

Chapter 20 - Rental Registry and Inspection

ARTICLE I - PURPOSE AND OBJECTIVES

It is the purpose of this ordinance to set forth the type of buildings, schedule, certificate(s) and fees required for those buildings subject to the Rental Registry and Inspection Program.

The objectives of the Rental Registry and Inspection program are to:

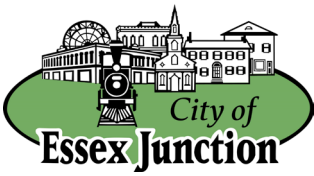
- A. Protect the life and safety of all residential renters,
- B. Develop inventory of residential rental properties in Essex Junction, and
- C. Improve opportunities to connect landlords to adequate resources for improving their properties.

ARTICLE II - TABLE OF CONTENTS

Article I	Purpose and Objectives
Article II	Table of Contents
Article III	Definitions
Article IV	Rental Registry
	Section 20.01 Registry Required
	Section 20.02 Administration
	Section 20.03 Registry Information Required
	Section 20.04 Inspection Cycle
	Section 20.05 Inspection Requirements
	Section 20.06 Scheduling Inspection
	Section 20.07 Certificate of Fitness
	Section 20.08 Issuance of Certificates and Terms of Inspections
	Section 20.09 Issuance of a Conditional Certificate
	Section 20.10 Fees
	Section 20.11 Fines and Penalties

ARTICLE III - DEFINITIONS

BUILDING INSPECTOR shall mean the duly appointed building inspector of the City or their



**City of Essex Junction Municipal Code
Chapter 20 – Rental Registry and Inspection**

designated assistant.

CODE ENFORCEMENT OFFICER shall mean the Director of Code Enforcement or duly authorized municipal official.

HEALTH OFFICER shall mean the appointed municipal health official as defined in 18 V.S.A. § 613. The Health Officer may also serve as the Building Inspector and Code Enforcement Officer.

CERTIFICATE OF FITNESS shall mean the written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that the building, structure, and premises comply with duly adopted life safety and housing codes. This Certificate of Fitness is required prior to a Rental Housing unit or Short-Term Rental unit, to be occupied.

CERTIFICATE OF OCCUPANCY shall mean the written approval of the Zoning Administrator certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

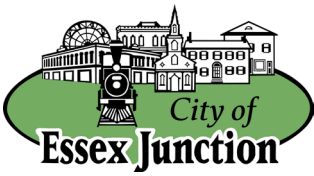
OWNER shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, or corporation in control of a building or any duly authorized agent thereof.

RENTAL HOUSING means "all dwellings, dwelling units, rooming houses, rooming units, or mobile home lots let by the owner to one or more persons to be used as a regular residence, or as defined in the current version of Vermont Residential Rental Housing Health & Safety Code.

SHORT TERM RENTAL (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30) consecutive days and for more than 14 days per calendar year, is subject to the Vermont rooms and meals tax, and is either a: (a) Partial Unit, meaning a room located within a host's primary residence that is used primarily for sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor area; or (b) Whole Unit, meaning an entire dwelling unit.

COMMERCIAL RENTAL UNIT shall mean all real estate units let by the owner to one or more businesses to be used as for commercial purposes or as a place of employment.

Version: 2024-01-10



ARTICLE IV – RENTAL REGISTRY

SECTION 20.01 - REGISTRY REQUIRED

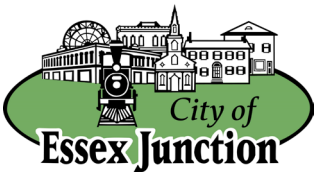
- A. The City of Essex Junction Code Enforcement Department is responsible for ensuring that all Rental Housing Units and Short-Term Rental Units in the City of Essex Junction are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants.
- B. A Certificate of Fitness shall be issued prior to the occupancy of any residential rental dwelling unit within the city, unless exempted under Section 20.01.C. All residential rental property owners shall file a yearly Registry Application identifying their properties subject to the inspection requirements in the City of Essex Junction.
- C. Owner-occupied dwellings units containing one (1) or two (2) rooms which are rented out for compensation and partial unit short term rentals are exempted from the requirements of this Chapter.

SECTION 20.02. - ADMINISTRATION

- A. Administration and enforcement of the residential rental registry is the responsibility of the City of Essex Junction Code Enforcement Office. Enforcement will be provided by any duly authorized municipal official.
- B. All records, including inspection reports, records of complaints received and investigated, and plans for inspections of residential rental properties, shall be available for public inspection.

SECTION 20.03 - REGISTRY INFORMATION REQUIRED

- A. Rental Housing and Short-Term Rental property owners must provide the following information to the department:
 - 1. The address of the property.
 - 2. The number of units at that address.

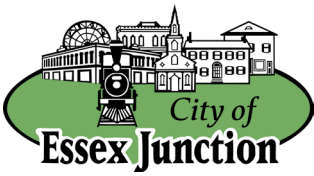


City of Essex Junction Municipal Code
Chapter 20 – Rental Registry and Inspection

3. The mailing address of each unit.
 4. The number of bedrooms, if applicable.
 5. The name, address and phone number of the property owner, corporation, or registered corporate agent.
 6. The name, address and phone number of any managing agent.
 7. The name, address and phone number of a local emergency contact other than the tenant located in Chittenden County and/or a designated person within the state responsible for services on the property.
- B. Upon purchase or transfer of each property containing one or more residential rental units, the purchaser shall file a new landlord registration application within 60 days of assuming ownership.
- C. Prior to occupancy of any newly constructed rental unit, conversion of the use to a rental unit, or the addition or removal of new bedrooms and major renovations, the owner shall file a new or updated application for landlord registration with the community development department. If no additional unit is created during the renovation, no additional Rental Registry fee shall be assessed by the City.
- D. It shall be a violation of this Chapter for an owner of any residential rental property within the City to fail to register as required by this section.
- E. Property owners shall have a continuing obligation to notify the City of any changes in the information required above during the periods between filings of the landlord registration application.

SECTION 20.04 - INSPECTION CYCLE

- A. All Rental Housing units and Short-Term Rental units are subject to inspection pursuant to this Chapter, unless exempted under Section 20.01.C.
- B. At least every five (5) years, a housing code inspection for each Rental Housing unit and Short-Term Rental unit is required. A Certificate of Fitness will be issued when the results of the inspection indicate that the unit passes all requirements as set forth herein.



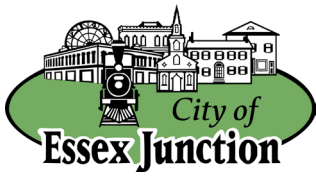
- C. Notwithstanding the existence of the valid Certificate of Fitness, the Community Development Department, Fire Chief, or health officer may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances, or rules that fall under their respective jurisdictions.

SECTION 20.05 - INSPECTION REQUIREMENTS

- A. The Code Enforcement Officer shall make scheduled, periodic inspections of all Rental Housing units and Short-Term Rental units within the City, unless those units are exempted under Section 20.01.C.

SECTION 20.06 - SCHEDULING INSPECTION

- A. The Code Enforcement Officer shall schedule with the property owner or their agent the date and time for an inspection. The owner or the agent shall arrange for the inspection within sixty days of the initial request by the City, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in 9 V.S.A. § 4460(b) for all Rental Housing units and Short-Term Rental units. During the inspection, the owner shall provide access to the rental units and all building common areas, including basements and other spaces.
- B. If an inspection does not occur within two months of the first request by the City for any reason other than delay on the part of the Code Enforcement Officer, it shall constitute a violation of this ordinance subject to forfeiture and / or withdrawal of any Certificate of Fitness.
- C. If the Code Enforcement Officer has reason to believe that an emergency situation exists tending to create an immediate danger of serious bodily injury or death of the occupants of any dwelling unit or the general public, he/she may enter, examine and inspect the Rental Housing unit and Short-Term Rental unit at any time. The Code Enforcement Officer shall coordinate any entrance with the Essex Police Department or Essex Junction Fire Department.



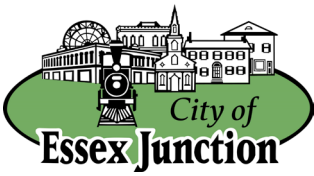
- D. Persons requesting inspections for buildings lacking a valid Certificate of Occupancy recorded in the land records in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspections will be scheduled as soon as possible and no later than sixty (60) days from receipt of a written request.

SECTION 20.07 - CERTIFICATE OF FITNESS

- A. It shall be a violation of the Essex Junction Municipal Code for an owner of a Rental Housing unit and Short-Term Rental unit within the city that is subject to inspections pursuant to this chapter to rent or allow any person to occupy any residential unit without a valid Certificate of Fitness.
- B. Certificates of Occupancy will not be issued for Rental Housing units and Short-Term Rental units without current and approved Residential Rental Registry Applications and a current Certificate of Fitness on file.

SECTION 20.08 - ISSUANCE OF CERTIFICATES AND TERMS OF INSPECTIONS

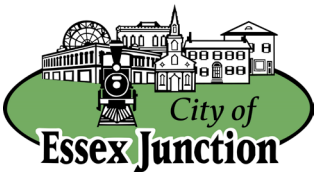
- A. All residential rental properties receive a Provisional Certificate of Fitness upon registration and are subject to inspection.
- B. A Certificate of Fitness will be issued based on a passing inspection. The valid period of the certificate of fitness varies between one and five years, pursuant to a risk-evaluation scoring matrix developed by the City. This matrix shall be available upon request, and shall be based on risk factors including, but not limited to: inspection violation history of the unit, building, and property management company, age of building and complaints history.
- C. Upon expiry, the Certificate of Fitness returns to provisional status and the property is subject to re-Inspection.
- D. Upon completion of an inspection of a Rental Housing unit or Short-Term Rental unit, if an individual unit is cited for five (5) or less minor non life-threatening violations of the life safety and housing codes, and if violations



City of Essex Junction Municipal Code
Chapter 20 – Rental Registry and Inspection

have been corrected within the time set for compliance, upon correction of the violations, the Code Enforcement Officer shall issue a Certificate of Fitness. The valid period of the certificate of fitness varies between one and five years, pursuant to a risk-evaluation scoring matrix developed by the City. This matrix shall be available upon request, and shall be based on risk factors including, but not limited to: inspection violation history of the unit, building, and property management company, age of building and complaints history.

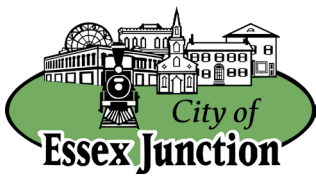
- E. Upon completion of an inspection of a Rental Housing property or Short-Term Rental property, if any individual unit is cited for more than five (5) minor non life-threatening violations of life safety and housing codes, and if violations have been corrected within the time set for compliance, the department shall issue a Certificate of Fitness, valid for only one year.
- F. Inspection Requests. All properties in the city, including Rental Housing properties or Short-Term Rental properties, shall remain subject to inspection requests. The building department, fire department, and health department shall continue to inspect residential rental dwelling units based on tenant or resident requests or complaints.
- G. For the first 90 days after an initial inspection where the Code Enforcement Officer identifies necessary corrective actions, there shall be no fee for follow-up inspections for verification by the Code Enforcement Officer that corrective actions have been completed. Re-inspections for noncompliance to applicable standards after 90 days shall be assessed a fee as prescribed in the City of Essex Junction Development Fee Schedule each time they are inspected until they obtain a Certificate of Fitness except when an extension or variance has been granted in writing from the City.
- H. Upon completion of the initial or any subsequent inspection of a Rental Housing property or Short-Term Rental property, if any individual unit is cited for any of the following conditions, the Code Enforcement Officer may declare the dwelling unit uninhabitable and deny the issuance of a Certificate of Fitness:
 - 1. Any physical condition, use or occupancy of any Rental Housing property, Short-Term Rental property, or their appurtenances



**City of Essex Junction Municipal Code
Chapter 20 – Rental Registry and Inspection**

that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;

2. Any Rental Housing Unit or Short-Term Rental Unit that has unsanitary sewage or plumbing facilities;
 3. Any Rental Housing unit or Short-Term Rental unit that is designated as unsafe for human habitation or use;
 4. Any Rental Housing property or Short-Term Rental property that is determined to be a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb or property;
 5. Any Rental Housing property or Short-Term Rental property from which the plumbing, heating, fire protection systems, fire detection systems, or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
 6. Any Rental Housing property or Short-Term Rental property that is unsanitary or which is littered with rubbish or garbage, pests, or rodents;
 7. Any Rental Housing property or Short-Term Rental Property that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.
 8. Any Rental Housing unit or Short-Term Rental unit that is determined to be a health hazard, i.e., high carbon monoxide levels, unmitigated lead paint hazard, poisons present, and improper storage of flammables.
- I. The department shall issue a Certificate of Fitness for a term of five (5) years for a newly constructed Rental Housing unit or Short-Term Rental unit, upon final inspection of the duly authorized municipal official.
 - J. If necessary, based on a complaint or observation, nothing in this section shall preclude the inspection of said Rental Housing unit or Short-Term Rental unit more frequently than the term of the Certificate of Fitness.



City of Essex Junction Municipal Code Chapter 20 – Rental Registry and Inspection

- K. A Certificate of Fitness may be revoked if a subsequent inspection finds that any Rental Housing unit or Short-Term Rental unit is no longer in compliance with the provisions of the Vermont Residential Rental Housing Health & Safety Code and other applicable rules.
- L. Prior to the issuance of a Certificate of Fitness, all registration and additional inspection fees shall be paid to the City.
- M. The City retains the right to require Rental Housing unit or Short-Term Rental unit to be subject to a more frequent inspection cycle for repeat violations and noncompliance, pursuant to a scoring matrix developed by the City. This matrix shall be available upon request.

SECTION 20.09 - ISSUANCE OF A CONDITIONAL CERTIFICATE

The City may issue a Conditional Certificate of Fitness whenever the Code Enforcement Officer is unable to inspect a Rental Housing unit or Short-Term Rental unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

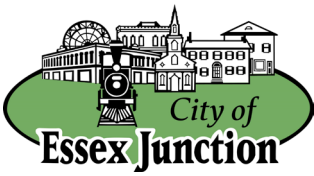
SECTION 20.10 - FEES

As prescribed in Essex Junction Development Fee Schedule.

SECTION 20.11 - FINES AND PENALTIES

- A. Unless otherwise stated, any violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 9 of Essex Junction Municipal Code.
- B. Any person in violation of any provisions of this chapter shall be fined a civil penalty of up to \$800 dollars per violation and may be subject to enforcement pursuant to Chapter 9, Section 905 Essex Junction Municipal Code and 24 V.S.A. §1974a(d)

- C. In addition, if the City determines that a person has failed to pay the registration



City of Essex Junction Municipal Code
Chapter 20 – Rental Registry and Inspection

fee due under this section, the City of Essex Junction shall mail to such person a statement showing the balance due and shall add thereto a twenty-five (\$25.00) late payment fee plus interest at a rate of twelve (12%) percent per year. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) percent per year from the due date until the date of payment.

- D. The charges levied in this chapter shall constitute a lien upon the property on which the Rental Housing unit or Short-Term Rental unit is situated and may be enforced within the time and manner provided for collection of taxes on property.

DRAFT

Proposed City of Essex Junction Development Fee Schedule Addition

***The following text is intended to be a part of Chapter 20 of the Municipal Code. It is to be separately added to the Essex Junction Development Fee Schedule.

RENTAL REGISTRY AND INSPECTION FEES

- **Rental Registry Application Fee: \$120 per unit per year**
Pursuant to Section 20, the Registration and Inspection of all rental dwelling units including attached units subject to Rental Registry and Inspection program, will be required in order to issue Certificate of Fitness. The property owner shall file the Registry Application each year and pay an annual fee of one hundred twenty dollars (\$120.00) per unit. The fees are due by April 1st, of the programmed year.
- **Re-inspection fee for Noncompliance after 90 days: \$120 per re-inspection per unit**
Re-inspections for noncompliance to applicable standards shall be assessed a fee of one hundred twenty dollars (\$120.00) per dwelling units each time they are inspected until they obtain a Certificate of Fitness except when an extension or variance has been granted in writing from the City.
- **Time of Sale or out of Cycle Inspections \$125 per inspection per unit** - Inspection of properties for "Real estate" transactions or inspections requested by property owners for properties with current Certificate of Fitness shall be subject to a fee of one hundred twenty-five dollars (\$125.00) per inspection per unit.