

**Ordinance Committee
Monday, August 26, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES**

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Jessica Brown (City Attorney), Brian Pine (CEDO Director)

Public Present: Michael Monte, Todd DeLuca, Sharon Bushor, Christopher Aaron-Felker, Pat Bradley

Meeting called to order at 7:04 PM.

**1. Adopt the Agenda
1.01 Adopt the Agenda**

Motion to Adopt Agenda as is.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from August 14**

Motion to Adopt the Draft Minutes from August 14 with an amendment to Councilor Shannon's opinion on the Condo Conversion ordinance regarding home ownership.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**3. Public Forum
3.1 Verbal Comments**

Todd DeLuca: I live in Ward Four. I support the Condo Conversion ordinance changes. We should focus on displacement and work on programs to help with issues with displacement.

4. Condo Conversion Discussion

Michael Monte and Brian Pine both submitted comments to the Committee. These comments are available in the agenda packet.

Michael Monte (Champlain Housing Trust Director) said that CHT advocates for home ownership for moderate income people. There have been 20 families that were displaced in Winooski due to redevelopment. These families are now scattered around the county. He said that it is good to promote home ownership but low to middle income people must be the focus so there is not consequences for them. There has to be a balance between promoting ownership and safeguarding against displacement.

Councilor Shannon asked Michael Monte to elaborate more on the Winooski scenario and what rules exist in Winooski.

Michael Monte said there are some statewide rules, but the apartments in Winooski are being redeveloped to yield higher rents rather than to create home ownership.

Councilor Bergman asked Michael Monte about the impact of striking the fee for condo conversion and the changing of the stated purpose of the ordinance.

Michael Monte said providing resources and time to current tenants that will be displaced is very important. Also ensuring that the intended condos are affordable to people making \$70-80,000 is important. He said that the fee could be replaced with a limit on the sale price for the resulting condo. This would replace moderate income rental housing with moderate income home ownership.

Councilor Brown McKnight said she would like more information about what kind of apartments are being converted and what the rents are for them.

Brian Pine (CEDO Director) said the census says that just over half of Burlington renters are cost burdened meaning they spent more than 30% of their income on housing. Half of the rent burdened residents are paying over 50% of their income on housing. He said that during the rental registration process the City does not ask for the rent. He said that no government body in the state of Vermont asks about rents that he knows of.

Councilor Bergman said the questions on the rental registration form are defined in ordinance and only available on paper instead of having a database. He said he would be supportive of collecting rent data via that registration form.

Brian Pine said over 80% of rental registrations are done online already. Michael Monte said that an ordinance alone likely will not solve the issue and it would take a program to assist in protecting tenants and promoting homeownership.

Michael Monte said that, for an example, a \$260,000 condo would be a \$240,000 mortgage, about \$1,500 a month for just the mortgage. That is without insurance or taxes. For condos under \$200,000 a mortgage is usually cheaper than market rate rent.

Brian Pine said the current 4% fee does not seem like it is a deterrence from doing a conversion, but the revenue generated from the fee is helpful for the Housing Trust Fund.

Attorney Sturtevant shared the draft ordinance change resolution. This draft is available in the agenda packet.

Councilor Bergman asked for more detail and clarity from the City Attorney's Office and CEDO about recommendations from the Burlington Affordable Housing Task Force as well as about state statutes relating to condo conversion. He said that the ordinance statement of purpose should be changed to directly incorporate the recommendations that are only currently alluded to.

Councilor Bergman asked for some analysis from staff about potential exemptions for tri- and quadplexes. He said he is not currently comfortable with expanding the exemption to all of those units based on the large number of units.

Brian Pine clarified the exemption requirement in 18-302(b)(2) and said when the units were being converted that a deed restriction regarding low income housing would be added. The deed restriction was not required ahead of that time to be exempt.

Councilor Shannon said the tenant relocation costs of up to the proposed two thousand dollars should also be given to a tenant as cash if they are the buyer of the converted condo.

Brian Pine said the application fees generate practically no revenue because there are so few conversion. Councilor Bergman said multiple City offices are involved in conversion administration and that fees should pay for the program's staff time.

Brian Pine said the current application fee of \$25 is too little, but he is unsure what the right amount should be. All councilors agreed that CEDO and the City Attorney's Office should look into how much the application fee should be.

Councilor Shannon said that some larger property developers have complained about the 4% fee and the wait time being onerous to conversions and thus further development.

Councilor Brown McKnight said she would need more analysis on the current fee but would be open to having a sliding scale relative to condo sale price.

Councilor Bergman asked City staff to draft ordinance language based on the recommendations in Michael Monte's memo. He also said that the Committee should look at other housing-related ordinances to see if any others need to be updated after the present one is referred back to Council.

5. Police Oversight Ordinance Discussion

Councilor Shannon shared her thoughts on the makeup of the new oversight panel. She suggested having one member be the City's HR Director, one member be the head of either CEDO, REIB, or the CJC as chosen by the Mayor, two individuals appointed by the Mayor with at least ten years' experience in law enforcement as an LEO, prosecutor, or public defender, and one individual appointed by the Council President with the same ten years' experience requirement. Two of the three outside individuals appointed by the Mayor and Council President

must be Burlington residents. The Mayor and President will coordinate to ensure that there is sufficient diversity on the panel and that the panel can meet in a timely fashion.

Councilor Brown McKnight said she took issue with having the Mayor effectively appoint four of the five members, as well as the Chief of Police. She said she would prefer the Mayor only appoint two of the five. She also said preference should be given to Burlington residents, but could be expanded to Chittenden County if necessary.

Councilor Bergman said he did not want City staff being on the panel. He said all the Department Heads mentioned work with the Chief of Police on a regular basis. He also disagreed with the high professional experience requirement. He said any person chosen from outside the City should have a connection to Burlington. He agreed with Councilor Brown McKnight about not having four of the five members be appointed by the Mayor. He also wanted the new City Attorney Jessica Brown to give her opinion on this issue.

6. Trespass Ordinance Discussion

Agenda item tabled for a future meeting.

7. Any Other Committee Business

The next meeting is set for September 11th at 1:30PM.

8. Adjournment

Motion to Adjourn.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 9:07 PM.