

## Final Proposed Filing - Coversheet

### Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**2022 Vermont Residential Rental Housing Health & Safety Code**

\_\_\_\_\_/s/ Robert T. Sponable\_\_\_\_\_, on 2/1/2023  
(signature) (date)

Printed Name and Title:

Robert T. Sponable, Deputy Director - Division of Fire Safety, Department of Public Safety

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:  
**2022 Vermont Residential Rental Housing Health & Safety Code**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE  
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3. ADOPTING AGENCY:  
Division of Fire Safety - Department of Public Safety

4. PRIMARY CONTACT PERSON:  
*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Executive Director - Michael Desrochers

Agency: Division of Fire Safety

Mailing Address: 45 State Drive, Waterbury, VT 05671

Telephone: 802-479-7539 Fax: 802-479-7562

E-Mail: michael.desrochers@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://firesafety.vermont.gov/>

5. SECONDARY CONTACT PERSON:  
*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Deputy Director - Robert T. Sponable

Agency: Division of Fire Safety

Mailing Address: 45 State Drive, Waterbury, VT 05671

Telephone: 802-479-7566 Fax: 802-479-7562

E-Mail: robert.sponable@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:  
*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:  
*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

(Act 181), 20 V.S.A. § 2677(a).

**8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

This rule currently resides within the Department of Health. (ACT 181) signed into law this year transfers primary regulatory authority to enforce the rental health and safety code to the Division of Fire Safety.

**9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.**

**10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.**

**11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.**

**12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.**

**13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.**

**14. CONCISE SUMMARY (150 WORDS OR LESS):**

The primary intent and focus of this rule is to update and transfer responsibility of the Vermont Residential Rental Housing Rule from the Department of Health to the Department of Public Safety, Division of Fire Safety. These rules are only amended to identify address changes and contact information. These rules otherwise are not changed.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

These rules are necessary to assist in maintaining a safe and healthy environment in residential rental housing in the State of Vermont. The legislature enacted Act 181 to professionalize the inspection/enforcement program which has been enforced by local health officers, many who are volunteers.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

This rule does not single out any one entity. This rule applies a fair and unbiased application to all entities in the State of Vermont that are subject to the application of the Vermont Residential Rental Housing

Code and in conjunction with the Vermont Fire & Building Safety Code. The program is complaint based only, thus inspections are only conducted in response to alleged unsafe/unhealthy living conditions.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Residential building owners, tenants, property management companies, trade professionals, Agency of Commerce and Community Development, municipalities, Department of Health, Agency of Natural Resources, Agency of Commerce and Community Development, Division of Historic Preservation, Vermont Association of Realtors, Legal Aid, Local Fire Departments and Local Health Officers.

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

There will be no adverse effect from the current rules. The rules should not add any significant costs as compared to the current rules in place. Although the inspections will be more comprehensive we are likely to see more violations needing to be repaired.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 5/5/2023

Time: 10:00 AM

Street Address: Vermont Fire Academy, 93 Davison Drive, Pittsford, VT

Zip Code: 05763

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):  
5/15/2023

**KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).**

Rental

Housing Safety

Residential

Health Safety

Dwelling Units



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**State of Vermont**  
**Department of Public Safety**  
45 State Drive  
Waterbury, Vermont 05671-1300  
<http://dps.vermont.gov/>

DATE: September 14, 2023

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules  
Residential Rental Housing Health & Safety Code

I hereby designate Robert Sponable as signatory to fulfill the duties of The Department of Public Safety/Division of Fire Safety (In regard to the Residential Rental Housing Health & Safety Code) as the adopting authority for administrative rules under the Vermont Administrative Procedure Act, Title 3, Chapter 25 of the Vermont Statutes Annotated during my absence.

A handwritten signature in blue ink that reads "Jennifer Morrison".

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Jennifer Morrison  
Commissioner of Public Safety

## Adopting Page

### Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:

**2022 Vermont Residential Rental Housing Health & Safety Code**

2. ADOPTING AGENCY:

Division of Fire Safety - Department of Public Safety

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

15P035 Rental Housing Health Code 11/15/2015



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** Wednesday, February 22, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome, and introductions – including new Committee member Nicole Dubuque.
- Review and approval of minutes from the January 9, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
  1. 2022 Vermont Residential Rental Housing Health & Safety Code, Department of Public Safety, Division of Fire Safety, page 2
  2. Inflation Adjustment for Private Non-Medical Institutions, Agency of Human Services, Department of Vermont Health Access, page 3
  3. District Quality Standards, Agency of Education, page 4
  4. Reach Up Eligibility Rules, Agency of Human Services, Department for Children and Families, page 5
  5. Reach Up Services Rules, Agency of Human Services, Department for Children and Families, page 6
- Next scheduled meeting is Monday, March 13, 2023 at 2:00 p.m.
- 3:35 p.m. meeting adjourned.



**Proposed Rule: 2022 Vermont Residential Rental Housing Health & Safety Code, Department of Public Safety, Division of Fire Safety**

**Presented By: Robert Sponable**

Motion made to accept the rule by Brendan Atwood, seconded by John Kessler, and passed unanimously with the following recommendations:

1. Throughout the Filing: Check all dates for appropriateness.
2. Proposed Filing – Coversheet:
  - a. #12: Clarify and include more information.
  - b. #7: Include more information, such as the new positions created in the Act, the increased resources and the professionalized full-time, trained, experienced staff that public safety will be operating under. Change ‘this year’ to ‘2022’ if appropriate.
  - c. #8: Include the word ‘and’ between ‘identify’ and ‘address change’ if appropriate.
  - d. #10: Respond to the three criteria as defined in the statute referenced:
    - i. Is it based in fact?
    - ii. Is it rationally connected to those facts?
    - iii. Is it sensible to a reasonable person?
  - e. #11: Change the ‘Department of Health’ to the ‘Agency of Human Services’.
  - f. #13: Hold a public hearing and include relevant information throughout the filing.
3. Economic Impact Analysis
  - a. Provide more information.
  - b. Identify relevant entities and the effects on those groups.
  - c. Clarify impact to small business based upon the definition in statute.
4. Environmental Impact Analysis
  - a. #4 and #5: Consider any net benefits.
  - b. Note that the increased inspections increase number of inspectors, which may lead to additional compliance issues which are beneficial to public health and safety and may also be an additional cost.
5. Public Input:
  - a. Expand list of entities that you plan to reach out to inform directly that a public hearing will be available.
6. Proposed Rule:
  - a. Create a red-line version of the slight shift in the how the purpose was described and the introduction to the rule and what has changed and what hasn’t.