

What Landlords Need To Know About Safe Housing and Complying With The Law



Vermont Department
of Public Safety
Fire Safety Division
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This brochure is intended to help landlords understand their obligations under the life safety, electrical, plumbing, boiler and building codes that are administered by the Vermont Department of Public Safety, Fire Safety Division.

Smoke Alarms

Landlords must ensure that there are properly working smoke alarms in each rental unit. The number of units and age of your apartment house determines the standards you must meet:

- Newly constructed apartments require smoke alarms that are powered by the buildings' electrical system with battery backup and that are interconnected within the unit.
- Existing apartment houses with one or two units may continue to use properly operating and properly installed battery powered smoke alarms.
- Existing apartment houses with three units or more may continue to use smoke alarms powered on the buildings electrical service without battery backup.

If smoke alarms are installed or upgraded in existing apartment houses, they must be upgraded to be powered by the buildings electrical system and have battery backup. They must be installed in all sleeping areas and outside of the sleeping areas.

Some local regulations may be more extensive than these. Landlords should contact their municipal government office and inquire about local regulations.

The Department recommends that landlords talk with their tenants about the importance of smoke alarms. Ask them to check their alarms on a monthly or periodic basis and notify you immediately if they are not working so you can repair them or replace batteries.

Safe Exits

This brochure cannot address all the technical code requirements for doors, windows and stairways. An Assistant State Fire Marshal in your local Fire Prevention regional office can answer your questions regarding the specific challenges of your building. General guidelines are provided below:

Doors

Doors in the path of exit travel must be maintained in good repair and must be smoke tight when closed. Exit doors must have self-closing hinges, must be easily opened and not require the use of a key, tool or special knowledge to open. Doors are fire rated and the fire rating for a door will depend upon its location and use.

Windows

Every living and sleeping room in rental units must have at least one operable window or exterior door that meets code requirements. Escape windows must be easily opened and not require the use of a key, tool or special knowledge to open. The window must have a clear opening, with a minimum width of 20", a minimum height of 24" and the bottom opening must be within 44" of the floor. New installations require a 5.7 square foot opening and existing windows are required to be 5.0 square feet. The lower sill of the window must be within 20 feet of the ground in order to be considered an egress window; otherwise your tenant needs another form of protected exit, or the installation of a sprinkler system.

Stairs

Stairways must be properly maintained and cleared of combustible materials that could "fuel" a fire. Existing apartment houses require risers of 7" and treads of 11". A stairway must be at least 36" wide. There must be at least one handrail that is 34"-38" high when measured vertically to the top of the railing from the leading edge of the tread.

Tenants also have a responsibility for their own safety. Landlords should consider creating a written checklist of the building's important safety features, including smoke alarms and emergency exiting. Tour the apartment with the tenant and identify the safety features. Ask the tenant to initial the checklist, indicating that he or she has been made aware of the features.

Alterations and Construction Permits

Your apartment house is a public building, even if it is a single family home. If you plan to make alterations to your building, you must submit a set of plans with detailed information to your local Fire Prevention regional office. This is required even if you have applied for permits with your local municipal office. A complete explanation of the process and fee schedule is available by calling your local regional office and also is available on the Department's Fire Safety Home Page.

Every attempt is made to review your plans within 30 days of your application. The local plan reviewer will send you a permit and will inform you if you need to make alterations to your plans. Often permits are issued "with conditions" to expedite the project for the builder or landlord. Lack of details will cause delays in the processing of your permit. In rare situations, your application may be denied and you may wish to ask for a variance. We encourage you to talk to your local plan reviewer if you have questions as the Department strives to provide excellent service.

After you receive your permit, you can expect to have an Assistant State Fire Marshal inspect your property to ensure that the building is in compliance with your approved plan. If you begin work without the appropriate permits, you may

be subject to administrative penalties.

Electrical Work and Electrical Work Notices

If you are planning to have electrical work performed, an electrical work notice must be filed with your local Fire Safety regional office and the work must be completed in accordance with the electrical safety rules. If your apartment house has three units or more, a master electrician must perform the work. You may wish to check with your contractor to make sure the appropriate requirements have been met, as their work will be inspected and their license will be checked. A complete listing of licensed electricians is available from the Department and on the Department's Fire Safety Home Page.

Boilers

Many buildings have hot water or steam boiler heating systems. If you carry boiler insurance, an insurance company inspects your boiler. The Department employs boiler inspectors who inspect all other boilers. It is important to check your boiler to make sure that it has a recent inspection certificate.

Plumbing Work and Plumbing Work Notices

If you are making alterations to your existing building and those alterations include plumbing alterations, you must hire a licensed plumber to perform the work and the licensed plumber must file a plumbing work notice with your local Fire Safety regional office. If you are simply replacing plumbing fixtures with new fixtures, you are not required to hire a licensed plumber and no plumbing work notice needs to be filed, however, the work must comply with the plumbing safety rules. The Department employs a Chief Plumbing Inspector who makes random inspections and checks the licenses of individuals performing plumbing work on site. A complete listing of licensed plumbers is available from the Department and on the Department's Fire Safety Home Page.

Variances

You should be aware of the variance process. The variance process allows certain code requirements to be waived if an equivalent level of safety is provided.

If you request a variance, you will be asked to demonstrate that strict compliance with the code would entail practical difficulty or unnecessary hardship and to provide evidence of equal life safety protection. If you have any questions about the variance process, contact your local Fire Safety regional office.

Complaint Inspections

An Assistant State Fire Marshal may inspect your building if a tenant complains to the Department about the building's safety. We encourage you to be cooperative in arranging the inspection. If a landlord is uncooperative and unwilling to permit an inspection, the Department has the ability to go to court and receive a warrant to gain access.

The Department is willing to agree to reasonable time frames for bringing a building into compliance and encourages landlords to discuss options with the Assistant State Fire Marshal.

Administrative Penalties/Findings and Orders

In rare cases of noncompliance with fire prevention and building codes, the Department may issue administrative citations and penalties. Should you receive an administrative citation and penalty, the Department will send you an information sheet explaining the process and your options. You will have an opportunity to bring your building into compliance, pay the penalty, contest the citation and/or meet informally with the Chief Fire Safety Officer to discuss the situation.

In serious cases of noncompliance, the Commissioner also has the authority to issue Findings and Orders. A Commissioner's order could prohibit occupancy. Failure to comply with the Findings and Orders can result in civil

action by the Vermont Attorney General's office, as well as penalties.

Memorandum of Understanding

The Department has entered into cooperative agreements with the City of Barre, Village of Bellows Falls, Town of Bennington, Town of Brattleboro, City of Burlington, Town of Hartford, and the City of Winooski to perform life safety code and/or electrical inspections on the Department's behalf. Buildings still must meet code requirements, whether a municipality is operating under a cooperative inspection agreement or is independently enforcing fire prevention and buildings codes. Some municipalities may have more extensive requirements than those enforced by the Department. Please contact the us at (802) 828-5098 if you would like further information regarding these cooperative agreements.

Other Safety Issues

In addition to the life safety, electrical, plumbing and boiler codes, landlords should be aware of the Rental Housing Health Code (available from the Department of Health) and the laws concerning indoor contaminants such as asbestos and lead paint;

Asbestos

Information is available from the Department of Health's Asbestos Control Program at 1-800-439-8550.

Lead Paint

Vermont has a lead safety law that went into effect in 1996. All owners of houses that were built before 1978 are required to perform "essential maintenance practices" to reduce lead paint poisoning, unless the building has been certified to be lead-free. Income eligible landlords of owner occupied buildings containing one to four apartments may be eligible to obtain loan guarantees for lead abatements.

Information about lead paint laws and loan guarantees is available at Vermont Lead Poisoning Prevention in the Department of Health at 1-800-439-8550. Technical and financial assistance for landlords also is available through the Vermont Housing Conservation Board at 1-802-828-5064.

How to Contact Us

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Fire Safety Division

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Fire Safety's main office is located at:

Montpelier

Vermont Department of Public Safety

Fire Safety Division

1311 U.S. Route 302 - Berlin

Suite 600

Barre, VT 05641-2351

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Fire Safety's four regional offices are located in:

Barre

5 Perry Street, Suite 200

Barre, VT 05641

(802) 479-4434

Fax: (802) 479-4446

Williston

372 Hurricane Lane, Suite 102

Williston, VT 05495

(802) 879-2300

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Rutland

Fourth Floor

Asa Bloomer Building

Rutland, VT 05701

(802) 786-5867

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Springfield

100 Mineral Street, Suite 307

Springfield, VT 05156

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