

November 28, 2023

Dear Town Health Officers:

In June of 2022, Governor Scott signed into law Act 181 (2022), that amends 18 V.S.A. §§ 602a and 603. Act 181 provides for the transition of authority for rental housing health and safety to the Department of Public Safety's Division of Fire Safety (DPS).

The changes in state law affect your authority and duties as a town health officer. Principally, Act 181 (2022) removes the requirement that town health officers conduct rental housing inspections upon request of a landlord or tenant, and provides that town health officers have the authority to assist DPS in inspecting rental housing pursuant to 20 V.S.A. chapter 172.

DPS has adopted the Rental Housing Health and Safety Code, effective December 31, 2023 and designed a complaint-driven inspection system, updated inspection forms, and hired inspectors to conduct rental housing inspections, including inspections of short-term rentals. The Health Department will repeal its Rental Housing Health Code.

DPS is now the government entity with the primary authority to enforce State laws governing rental housing health and safety. Town health officers have the authority to assist the DPS in inspecting rental housing, however they must adhere to the following procedures:

- **Town health officers in towns that do not have their own code enforcement program or a Municipal Inspection Agreement with DPS:**
 - Town health officers must notify DPS if they receive a rental housing or short-term rental complaint or request for inspection.
 - DPS will determine the next steps in responding to the complaint. DPS will take the lead on conducting most rental housing inspections, but may request that a town health officer conduct an inspection in certain situations.
 - If a town health officer is asked by DPS to conduct a rental housing inspection, the health officer must:
 - Use the rental housing inspection form provided by DPS; complete the entire form.
 - Provide a copy of the inspection report to the landlord, to the person who requested the inspection, and to any tenants who are affected by a violation within 7 days. The report can be provided electronically or by first-class mail.
 - Provide a copy of the inspection report to DPS within 7 days of conducting the inspection. DPS may or may not conduct a follow-up inspection.
 - Coordinate with DPS if voluntary compliance is not achieved, and further enforcement action is required. If the person responsible for a violation



does not comply with the requirements and timelines specified in the inspection report, DPS has authority to impose an administrative penalty.

- **Town health officers in towns that have their own code enforcement program or a Municipal Inspection Agreement with DPS:**
 - Should conduct rental housing inspections according to their normal procedure.
 - Towns may use their municipal enforcement tools, if necessary, or coordinate with DPS on enforcement.

- **Town health officers may not use their state health order and emergency health order authority to enforce the Rental Housing Health and Safety Code. Towns may use their municipal enforcement tools, if necessary, and DPS has authority to impose administrative penalties and take further enforcement action if necessary.**

Questions about the Rental Housing Health and Safety Code and the rental inspection process should be directed to DPS. Information on the new procedures, including the new rule, contact information for DPS, inspection forms and other resources will be available on the Division of Fire Safety's website at firesafety.vermont.gov. DPS will be hosting trainings on the new procedures in the coming months.

The Town Health Officer Manual will be updated to reflect the changes to the town health officer's role in rental housing.

Please note: town health officers still play an important role in investigating and mitigating other potential public health hazards in their jurisdiction outside of the rental housing context. Questions about those investigations can be directed to the Department of Health's Environmental Health Division at 800-439-8550 or ahs.vdhtho@vermont.gov.

Thank you for your work protecting public health in your community, and for your support and patience during this transition.

Sincerely,



Meg McCarthy
Environmental Health Division
Vermont Department of Health

Upcoming training opportunity:

Wednesday, December 20

12 – 1 pm

The Department of Public Safety's Division of Fire Safety is offering an informational training for Town Health Officers on the Vermont State Rental Housing and Safety Code and the new rental housing inspection procedures.

Please join the training on your computer, mobile app or room device, using the information below:

[Click here to join the meeting](#) or copy and paste the following URL into your browser:

https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeetup-join%2F19%253ameeting_YjQ3MzZwNGQtNjdmNS00MGUzLTgyNjYtYjJjZWZzOTkzY2M5%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252220b4933b-baad-433c-9c02-70edcc7559c6%2522%252c%2522Oid%2522%253a%252206cb0cca-a2a2-4e46-994f-2f8138d4635a%2522%257d&data=05%7C01%7CMeg.McCarthy%40vermont.gov%7C052d89933cbe4c1bd3d808dbe6b54221%7C20b4933bbaad433c9c0270edcc7559c6%7C1%7C0%7C638357438387242810%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojI2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C&sdata=dUrUPjt%2BBq0Sp55sgNHXj4d0XhjSkR0Un5ddNNXNaZo%3D&reserved=0

Meeting ID: 215 824 441 150

Passcode: HDfpAK

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