

August 2023

Town health officers may issue health orders pursuant to 18 V.S.A. § 126 to correct any violation of the [Rental Housing Health Code](#). Health orders should be directed towards the person causing the violation and should require that person to correct the violation, e.g. turn the water back on, repair the heating system. Health orders may not instruct tenants or property owners to vacate a property or stop living in a property. Emergency health orders issued pursuant to 18 V.S.A. § 127 must be reserved for imminent and substantial public health risks and public health hazards.

If you feel that there are violations of the [Rental Housing Health Code](#) that are making a rental unit unsafe or unhealthy - such as no functioning heating system in the winter, or no running water or electricity - THOs may connect the tenants with emergency housing resources through the State. Tenants will be able to use your [inspection report](#) to support an application for temporary emergency housing assistance through the Department for Children and Families while the repairs are being made. See <https://dcf.vermont.gov/benefits/crisis-housing> .

With respect to condemnations, 24 V.S.A § 2291(27) grants authority to municipal building inspectors, health officers, fire marshals, or zoning administrators to declare a property “condemned to be destroyed” only if the following three items are true:

1. The Governor makes disaster or emergency declaration, **and**
2. The property has been damaged by the disaster or emergency, **and**
3. The property is dangerous to life, health, or safety due to the disaster related damage.

However, pursuant to 20 V.S.A. §11, neither a condemnation order nor a health order can be used to force occupants to vacate their home.

The municipal condemned to be destroyed declaration form is provided by the state and posted online: [https://firesafety.vermont.gov/sites/firesafety/files/files/forms/dfs\\_condemnation-inspection-form-r2.pdf](https://firesafety.vermont.gov/sites/firesafety/files/files/forms/dfs_condemnation-inspection-form-r2.pdf). The health department recommends health officers coordinate with building inspectors, fire marshals and other experts if issuing an order using this authority.

Property owners can appeal condemnation orders to the Civil Division of the Superior Court under 18 V.S.A. Chapter 83. Similarly, anyone affected by a health order should be provided with notice of their right to appeal a health order to the Superior Court.

Please work with your selectboard and town attorney when pursuing enforcement actions and if you have legal questions about a particular situation.

