

## MEMORANDUM

**TO:** Senator Ram Hinsdale, Chair, Senate Committee on Economic Development, Housing, and General Affairs

**FROM:** Brendan Atwood, Public Health Policy Director, Vermont Department of Health

**DATE:** February 8, 2024

**SUBJECT:** DR 24-0067, Conservation and development; land use; housing; Act 250

Senator Hinsdale:

Thank you for the opportunity to provide these comments on Sec. 45 (draft 8.1) of this bill, which proposes the following amendments:

*“Sec. 45. 18 V.S.A. § 4303 is amended to read:*

*§ 4303. RULEMAKING*

*(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish minimum standards for the safe and sanitary operation of food or lodging establishments, or children’s camps, short-term rentals, or any combination thereof and for their administration and enforcement. The rules shall require that an establishment or short-term rental be constructed, maintained, and operated with strict regard for the health of the employees and the public pursuant to the following general requirements:”*

This language compels the Department of Health (Department) to adopt rules for the safe and sanitary operation of short-term rentals. However, the authority to regulate short-term rentals is already established in 20 V.S.A. §§ 2676 and 2677:

*“§ 2676. Definition*

*As used in this chapter, “rental housing” means:*

*(1) a “premises” as defined in 9 V.S.A. § 4451 that is subject to 9 V.S.A. chapter 137 (residential rental agreements); and*

*(2) a “short-term rental” as defined in 18 V.S.A. § 4301 and subject to 18 V.S.A. chapter 85, subchapter 7.*

*20 V.S.A. § 2677. Rental housing; rules; inspections; penalty*

*(a) Rules. The Commissioner of Public Safety may adopt rules to prescribe standards for the health, safety, sanitation, and fitness for habitation of rental housing that the Commissioner determines are necessary to protect the public, property owners, and property against harm.”*





Additionally, the Department of Public Safety's Division of Fire Safety has already adopted rules to regulate short-term rentals in accordance with this statute (see: [Residential Rental Housing Health and Safety Code](#)), effective December 31, 2023.

Accordingly, Section 45 of this bill appears to be duplicative of existing statute. As such, these proposed amendments would introduce uncertainty regarding the regulatory role of each department by requiring the adoption of two rules with the same scope, and would create confusion for the two departments and for the regulated community.

Therefore, we respectfully request that the committee remove Sec. 45 from this bill.

Thank you for your consideration of this request. Please do not hesitate to reach out with any questions.

Sincerely,

Brendan Atwood  
Public Health Policy Director  
Vermont Department of Health

