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H.639

Introduced by Representatives Stevens of Waterbury, Anthony of Barre City,
Austin of Colchester, Berbeco of Winooski, Boyden of
Cambridge, Brumsted of Shelburne, Campbell of St. Johnsbury,
Carpenter of Hyde Park, Christie of Hartford, Cina of
Burlington, Cole of Hartford, Dodge of Essex, Farlice-Rubio of
Barnet, Harrison of Chittenden, Hooper of Burlington, Howard
of Rutland City, Krasnow of South Burlington, Lalley of
Shelburne, Logan of Burlington, Mulvaney-Stanak of
Burlington, Ode of Burlington, Pajala of Londonderry, Patt of
Worcester, Priestley of Bradford, Sibilina of Dover, Stebbins of
Burlington, Templeman of Brownington, Troiano of Stannard,
White of Bethel, and Williams of Barre City

Referred to Committee on

Date:

Subject: Property; conveyance; disclosure of information; flood information

Statement of purpose of bill as introduced: This bill proposes to require a
seller of a real property to disclose to a buyer information regarding whether
the property is located in a flood hazard area or fluvial erosion hazard area or
was previously subject to flooding.

1 ~~An act relating to disclosure of flood history of real property subject to sale~~
An act relating to flood risk disclosure, accessibility standards for State-
funded residential construction, housing accountability, and recovery
residence evictions

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 ~~Sec. 1, 27 V.S.A., § 380 is added to read:~~

4 § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL
5 ESTATE

6 (a) Prior to or as part of a contract for the conveyance of real property, the
7 seller shall provide the buyer with the following information:

8 (1) whether the real property is located in a Federal Emergency
9 Management Agency mapped flood hazard area or whether the property is
10 located in a fluvial erosion hazard area mapped by a municipality;

11 (2) whether the real property was ever subject to flooding; and

12 (3) the flood insurance rates for the real property, if applicable.

13 (b) The failure of the seller to provide the buyer with the information
14 required under subsection (a) of this section is grounds for the buyer to
15 terminate the contract prior to transfer of title or occupancy, whichever occurs
16 earlier.

17 (c) A buyer of real estate who fails to receive the information required to
18 be disclosed by a seller under subsection (a) of this section may bring an action
19 to recover from the seller the amount of the buyer's damages and reasonable

1 ~~attorney's fees. The buyer may also seek punitive damages when the seller~~
2 knowingly failed to provide the required information.

3 (d) A seller shall not be liable for damages under this section for any error,
4 inaccuracy, or omission of any information required to be disclosed to the
5 buyer under subsection (a) of this section when the error, inaccuracy, or
6 omission was based on information provided by a public body or a by another
7 person with a professional license or special knowledge who provided a
8 written report that the seller reasonably believed to be correct and that was
9 provided by the seller to the buyer.

10 (e) Noncompliance with the requirements of this section shall not affect the
11 marketability of title of a real property.

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2024.~~

** * * Flood Risk Disclosure * * **

Sec. 1. 27 V.S.A. § 380 is added to read:

§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

ESTATE

(a) Prior to or as part of a contract for the conveyance of real property, the
seller shall provide the buyer with the following information:

(1) whether the real property is located in a Federal Emergency
Management Agency mapped special flood hazard area;

(2) whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area;

(3) whether the real property was subject to flooding or flood damage while the seller possessed the property, including flood damage from inundation or from flood-related erosion or landslide damage; and

(4) whether the seller maintains flood insurance on the real property.

(b) The failure of the seller to provide the buyer with the information required under subsection (a) of this section is grounds for the buyer to terminate the contract prior to transfer of title or occupancy, whichever occurs earlier.

(c) A buyer of real estate who fails to receive the information required to be disclosed by a seller under subsection (a) of this section may bring an action to recover from the seller the amount of the buyer's damages and reasonable attorney's fees. The buyer may also seek punitive damages when the seller knowingly failed to provide the required information.

(d) A seller shall not be liable for damages under this section for any error, inaccuracy, or omission of any information required to be disclosed to the buyer under subsection (a) of this section when the error, inaccuracy, or omission was based on information provided by a public body or by another person with a professional license or special knowledge who provided a

written report that the seller reasonably believed to be correct and that was provided by the seller to the buyer.

(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.

Sec. 2. 9 V.S.A. § 4466 is added to read:

§ 4466. REQUIRED DISCLOSURE; MODEL FORM

(a) A landlord shall disclose in advance of entering a rental agreement with a tenant whether any portion of the premises offered for rent is located in a Federal Emergency Management Agency mapped special flood hazard area.

This notice shall be provided to the tenant at or before execution of the lease in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subsection

(b) of this section.

(b) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subsection (a) of this section.

Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

(e) All mobile home lot leases shall contain the following:

* * *

(8)(A) Notice that the mobile home park is in a flood hazard area if any lot within the mobile home park is wholly or partially located in a flood hazard

area according to the flood insurance rate map effective for the mobile home park at the time the proposed lease is furnished to a prospective leaseholder. This notice shall be provided in a clear and conspicuous manner in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subdivision (B) of this subdivision (8) and attached as an addendum to the proposed lease.

(B) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subdivision (A) of this subdivision (8).

Sec. 4. 10 V.S.A. § 6201 is amended to read:

§ 6201. DEFINITIONS

~~As used in this chapter, unless the context requires otherwise:~~

(1) “Mobile home” means:

(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:

(i) built on a permanent chassis;

(ii) designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

(iii) transportable in one or more sections; and

(iv)(I) at least eight feet wide, 40 feet long, or when erected has at least 320 square feet; or

(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

(B) any structure that meets all the requirements of this subdivision (1) except the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.

(C) [Repealed.]

(2) “Mobile home park” means any parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile home park” does not mean premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

** * **

(13) “Flood hazard area” has the same meaning as in section 752 of this title.

(14) “Flood insurance rate map” means, for any mobile home park, the official flood insurance rate map describing that park published by the Federal Emergency Management Agency on its website.

Sec. 5. 9 V.S.A. § 2602 is amended to read:

§ 2602. SALE OR TRANSFER; PRICE DISCLOSURE; MOBILE HOME
UNIFORM BILL OF SALE

(a) Appraisal; disclosure. When a mobile home is sold or offered for sale:

(1) If a mobile home is appraised, the appraisal shall include a cover sheet that itemizes the value of the unsited mobile home, the value of any adjacent or attached structures located on the site and the value of the sited location, if applicable, and valuations of sales of comparable properties.

(2) In the case of a new mobile home, the seller shall provide to a prospective buyer a written disclosure that states the retail price of the unsited mobile home, any applicable taxes, the set-up and transportation costs, and the value of the sited location, if applicable.

(3) In the case of a mobile home as defined in 10 V.S.A. § 6201, the seller shall provide to a prospective buyer a written disclosure of any flooding history or flood damage to the mobile home known to the seller, including

flood damage from inundation or from flood-related erosion or landslide damage.

(4) A legible copy of the disclosure required in subdivision (2) of this subsection shall be prominently displayed on a new mobile home in a location that is clearly visible to a prospective buyer from the exterior.

* * *

** * * Accessibility Standards * * **

Sec. 6. 20 V.S.A. chapter 174 is amended to read:

CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS

AND, PARKING, AND STATE-FUNDED RESIDENTIAL BUILDINGS

Subchapter 1. Public Buildings and Parking

§ 2900. DEFINITIONS

* * *

Subchapter 2. State-Funded Residential Construction

§ 2910. DEFINITIONS

As used in this subchapter:

(1) “Adaptable” means a residential unit that complies with the requirements for a Type A Unit or a Type B Unit set forth in section 1103 or 1104, respectively, of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

(2) “ICC” means the International Code Council.

(3) “State-funded residential building” means a building that is designed or intended for occupancy as a residence by one or more individuals the construction of which is funded in whole or in part by State funds.

(4) “Visitable” means a residential unit that complies with the requirements for a Type C Unit set forth in section 1105 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

§ 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION;

ACCESSIBILITY REQUIREMENTS

(a) Any State-funded residential building that is constructed in Vermont on or after July 1, 2025 shall comply with the following requirements:

(1) All residential units that are located partially or wholly on the ground floor or are accessible by an elevator or lift shall be adaptable units.

(2) Any residential unit that is not located on the ground floor and is not accessible by an elevator or a lift shall be a visitable unit.

(b) A State-funded residential building constructed in accordance with the requirements of this section shall not be modified in any way that would reduce its compliance with the requirements of subsection (a) of this section, as

applicable, during any subsequent repairs, renovations, alterations, or additions.

(c) The Access Board shall adopt rules as necessary to implement the provisions of this section.

Sec. 7. 24 V.S.A. § 4010 is amended to read:

§ 4010. DUTIES

(a) In the operation of or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

* * *

(6) When renting or leasing accessible dwelling accommodations, it shall give priority to tenants with a disability. As used in this subdivision, “accessible” means a dwelling that complies with the requirements for an accessible unit set forth in section 1102 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to 20 V.S.A. § 2901.

* * *

* * * Housing Accountability * * *

Sec. 8. VERMONT STATEWIDE AND REGIONAL HOUSING TARGETS

PROGRESS; REPORT

(a) Upon publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a, the Department of Housing and Community Development, in coordination with regional planning commissions, shall develop metrics for measuring progress toward the statewide and regional housing targets, including:

(1) for any housing target, a timeline separating the target into discrete steps with specific deadlines; and

(2) for any regional housing target:

(A) a rate measuring progress toward the total needed housing investment published in the regional plan for a region subject to the regional housing target by separate measure for each of price, quality, unit size or type, and zoning district, as applicable; and

(B) steps taken to achieve any actions recommended to satisfy the regional housing needs published in the regional plan for a region subject to the regional housing target.

(b) The Department shall employ the metrics developed under subsection (a) of this section to set annual goals for achieving the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a.

(c) Within one year following publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required

pursuant to 24 V.S.A. § 4348a and annually thereafter through 2030, the Department shall publish a report on progress toward the statewide and regional housing targets, including:

(1)(A) annual and cumulative progress toward the statewide and regional housing targets based on the metrics developed pursuant to subsection (a) of this section; and

(B) for any statewide or regional housing target the Department determines may not practicably be measured by any of the metrics developed pursuant to subsection (a) of this section, an explanation that the statewide or regional housing target may not practicably be measured by the Department's metrics and a description of the status of progress toward the statewide or regional housing target;

(2) progress toward the annual goals for the year of publication set pursuant to subsection (b) of this section;

(3) an overall assessment whether, in the Department's discretion, annual progress toward the statewide and regional housing targets is satisfactory based on the measures under subdivisions (1) and (2) of this subsection and giving due consideration to the complete timeline for achieving the statewide and regional housing targets; and

(4) if the Department determines pursuant to subdivision (3) of this subsection that annual progress toward the statewide and regional housing

targets is not satisfactory, recommendations for accelerating progress. The Department shall specifically consider whether the creation of a process that permits developers to propose noncompliant housing developments under certain conditions, like a builder's remedy, or a cause of action would be likely to accelerate progress.

(d) The Department shall have broad discretion to determine any timeline or annual goal under subsection (a) or (b) of this section, provided the Department determines that any step in a timeline or annual goal, when considered together with the other steps or annual goals, will reasonably lead to achievement of the statewide or regional housing targets published in the Statewide Housing Needs Assessment.

(e) If the statewide and regional housing targets are not published in the Statewide Housing Needs Assessment published in 2024, the Department shall develop and publish the required housing targets within six months following publication of the Statewide Housing Needs Assessment. Any reference to the statewide and regional housing targets published in the Statewide Housing Needs Assessment in this section shall be deemed to refer to the housing targets published under this subsection, and any reference to the date of publication of the Statewide Housing Needs Assessment in this section shall be deemed to refer to the date of publication of the housing targets published under this subsection.

** * * Recovery Residences * * **

Sec. 8a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

(a) Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

** * **

(b)(1) Notwithstanding sections 4467 and 4468 of this chapter, a recovery residence that has adopted a written exit and transfer policy approved by the Vermont Alliance for Recovery Residences may immediately exit or transfer a resident in accordance with the policy if:

(A) the exit or transfer is necessary for the resident's welfare;

(B) the resident's needs cannot be met at the recovery residence; or

(C) the health and safety of other residents or recovery resident employees would be at risk if the resident continues to reside at the recovery residence.

(2) As used in this subsection, "recovery residence" means a shared living residence supporting persons recovering from a substance use disorder that:

(A) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(B) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8b. RECOMMENDATION; RECOVERY RESIDENCE

CERTIFICATION

(a) The Department of Health, in consultation with State agencies and community partners, shall develop and recommend a certification program for recovery residences operating in the State. The certification program shall incorporate those elements of the existing certification program operated by the Vermont Alliance of Recovery Residences. The recommended certification program shall also:

(1) identify an organization to serve as the certifying body for recovery residences in the State;

(2) propose certification fees for recovery residences;

(3) establish a grievance and review process for complaints pertaining to certified recovery residences;

(4) identify certification levels, which may include distinct staffing or administrative requirements, or both, to enable a recovery residence to provide more intensive or extensive services;

(5) identify eligibility requirements for each level of recovery residence certification, including:

(A) staff and administrative requirements for recovery residences, including staff training and supervision;

(B) compliance with industry best practices that support a safe, healthy, and effective recovery requirement; and

(C) data collection requirements related to resident outcomes; and

(6) establish the required policies and procedures regarding the provision of services by recovery residences, including policies and procedures related to:

(A) resident rights;

(B) resident use of legally prescribed medications; and

(C) promoting quality and positive outcomes for residents.

(b) In developing the certification program recommendations required pursuant to this section, the Department shall consider:

(1) available funding streams to sustainably expand recovery residence services throughout the State;

(2) how to eliminate barriers that limit the availability of recovery residences; and

(3) recovery residence models used in other states and their applicability to Vermont.

(c) On or before October 15, 2024, the Department shall submit a written report describing its recommended recovery residence certification program and containing corresponding draft legislation to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8c. LEGISLATIVE INTENT; RECOVERY RESIDENCES;

LANDLORD-TENANT EXEMPTION

It is the intent of the General Assembly upon passage of legislation codifying the recovery residence certification program recommended by the Department of Health:

(1) to repeal 9 V.S.A. § 4452(b) (recovery residence exit or transfer exemption from eviction laws); and

(2) to add an exemption from the application of 9 V.S.A. chapter 137 (residential rental agreements) for occupancy in a recovery residence that has been certified by the Vermont Alliance for Recovery Residences according to the requirements of the certification process recommended by the Department of Health.

Sec. 8d. 18 V.S.A. § 4812 is added to read:

§ 4812. RECOVERY RESIDENCES; EXIT AND TRANSFER REPORTING

(a) Annually on or before January 1, a recovery residence shall report to the certifying body for the recovery residence any exit or transfer of a resident by the recovery residence in the previous year and the asserted basis for exiting or transferring the resident.

(b) Annually on or before January 15, the certifying body for a recovery residence shall report to the Department of Health the data received under subsection (a) of this section.

(c) Annually on or before February 1, the Department of Health shall submit the data received under subsection (b) of this section to the House Committees on General and Housing and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

** * * Effective Date * * **

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2024.