Town Health Officers Duties in Rental Housing Inspections
What is a Town Health Officer and how are they appointed?

- Every selectboard or city council must recommend a THO for appointment by Commissioner of Health
- A THO’s term automatically ends after 3 years
- Towns are encouraged to appoint additional Deputy THOs to share duties; no limit on number
- Together, the THO and selectboard form a Local Board of Health

18 V.S.A. § 604
What does a THO do?

- Conducts inspections on complaints of public health hazards
  - Documents inspections, maintains records, uses forms supplied by VDH, takes photos
- Conducts inspections on rental housing complaints
- Works with property owners toward voluntary compliance
  - Brings in VDH, town officials, and other state and local agencies to resolve issues voluntarily, if possible
- Issues Health Orders & Emergency Health Orders to prevent, remove or destroy public health hazards, as a last resort
What issues do THOs encounter?

- Septic system failures
- Lead paint/EMP and asbestos issues
- Animal control
  - Pest infestations
  - Animal bites
- Drinking and recreational water issues
- Air contaminants
- Solid and hazardous waste issues
- Emergency/disaster condemnation
- Rental housing health issues
How does VDH support THOs?

- Appointment process
- Trainings
- Resources
  - THO Manual
  - Forms
  - Listserv
  - Hotline
  - Referrals
- Technical support
- Sounding board
Where are the resources for THOs?

- Reach the Health Dept.
- Find THOs
- Authority
- Resources

Vermont Department of Health
“Dwelling: means a rented building or structure, excluding tents or similar structures used for the express purpose of camping, that is wholly or partly used or intended to be used as a primary residence for living or sleeping by human inhabitants. This includes rented mobile homes and ‘housing provided as a benefit of farm employment’ as defined in 9 VSA § 4469(a)(3).”

- Vermont Rental Housing Health Code
THOs enforce the Rental Housing Health Code:

- Respond to complaints and inspect rental properties
- Document findings
- Follow up to ensure compliance
- Report regulatory issues to VDH (ex: lead violations)
Rental Housing Health Code (RHHC)

- Sanitation facilities (kitchen and bathrooms)
- Water supply and sewage disposal
- Trash storage and removal
- Pest control
- Heating
- Ventilation
- Lighting and electricity
- Structural elements, mold
Act 188, passed during the last legislative session, has made changes to state law that affect the THO role in rental housing inspections.

Beginning July 1, 2018, the law made some of the Health Department’s recommended practices mandatory, and also added several new requirements.
Rental Housing Investigations

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.
During the investigation, THOs document findings using the Rental Housing Inspection Report form.

- This is available on the Health Dept. website.
- 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 RHHC.
Documenting RHHC Violations

- When completed, the form serves as a written inspection report, which is required by law at 18 VSA § 603(a)(1)
- It describes any violations of the RHHC observed by the THO during the inspection
- The THO must go through the entire form during the inspection, rather than just focusing on the subject of the complaint
The form provides references to the RHHC for each requirement, but also frames it in a 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
- Violations can also be documented with photos, as appropriate.
Specifying Corrective Actions and Timelines

- After determining that there is a violation, the THO must specify, in the inspection report, two things:
  - The action required to correct the violation
  - The timeline for correction
- The form itself has suggested corrective actions and deadlines for THOs, depending on the severity of the violation
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
If the violation affects the whole property, the THO 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 also on the Health Department website.
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 inform the tenant(s) and landlord of these requirements verbally, too, during or after the inspection.
Follow-up and Enforcement

- The THO should follow-up to ensure violations corrected by the deadlines in the inspection report
  - Follow-up may include re-inspecting, asking for proof that compliance has been achieved and/or communicating with the landlord and any affected tenants
- If there isn’t compliance, the THO may impose a fine of up to $100/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)
Health Orders

- Alternatively, the THO, in coordination with the Selectboard, may issue a health order or emergency health order requiring that the violations be corrected.
- THO (and town attorney) draft notice of intent to issue Health Order
  - The notice of intent must be served on the party.
- Hearing in front of Local Board of Health
  - THO and party can present evidence.
  - Local Board of Health decides to issue HO (or not).
- Decision can be appealed to the State Board of Health, and that decision can be appeals to the Vermont Supreme Court.

Vermont Department of Health
Those municipalities that have their own code enforcement offices should follow procedures established by the municipality when conducting rental housing inspections and enforcing health and safety codes.
Thank you!

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