

State tightens housing code enforcement

By Dave Gram • The Associated Press • December 23, 2008

MONTPELIER -- The [state Department](#) of Public Safety appears to be stepping up its enforcement against landlords whose properties are found to violate the Vermont housing code, following a court order saying it needed to do just that.

After being scolded in August by Franklin Superior Court Judge Ben Joseph, who found that state inspectors had collected just three fines for 4,000 building code violations found between 2002 and 2008, the DPS issued at least 18 fines in September and October, according to a followup order by Joseph.

"It's certainly a sign that they are starting to take it more seriously," said Karen Richards, director of the Poverty Law Project at Vermont Legal Aid. "I'm not sure it represents an astronomical movement forward, but it's somewhat of a movement forward, and we're happy to see that."

John Wood, director of the Fire Safety Division at DPS, said his division had begun stepping up its enforcement efforts independent of the lawsuit, since taking over building inspections from the Department of Labor and Industry -- now called the Department of Labor -- in 2005.

"I think that in a three-year period of time, what you're seeing is everything coming together at this time that the lawsuit is coming to its conclusion," Wood said.

Wood also said pointing to three fines out of 4,000 violations was misleading since in many cases, landlords were told of a violation and fixed it before a followup inspection.

"I'm not saying that there couldn't have been more fines, but what I'm saying is that it's a smaller number," he said. "What we find in the field is that the majority of landlords come into compliance with the fact that if they don't do it (fix problems) they're going to be fined."

Joseph agreed with Legal Aid that past practice at DPS and, before it, the Department of Labor and Industry was to tread lightly in issuing enforcement fines against delinquent landlords. Instead, when buildings fell into disrepair, tenants often simply were evicted, Legal Aid contended.

The judge found the department responsible for a "wholesale failure" to enforce "life safety codes" in Vermont rental properties.

"It is obvious that landlords in Vermont know that no direct punishment will be imposed for housing code violations in rental properties," Joseph wrote in his August ruling.

"The harshest consequence of this practice falls on the tenants, not the landlord," Joseph wrote. "Tenants are thrown out of their [homes](#) when the department finds that serious housing code violations are not corrected. ... These enforcement powers were meant to protect the tenants' safety, not to punish tenants when their landlords fail to correct code violations."

By the time he revisited the issue in a Dec. 1 ruling, Joseph said there had been significant improvement in the department's performance.

"The changes put in place have resulted in a reduction in the average amount of time between initial inspections ... and follow up inspections from 384 days for [calendar](#) year 2004 to 49 days" from January through September, he wrote.

He ordered that for a year from the Dec. 1 date of his order, the DPS provide the court and Legal Aid with quarterly reports detailing its enforcement efforts.