

## **Brandon Rental Housing Code**

### 1.0 TITLE. BRANDON RENTAL HOUSING CODE

2.0 LEGISLATIVE AUTHORITY TO ADOPT. This Code is adopted pursuant to the authority contained in 24 V.S.A. Chapter 59 and Chapter 123.

3.0 PURPOSE AND SCOPE. The Board of Selectmen of the Town of Brandon deems it necessary to establish minimum rental housing standards for the purpose of promoting the public health, safety and welfare, and for the purpose of making rental dwellings and dwelling premises sanitary and fit for human habitation. This Code provides requirements and standards which are intended to eliminate conditions hazardous to life and health in rental dwellings and rental dwelling premises caused by dilapidation, deterioration and disrepair, structural defects, fire hazards, lack of adequate ventilation, light, sanitary, heating and hot water facilities, overcrowding of dwellings, occupancy of unfit dwellings and other conditions and defects which increase the hazards leading to illness and disease. Landlords/owners and tenants/occupants are encouraged to enter into written leases defining their rights and obligations.

4.0 OTHER REGULATIONS. This is a minimum local code. It does not preclude the necessity to comply with regulations of the Vermont Department of Labor & Industry, the most current edition of Vermont State Fire Prevention & Building Code & Electrical Safety Rules, the VT Department of Health Regulations or any other applicable local, State or Federal Laws or Regulations. It is the applicant's responsibility to ensure compliance with the State Codes and Regulations.

### 5.0 AVAILABILITY.

5.1 The provisions of this Code shall apply to all public buildings (defined by Title 21 VSA § 251 (a)) arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature. This includes but is not limited to:

1. Non-owner occupied dwelling facilities
1. Owner-occupied housing facilities wherein two or more rooms are rented

5.2 The provisions of this Code shall not apply to:

- a. Single family owner occupied dwellings
- b. Hotels, motels, rooming houses or dwelling units used for temporary or transient housing which are licensed and regulated by the State of Vermont
- c. Group homes and institutions owned and operated by the State of Vermont or federal government
- d. Nursing homes and/or health care facilities licensed and inspected by the State of Vermont or federal government

### 6.0 DEFINITIONS.

#### 6.01 Apartment Building

- a. Any building containing three or more living units with separate bathroom and cooking facilities.
- b. Any building in which three or more separate sleeping rooms are rented on a permanent basis with or without meals.

6.02 Approved – Determined by the enforcing officer to comply with the provisions of this Code.

6.03 Board – The group of people established or designated as the housing board of review.

6.04 Dwelling – Any building or structure or part thereof, including hotels and rooming houses, that is used, occupied, or intended to be used or occupied for human habitation as a permanent residence, and includes dwelling premises, appurtenances and facilities belonging to the dwelling or usually enjoyed therein.

6.05 Dwelling Unit – 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 or eating.

6.06 Enforcing Officer – The Ordinance and Code Enforcement Officer of the Town of Brandon or any acting, assistant or deputy Ordinance and Code Enforcement Officer.

6.07 Exit – A way out of a place.

6.08 Garbage

1. Rubbish or,

2. Animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

6.09 Gross Floor Area – Total area of all habitable space in a building or structure based on interior dimensions.

6.10 Habitable Room – 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.

6.11 Infestation – Presence, within or contiguous to dwelling, dwelling unit, rooming unit, or premises, of insects, rodents, vermin, or other pests.

6.12 Means of Egress – A continuous and unobstructed way of exit travel from any point in a building or structure to a public way, consisting of three separate and distinct parts: (a) the exit access, (b) the exit, and (c) the exit discharge.

6.13 Means of Escape – A way out of a building or structure that does not conform to the strict definition of means of egress but does provide an alternate exit to the outdoors.

6.14 Mobile Home – A dwelling structure of vehicular, portable design built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation.

6.15 Multi-Family Dwelling – Any dwelling or part thereof containing three or more dwelling units.

6.16 Occupant – Tenants and/or every person regularly living or sleeping in a dwelling, dwelling unit, rooming house or rooming unit.

6.17 Opened Area – That part of a window or door which is available for unobstructed ventilation and/or egress which opens directly to the outdoors.

6.18 Owner – Any person who alone, jointly or severally with others has legal or equitable title to any premises, dwelling, or dwelling unit, rooming house or rooming unit.

6.19 Person – Every individual, corporation, partnership, government, governmental subdivision or agency, business trust, estate, trust, association, firm, group or any other legal or commercial entity.

6.20 Plumbing or Plumbing Fixtures – Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, or other similar equipment, drains, vents, or similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

6.21 Premises – The dwelling unit, the structure of which it is a part, facilities and appurtenances therein, the land and any auxiliary buildings thereon used or intended to be used in connection with the dwelling.

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

6.23 Rooming House – A building consisting of individual rooming units, a common kitchen and bath facilities.

6.24 Rooming Unit – The room or group of rooms let to an individual or household for use as living and sleeping but not for cooking or eating purposes.

6.25 Rubbish – Combustible and non-combustible waste materials including trash and garbage. The term shall include but not be limited to residue from burning wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials, including appliances, as well as junk motor vehicles as defined in 24 V.S.A. Section 2441(6).

6.26 Single-Family Dwelling – Any dwelling containing one dwelling unit.

6.27 Supplied – Installed, furnished, or provided by the owner or operator.

6.28 Tenant – see occupant.

6.29 Trash – see rubbish.

6.30 Two-Family Dwelling – Any dwelling containing two dwelling units.

6.31 Ventilation – Process of supplying and removing air by natural or mechanical means to or from any space.

a. Mechanical: Ventilation by power driven devices.

1. Natural: Ventilation by opening to outer air through windows, sky lights, doors, louvers, stacks or other openings, without wind-driven devices.

6.32 Yard – An open, unoccupied space on the same lot with a building.

7.0 REQUIRED SANITATION FACILITIES. All dwellings and dwelling units shall comply with the following minimum standards and contain within the unit:

7.1 Toilet Facilities – A flush toilet and sink located in a room which is separate from the habitable rooms and which affords privacy.

7.2 Bathtub or Shower – A bathtub or shower located in a room which is separate from the habitable rooms and which affords privacy.

7.3 Kitchen Sink – A kitchen sink.

7.4 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, lavatory sink and bathtub or shower at a temperature of not less than 120 degrees F. 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.

7.5 Wastewater Disposal – All kitchen sinks, toilets, lavatory sinks, and bathtubs or showers, shall be in good condition and repair and properly connected to a public sewage system if available, or to a properly operating and approved subsurface disposal system. Any operable clothes/dish washing machines shall be properly connected to a public sewage system or properly operating and authorized subsurface disposal system.

7.6 Garbage and Rubbish Facilities – Garbage and rubbish which are placed outside a dwelling unit shall be stored in a commercial dumpster or receptacles of durable materials with tight-fitting covers. Garbage shall be removed at least once a week.

7.7 Rooming Houses -

1. Bathroom Facilities – Every rooming house shall be equipped with at least one toilet, one sink and one bathtub or shower for each four persons or fraction thereof living within the rooming house, including the owner and members of his/her family, if they share the use of the facilities. All such facilities shall be properly connected to approved water and sewage systems.

1. Every toilet, sink, and bathtub or shower required by this section shall be located in a room or rooms which:

1. Afford privacy and are separate from the habitable rooms; and

2. Are accessible from a common hall without going outside the rooming house; and

3. Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

1. 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.

8.0 VENTILATION, LIGHT AND HEATING.

8.1 Ventilation – The owner shall provide ventilation to the outdoors as follows:

- a. 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.
- b. Bathrooms – Every bathroom and toilet compartment shall be ventilated by direct access to outside air either by window, air shaft or ventilation fan.
- c. Public Halls and Stairways – Each public or common hall and stairway in every building containing dwelling units or rooming units shall be adequately ventilated.

8.2 Electrical Lighting and Wiring – The owner shall provide electricity for every dwelling unit, dwelling, rooming house or rooming unit as follows:

- a. All electrical wiring shall be installed and maintained in a safe working manner and condition.
- b. All existing electrical wiring shall conform to NFPA 73 and any amendments or superseding code.
- c. Any new installation must be performed by a licensed master or journeyman electrician and shall conform to NFPA 70 and any amendments or superseding code.
- d. All receptacles that serve the kitchen counter top, the bathroom receptacles, all outdoor outlets, and all receptacles in an unfinished basement must be GFCI protected.
- e. Habitable Rooms – Every habitable room shall contain a minimum of two duplex outlets not located on the same wall.
- f. Halls and stairways – Every hall and stairway shall be adequately lighted.
- g. Entrances and Exits – Every entrance and exit shall have adequate interior and exterior lighting.

8.3 Heating -

- a. 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 65 degrees F. when the outside temperature is minus 15 degrees F.
- b. 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.
- c. Providing of Heat – Every owner who provides heat to occupants of dwelling units or rooming units shall maintain the provided heat to a temperature of at least 65 degrees F at all times to all habitable rooms and bathrooms of the dwelling unit or rooming unit when the outside temperature is less than 55 degrees F.

8.4 Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances All chimneys, fireplaces, vents and solid fuel burning appliance shall be installed and maintained in accordance with NFPA 211 and any amendments or superseding code. An annual professional inspection shall be performed to ensure the safe and effective use of chimneys, fireplaces, vents and solid fuel burning appliances.

8.5 No stove, combustion heater or solid fuel burning appliance shall be so located as to block or hinder escape in case of fire arising from the malfunctioning of the stove, heater or appliance.

## 9.0 CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

All rental units shall be constructed, installed and maintained in a structurally sound and safe working condition, and in such a manner so as not to present any significant health risk.

9.01 Foundations – Every foundation shall be weather tight, and rodent-proof. Foundation elements shall adequately support the building at all points.

9.02 Exterior Walls – Every exterior wall shall be weather tight, watertight, and rodent-proof and shall be free from holes, breaks and loose or rotting boards or timbers.

9.03 Roofs – Every exterior roof shall be weather tight, watertight, and rodent-proof.

9.04 Windows and Exterior Doors – Every window, exterior door and basement or cellar door or hatchway shall be weather tight, watertight and rodent-proof. Every window that requires opening shall be maintained in an operable condition.

9.05 Windows – Opened Area – Every window considered a means of escape or ventilation shall be capable of being easily opened and held in position by positive means.

9.06 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.

9.07 Accessory Structures – Accessory structures, including detached garages, shall be maintained in structurally sound condition and good repair.

9.08 Sanitation – All areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage, mold and mildew.

9.09 Grading and Drainage – All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.

9.10 Insect Screens – From May 1 through October 1 of each year, every window or opening used for ventilation purposes shall be supplied with a screen affording protection against the entry of insects; and every swinging screen door shall have a self closing device in good working order.

9.11 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.

9.12 Lead-Based Paint – No lead-based paint shall be used in painting the exterior or interior of any dwelling unit in accordance with current State of Vermont Health regulations.

9.13 Floors, Walls and Ceilings – Every floor, wall and ceiling shall be rodent-proof.

9.14 Bathroom Floor Surface – Every bathroom floor surface shall be constructed so as to be easily cleanable.

9.15 Kitchen Equipment – Ranges, refrigerators, garbage disposals, etc., shall be constructed, installed, maintained, and, if appropriate, vented, so that it will function safely and effectively.

9.16 Free from Dampness – In every dwelling, cellars, basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

#### 10.0 INSECTS AND RODENTS.

10.1 The occupant of each dwelling unit shall maintain the unit free from rodents and reasonably free from insects, vermin or other pests and shall be responsible for exterminating them.

10.2 The owner of a dwelling shall:

a. Be responsible for exterminating insects, rodents, 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;

1. 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.

10.3 The owner of a rooming house shall maintain it and its premises free from rodents and reasonably free from all insects, vermin or other pests, and shall be responsible for exterminating them.

10.4 Extermination shall be accomplished by eliminating the harboring 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; all on a regularly scheduled basis designed to keep the dwelling or unit free from all rodents and reasonable free from other infestations. All extermination processes shall be done with twenty-four (24) hour notice to occupants and in accordance with manufacturers instructions and applicable Vermont Health Department Regulations.

#### 11.0 GARBAGE AND RUBBISH DISPOSAL.

11.1 Single-Family and Two-Family Units – The occupant of each single-family and two-family dwelling unit shall provide adequate storage receptacles made of durable materials with tight-fitting covers for garbage and rubbish. The occupant shall dispose of garbage and rubbish a minimum of once each week and shall maintain the receptacles in a clean and sanitary condition.

11.2 Multi-Family Units – The owner of a multi-family dwelling unit or of a parcel of land containing three or more rental mobile home units shall provide adequate storage receptacles made of durable materials with tight-fitting covers for garbage and rubbish for each rental unit, or a conveniently located receptacle or commercial dumpster adequate for use by all the rental units. The owner shall assure that arrangements are made to dispose of garbage and rubbish a minimum of once each week, and to maintain the receptacles in a clean and sanitary condition. The occupants shall not dispose of garbage or rubbish outside the dwelling unit except in a commercial dumpster or receptacle made of durable material.

11.3 The owner and occupants of all dwelling units shall comply with any recycling ordinance adopted by the Town of Brandon.

11.4 Occupants shall not store accumulated garbage or rubbish within any rental dwelling.

12.0 FIRE SAFETY REQUIREMENTS. All rental dwelling units and rooming houses shall comply with the following minimum standards:

12.1 STATE FIRE PREVENTION AND BUILDING CODE – Each rental dwelling unit shall be constructed, installed and maintained in a fire safe manner and condition, in accordance with the current Vermont State Fire Prevention and Building Code

12.2 At least one approved smoke detector, per floor, continuously powered by the house electric service with battery backup, shall be installed in an approved manner in every dwelling unit. When activated, the detector shall initiate an alarm which is audible in the sleeping rooms of that unit.

a.) Hardwire/battery backup Carbon Monoxide detectors are required in all dwelling units, lodging or rooming occupancies. The CO detectors are to be installed and maintained in accordance with NFPA 720, 2005 edition.

12.3 At least one operational fire extinguisher with a minimum rating of 1A-10BC shall be located in the path of an exit in each dwelling unit.

12.4 In any dwelling unit of more than two rooms, every bedroom and living room area shall have at least two means of escape; at least one of which shall be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level. No bedroom or living room area shall be accessible by only a ladder or folding stairs, or through a trap door.

12.5 The second means of escape shall be either:

1. A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape.

b. An outside window or door operable from the inside without the use of tools and providing a clear opening of not less than 20 inches (50.8 cm) in width, 24 inches (61 cm) in height, and 5.7 square foot (.53 sq. m) in area. The bottom of the opening shall not be more than 44 inches (112 cm) off the floor. Such means of escape shall be acceptable if:

1. The window is within 20 feet (6.1 m) of grade, or

1. The window is directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction, or

2. The window or door opens onto an exterior balcony.

Exception # 1: A second means of escape or alternate protection is not required if the dwelling unit is protected by an approved automatic sprinkler system.

Exception #2: Mobile homes are exempt from 13.5(b) provided each bedroom has one door which is within five (5) feet from an unobstructed exterior door.

12.6 No required path of travel from any room to the outside shall be through another room or apartment not under the immediate control of the occupant of the first room or through a bathroom or other space subject to locking. All required paths of travel shall be unobstructed.

12.7 The second means of escape must be approved by the enforcing officer.

### 13.0 APARTMENT BUILDINGS.

13.1 In multiple dwelling units, a smoke detector shall be installed in an approved manner in any common hallway(s) and at the top of any stair well(s). The detector(s) shall be continuously powered by the house electric service with battery backup.

13.2 Every dwelling unit shall have access to at least two separate exits.

Exceptions: A dwelling unit may have a single means of egress if it has:

- a. An exit directly to the street or yard at ground level;
- b. An exit by way of an outside stairway; or
- c. An enclosed stairway with a fire resistance rating of one hour or more including doors leading to an exit at ground level.

13.3 Exit signs shall be used where the exit or way of exit is not immediately visible to the occupants.

### 14.0 DWELLING UNITS IN COMMERCIAL BUILDINGS.

14.1 In addition to the applicable provisions of this Code, every commercial building with living quarters shall have installed within the commercial area an approved fire warning device capable of being heard in the dwelling units over the normal noise level.

### 15.0 OCCUPANCY REQUIREMENTS.

15.1 Required Space in Dwelling Units – Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for each occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

15.2 Required Space in Sleeping Rooms – In every dwelling unit, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof with a maximum of two occupants per bedroom.

15.3 Calculation of Floor Area – In calculating the floor area of rooms for purposes of 15.1 and 15.2, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

15.4 Minimum Ceiling Heights – Habitable rooms shall have a clear ceiling height of not less than seven feet; except that in attics or top half-stories, the ceiling height shall not be less than seven feet in not less than one-third of the total floor area when used for sleeping, study, or similar activity.

### 16.0 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

16.1 General – It shall be the responsibility of the owner to bring any dwelling unit into compliance with this Code before renting it to any occupant. No unit may be rented to a tenant unless it complies with this Code. It shall be the responsibility of the owner to maintain all common or shared areas used or intended to be used by occupants in compliance with this Code. It shall also be the responsibility of the owner to maintain all dwelling units in compliance with this Code.

16.2 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/her except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies. Except in emergencies, reasonable advance notice of interruptions shall be given to occupants.

16.3 Occupant – No occupant shall use or occupy any dwelling unit in such a way as to cause non-compliance with this Code. Every occupant shall maintain their dwelling unit in such a manner that it does not create a health hazard for the occupants or their neighbors.

16.4 Transfer of Responsibilities – The owner’s responsibility may not be delegated.

#### 17.0 ADMINISTRATION AND ENFORCEMENT.

17.01 This Code shall be enforced by the Code Enforcement Officer for the Town of Brandon, sometimes herein called the “Enforcing Officer.”

17.02 An enforcing officer and deputy enforcing officer shall be appointed by the Selectmen of the Town of Brandon and shall be adequately compensated by the Town of Brandon. The deputy shall have the same responsibilities as the enforcing officer. In the event that the enforcing officer’s position becomes vacant, the Town Manager shall immediately notify the Selectmen.

17.03 Any order by the enforcing officer provided for in this Code shall be recorded in the office in which a deed of the property would be recorded as provided by law; and the order shall thereby be effective against any purchaser, mortgagee, attaching creditor, lien holder, or other person whose claim or interest in the property arises subsequent to the recording of the order. The recording fee shall be paid by the owner of the property which is the subject of the order.

17.04 Upon compliance with an order issued under this Code, the enforcing officer shall issue a cancellation of the order in writing, to be recorded in the same manner as the order. The recording fee shall be paid by the owner.

17.05 The enforcing officer may enter, examine, and survey all dwellings and dwelling premises at any reasonable time between the hours of 8:00 a.m. and 5:00 p.m. The inspection shall be made so as to cause the least amount of inconvenience to the owner or occupant, consistent with the efficient performance of the duties of the enforcing officer, except that the enforcing officer may be authorized to enter, examine, and survey all dwellings and dwelling premises at any time when an emergency exists which tends to create an immediate danger to public health or safety.

17.06 If entry for inspection is resisted or refused, a search warrant for entry may be issued by a district or superior judge upon presentation of affidavits establishing probable cause. Standards for determining probable cause may be the passage of time between inspections, the nature of the dwelling, the condition of the area, or the need to determine if there has been compliance with a repair order previously issued, but need not necessarily depend upon specific knowledge of the condition of the particular dwelling.

17.07 The enforcing officer may issue a notice of violation and order the repair, alteration, or improvement of a dwelling or dwelling premises. Such notice shall be directed to the owner or other person responsible therefor under the Code.

17.08 Premises Unfit for Human Habitation – The enforcing officer may declare any dwelling or dwelling premises unfit for human habitation if he/she finds that conditions exist in the dwelling which are a serious hazard or immediate peril to the health, safety, or welfare of the occupants thereof, the occupants of neighboring dwellings or the general public.

17.09 Whenever any dwellings or dwelling premises are found by the enforcing officer to be unfit for human habitation because of defects which constitute a serious hazard or immediate peril to the health, safety, or welfare of the occupants of the dwelling or the public, the enforcing officer may:

- a. Order the dwelling or dwelling premises to be vacated and secured until such time as he/she determines that the dwelling is again fit for human habitation.
- b. Order the repair, alteration, or improvement of the dwelling or dwelling premises except that the owner shall have the right to vacate and secure the dwelling or dwelling premises within seven days after receipt of the order by the owner or the owner's agent.
- c. Initiate demolition proceedings pursuant to 24 V.S.A. Sections 3113, 3114, 3115 and 3116 and any amendments or superseding code.

1. File a formal complaint with the VT Department of Labor & Industry or other State agency having jurisdiction over the hazardous situation.

17.10 The owner of any dwelling which has been found by the enforcing officer to be unfit for human habitation in accordance with Section 17.09 above [ and 24 V.S.A. Section 5003(c)(11) and any amendments or superseding code] shall not sell, transfer, mortgage, lease or otherwise dispose of such dwelling until the owner has furnished the intended grantee, mortgagee or lessee a true copy of the order and has notified the enforcing officer in writing of his/her intent to sell, transfer, mortgage, lease or otherwise dispose of the dwelling, or until the enforcing officer has found that the conditions causing the dwelling to be unfit for human habitation have been corrected. A transferee, mortgagee or lessee who has received actual notice or constructive notice shall be bound by the order on the date of the transfer, mortgage or lease without service of further notice upon him/her by the enforcing officer.

17.11 If any person is displaced from a dwelling due to any action taken under Section 17.07 – 17.09 hereof, the enforcing officer shall provide such relocation assistance as is reasonably available to the enforcing officer. The Town shall not be responsible for providing relocation assistance to any person(s) displaced by the actions of an agency of the State of Vermont acting under 17.09 d.

17.12 The enforcing officer may adopt policies and procedures to consistently and uniformly enforce the provisions of this Code.

17.13 Content of Orders – All orders of the enforcing officer shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
  1. Specify the violation(s) which exist(s) and the remedial action required;
- d. Allow specified periods of time not to exceed 30 days for the performance of each action required;
  1. Specify the amount of any applicable fine under Section 21, PENALTIES;

f. Explain the appeal process.

17.14 Service – Orders issued under this code shall be served on the persons responsible for the violations as follows:

- a. By sending him/her a copy of the order by registered or certified mail, return receipt requested; or
- b. By leaving a copy of the order at his/her last and usual dwelling house or usual place of abode; or
- c. Personally, delivered by any person authorized to serve civil process; or
- d. If his/her 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.

#### 18.0 CERTIFICATES OF OCCUPANCY.

18.1 Prior to occupancy by a tenant of any rental dwelling unit, the owner of the building shall notify the enforcing officer in writing and apply for a Certificate of Occupancy. The enforcing officer shall then within seven days inspect the unit and issue such Certificate if he/she finds compliance with the provisions of this Code.

18.2 A new Certificate of Occupancy is required after a unit is vacated and prior to the occupancy by another tenant. A copy of the Certificate signed by the owner or agent, tenant, and enforcing officer shall be provided to all parties.

18.3 The enforcing officer may, in his/her sole discretion, if requested by the owner, allow a tenant to occupy a dwelling unit for no more than seven (7) days without a Certificate of Occupancy only on the following conditions:

1. The unit has a current Statement of Compliance, and
2. The unit had a Certificate of Occupancy for the prior tenant, and
3. There are no known violations of this housing code.

#### 19.0 STATEMENT OF COMPLIANCE.

19.1 Annually, during the month of January, and without further notice or demand, each rental dwelling unit owner shall submit to the enforcing officer a Statement of Compliance on a form to be made available by the enforcing officer. The Statement of Compliance shall contain the following information:

- a. The address of the rental property;
- b. The name, address and phone # of the current owner(s);
- c. The name of tenant, date and number of current C.O.
- d. Other information as deemed necessary by the enforcing officer to determine that the requirements of this Code are currently being met.

19.2 The owner shall submit one form for each dwelling unit which is not owner occupied whether or not that unit is currently vacant. The Statement shall be signed by the owner or his agent certifying that the information submitted is correct.

19.3 The appropriate fee as established by the Town of Brandon Select Board shall accompany each Statement of Compliance form for each unit.

## 20.0 HOUSING BOARD OF REVIEW AND APPEALS.

20.1 There is hereby established a housing board of review consisting of five members who shall be appointed by the Selectmen of the Town of Brandon. The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be open to the public.

20.2 The housing board of review shall be governed by the following procedure:

1. The board shall keep minutes of its proceedings, showing the vote upon each question, and shall keep records of its decisions and findings and the reasons therefore, and of its examinations and other official actions, all of which shall be filed in the office of the Town and shall be a public record;

1. Any person aggrieved by an order issued by the enforcing officer may appeal to the board. The appeal shall be taken within seven days from the date of the order appealed. The appeal shall be in writing and shall specify the grounds therefore and the relief requested. The board shall immediately send a copy of the appeal to the enforcing officer who shall forthwith send to the board all evidence constituting the record upon which the order was based;

c. An appeal to the board shall stay the effectiveness of the order appealed from unless the enforcing officer certifies to the board after notice of the appeal has been sent to him, that, by reason of facts stated in the certificate, a stay would cause a serious hazard or imminent peril to the health or safety of the occupants of a dwelling or of the public. Upon consideration of such certificate, the board may give written notice to the appealing party specifying that the order shall be effective pending a hearing on the merits of the appeal in which case the effectiveness of the order shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction or application therefor and upon notice to the enforcing officer and on due cause shown;

d. The board shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the party making the appeal and the enforcing officer and decide it within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

20.3 The housing board of review shall have the following powers:

a. The housing board of review may hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an enforcing officer in the enforcement of this Code;

b. Where, by reason of an extraordinary and exceptional condition or situation unique to the property involved, the strict application of this Code would result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the person to whom an order has been issued, the housing board of review may vary from the strict application to the least extent necessary to relieve the difficulties, or hardship if the relief may be granted without substantial detriment to public health, safety, morals, and general welfare and without substantial impairment of the intent and purpose of this Code;

c. In exercising its powers, the board may in conformity with applicable law, reverse or affirm wholly or partly, or may modify any order, requirement, decision or determination of the enforcing officer and may

make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the enforcing officer from whom the appeal was taken;

d. In order to hear an appeal, a majority of the board must be present. A concurring vote of a majority of the members of the board present at the hearing shall be necessary to reverse or modify any order or decision of the enforcing officer and to authorize a variance or modification in the application of any ordinance or regulation adopted under this chapter. When a tie vote occurs, the order of the enforcing officer shall be considered to be sustained. Except as provided in 24 V.S.A. Section 5006(b), the findings of the board shall be conclusive with respect to questions of fact and may be reviewed only as to questions of law.

1. Any person, including the enforcing officer, aggrieved by any decision of the Board, may appeal to the Superior Court under 24 VSA § 5006 within the 30 day time limit and in accordance with the procedure stated in VRCP 75. The appeal shall not stay proceedings upon the decision appealed from, but the court may on application, upon notice to the Board and on due cause shown, grant a restraining order.

2. An unappealed decision of the enforcing officer or Housing Board of Review shall be a Final Order enforceable under Section 22. A Final Order of the Rutland Superior Court shall be enforceable under Section 22.

#### 21.0 PENALTIES.

21.1 Any person violating any provision of this Code shall be subject to a fine in an amount not to exceed \$200.00 for each such violation. Each day's failure to comply with any such provision shall constitute a separate violation. The enforcing officer may maintain a written schedule of fines.

#### 22.0 PROSECUTION.

22.1 If the enforcing officer finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the attorney of the municipality who shall bring suit in the name of the municipality to enforce such order. Such suit shall be brought in the Rutland Superior Court; and at the request of either party, the court shall advance the case so that it may be heard and determined with as little delay as possible. The court may issue a temporary injunction or order in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's

fees incurred by the plaintiff or so much thereof as the court finds reasonable. This remedy is cumulative and is in addition to any other enforcement remedy now or hereafter available to the Town.

22.2 This Code is hereby designated a Civil Ordinance in accordance with Title 24 VSA § 1971(b).

#### 23.0 VALIDITY.

23.1 Severability – If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect; and to this end the provisions of this Code are hereby declared to be severable.

23.2 Savings Clause – This Code shall not affect violations of any other ordinance, code or regulation of the Town of Brandon existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time such violation was committed.

23.3 The adoption of this housing code shall not create a private cause of action by a person injured as a result of the Town's enforcement or failure to enforce this housing code.

Note: In addition to this Code, the codes and regulation stated in Section 4.0 or other regulations or laws may apply to rental housing.