Town Health Officers: Rental Housing Inspections
Town Health Officer Duties in Rental Housing
Town Health Officers (THOs) are the primary enforcers of the Rental Housing Health Code (RHHC)

- The purpose of the RHHC is “to protect the health, safety and well-being of the occupants of rental housing.”
- The code establishes minimum health and habitability standards for all residential rental housing in Vermont.
What is Rental Housing?

- The RHHC applies to all rented dwellings, dwelling units, rooming houses, rooming units and mobile home lots used as a regular residence.
- “Dwelling” means a rented building or structure that is wholly or partly used or intended to be used as a primary residence for living or sleeping by human inhabitants.
  - Includes rented mobile homes and housing provided as a benefit of farm employment
  - Excludes tents or similar structures used for the express purpose of camping,
The THO **must conduct an investigation** if:

- A landlord requests an inspection,
- A tenant requests an inspection, or
- The THO receives information about a potential public health hazard.

After receiving a complaint or request for investigation, the THO should conduct the investigation **as soon as possible**, particularly for complaints of life threatening health or safety issues.
During the investigation, THOs must document findings using the Rental Housing Inspection Report form:

- This is available on the Health Dept. website and in the THO manual.
- This form can be printed and filled in by hand, or completed electronically on a tablet or smartphone.

This form is in a checklist format and walks through all of the requirements of the Rental Housing Health Code.
Documenting RHHC Violations

- When completed, the form serves as a written inspection report, which is required by law at 18 VSA § 603(a)(1)
- The form describes violations of the RHHC observed during the inspection
- Go through the entire form during the inspection, don’t just focus on the subject of the complaint
- If it is a multi-unit building, it’s not necessary to inspect every unit, only the unit from which the complaint originated, and any interior and exterior common areas

Counter surfaces in the bathroom of dwelling units and rooming houses shall be smooth, noncorrosive, nonabsorbent and waterproof covering:

2.7 Are the countertops nonabsorbent?  
- Required Corrective Actions AND Deadline

Floor surfaces in the bathroom of dwelling units and rooming houses shall be smooth, noncorrosive, nonabsorbent and waterproof covering.

2.8 Is the floor made of:
   a. Smooth, nonabsorbent, noncorrosive, non-slip, waterproof covering (e.g., tile)?
   - Required Corrective Actions AND Deadline
   b. Carpeting with a solid, water repellent backing?
   - Required Corrective Actions AND Deadline

All toilets must be working flush toilets. RHHC, § 5.2.1

2.9 Do all toilets flush?
- Required Corrective Actions AND Deadline

Shower/tub and sink/toilet must be separate from habitable rooms. RHHC, § 5.2.1

2.10 Is the shower/tub and sink/toilet separate from habitable rooms?
- Required Corrective Actions AND Deadline

3. SANITATION FACILITIES (II)
   Occupants must have access to public drinking water or good quality private system. RHHC, §§ 5.4.1, 5.4.2

<table>
<thead>
<tr>
<th>Water Supply/Wastewater Disposal</th>
<th>Y</th>
<th>N</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Is there currently a water supply to the unit?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If "No", owner needs to provide temporary water supply to occupants until long-term solution is achieved. Owner must begin working on long-term solution within 24 hours. Required Corrective Actions AND Deadline

Water not running. Landlord must immediately supply potable water and contact plumber within 24 hours to ensure water is back on.
The form provides references to the RHHC for each requirement, but also frames it in an easy-to-understand question form:

- Ex: RHHC Section 5.2.1 requires that “all toilets must be working flush toilets”
- The inspection form asks “Do all toilets flush?”

- The THO answers the question, yes or no, then adds additional details as necessary, such as “2nd floor bathroom toilet does not flush.”

- Violations can also be documented with photos, as appropriate.

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Specifying Corrective Actions and Timelines

- After determining that there is a violation, the THO must specify, in the report, two things:
  - The action required to correct the violation
    - Ex: Property owner must fix toilet so that it flushes.
  - The timeline for correction
    - Ex: Within 24 hours of inspection
    - Ex: By (date)

- The form itself has suggested corrective actions and deadlines for THOs, depending on the severity of the violation
  - Ex: no running water must be corrected immediately, but if a missing window screen, giving the landlord a few weeks to fix the problem may be more appropriate
There are some items in the inspection report form that are enforced by other agencies. If the THO finds a violation of another agency’s code, they should immediately inform that agency of the violation; the form identifies when it’s appropriate to contact another agency. The contact information for the relevant agencies is on page 2 of the inspection report form.

For example, if the THO finds violations of the life or fire safety codes (such as missing smoke or CO detectors), they should reach out to the Dept. of Public Safety’s Division of Fire Safety.
Page 2 of the inspection report provides a box in which the THO can summarize the findings of fact from the inspection.

Summarize what was observed that was a violation of the RHHC. For example:

- The 2nd floor toilet does not flush.
- The paint is peeling on the exterior of the house.
- Dryer does not vent to the exterior.
- Water marks on ceiling suggest moisture intrusion.
Copies of the Inspection Report

- The THO must give a copy of the completed inspection form to the landlord and any tenants affected by the violation(s)
  - Ex: if the violation is in a common area, all tenants must be given a copy of the inspection report
  - Ex: if the violation is only in one unit, then only the tenant in that unit needs to receive a copy
- The report can be given to the landlord and tenant(s) in person, by mail, or by leaving a copy at the affected units
- The inspection report should be given to the landlord and any affected tenants in a timely manner, as soon as possible after the inspection is conducted
- It’s good practice to keep a copy of the report on file in the town offices since it’s a public record.
Notice of Violation

If the violation affects the whole property, the town health officer must post a notice of violation in the common area and provide access to the inspection report for all tenants.

- Ex: if the violation is a structural issue, is in the common area, or on the grounds of the property.
- This NOV form is on the Health Department website and in the THO manual.
As required by Act 188, the inspection report provides notice:

- To the landlord and tenant(s) that the unit affected by the violations may not be rented to a new tenant until the violations are corrected; and

- To tenants that the landlord must have access to the unit to make the corrections.

However, THOs should also inform the tenant(s) and landlord of these requirements during or after the inspection.
Voluntary Compliance

After the inspection has been conducted and the landlord and tenants have received copies of the inspection report, the THO should follow-up to ensure the violations are corrected by the deadlines set in the inspection report.

Follow-up may include:

- Checking with tenants and/or the landlord to ensure that the work has been completed.
- Asking for receipts showing the work has done – for example, a receipt from the plumber.
- Re-inspecting, if necessary.
- Coordinating with other agencies like Dept. of Public Safety, Dept. of Environmental Conservation, Dept. of Health, as necessary.
Enforcement

- If the THO can’t achieve voluntary compliance, then:
  - Act 48, effective July 1, 2019 provides that the THO may impose a civil penalty of up to $200/day for each violation
    - Whether to implement the fine and the procedure for doing so should be agreed upon with the Selectboard and town attorney
    - See 18 V.S.A.603(b)
  - Alternatively, the THO may issue a health order or emergency health order requiring the violations be corrected
    - This should be also coordinated with the Selectboard and town attorney
Several municipalities have incorporated the RHHC into their local ordinances and added additional requirements.

Those municipalities that have their own code enforcement offices follow procedures established by the municipality when conducting rental housing inspections and enforcing health and safety codes.
Act 48: New Reporting Requirements

- The legislature passed a new law, in effect on July 1, 2019.

- The law requires municipalities to submit to the Health Dept. data on rental housing inspections from July 2018 on. These data will help inform a future rental housing inspection system.
  
  - **For municipalities with no code enforcement office**, for rental inspections from 7/1/2019 on, complete this form within 7 days of issuing the inspection report: Tinyurl.com/VTRentallInspection
  
  - **For municipalities that have their own code enforcement programs**, for inspection activities from 7/1/2019 on, submit monthly summaries: Tinyurl.com/VTMonthlyReport

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Life Safety

- Requirements:
  - Working smoke and carbon monoxide detectors
  - At least 2 different, unblocked exits from the building
  - A working fire extinguisher
  - A working egress window in every room – minimum of 20 X 24 inches, a 5 sq. ft opening, not more than 44 inches above the floor

- These are requirements in the fire code, so any violations should be reported to the regional Dept. of Public Safety office
For sanitary food prep, there must be:

- Space to store and prepare food
- A kitchen sink
- Counters and floors made of nonabsorbent materials (tile, concrete, sealed wood, etc.)
In each dwelling unit there must be
- At least 1 bathroom
- A working sink, toilet, and shower or bathtub per every 10 people

- Bathroom must be separate from other habitable space in the unit
- Counters and floors must be made of nonabsorbent materials (tile, concrete, sealed wood)
- Toilets flush and plumbing must be in working condition
Clean, potable water must be supplied at all times.

Private well water must meet VT Dept. of Health Drinking Water Guidance.

- Water at sinks, showers, and bathtubs capable of heating to between 100 and 120°F at the faucet.
- Wastewater/septic system functioning properly.
Drinking Water Testing

- **Kit A** – tests for total coliform bacteria and E. coli (every year)
- **Kit C** – tests for inorganic chemicals (arsenic, uranium, lead) (every five years)
- **Kit RA** – tests for gross alpha radiation (every five years)

To order test kits, call the Vermont Public Health Laboratory directly – contact info is in the THO manual.

For questions about test results or if you are unsure what test kits to order, call the Department of Health, Environmental Health Division.
- Watertight containers with fitted lid of sufficient size must be provided
- Trash, recycling, and food scraps must removed from inside unit at least once a week
- Arrangements must be made for removal* of trash, recycling, and food scraps (pick-up, or taken to local dump site)

*On-site composting is allowed if it does not create a public health hazard
Pest Infestation

- Dwelling must be free from any pest or bedbug that creates a health hazard or other risk to the preservation of public health: cockroaches, fleas, bedbugs, rats and mice

- Who is responsible?
  - The owner is responsible when:
    - The infestation in a dwelling unit is caused by his or her failure to maintain the dwelling, or
    - The infestation exists in two or more of the dwelling units in any dwelling
  - The occupant is responsible when the infestation is caused by his or her failure to maintain the dwelling unit

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Heating

- Heat must be available when outside temperature is less than 55°F.
- Heating system must be able to maintain a minimum of 65°F in all habitable space at without overheating portions of the unit.
- All fuel-fired heating systems must be vented to the outside of the building.
- Heating system must be serviced at least every two years by a qualified technician.
Ventilation

- All habitable rooms must have at least 1 functioning window with a screen.
- Bathrooms must have either a mechanical vent or functioning window.
- Clothes dryers (when provided) must be properly vented to the outside of the building.
Lighting & Electricity

- Each habitable room must have at least two electrical outlets OR one electrical outlet and one permanent light fixture
- All electrical systems must be working
- Unit entrance must have adequate and safe lighting
- Electrical outlets in kitchens and bathrooms must be Ground Fault Circuit Interrupter (GFCI) protected
Structure

- Foundation, floors, walls, doors, windows, ceilings, roof, staircases, chimney and structural elements must be maintained to be weather/water tight, rodent proof, and in good repair.
- There must be no standing water or excessive moisture that may cause mold growth.
- There must be compliance with Vermont Lead Law for pre-1978 units.
The RHHC definition of “dwelling” includes farm labor housing, which includes:

- Housing owned or controlled by the farm employer, whether located on or off the farm premises, and provided for the occupancy of the farm employee and the farm employee's family or household members for no payment other than the farm employee's labor.

- Utility and fuel charges paid by the farm employee does not affect the designation of housing provided as a benefit of farm employment. 9 V.S.A. § 4469(a)(3)
Mobile Home Lots

- Under the RHHC, the owner of a rented mobile home lot is responsible for providing connection to electrical services, water supply and sewage disposal to a location on each lot from which these services can be connected to the mobile home.

- The RHHC does not regulate mobile home parks (3+ mobile homes), as those are covered by regulations at the VT Dept. of Housing & Community Development.
  - However, THO could potentially have a role in investigating issues in a mobile home park if there is a possibility that a public health hazard exists.

- The RHHC also applies if the mobile home itself is rented.
Thank you!

Meg McCarthy
Compliance and Enforcement Advisor

Vermont Department of Health
Division of Environmental Health

http://www.healthvermont.gov/environment/town-health-officer

800-439-8550