

**Chapter 7 -- MINIMUM HOUSING STANDARDS**

(Entire Chapter amended Ord. No. 1965-8, 11/16/65; 2002-04, 1/08/03; 2003-02, 9/16/03; 2005-01, 8/18/05; 2007-01, 8/03/07; 2013-06, 12/17/13)

**ARTICLE I. GENERAL PROVISIONS****Sec. 7-1. Authority.**

- (a) The City Council has enacted this Ordinance under the authority granted to the City through its Charter (Section 501) and under the authority granted to all Vermont municipalities under Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 123, and 9 V.S.A. Chapter 77, to regulate Municipal Housing Codes.

**Sec. 7-2. Purpose.**

- (a) The purpose of this Ordinance is to protect, preserve and promote the health, safety, and welfare of all citizens of the City of Barre through establishment of enforceable minimum rental housing standards. The intent of this Ordinance is to establish a set of minimum standards and an inspection process that will ensure that rental units throughout the City meet the standards outlined. Additionally this Ordinance establishes a complaint process that is equitable to both the landlord and tenant alike.

**Sec. 7-3. Fire Code Adopted.**

- (a) The City hereby adopts the most recent edition of the Vermont Building & Safety Code, as adopted by the VT Department of Safety, for the purposes of establishing rules and regulations as the minimum fire safety requirements for all rental units.

**Sec. 7-4. Severability.**

- (a) If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

**Sec. 7-5. Effective Date of Ordinance.**

- (a) Amendments to this Ordinance shall be effective twenty (20) calendar days after the adoption (by majority vote of City Council) and shall remain in effect until repealed or amended in accordance with the Barre City Charter (Sec. 107 and 108).

**Sec. 7-6. Designation of Effect.**

- (a) This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 123.

**ARTICLE II. DEFINITIONS****Sec. 7-7. Definitions.**

- (a) For the purposes of this chapter, definitions of the terms, phrases, words and their derivations shall be as defined in Chapter 1, Section 1-2 of the Code of Ordinances, the City of Barre, Vermont. Otherwise, the following listed words shall have the meanings indicated:

**OWNER OCCUPIED:** A property in which the owner has established primary residency.

**DWELLING UNIT:** A building or a part of a building that is used as a home, residence, or sleeping area by one or more persons.

**RENT:** All considerations to be made to or for the benefit of the owner under the rental agreement, not including security deposits.

**RENTAL AGREEMENT:** All agreements, written or oral, embodying terms and conditions concerning the use and occupancy of a dwelling unit or premises.

**RENTAL UNIT:** A dwelling unit that is not owner occupied, and is occupied for longer than thirty (30) consecutive days; including but not limited to occupancies at hotels, motels, homeless shelters and other accommodations.

**TENANT:** Any person entitled under a rental agreement to occupy a residential dwelling unit to the exclusion of others, or any persons occupying a rental unit as a permanent residence.

### **ARTICLE III. ADMINISTRATION, APPEALS & ENFORCEMENT**

#### **Sec. 7-8. Duties and Powers of the Chief Inspector**

- (a) The Barre City Manager shall appoint the Fire Chief as the Chief Inspector who shall hereby be authorized and directed to administer and enforce the provisions of the adopted codes. The Chief Inspector shall have the authority to render interpretations of the codes. Such interpretations, policies and procedures shall be in compliance with the intent of the adopted codes and 24 V.S.A. Chapter 123;
- (b) The Chief Inspector may delegate this authority to any trained inspector.

#### **Sec. 7-9. Duties and Powers of the Division**

- (a) The Barre City Fire Department Inspection/Code Enforcement Division (Division) shall be responsible for the administration of this Ordinance;
- (b) The Division may enter, examine and survey all rental units that are subject to routine and emergency inspections of this Ordinance in accordance with Section 7-18.

#### **Sec. 7-10. Written Documentation and Issued Orders.**

- (a) Where an inspection indicates that a violation of this Ordinance exists, the Division shall issue written documentation notifying the party responsible of the existence of the violation(s) and the measure(s) required to correct or eliminate it. At the direction of the Division, the documentation may require the violations to be corrected, or significant action taken to begin corrections, within a defined number of business days or require that the premises be vacated and secured until the rental unit meets the standards of this

chapter. The written documentation shall be based on a finding that the premises are a danger to the health, welfare or safety of the tenants of the general public and a violation of the Minimum Housing Standards. Written documentation may further direct:

- (1) That the rental unit be repaired so that they meet the standards of this chapter;
  - (2) That the rental unit is unfit or unsafe for human habitation because it constitutes a serious danger to the health, welfare and safety of the tenants or the general public, and the rental unit be vacated and secured until the unit is repaired so that it meets the standards of this chapter;
  - (3) That the rental unit is unfit for human habitation because it constitutes a danger to the health, welfare, or safety of the tenants or the general public, and that the rental unit be demolished pursuant to the provision of § VSA 24-3114.
- (b) When the responsible party has failed to take corrective action of any written documentation, an Order may be issued by the Division.
- (1) The written Order shall state:
    - (i) That a violation exists;
    - (ii) The measure(s) required to correct or eliminate the violation(s);
    - (iii) A compliance date for which such violation(s) shall be corrected;
    - (iv) Appeal rights;
    - (v) Penalties for non-compliance.
- (c) When the Division investigates and issues an Order, such Order shall be sent to the owner, and if applicable, the tenant of the rental unit;
- (d) Orders shall be sent by one or more of the following means:
- Email; and
  - United States Postal Service (USPS) Certified Mail Return Receipt Requested; or
  - USPS normal delivery; or
  - Hand Delivery.

- (e) If an Order cannot be delivered by the means listed above in Sec. 7-10(d), the Order shall be posted in a conspicuous place on the dwelling or in the building in which the rental unit is located;
- (f) Orders become effective immediately unless mailed via USPS. If mailed, the Order will take effect three (3) business days from the date the Order is issued;
- (g) An Order shall be recorded in the municipal land records, 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;
- (h) When an Order is cured and any related assessed penalties are paid, the Division shall record an Order removal or cancellation in the municipal land records.

**Sec. 7-11. Appeals.**

- (a) Written notice of appeal shall be submitted to the Chief Inspector within ten (10) business days of the date of the Order(s);
- (b) The Chief Inspector shall review the appeal and all related documentation and make a written determination within twenty (20) business days of receipt of an appeal;
- (c) The aggrieved party may further appeal to the Housing Board of Review within seven (7) business days of the date of the Chief Inspector's findings in accordance with 24 VSA §5005;
- (d) Any person including the enforcement officer aggrieved by any decision of the Housing Board of Review may appeal to Superior Court, in accordance with 24 V.S.A. §5506;
- (e) When an owner/tenant appeals an action of the Division, the inspector shall not be prevented from completing the inspection of the rental unit and issuing any necessary Orders. When an appeal is filed, the Orders issued will be stayed pending resolution of the appeal, unless the Orders issued are to correct life threatening issues which will not be stayed.

**Sec. 7-12. Enforcement and Penalties.**

- (a) The Chief Inspector and/or his delegates or any certified Vermont Law Enforcement Officer shall be the designated Enforcement Officer. They shall issue, or direct to have issued, Municipal Complaints and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 VSA §1974a and §1977 with penalties as prescribed below:
  - (1) The Division shall be required to issue an Order on the person or party responsible for any violations of this Ordinance or the adopted codes. Where the party fails to remedy a violation to the satisfaction of the Division, the Division may bring appropriate action to enforce the provisions of this Ordinance.

Enforcement may be by any means allowed under state law including, but not limited to:

- (i) First offense. A first offense of this Ordinance shall be punishable by a fine of one hundred fifty dollars (\$150.00); the waiver fine shall be one hundred dollars (\$100.00);
  - (ii) Second and subsequent offenses. Any second offense of the same provision of the bylaws within a twelve month period shall be punishable by a fine of two hundred dollars (\$200.00); the waiver fine shall be one hundred fifty dollars (\$150.00).
- (2) The Division may notify the City Attorney who shall bring suit in the name of the municipality to enforce such Order. Such suit may be brought in any court of competent jurisdiction appropriate. The City may seek a temporary injunction or Order in any such proceedings. The court may award costs of suit including reasonable attorney fees.
- (b) Each day that a violation continues shall constitute a separate offense;
- (c) Where the Division finds that a violation(s) is to such a degree that a dwelling is declared unsafe, or that significant corrective action has not been taken within the timeframe provided, the Division may suspend occupancy (“Order”) of a unit(s) and require the relocation of the rental unit’s occupants until such time as the rental units meet the Minimum Housing Standards as outlined in this Ordinance;

**Sec. 7-13. Fees.**

- (a) The fee for any registration and re-inspection fee shall be designated by the City Council, and upon adoption of the rates, the Council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change;
- (b) A rental unit for which a registration form, fee and inspection is required by this Chapter, but has not been paid, shall be in violation of the City’s Minimum Housing Ordinance and subject the following penalties;
- (1) If the unit has been previously issued a Certificate of Compliance, the landlord shall be subject a penalty of eight percent (8%) delinquency charge and a one percent (1%) additional charge per month until the fee has been paid in full;
  - (2) If a unit has not been previously issued a Certificate of Compliance, the landlord shall be subject to a penalty of eight percent (8%) delinquency charge for the first thirty (30) calendar days and then subject to the penalties as outline in Section 7-12(a)(1) of this Ordinance.

**Sec. 7-14. Records.**

- (a) Records, including inspection reports, records of complaints or other Orders shall be available for public inspection at the Division or the Planning, Permitting & Inspection Services Department (PPIS);
  - (1) Owners and/or designated managing agent shall receive a copy of the inspection report within ten (10) business days of the completion of the inspection. Inspection reports shall be emailed to the designated recipient unless paper copies are requested, or mailed should the recipient not utilize email;
  - (2) To obtain copies of inspection reports, records of complaints or other Orders, requests must be made in writing to the Division and the designated records fee paid in full.

**ARTICLE IV. REGISTRATION AND INSPECTION PROCEDURES****Sec. 7-15. Registration Requirements.**

- (a) The owner of all rental units shall be required to have on file with the PPIS, on or before July 1 of each year, an accurate and valid registration/invoice form;
- (b) All fees shall be paid annually and in full to the City of Barre for each rental unit;
- (c) In the event the State of Vermont adopts a comparable program, only one fee will be charged;
- (d) The owner must provide the following information to the PPIS:
  - (1) The address of the rental unit;
  - (2) The number of rental units at that address;
  - (3) The name(s), address(es) and phone number(s) of the property owner;
  - (4) The name, address, and phone number of any managing agent;
  - (5) The name(s), address(es), and phone number(s) of any emergency contact(s) for this rental unit; and
  - (6) Any other information deemed appropriate to administer this Program.
- (e) The owner of a rental unit shall have a continuing obligation to notify the PPIS of any changes in the information required above during the period between the required annual invoicing;
- (f) Upon purchase or transfer of property containing rental units, the purchaser(s) shall update the PPIS file to ensure all information is correct;

- (g) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file the above referenced information in subsection (d) above;
- (h) All fees shall be paid prior to occupancy being granted, and shall be due for the current year;
- (i) All motel and hotel manager units shall be registered with the PPIS and pay the appropriate fees annually;
- (j) Extended stay hotel and motel units as defined in the Barre City Zoning Ordinance that may be occupied during the program year shall be registered with the PPIS and pay the appropriate fees annually;
- (k) It shall be a violation of the City's Minimum Housing Standards for the owner of any rental unit within the City to fail to register a rental unit as required by this Ordinance.

**Sec. 7-16. Exemptions.**

- (a) The following properties shall be exempt from registration, fees and/or inspections:
  - (1) The following are exempt from registration, fees and inspections:
    - (i) A unit that is currently maintained as part of a nursing, rest or convalescent home licensed and inspected by the state;
    - (ii) Owner occupied single family home;
    - (iii) A rental unit that is occupied for less than thirty (30) consecutive days; and
    - (iv) A unit that is occupied less than thirty (30) days by the same tenant(s) in a hotel and motel room.
- (b) The following are exempt from fees, but must still register and be inspected:
  - (1) Owner occupied unit of a multi-family dwelling:
    - (i) Inspection requirements are for fire and life safety requirements only, as adopted by the VT Dept. of Safety.

**Sec. 7-17. Invoice Procedures.**

- (a) Invoices will be sent to all multi-family occupancies and rented single family homes on an annual basis regardless of current occupancy;
  - (1) Units currently vacant and remaining vacant throughout the current Program year shall receive an invoice to confirm occupancy status.

**Sec. 7-18. Inspection Procedures.**

- (a) The Division shall make periodic inspections of rental units within the city unless exempted as indicated above;
- (b) The Division may enter, examine and survey all rental units within the City that are subject to periodic inspections pursuant to this Ordinance at any reasonable time between the hours of 8 am to 5 pm, or a time that is mutually agreed upon between the owner and the Division;
- (c) The owner and tenant(s) shall cooperate with the Division so that such inspections shall be made so as to cause the least inconvenience to the owner(s) or occupant(s) of the rental unit;
- (d) If the Division has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the tenants of a rental unit, or the general public, they may enter, examine and survey the unit at any time;
- (e) The Division shall notify the owner of a rental unit by either telephone or in writing, of its intent to schedule an inspection;
- (f) Upon receipt of an inspection schedule request, the owner shall contact the Division to arrange for the inspection;
- (g) Once scheduled, the owner shall provide the tenant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspection being performed, as provided in 9 VSA §4460;
- (h) During the inspection, the owner or designated representative shall be present to provide access to the rental unit(s).

**Sec. 7-19. Complaint Procedures.**

- (a) It is expressly provided that the public, owners and tenants of any property in the City of Barre may file a complaint to the Division of violations under this Ordinance and all such complaints shall be treated accordingly;
- (b) In order to initiate a complaint against an owner or tenant, the complainant must first complete and sign a City of Barre Complaint Form. A copy of which can be found at the Division or at the PPIS. Complaints must be signed and dated in order to be investigated;
- (c) The Division shall investigate each complaint received within seven (7) business days of its receipt to determine if violations exist and to commence corrective actions;
- (d) There shall be a written record of each complaint, the findings of the investigation and the action taken, if any;



- (e) If no action is needed to be taken at the time of inspection, this finding shall be noted on the written record and the complaint will be closed;
- (f) Frivolous complaints shall be a violation of this Ordinance. A frivolous complaint shall be one which there is no basis for the complaint outlined within this Ordinance, and this is known to the complainant at the time.

**Sec. 7-20. Minimum Standards.**

- (a) No dwelling unit unless exempt as defined in Section 7-16, shall be occupied that does not comply with the minimum standards as follows in this Section;
- (b) A dwelling unit must meet the following:
  - (1) Unit size;
    - (i) A rental unit must have a minimum of 250 square feet.
  - (2) Maximum Occupancy;
    - (i) For the first tenant, the habitable space required shall be 250 square feet;
    - (ii) For each additional tenant, the habitable space required shall be an additional 200 square feet, not including infants under the age of two (2).
  - (3) Existing rental units with existing tenants, as of January 1, 2004, shall be exempt from the standards in (1) or (2) above until there is a change in tenants.
- (c) Minimum Housing Standards
  - (1) The most recent edition of the Federal Housing Quality Standards shall be adopted as the Minimum Housing Standard for the City of Barre with the following exceptions;
    - (i) The complete section of (n), Smoke Detectors Performance Requirement, shall be replaced with: *“Photoelectric smoke detectors shall be required on each habitable level of an existing or new dwelling unit, including the basement. They will be hard-wired 120 volt with battery backup per NFPA 72 2-21. Smoke detectors that are installed new or installed to replace expired detectors shall be in compliance with Vermont State Fire Code.”*
    - (ii) Section e.2, Thermal Environment Acceptability Requirements, shall be amended by adding the following: *“(iii) An adequate heating appliance must be provided during the heating season which includes all months except June, July and August.”*

- (iii) That the section f.2.i, Illumination and Electricity, Acceptability Criteria which reads: “There must be at least one window in the living room and in each sleeping room” be amended to read: “*There must be at least one window in each sleeping area. Living rooms that are not used for sleeping areas shall not be required to have a window. All means of egress must be approved by the Division.*”
  - (iv) That the following additional standard be added to the federal requirements: “*(m) An annually inspected fire extinguisher is required in all rental units. Extinguishers must be properly mounted and in close proximity to the primary exit per NFPA 1.*”
  - (2) Any successor federal standards shall be reviewed and approved by the Barre City Council;
  - (3) The U.S. Department of Housing and Urban Development form for housing inspection (Form HUD-52580-A (9/00)) shall be utilized as a guideline for the Division’s Housing Inspection Form.
- (d) Fire Protection System
- (1) All required fire protection systems and equipment including fire alarms, fire suppression systems, standpipe systems and fire extinguishers shall be maintained in proper operating condition at all times. Owners are responsible for the installation of these fire protection systems and equipment, and the completion of annual inspections by Technically Qualified Persons (TQP) as determined by the VT Dept. of Fire Safety; and
  - (2) Tenants shall be responsible to notify the owner of any equipment system deficiencies or failures.
- (e) Smoke Detectors
- (1) Smoke detector(s) shall be installed adjacent to sleeping areas. Per Vermont State Fire Code, by November 1, 2015, smoke detector(s) shall be installed inside of all sleeping areas;
  - (2) Owners are responsible for the installation of the smoke detectors, the replacement of batteries, and the replacement of broken or damaged smoke detectors. Owners are also responsible for conducting annual documented testing to ensure the detectors are both present and operational. Smoke detectors must be U.L. listed or otherwise approved by a recognized testing agency;
  - (3) The requirements for monthly testing in accordance with NFPA 720 shall also apply and may be accomplished by the owner or tenant;

- (4) Smoke detectors found disabled during an inspection shall constitute a violation of this Ordinance and the responsible party will be subject to the penalties outlined in Section 7-12;
  - (5) The responsible party shall be the tenant unless it can be proven that the owner knowingly disabled a smoke detector and failed to replace it within a 24-hour period.
- (f) Carbon Monoxide (CO) Detectors
- (1) CO detector(s) shall be installed in dwelling units in accordance with the Vermont Fire and Building Safety Code 2012. CO detector(s) shall be installed outside of each sleeping area in the immediate vicinity of the bedrooms;
  - (2) Any bedroom that contains a fuel-burning appliance shall be required to have additional CO detection inside the sleeping area;
  - (3) Owners are responsible for the installation of the CO detectors, the replacement of batteries, and the replacement of broken or damaged CO detectors. Owners are also responsible for conducting annual documented testing to ensure the CO detectors are both present and operational. CO detectors must be U.L. listed or otherwise approved by a recognized testing agency;
  - (4) The requirements for monthly testing in accordance with NFPA 720 shall also apply and may be accomplished by the owner or tenant;
  - (5) CO detectors found disabled during an inspection shall constitute a violation of this Ordinance and the responsible party will be subject to the penalties outlined in Section 7-12;
  - (6) The responsible party shall be the tenant unless it can be proven that the owner knowingly disabled a smoke detector and failed to replace it within a 24-hour period.
- (g) Interpretation and Relationship to Other Fire Protection and Life Safety Code Requirements
- (1) The requirements set out in subsections (b) – (f) are minimum requirements for existing rental units regardless of age, years in service or type of dwelling. More stringent standards may take effect where the dwelling use is altered as in the case of dormitory or rooming house uses or where substantial renovations, remodeling or new construction requires the application of specific additional standards for that type of use or construction. Conformance with the requirements of this section does not in any way limit the application of additional requirements where applicable.

## (h) General Conditions

- (1) Every supplied appliance, plumbing fixture, heating device or system, or utility which is required under this Ordinance, and every chimney and smoke pipe shall be so constructed and installed so that it will function safely and effectively and shall be kept in sound working condition.

## (i) Sanitation

- (1) Every tenant of a rental unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in the provided, approved storage or disposal facilities;
- (2) Every owner of a rental unit or units shall provide common storage or disposal facilities for garbage, rubbish and recyclables. Said common facilities shall be properly sized to eliminate overloading and improper disposal and properly covered and isolated from the general environment so as not to be a public nuisance or hazard, and properly maintained. The owner shall be further responsible for placing out for collection all common garbage and rubbish containers and for providing for collection of refuse on a not less than weekly basis, and in accordance with the Barre City Trash Ordinance.

## (j) Premises to be Kept Clean and Sanitary

- (1) Every tenant of a rental unit shall maintain, in a clean and sanitary condition, that part of the rental unit and yard which he/she occupies and controls and shall be responsible for the reasonable care and cleanliness of supplied facilities including plumbing and cooking equipment;
- (2) Every owner or his/her agent of a rental unit or units shall maintain the shared or public areas of the rental unit or units or yard in a clean and sanitary condition.

## (k) Transfer of Responsibility

- (1) No rental agreement shall relieve either the owner or tenant of their direct responsibility under this Ordinance.

**Sec. 7-21. Certificate of Compliance.**

- (a) It shall be a violation of the Minimum Housing Standards for the owner of a dwelling unit that is subject to inspection pursuant to this Ordinance to rent, offer for rent, or allow any person(s) to occupy any rental unit without a Certificate of Compliance;
- (b) Upon completion of the inspection of a rental unit, if the unit is found to be compliant, the Division shall issue a Certificate of Compliance which shall expire four (4) years from the date of issuance;

- (c) if, upon completion of the initial inspection, the rental unit was found not to be in compliance with one (1) or more of the standards within this Ordinance, an Order(s) will be issued to bring the rental unit into compliance;
- (d) The Certificate of Compliance shall be withheld until all violations have been rectified;
- (e) Nothing in this section shall preclude the inspection of said rental units more frequently than the term of the Certificate of Compliance, based upon written and signed complaints received;
- (f) A Certificate of Compliance may be revoked if a subsequent inspection finds that any rental unit is no longer in compliance with the provisions of the Minimum Housing Standards;
- (g) All recipients of a Certificates of Compliance shall be issued a Compliance Approval sticker to be displayed in an approved location either in the rental unit, or in the public access area to the rental unit;
- (h) Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Compliance.

## **ARTICLE V. SPECIAL PROVISIONS**

### **Sec. 7-22. Relocation Service.**

- (a) In the event that any person is displaced from a rental unit by enforcement of this chapter, the party determined to have caused the unsafe condition shall be responsible for paying the cost of relocation of the displaced person(s) at the most economical local facility available as approved by the Division, for up to twenty-nine (29) days.