-shower combination shall be connected with water heating facilities in working order that are capable of safely heating an adequate yield of water. Shower and tub-shower combinations must be plumbed to be able to achieve a hot water temperature greater than or equal to 100°F and remain less than 120°F at the fixture.

5.4.4 Water Supply Deficiencies: Owners of dwellings, rooming houses and rented mobile home lots with short-term deficiencies in water quality or quantity must provide occupants with an alternate, adequate, and accessible supply of water for drinking and sanitation until a regular source of water is made available.

5.4.5 Sewage Disposal: Owners of rented mobile home lots shall provide hook-up to and owners of all dwellings and rooming houses shall connect all kitchen sinks, toilets, bathroom sinks, bathtubs, showers, washing machines and dishwashers to a public sewage system if available, or to a properly operating subsurface wastewater disposal system. Each wastewater disposal system shall be operated so that sewage does not back up into the dwelling, flow to the

ground surface or directly into surface water.

5.4.6 Plumbing Connections: All plumbing systems shall be maintained in good repair.

5.5 Sanitary Conditions for Trash, Recyclables, and Food Scraps:

5.5.1 Facilities:

5.5.1.1 Trash, recyclables, and food scraps that are placed outside a dwelling or rooming house shall be stored in durable, cleanable receptacles. Receptacles for trash and food scraps shall also be watertight and have properly fitting covers.

5.5.1.2 The owner of any dwelling or rooming house shall provide and maintain appropriate receptacles for the removal of trash, recyclables, and food scraps in accordance with 10 V.S.A. Ch. 159.

5.5.2 Collection of trash, recyclables, and food scraps:

5.5.2.1 The owner of any dwelling or rooming house shall assure that arrangements are made for the removal of trash, recyclables, and food scraps in accordance with 10 V.S.A. Ch. 159.

5.5.2.2 Trash, recyclables, and food scraps shall be removed from dwellings and rooming houses as often as is necessary to maintain a sanitary structure, not less than once every week.

5.5.3 Responsibilities:

5.5.3.1 Owner Responsibilities: The owner of every dwelling or rooming house shall be responsible for maintaining in a clean and sanitary condition free of trash, recyclables, and food scraps all common areas as well as any other part of the premises not used as a dwelling space.

5.5.3.2 Occupant Responsibilities: The occupant of every dwelling unit or rooming unit shall be responsible for maintaining in a clean and sanitary condition and free of trash, recyclables, and food scraps that part of the premises which he or she exclusively occupies.

6 - Pest and Bedbug Control and Management

6.1 Owner Responsibilities:

6.1.1 The owner of a dwelling shall maintain all common spaces free from infestation.

6.1.2 The owner of a dwelling shall be responsible for extermination of infestation in all common spaces.

6.1.3 The owner of a dwelling shall be responsible for extermination of any infestation in any dwelling unit when infestation in a dwelling unit is caused by his or her failure to maintain the dwelling or infestation exists in two or more of the dwelling units in any dwelling.

6.1.4 The owner of a rooming house shall maintain all rooming units and common spaces free from infestation and shall be responsible for

extermination.

- 6.2 Occupant Responsibilities:** The occupant of each dwelling unit shall maintain that part of the dwelling he or she exclusively occupies free from infestation and shall be responsible for extermination when the infestation is caused by his or her failure to maintain the dwelling unit except as provided for in Section 6.1.3.
- 6.3 Extermination of Pest Animals and Bedbugs:** Extermination shall be accomplished by eliminating the harborage place of pests and bedbugs, by removing or making inaccessible materials that may serve as their food or breeding ground and by treatments including but not limited to poisoning, spraying, fumigating, heat treating, or trapping.

7 - Heating Heating facilities/systems in all residential rental dwelling units and rooming houses shall meet the following standards:

- 7.1** Heating facilities/systems shall be provided when the outside temperature is less than 55°F(13°C).
- 7.2** Heating facilities/systems shall be properly functioning and in good repair.
- 7.3** Heating facilities/systems shall be able to maintain a room temperature of at least 65°F (18°C) in all habitable rooms, kitchens, and bathrooms. The maintenance of required heating levels shall be accomplished without overheating one room as a means of meeting minimum heating requirements for adjacent rooms. The temperature may be read, and the requirement shall be met at a point three feet above floor level and three feet from an exterior wall.
- 7.4** Heating facilities/systems shall be vented to the outside of the building. Un-vented fuel fired space heaters are prohibited in all residential rental dwelling units or rooming houses.
- 7.5** Every owner who provides heat as part of the rental agreement to occupants of dwelling units or rooming units shall always maintain the provided heat to all habitable rooms, kitchens, and bathrooms when the outside temperature is less than 55°F (13°C).

8 - Natural and Mechanical Ventilation

- 8.1** To ensure the health and safety of the occupants, the owner of residential rental dwelling units and rooming houses shall provide ventilation to the outdoors as follows, so as to not endanger the health and safety of the occupants:
- 8.1.1** Every habitable room shall include at least one window or door in good repair located on an outside wall that is capable of being opened to admit fresh air.
- 8.1.2** Screens shall be provided for all operable windows and for doors that are providing ventilation when a window is not available. All screens shall be maintained in good repair and be free from tears, holes, or other imperfections of either screen or frame that would admit insects such as flies or mosquitoes.
- 8.1.3** All hallways and stairways in common spaces shall be adequately ventilated.
- 8.1.4** Every bath, toilet or shower room shall be ventilated by direct access with the external air either by window, airshaft, or ventilation fan. If a ventilation fan is used, it shall be vented directly to the exterior of the building and be of sufficient size to prevent the buildup of moisture.
- 8.1.5** All clothing dryers shall be vented directly to the exterior of the building.
- 8.2 Use of vaporizers/humidifiers:** Vaporizers/humidifiers shall not be used by dwelling or rooming house occupants or owners in such ways that cause an elevated relative humidity (Above 60%), promoting the growth of microorganisms and visible mold.

9 - Lighting and Electricity

- 9.1** Every habitable room in a dwelling unit or rooming house other than a kitchen shall contain at least two duplex electrical outlets or one duplex electrical outlet and one electrical light fixture.
- 9.2** Every kitchen in a dwelling unit or rooming house shall contain at least one electric light fixture and two duplex electrical outlets.
- 9.3** Every other room in a dwelling unit or rooming house shall contain at least one electric light fixture.
- 9.4** All building entrances in dwellings or rooming houses and all common areas in rooming houses or dwellings containing two or more dwelling units shall be adequately lighted to provide for safe and reasonable use and safe access and egress to and from the building.
- 9.5** All electrical systems in dwellings, rooming houses and on rented mobile home lots shall be maintained in safe working condition.

10 - Structural Elements

- 10.1** Every owner of a dwelling or rooming house shall provide and maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, chimneys and other structural elements of his or her dwelling, dwelling unit, rooming house, or rooming unit so that it is weathertight, watertight, rodent proof and in good repair.
- 10.2** Every occupant of a dwelling or rooming house shall exercise reasonable care in the use of the structural elements of the building to maintain it in good working condition.
- 10.3** Every dwelling, dwelling unit, rooming house, or rooming unit shall be maintained to be free from the regular or periodic appearance of standing water or excessive moisture, which may result in visible mold growth.

11 - Mobile Homes on Rented Lots

- 11.1** It shall be the responsibility of the owner of a rented mobile home lot to provide connection to electrical services, water supply and sewage disposal to a location on each lot from which these services can be connected to the mobile home.
 - 11.1.1** Electrical Services: The mobile home lot owner is responsible for installation and maintenance of the electrical service to the main electrical panel in the home.
 - 11.1.2** Water Supply: The mobile home lot owner is responsible for the maintenance of water lines to a point at which the lines surface under the mobile home.
 - 11.1.3** Sewage Disposal: The mobile home lot owner is responsible for the maintenance of the sewage disposal system to the point where it surfaces from the ground to service the mobile home.

12 - General Responsibilities

12.1 Owners:

- 12.1.1** No owner shall let to another for occupancy any dwelling, dwelling unit, rooming house, rooming unit or mobile home lot which does not comply with the requirements of this code. It shall be the responsibility of the owner to maintain all premises in compliance with this code.
- 12.1.2** No owner shall cause any water, sewer, equipment, or utility which is required by this regulation to be removed, shut off or discontinued for any occupied dwelling, dwelling unit, rooming house, rooming unit, or mobile home lot except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

12.1.3 No rental agreement containing any provision purporting to transfer responsibilities between owner and occupant other than as imposed herein, shall be effective for the purposes of this code.

12.2 Occupants:

12.2.1 No occupant shall use or occupy his or her dwelling unit, rooming unit or rented mobile home lot in such a way as to cause non-compliance with this code.

12.2.2 Every occupant shall exercise reasonable care in the use of his or her dwelling unit, rooming unit or rented mobile home lot and shall maintain it in such a manner that it does not create a health hazard for his or her neighbors.

12.3 Existing structures and premises that do not comply with the provisions of this code shall be altered or repaired to achieve compliance in accordance with this code and the currently adopted Vermont Fire & Building Safety Code.

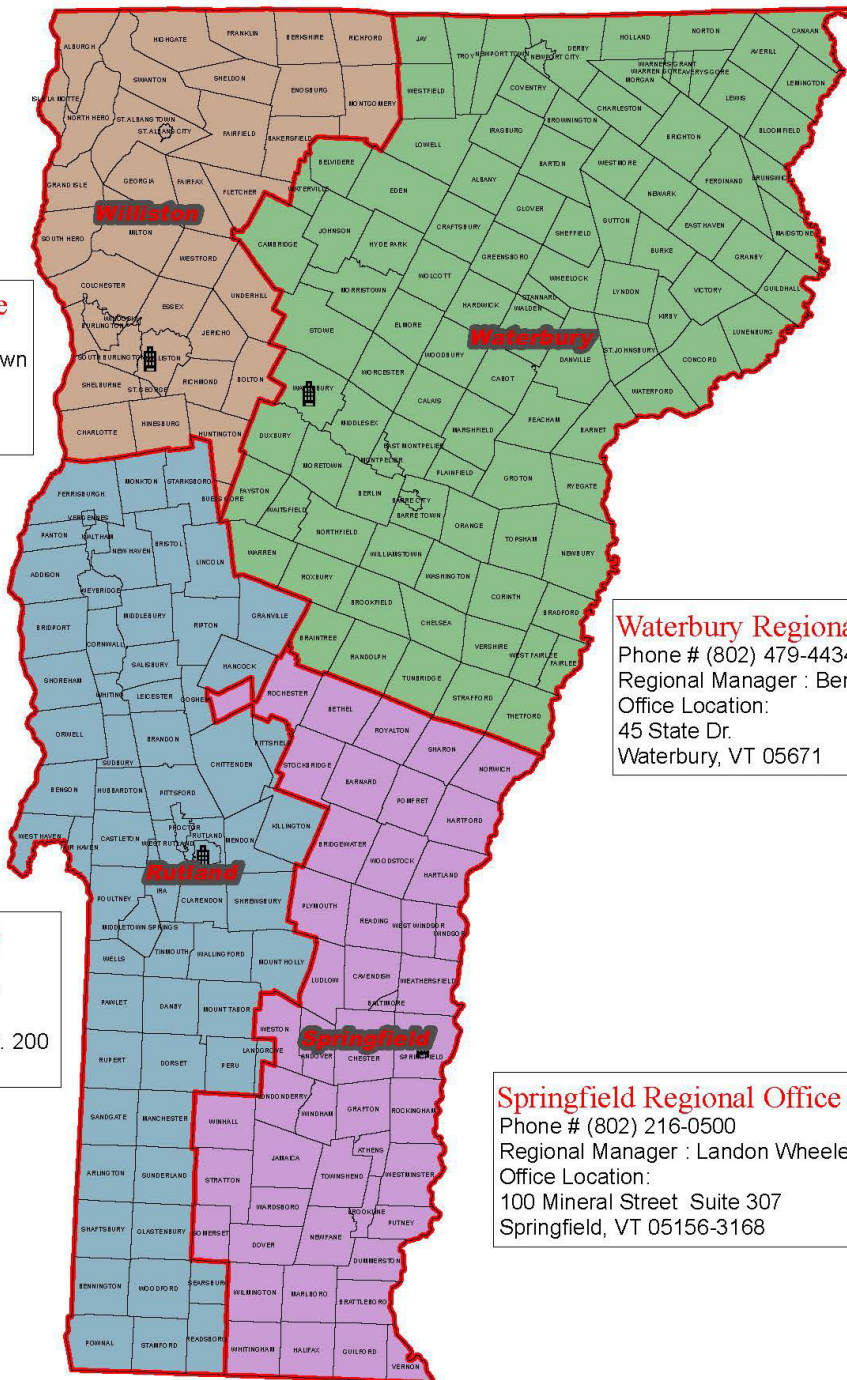


VERMONT DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE SAFETY
 Office of the State Fire Marshal, State Fire Academy and State HAZMAT Team



www.firesafety.vermont.gov

State Fire Marshal's Regional Offices



Williston Regional Office
 Phone # (802) 879-2300
 Regional Manager : William Brown
 Office Location:
 380 Hurricane Lane Suite 101
 Williston, VT 05495

Waterbury Regional Office
 Phone # (802) 479-4434
 Regional Manager : Ben Moffatt
 Office Location:
 45 State Dr.
 Waterbury, VT 05671

Rutland Regional Office
 Phone # (802) 786-5867
 Regional Manager : GJ Garrow
 Office Location:
 56 Howe Street Building A Ste. 200
 Rutland, VT 05701-3449

Springfield Regional Office
 Phone # (802) 216-0500
 Regional Manager : Landon Wheeler
 Office Location:
 100 Mineral Street Suite 307
 Springfield, VT 05156-3168

Chief McLaughlin 5/2022

The Division of Fire Safety has four regional offices:

Waterbury:

45 State Drive
Waterbury, VT 05676
Main Phone: (802) 479-4434
Toll Free: (888) 870-7888
Fax: (802) 479-4446

Rutland:

56 Howe St. Building A, Suite 200
Rutland, VT 05701
Main Phone: (802) 786-5867
Toll Free: (888) 370-4834
Fax: (802) 768-5872

Springfield:

100 Mineral St. Suite 307
Springfield, VT 05156
Main Phone: (802)-216-0500
Fax: (802) 216-0511

Williston:

380 Hurricane Lane Suite 101
Williston, VT 05495
Main Phone: (802) 879-2300
Toll Free: (800) 366-8325
Fax: (802) 879-2312

The Division of Fire Safety Central Office is:

45 State Drive, Waterbury, VT 05676
Main Phone: (802) 479-7561
Toll Free: (800) 640-2106
Fax: (802) 479-7562

www.firesafety.vermont.gov