

**Article 0807-7: RENTAL HOUSING HEALTH CODE**

**Application:** This Rental Housing Health Code shall apply to all rented dwelling units in the State of Vermont other than lodging facilities licensed by the Department of Health and unless and to the extent that the provisions of any sections are expressly limited.

**Local Health Rules and Regulations:**

These regulations are not intended to limit or otherwise affect the power of a local governmental authority with respect to any matter for which this code makes no provision. Any local governmental authority, which has a housing code at least as effective as this code shall be exempted from this code upon request to the Vermont Board of Health.

**Definitions:** The following terms and words used in these regulations are defined as follows:

**Dwelling Unit:** Means a room or group of rooms within a dwelling, or any dwelling forming a single habitable unit used or intended for use for living, sleeping, cooking, and eating.

**Occupant:** Means tenants and/or every person regularly living and sleeping in a dwelling, dwelling, unit, rooming house or rooming unit.

**Dwelling:** Means a building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

**Habitable Room:** Means every room or enclosed floor space, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet compartments, laundries, pantries, foyers, communicating corridors, closets and storage areas.

**Rooming Unit:** Means the room or group of rooms let to an individual or house hold for use as living and sleeping, but not for cooking or eating purposes.

**Person:** Means every individual, corporation, partnership, government, governmental subdivision or agency, business trust, estate, trust, association, firm, group or any other legal or commercial entity.

**Premises:** Means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and group areas, and facilities held out for the use of tenants and occupants generally or whose use is promised to the tenant and occupant.

Owner: Means any person who alone, jointly or severally with others:

- a. has legal or equitable title to any premises, dwelling, dwelling unit, rooming house or rooming unit; or
- b. has charge, care management or control of any premises, dwelling unit, rooming house or rooming unit; or
- c. is the landlord or lessor of any premises, dwelling, dwelling unit, rooming house or rooming unit.

Rodent Proof: Means construction, installation and maintenance which will prevent the movement of rats to or from a given space or building, or gaining access to food, water or any place where rats can live, nest or seek shelter. It consists of the closing and keeping closed of every opening in foundation, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk grating, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods.

Local Board of Health: Means the Selectmen together with the Health Officer as provided by Title 18, VSA §601 and §604.

Local Health Officer: Means the properly designated and appointed Health Officer or Deputy as authorized and appointed in accordance with Title 18, VSA §601.

Any dwelling unit, rooming unit or dwelling, which is rented, shall comply with the following minimum standards:

Section I: Sanitation Facilities

- A. Toilet Facilities - A flush toilet and sink located in a room separate from the habitable rooms and which affords privacy.
- B. Bathtub or Shower - A bathtub or shower located in a room separate from the habitable rooms and which affords privacy.
- C. Kitchen Sink - A kitchen sink.
- D. Water Supply - Every kitchen sink, lavatory sink and bathtub or shower required by these regulations shall be properly connected with both hot and cold water lines. The hot water line shall be connected with supplied water-heating facilities which are capable of heating sufficient water to permit an adequate amount of water to be drawn at every required kitchen sink, toilet sink and bathtub or shower at a temperature of not less than 120° degrees

Fahrenheit. All water provided shall be free from contamination and shall come from a water supply system, which meets the water quality requirements of the Vermont Department of Health.

- E. Sewage Disposal - All kitchen sinks, toilets, toilet sinks and bathtubs or showers required shall be properly connected to a public sewage system if available, or to a properly operating subsurface disposal system.
- F. Garbage and Rubbish Facilities - Garbage and rubbish, which is placed outside a dwelling unit, shall be stored in a watertight receptacle of metal or other durable materials with a tight-fitting cover. Garbage shall be removed at least once a week.
- G. Standard for Plumbing Systems - All plumbing fixtures, facilities and systems shall be installed and maintained in compliance with applicable State of Vermont Department of Health Plumbing regulations.

Section II: Ventilation, Light and Heating

- A. **Ventilation** - The owner shall provide ventilation to the outdoors as follows:
  - 1. Habitable Rooms - Every habitable room shall have at least one window which can be opened and which faces directly to the out of doors, or equivalent ventilation.
  - 2. Bathrooms - Every bathroom and toilet compartment shall be ventilated by direct access with the external air either by window, airshaft or ventilation fan.
  - 3. Public Hall and Stairways - Each public hall and stairway in every building containing dwelling units or rooming units shall be adequately ventilated.
- B. **Lighting** - The owner shall provide electricity for every dwelling unit, dwelling, rooming house or rooming unit as follows:
  - 1. Habitable Rooms - Every habitable room shall contain at least two duplex wall outlets, or one such duplex outlet and one supplied ceiling-type electric light fixture.
  - 2. Other Rooms - Every other room in a dwelling unit or rooming unit shall contain at least one supplied ceiling or wall-type electric light fixture.
  - 3. Public Halls -
    - a. Every public hall in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture.
    - b. Every public hall and stairway in every two-family dwelling,

dwelling, multi-family dwelling and rooming house shall be provided with sufficient electric light fixtures that will provide illumination, alone or in conjunction with natural lighting of a least 2 foot candles.

4. Standard for Installation and Maintenance - All electrical work shall be done in compliance with the State of Vermont Electrical codes and shall be maintained in safe working condition.

C. **Heating -**

1. Every dwelling unit or rooming unit shall have heating facilities which are capable of safely providing heat to all habitable rooms and bathrooms within its walls to a temperature of at least sixty-five (65°) degrees Fahrenheit when the outside temperature is minus fifteen (15°) degrees Fahrenheit.
2. Prohibited Heating Equipment - No owner or occupant shall install, operate or use a space heater employing a flame that is not properly vented to a chimney or duct leading to the outdoors.
3. Providing of Heat - Every owner who provides heat to occupants of dwelling units or rooming units shall maintain that provided heat at all times to all habitable rooms and bathrooms of the dwelling unit or rooming unit when the outside temperature is less than fifty-five (55°) degrees Fahrenheit.

Section III: Construction, Installation and Maintenance of Structural Elements:

Every owner shall construct, install and maintain every dwelling, dwelling unit, rooming house and rooming unit in a structurally sound manner and in compliance with the following:

- A. Foundation, Exterior Walls and Roofs - Every foundation, exterior wall and exterior roof shall be weather tight and rodent-proof.
- B. Floors, Interior Walls and Ceilings - Every floor, interior wall and ceiling shall be rodent-proof.
- C. Windows and Exterior Doors - Every window, exterior door and basement or cellar door and hatchway shall be weather tight, watertight and rodent-proof.
- D. Stairways and Porches - Every inside and outside stair, porch and floor shall be safe to use and capable of supporting the load that normal use may cause to be placed on it.

- E. Bathroom Floor Surfaces - Every bathroom floor surface shall be constructed so as to be impervious to water and easily cleanable.
- F. Maintenance of Required Equipment and Utilities - Every supplied facility, piece of equipment, or utility, and every chimney and smoke pipe shall be constructed and installed so that it will function safely and effectively.
- G. Lead-based Paint - No lead based paint shall be used in painting the interior or exterior of any dwelling unit after the effective date of 1978.

Section IV: Cooking Equipment

Every piece of cooking equipment shall be constructed, installed, maintained, and, if appropriate, vented, so that it will function safely and effectively.

Section V: Insects and Rodents

- A. The occupant of each dwelling unit shall maintain the unit free from rats and reasonably free from insects, vermin or other pests and shall be responsible for exterminating them, except as provided for in V - B (3).
- B. The owner of a dwelling shall:
  - 1. Maintain free from all rats and reasonably free from insects, vermin or other pests, all shared or public areas used or intended for use by the occupants of more than one dwelling unit or rooming unit and the premises of the dwelling.
  - 2. Be responsible for exterminating insects, rats, vermin or other pests in all shared or public areas used or intended for use by the occupants of more than one dwelling unit or rooming unit and the premises of the dwelling.
  - 3. Be responsible for extermination of any insects, rodents, vermin and other pests in any dwelling unit when infestation in a dwelling unit is caused by his failure to maintain the dwelling or infestation exists in two or more of the dwelling units or rooming units in any dwelling.
- C. The owner of a rooming house shall maintain it and its premises free from rats and reasonably free from all insects, rats, vermin or other pests, and shall be responsible for exterminating them.
- D. Extermination shall be accomplished by eliminating the harborage place of insects, rodents, vermin or other pests, by removing or making inaccessible materials that may serve as their food or breeding ground and by poisoning, spraying, fumigating or trapping.

Section VI: Responsibilities of the Owners

- A. Sanitation - Every Owner shall provide and maintain appropriate receptacles and conveniences for the removal of ashes, rubbish, and other waste incidentals to the occupancy of the dwelling unit and arrange for their removal.
- B. Utilities - No owner shall cause any water, sewer, equipment or utility which is required by this regulation to be removed, shut off or discontinued for any occupied dwelling unit, let by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.
- C. Transfer of Responsibility - a contract effective as between owner and occupant with regard to compliance hereunder shall not relieve any part of the owners' or occupants' direct responsibility under these regulations.

Section VII: Responsibilities of Occupants

- A. Sanitation - Every occupant shall maintain his dwelling unit in such a manner that it does not create a health hazard to his neighbors.
- B. Compliance - No occupant shall cause the dwelling's noncompliance with this code.

Section VIII: Special Provisions

- A. Shared Bathroom Facilities - The occupants of not more than two dwelling units, which are located in the same dwelling may share required bathroom facilities under the following circumstances:
  - 1. Neither of the two dwelling units contains more than two (2) habitable rooms; however, for the purpose of this section, a kitchen with not more than sixty (60) square feet of floor area is not counted as a room; and
  - 2. the habitable room area of each of such dwelling units aggregates not more than three hundred (300) square feet; and
  - 3. the toilet and sink are within a room separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling; and
  - 4. the bathtub or shower is within a room separate from the habitable rooms, which affords privacy and which is accessible to the occupants

of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

B. Rooming House

1. Bathroom Facilities: Every rooming house shall be equipped with at least one (1) toilet, one (1) sink, and one (1) bathtub or shower for each six (6) persons or fraction thereof living within the rooming house, including members of the family of the owner, if they share the use of the facilities. All such facilities shall be properly connected to approved water and sewage systems. Every toilet, sink, and bathtub or shower required by this section shall be located in a room or rooms which:
  - a. afford privacy and are separate from the habitable rooms; and
  - b. are accessible from a common hall without going outside the rooming house; and
  - c. is not more than one story removed from the rooming unit of any occupant intended to share the facilities.
2. When bedding, bed linen or towels are supplied, the owner shall maintain the bedding in a clean and sanitary manner and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

Section IX: Enforcement

- A. General - The local Board of Health and the local Health Officer or their authorized agents or representatives shall be responsible for enforcement of these regulations.
- B. Inspections - The local Board of Health and the local Health Officer or their authorized agents or representatives whenever they are informed or have reason to believe that any provision hereof is being violated shall have the right, at reasonable times, to enter any dwelling for the purpose of determining whether such violation exists.
- C. Orders - If an inspection as provided in Regulation IX (B) of these regulations reveals that a dwelling does not comply with the provision of these regulations, the inspecting party may order the owner or occupant, as appropriate, to comply with the violated provisions of the regulation within a reasonable period of time.
- D. Service - Every order authorized by these regulations shall be in writing. Orders issued under these regulations shall be served on the person

responsible for the violations as follows:

1. By sending him a copy of the order by registered or certified mail, return receipt requested; or
2. by leaving a copy of the order at his last and usual dwelling house or usual place of abode; or
3. personally, delivered by any person authorized to service civil process; or
4. if his last and usual dwelling house or usual place of abode is unknown by posting a copy of the order in a conspicuous place on or about the dwelling or portion thereof affected.

Section X: Penalties

The penalty provision of 18 VSA §609, 610, 611 and the provision of 12 VSA § 4859 shall apply to violations of these regulations.

Section XI: Variance

- A. The local Board of Health may with the approval of the state Commissioner of Health vary the application of any provisions of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided that a similar variance is granted to everyone similarly situated within the town in which the variance is granted. Any variance requested shall be in writing with an opportunity for a hearing before the local Board of Health. Any variance granted by the local Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, and notice of the grant of variances shall be filed with the Vermont State Health Department.
- B. Any variance authorized by this article may be subject to such qualification, revocation, suspension or expiration as the local Board of Health expresses in its grant. A variance authorized may otherwise be qualified, revoked, suspended or terminated, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard before the local Board of Health.