

1 H.646

2 Introduced by Representative Satcowitz of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Municipal and county government; regulatory provisions; police

6 power of municipalities; miscellaneous regulatory powers;

7 enumeration of powers; uninhabitable building; residential tax

8 subclass

9 Statement of purpose of bill as introduced: This bill proposes to authorize
10 municipalities to assess an annual fee on property that is determined to be
11 uninhabitable pursuant to 24 V.S.A. § 2291(24).

12 An act relating to creating a residential property tax subclass for
13 uninhabitable buildings

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

15 * * * Municipal Rules Governing Habitability; Assessment of Fee * * *

16 Sec. 1. 20 V.S.A. § 2736 is amended to read:

17 § 2736. MUNICIPAL ENFORCEMENT

18 * * *

19 (g) The Commissioner of Public Safety, in consultation with the

20 Commissioner of Health, shall publish guidance and model rules for municipal

1 determinations of habitability pursuant to 24 V.S.A. § 2291(24). The model
2 rules shall define habitability, incorporate existing State law governing
3 building and fire safety, describe the bases for determining health and safety
4 hazards, and include a recommended administrative appeals process.

5 Sec. 2. COMMISSIONER OF PUBLIC SAFETY; PUBLICATION OF
6 MODEL RULES

7 On or before November 15, 2026, the Commissioner of Public Safety shall
8 publish the guidance and model rules required by 20 V.S.A. § 2736(g) on the
9 Department's website and submit copies of the guidance and model rules to the
10 House Committee on Government Operations and Military Affairs and the
11 Senate Committee on Government Operations.

12 Sec. 3. 24 V.S.A. § 2291 is amended to read:

13 § 2291. ENUMERATION OF POWERS

14 For the purpose of promoting the public health, safety, welfare, and
15 convenience, a town, city, or incorporated village shall have the following
16 powers:

17 * * *

18 (24)(A) Upon the determination by a municipal building inspector,
19 health officer, ~~or fire marshal,~~ or other municipal official designated by the
20 legislative body that a building within the boundaries of the town, city, or
21 incorporated village is uninhabitable, to:

1 (i) apply the uninhabitable property fee to the property pursuant to
2 section 1539 of this title until the date that the property is maintained or
3 repaired; or

4 (ii) recover all expenses incident to the maintenance of the
5 uninhabitable building with the expenses to constitute a lien on the property in
6 the same manner and to the same extent as taxes assessed on the grand list, and
7 all procedures and remedies for the collection of taxes shall apply to the
8 collection of those expenses; ~~provided, however, that the~~

9 (B) A town, city, or incorporated village has adopted shall adopt
10 rules ~~to determine~~ governing the habitability of a building and the process for
11 determining habitability, including provisions for:

12 (i) criteria for determining the habitability of a building, including:

13 (I) evidence of desertion or abandonment of the property;

14 (II) boarded-up or secured portions of the building;

15 (III) any existing orders or notices that state that the building is
16 unfit for habitation; and

17 (IV) partially constructed or demolished portions of a building
18 that have not been completed and bear evidence of abandonment;

19 (ii) notice in accordance with 32 V.S.A. § ~~5252(3)~~ 5252(a)(3) to
20 the building's owner prior to incurring expenses ~~and including provisions for~~
21 or applying the uninhabitable property fee to the property; and

1 fee on uninhabitable property shall be the greater of one percent of the
2 appraised value of the property or \$5,000.00 and shall be due on the same date
3 that the municipality collects property taxes.

4 (b) The fee established pursuant to this section shall only apply to
5 properties that have been determined to be uninhabitable pursuant to
6 subdivision 2291(24) of this title, are not subject to administrative appeal
7 concerning the determination, and have not been maintained or repaired within
8 30 days after the date of the determination or a decision denying the
9 administrative appeal of the determination.

10 (c) Pursuant to section 1535 of this subchapter, the owner of a property
11 who maintains or repairs the uninhabitable property may request an abatement
12 of a pro rata portion of the uninhabitable property fee for the year in which the
13 repairs were made.

14 * * * Effective Date * * *

15 Sec. 6. EFFECTIVE DATE

16 This act shall take effect on July 1, 2026.