

# THE VERMONT APARTMENT OWNERS NEWSLETTER

JULY/AUGUST

*Educating Vermont Landlords since 1974*

2015

## VT DEPARTMENT OF HEALTH PROPOSED RULES

*Press Release from the Department of Health*

In 2012 the Vermont Legislature passed the Universal Recycling Law which bans disposal of recyclables (metal, glass, plastics #1 & #2, and paper/cardboard) by JULY 1, 2015; leaf and yard debris and clean wood by JULY 1, 2016; and food scraps by JULY 1, 2020. Since that time, the Vermont Department of Health has been working with the Vermont Department of Environmental Conservation to understand how this law affects rental homes throughout the state.

The Department of Health has filed proposed changes to the Rental Housing Health Code and is currently accepting public comments until **July 27, 2015**. Along with clarifying provisions added to conform with

Act 148, the rule also has other minor revisions and typographical corrections.

To review the proposed rule and to see how to submit a comment and/or attend the public hearing please review the Department's website: [http://healthvermont.gov/admin/public\\_comment.aspx](http://healthvermont.gov/admin/public_comment.aspx)

We welcome your comments on the proposed rule.

Page 2 describes the proposed changes and any suggestions for additional changes to the proposed rule changes.



## BUSINESS MANAGER CORNER

Summer is in Full Swing, is it time to start thinking about Fall? In this issue we cover details about the proposed updates to the Rental Housing Health Code. We also provide some articles from our partners, Winooski Insurance, GW Savage, and Stone & Browning Property Management, LLC.

If there are topics you would like to see us cover in the Newsletter, please let us know. We want to make sure to have a variety of articles covering a wide range of subjects.

### INSIDE THIS ISSUE:

PERSPECTIVE	2
WATER DAMAGE	3
DISINFECT YOUR UNITS	4
DISCRIMINATION TESTING	5
FAIR HOUSING TIPS	5
DHCD REGULATIONS	6

**Vermont  
Apartment  
Owners Newsletter**

---

Published by:

Vermont Apartment Owners  
Association, LLC

P.O. Box 701

5203 Shelburne Road

Shelburne, VT 05482-0701

(802)985-2764

1-888-LOW-RENT

(802)985-2534 fax

Email: [info@vtlandlord.com](mailto:info@vtlandlord.com)

**Visit our Website**

[www.vtlandlord.com](http://www.vtlandlord.com)

Please send any comments,  
advertisements or change of  
address to the above address.

**Angela N. Zaikowski**

Director and Editor

Email: [angela@vatlandlord.com](mailto:angela@vatlandlord.com)

**Stuart M. Bennett**

VAOA Founder

The Vermont Apartment Owners  
Newsletter is copyright protected. It is  
against the law to duplicate any portion  
of this newsletter for any purpose with-  
out the express consent of Vermont  
Apartment Owners Association, LLC.

© 2015

## PERSPECTIVE

By Angela N. Zaikowski

# RENTAL HOUSING HEALTH CODE CHANGES

The proposed changes to the Rental Housing Health Code (“RHHC”) are as follows:

1. Changing the numbering system for the Code. *VAOA supports this proposed change. For ease of the rest of the comments, the new numbering system will be used when identifying sections.*
2. Re-wording Section 3.2 to clarify that the code does not apply during the time period when Rooms & Meals tax is collected, but will apply to longer term rentals. *VAOA supports this clarification.*
3. Added to Section 4.2 that tents and other structures used for the express purpose of camping are excluded from the RHHC. *VAOA is unsure of why this change is being made, but it is consistent with the Residential Rental Agreements Act.*
4. New Section 4.4 adds a definition of Food Residual or Food Scrap and deletes the current definition of Garbage. New Section 4.17 provides a definition of “Recyclables” as well. Section 4.22 provides a revised definition for Trash. *These are changes reflecting the new mandatory recycling and composting laws. Mandatory recycling went into effect on July 1, 2015 and mandatory composting will go into effect on July 1, 20\_\_.*
5. Revised Section 4.7 and added Section 4.15, related to pests and infestations. *These two sections make it clear that bedbugs are now covered under the RHHC.*
6. Section 5.5 is updated to include the revised definitions for trash, recyclables, and food scraps. *The same responsibilities for tenants and landlords continue as they currently are.*
7. Section 6.0 incorporates the changed definitions (Sections 4.7 and 4.15). *The major change is that bed bugs would now be covered under the RHHC. The changes did not provide landlords with any additional tools for dealing with bedbug issues in their building. VAOA’s recommendation is that Section 6.2 have the following language removed: “except as provided for in Section 6.1.3.” Or an alternative suggestion is to remove language from Section 6.1.3 “or infestation exists in two or more of the dwelling units in any dwelling.” If the tenant cause an infestation no matter how many units it is in now, the tenant should be responsible for the cost. Right now the way the RHHC is written, the tenant actually benefits by not reporting the issue in a timely fashion. If the infestation shows up in two or more units, the burden shifts to the landlord to exterminate and pay for treatment. The RHHC should make it explicitly clear that if a tenant causes the infestation, regardless of the number of units currently impacted, it is the tenants cost.*

## PROTECT YOUR PROPERTY FROM ACCIDENTAL WATER DAMAGE

One of the most common and preventable causes of property damage to residential properties is the sudden and accidental release of water from the building's plumbing system. Residential plumbing systems consist of a water supply piping system and drain or waste line system. Because the water supply piping system is under pressure, any break or failure in the system can allow the release of substantial amounts of water especially if the break or failure is not discovered quickly. You can substantially reduce your potential for this type of damage by a modest investment in timely replacement of those components of the water supply system that have a finite life span and are the most common causes of accidental water damage.

**Compression Fittings** – Whether semi-rigid chrome plated brass, copper or flexible plastic, the water supply lines that connect the water supply piping system to faucets, toilets, dishwashers and refrigerator ice makers rely on compression fittings at each end of the line to make a water tight seal. The combination of the force of the compression, water pressure and corrosion causes the compression washer to fail over time and allow water leakage.

**Toilet Wax Gaskets** – Toilets are installed with a wax gasket sealing the connection between the base of the toilet and the plastic or metal flange on the waste line servicing the toilet. This wax gasket prevents water, waste and sewer gas from escaping. Over time the wax gasket compresses and deteriorates and if not replaced will allow leakage.

**Toilet Tank Bolt Washers** – In a conventional two piece toilet, the tank is secured to the base of the toilet by two nuts and bolts. Rubber washers on the bolts seal the holes where the bolts pass through the base of the toilet tank. The combined effect of the constant compression of these washers and their deterioration due to constant immersion in water will cause them to fail over time.

**Toilet Ball Cock or Float Valves** – The ball cock or float valve is located inside the toilet tank and starts the flow of water to fill the tank and shuts off the flow of

water when the tank is full. Corrosion and the effects of continuous immersion in water will ultimately cause this valve to fail which typically results in the water supply failing to shutoff when the tank is full.

**Washing Machine Water Supply Hoses** – Single ply unreinforced washing machine supply hoses are a notorious cause of accidental water release. Single ply unreinforced hoses should be replaced by stainless steel mesh reinforced hoses.

**Hot Water Heaters** – Water heaters typically fail as a result of the consumption of the sacrificial anode inside the water heater by corrosion. Once the sacrificial anode is gone, the interior wall of the tank becomes the target of corrosion. Unless the tank has had the sacrificial anode replaced between years 5-7, any tank is at high risk for failure once it is in excess of ten years old and proactive replacement is prudent as tank failure is merely a matter of time.

For more information or a no-obligation comparison of your property and casual insurance, contact Michael Hughart at Winooski Insurance 802-858-5591 or [michaelh@winooskiinsurance.com](mailto:michaelh@winooskiinsurance.com)

**The pressure on water supply piping means a failure of the system can cause the release of a substantial amount of water.**

## DISINFECT YOUR UNITS

*VAOA has previously run this article, but it is interesting enough that a re-print seemed appropriate.*

GW Savage has a new a broad spectrum decontamination product available that has potential uses in rental properties. The product is ASA-1000 which is non-toxic and leaves a non-toxic residue. Currently, there are no known adverse health effects during and after application of this product. ASA-1000 is an **EPA** approved disinfectant due to its ability to destroy *Staphylococcus aureus*, *Pseudomonas aeruginosa*, and *Salmonella choleraesuis*. This disinfectant has also shown to destroy viruses (such as H1N1, Avian Flu, Bovine Corona Virus), bacteria, and fungi.

While the traditional application of a disinfectant is in a hospital or medical establishment, there are some practical uses in the rental property community.

ASA-1000 D is also **EPA** registered for use in HVAC ducts after cleaning to ensure that all pathogens are removed. It is also a good product for any space that has had mildew and mold growth after the areas have been remediated following the IICRC S520 standards.

The advantage of this product is that it can be applied very quickly (80,000 square feet in 4 hours). The areas where treatment is done will have to be vacated for

2 hours after treatment. Smoke detectors will have to be disabled during application as the fog will set them off. Clients will have to contact the local fire department to let them know the smoke detection system will be down until reactivated by client.

This product is not a replacement for cleaning the unit or addressing mold/mildew issues in your rental property. It is meant to complement your cleaning regime.

For more information about this product including pricing and application details please contact Brian Lalime at G.W. Savage. @ (800) 684-0404 or [blalime@gwsavage.com](mailto:blalime@gwsavage.com)



### FOR SALE

### 25 Bedroom Investment Property

In the Heart of Downtown Burlington

Walk to UVM & Church St

Excellent Numbers & Income

100% Leased till May 2016

Units show beautifully

100% of renters have parental Co-signers

No Pets or Smoking

Interested investors need to be Pre-Qualified

Contact

[btvpropertyinvestor@yahoo.com](mailto:btvpropertyinvestor@yahoo.com)



PROPERTY MANAGEMENT, INC.

### Professional Property Management

Since 1978

**802-864-5200**  
ext. 225 - Stephanie Allen

[www.coburnfeeley.com](http://www.coburnfeeley.com)



Stephanie Allen  
Executive VP and  
Chief Operating Officer

### We Specialize in the Management of:

- Residential Apartments
- Senior 55+ Apartments
- Condominium Rentals
- House Rentals
- Commercial Buildings
- Small Condo Associations

346 Shelburne Rd. • Hickok & Boardman Place • Suite 602 • PO Box 4057 • Burlington, VT 05406

## DISCRIMINATION TESTING

The VAOA Business Office recently received communication from one of our members who noticed the Vermont Legal Aid was advertising on Craig's List for tenants to be trained as testers.

What does this mean for landlords? It means that Vermont Legal Aid is getting ready to start making discrimination test calls again. You can be charged with discrimination if you treat testers differently. The inference is drawn by the people reviewing the tests that for two calls where everything is equal except for a difference based on a protected class, is that the different treatment is due to the protected class.

What can you do to protect yourself? First, treat everyone the same. Don't make decisions about

who you are going to rent to on the phone. Offer everyone who calls a chance to view the rental and give them a rental application.

While the testing is mostly done through phone calls, some testers are sent out to go through a viewing with the landlord or property manager. Make sure you are treating everyone equal and giving the same information to everyone who views the unit. Do not have some information that you only tell people with children, all persons viewing the unit should be told the same information.

If you have additional questions, please don't hesitate to contact us at VAOA.

---

## FAIR HOUSING TIPS

*Article Provided by Stone & Browning Property Management, LLC*

Understanding fair housing laws is a crucial element to owning rental property in Vermont. While there is much to discuss on this topic, I will keep it short and tell you about 6 things you need to be aware of and consider when dealing with fair housing laws, and tell you how you can stay in compliance.

**Advertising:** Whenever you want to find a prospective renter, you make advertisements for your unit. This is where a lot of landlords run into issues. They may write a glowing ad but include a line like, "This apartment would be perfect for a young professional," or "Seeking young professional to rent a desirable unit in downtown Burlington." Basically you are telling everyone reading this ad that if you are not a "young professional" you cannot rent this apartment. This ad would be seen as discriminating against families, middle aged professionals, and the elderly. A good rule to follow when writing your ads is to strictly describe the

property and its amenities - NOT the type of resident you are wanting to attract. Again, you cannot discriminate based on race, color, religion, national origin, sex, disability, or familial status.

Understanding fair housing laws is a crucial element to owning rental property in Vermont. While there is much to discuss on this topic, I will keep it short and tell you about 6 things you need to be aware of and consider when dealing with fair housing laws, and tell you how you can stay in compliance.

**Advertising:** Whenever you want to find a prospective renter, you make advertisements for your unit. This is where a lot of landlords run into issues. They may write a glowing ad but include a line like, "This apartment would be perfect for a young professional," or "Seeking young professional to rent a desirable unit in downtown Burlington." Basically you are telling everyone reading this ad that if you are not a "young professional" you cannot rent this apartment. This ad would be seen as discriminating against families, middle aged professionals, and the elderly.

*Continued on Page 6*

## DISCRIMINATION TIPS, CONTINUED

*Continued from Page 5*

A good rule to follow when writing your ads is to strictly describe the property and its amenities - NOT the type of resident you are wanting to attract. Again, you cannot discriminate based on race, color, religion, national origin, sex, disability, or familial status.

**Reasonable Accommodation:** A resident may request that a landlord voluntarily make exceptions to their standard rules and policies to accommodate a disability. These requests must be reasonable and should not place extra burdens upon the landlord. Unreasonable or burdensome requests can be denied, in which case the landlord should send a letter to the resident explaining the reasoning behind the denial. A landlord should not offer any accommodations - doing so before it is requested by a tenant may in certain cases lead to claims of discrimination.

**Reasonable Accommodation:** A resident may request that a landlord voluntarily make exceptions to their standard rules and policies to accommodate a disability. These requests must be reasonable and should not place extra burdens upon the landlord. Unreasonable or burdensome requests can be denied, in which case the landlord should send a letter to the resident explaining the reasoning behind the denial. A landlord should not offer any accommodations - doing so before it is requested by a tenant may in certain cases lead to claims of discrimination.

*You can follow Stone & Browning Property Management, LLC on their Blog, <http://blog.stonebrowningpm.com/> or you can reach them at (802)522-0406.*

### MOBILE HOME PARK SECTION

*DEDICATED TO TOPICS CONCERNING MOBILE HOME PARKS*

## DHCD RULES RELATED TO MOBILE HOME PARKS

The Department of Housing and Community Development (DHCD) has created Rules related to mobile home parks. These Rules are in addition to the requirements of Title 10, Chapter 153. In many instances, the Rules provide further guidance for Park Owners and tenants.

Park Owners should familiarize themselves with the DHCD Park Rules, so as to not inadvertently be out of compliance. The Rules provide further details on sending termination notices, spell out what a violation of the Warranty of Habitability is.

Why are the Rules so important? They can be the difference between your eviction case continuing

forward or being dismissed from court. The rules could be the difference between facing enforcement action by DHCD or not.

All of the Rules and Regulations that govern Mobile Home Parks can be found here:

[http://accd.vermont.gov/strong\\_communities/housing/rules](http://accd.vermont.gov/strong_communities/housing/rules)

The DHCD Rules also have additional information regarding Park Sales and Closures.

**PAID ADVERTISEMENTS**



Property Management

**Full Service Property Management  
and Maintenance Services**

- Apartment Management
- Commercial Management
- Condominium Management
- Building Maintenance
- 24 Hour On-Call Service

**802-863-6940**  
**appletreebay.com**

1205 North Avenue  
PO Box 3009  
Burlington, VT 05408

**HAPPY WIFE - HAPPY LIFE?**

**Why Sell Now?**

- Pending Federal Increase in Capital Gain
- Low Inventory - High Demand
- Looming Increase in Interest Rates
- You Know You Want to... at Least Your Partner Does

**20+ YEARS EXPERIENCE**

Buying – Selling – Investing



**Brian Armstrong**

598-3190

Service Excellence



**FUSION**  
PROPERTY MANAGEMENT, LLC

INNOVATIVE & PROFESSIONAL PROPERTY MANAGEMENT

Offering full service residential property management for rental units throughout Chittenden County.

Multi Family Buildings - Investment Properties  
Single Family Homes - Vacation Properties  
Condominiums

*Call now to find out about our Montpelier expansion!*

**802-777-6543**

**www.fpmvt.com**

*Your property, properly managed*



**Green Mountain Lead**

**Safety Services**

Providing essential maintenance Inspections and services to Vermont Landlords.

**Fred R. Messer**

317 Meadow Road, Waitsfield, VT 05673

Email: [fmesser@madriver.com](mailto:fmesser@madriver.com)

Phone: (802)793-2238

**Discounts for VAOA Members \* Call or Email for Details**

# PAID ADVERTISEMENTS



**LIPKIN INVESTMENT PROPERTIES** www.lipvt.com  
Residential & Investment Real Estate

**COLDWELL BANKER**  
HICKOK & BOARDMAN REALTY

**WE SPECIALIZE IN MULTI-FAMILY PROPERTIES**

- Zoning • Code Enforcement • EMP
- TSEEO • Tenant Relations

**Contact us to Buy OR Sell!**

 Steve Lipkin  
Realtor®/Broker  
(802) 363-5697  
Steve@LipVT.com  
LipVT.com

★ #1 Multi-Family Agent in Vermont ★

## Leon Beliveau

*The Landlord's Realtor*  
*Century 21 Jack Associates*

- Are you thinking about selling or buying an investment property?
- Do you want a Real Estate Professional with over 25 years experience as a local Realtor and Landlord?
- How about someone knowledgeable with all phases of apartment purchases, sales, management, 1031 exchanges and problem solving?
- Call Leon Beliveau at 802-238-0922 today to discuss your real estate needs.
- Email: [LeonBeliveau@c21jack.com](mailto:LeonBeliveau@c21jack.com)

PRSRRT STD  
U.S. Postage  
**PAID**  
Burlington, VT  
Permit No. 253

VERMONT APARTMENT OWNERS  
ASSOCIATION, LLC  
P.O. Box 701  
Shelburne, Vermont 05482-0701