



CITY OF BURLINGTON, VERMONT
CITY COUNCIL COMMUNITY DEVELOPMENT &
NEIGHBORHOOD REVITALIZATION COMMITTEE
c/o Community & Economic Development Office
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401
802-865-7144 VOX • 802-865-7024 FAX • www.burlingtonvt.gov/cedo

Queen City meeting room, 3rd Floor, City Hall

Thursday, October 24, 2024, 5:00 PM

Join Zoom Meeting

<https://zoom.us/j/93859061038?pwd=bmVAYQBiaYFbo0e8KSVXbm9EaWEXb.1>

Meeting ID: 938 5906 1038

Passcode: 505455

One tap mobile

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+13126266799,,93859061038#,,,,*505455# US (Chicago)

Meeting ID: 938 5906 1038

Passcode: 505455

Find your local number: <https://zoom.us/u/anWizYzeo>

1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Minutes

Subject	2.1. Approval of Minutes
Meeting	October 24, 2024 - CDNR Committee Meeting - Thursday, October 24, 2024, 5:00 PM, Queen City meeting room, 3rd Floor, City Hall
Category	2. Adopt Minutes
Department	
Type	Action
Recommended Action	Approve 9/18/24 minutes

3. Public Forum

Subject	3.1. PUBLIC FORUM - Verbal Comments
Meeting	October 24, 2024 - CDNR Committee Meeting - Thursday, October 24, 2024, 5:00 PM, Queen City meeting room, 3rd Floor, City Hall

Category 3. Public Forum
Department
Type

4. Work Session: Proposed Charter Change Language for Setting Rental Notice Periods Municipally

Subject	4.1. City of Burlington Charter Change Resolution for Control Over Rental Notice Periods
Meeting	October 24, 2024 - CDNR Committee Meeting - Thursday, October 24, 2024, 5:00 PM, Queen City meeting room, 3rd Floor, City Hall
Category	4. Work Session: Proposed Charter Change Language for Setting Rental Notice Periods Municipally
Department	Community & Economic Development Office (CEDO)
Type	
Recommended Action	

5. Other Committee Business/Updates

6. Adjournment

6.1. Motion to adjourn meeting



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Councilor Carter Neubieser (CN), Chair, Ward 1

Councilor Evan Litwin (EL), Ward 7

Councilor Joe Kane (JK), Ward 3

CDNR Committee Meeting
Wednesday, September 18th, 2024
6:30 – 8:30 PM

Sharon Bushor Conference Room – City Hall

Committee members: Carter Neubieser (CN), Evan Litwin (EL), Joe Kane (JK)

City Staff: Christine Curtis, CEDO

Other Attendees: Danae Moyer, Beth Whitlock, CEDO; Alex Hazzard

Draft Minutes

Meeting Started at 6:36 PM

1. Approve agenda

MOTION by Councilor Kane, SECOND by Councilor Litwin, to approve the agenda

VOTING: unanimous; motion carries.

2. Approve minutes: 7/17/24

MOTION by Councilor Kane, SECOND by Councilor Litwin, to approve the minutes

VOTING: unanimous; motion carries.

3. Public Forum

- No one spoke at public forum

The programs and services of the City of Burlington are accessible to people with disabilities.

For accessibility information, call 865-7144. For questions about the meeting,
contact Christine Curtis at ccurtis@burlingtonvt.gov

4. Public Hearing: City of Burlington 2023 Consolidated Annual Performance and Evaluation Report (CAPER) - CEDO

- Beth Whitlock presented on 2023 CAPER
- Beth discussed the City's neighborhood revitalization strategy area, and mentioned the newly approved NRSA will be focusing on the Old North End neighborhood. She explained that the City's funding targets were on track, with 66% of funds allocated to the NRSA and 34% citywide. Beth also highlighted the city's top priority, affordable housing, and the various projects funded in the past year, including lead hazard control activities, housing for families experiencing homelessness, and economic opportunity programs. She also mentioned the City's commitment to serving diverse populations, with a significant portion of beneficiaries being extremely low-income individuals. Beth encouraged questions and comments, and offered to provide the report in different formats upon request.
- EL asked that CEDO keep a focus on neighborhoods outside the Old North End where multi-unit housing developments are occurring
- EL asked about the allocation of funds for lead hazard control activities, noting that only 8% went to owner-occupied units while 92% went to rental units not owned by residents. He expressed concern about the lack of claw back or pay-it-forward provisions for programs benefiting landlords and property owners
- EL emphasized the importance of enforceable contractual provisions requiring property owners to provide continued affordability or compensation when benefiting from federally funded projects

5. Work Session: Rent Stability Resolution

- EL presented on draft resolution
- EL discussed the challenges faced by renters due to rising property taxes, inflation, and rent increases. He expressed concern about the lack of control over rents at the municipal level and the potential for people to be priced out of their communities. EL proposed a solution to give renters more time to adjust to rent increases, suggesting a 5% rent increase limit and the introduction of disincentivizing models for property owners who do not follow housing rules. He also mentioned the need for further conversation and potential changes to the proposed draft resolution.
- EL highlighted the issue of exorbitant rent increases and the lack of notice periods, which can lead to tenants becoming unhoused. EL, suggested a 5% rent increase cap with a sunset clause, and the

introduction of the Housing Board Review to handle disputes and potentially order landlords to pay damages. He also mentioned the possibility of changing the charter to allow municipalities to set their own notice periods. Councilor Kane expressed interest in these proposals, but also raised concerns about potential risks and the need for further discussion.

- EL expressed concerns about the complexity of the mediation process and the City's capacity to manage it, suggesting the need for further exploration and possibly bringing in an expert. Councilors also discussed the idea of a sunset clause, which would allow the rent control measures to end if the rental vacancy rate reaches a certain percentage or if the Vermont legislature enacts legislation permitting municipalities to pass rent control ordinances. EL acknowledged the need for more conversations with policy makers in Montpelier to understand the dynamics better
- EL proposed asking the Charter Change Committee to grant the municipality power to set housing thresholds, given the urgency of the housing crisis. EL suggested a simplified approach with a universal 150-day notice period for addressing cost-burdened households. He proposed drafting two versions of charter changes regarding notice periods to streamline the process for the City. The Committee plans to finalize a proposal for the Charter Committee's review in October, with the potential for it to go on the March ballot

6. Other Committee Business

- Upcoming agenda items: homelessness, crime, services and the impacts on residential neighborhoods; NPA draft resolution by next meeting; NPA meeting accessibility; needles in the City

7. Adjournment

- ADJOURN at 8:23 p.m. by Councilor Neubieser with no objection

Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING – CHARTER
CHANGE RE: CITY COUNCIL AUTHORITY TO
REGULATE RENTAL NOTIFICATIONS AND
NOTIFICATION PERIODS

RESOLUTION _____

Sponsor(s):
Introduced: CDNR, Charter Change
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the City has a significant population of renters, and ensuring fair, transparent, and
2 equitable housing practices is essential to promoting stability and wellbeing within the community; and
3 WHEREAS, the City Charter prescribes limited authority for the City Council to regulate rental
4 notifications and notification periods to increase rent or to terminate a tenancy; and
5 WHEREAS, specifically, Section 48(64)(A) requires landlords to provide 90 days’ notice to terminate
6 a tenancy without cause if the tenancy has been less than two years and 120 days if the tenancy has been
7 longer, Section 48(64)(B) requires tenants to provide two rental periods’ notice to terminate a tenancy unless
8 inconsistent with a lease provision, and Section 48(65) requires 90 days’ notice of a rental increase; and
9 WHEREAS, these notice periods are in addition or in excess of those required by general state law,
10 including 9 V.S.A. §§ 4456(d) and 4467(c), and facilitate the City in addressing the unique needs of its rental
11 market; and
12 WHEREAS, the notice periods prescribed by the City Charter are inadequate to allow the City to
13 respond to specific and changing rental housing market conditions; and
14 WHEREAS, granting the City greater flexibility to enact rental notice regulations will allow the City
15 Council to enhance tenant stability, to foster more transparent landlord-tenant relations, and to mitigate
16 negative impacts from sudden evictions or lease terminations, particularly for vulnerable populations; and
17 WHEREAS, at its [date] meeting, the Community Development and Neighborhood Revitalization
18 Committee (“CDNR”) of the City Council referred a motion to the City Council proposing a Charter Change
19 amendment that would grant the City Council greater control to regulate rental notifications and notification
20 periods; and
21 WHEREAS, on [date] the City Council referred CDNR’s recommendation to the Charter Change
22 Committee; and
23 WHEREAS, the Charter Change Committee considered CDNR’s proposal at its meeting(s) on [date/s],
24 and referred the proposal back to the City Council with a positive recommendation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the City Charter recommended by CDNR and the Charter Change Committee and requests that the Mayor warn the following question and place it on the ballot for the Annual City Meeting to be held on March 4, 2025, and that the City Clerk set public hearings on this question in accordance with Section 303 of the City Charter and 17 V.S.A. § 2645:

“Shall the Charter of the City of Burlington, Acts of 1948, No. 298, as amended, be further amended as follows?:

§ 48. Enumerated:

The City Council shall have power:

(1) to (63), as written.

(64) (A) ~~Where there is no written rental agreement and notwithstanding 9 V.S.A. § 4467(c), to prohibit, by ordinance, a landlord from terminating a tenancy of rental housing within the City for no cause unless the landlord provides to the tenant written notice of at least 90 days when the tenancy has been less than two years and of at least 120 days when the tenancy has been two years or more. Notwithstanding 9 V.S.A. § 4467 or any other law, to establish, by ordinance, requirements that residential landlords provide tenants notice prior to termination of residential tenancies, including requirements for the contents and timing of such notices. Such requirements may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.~~

(B) ~~Unless inconsistent with a written rental agreement or otherwise provided by law, and notwithstanding the provisions of 9 V.S.A. § 4456(d), to require, by ordinance, tenants who wish to terminate a residential tenancy to give actual notice to the landlord at least two rental periods prior to the termination date specified in the notice. Notwithstanding 9 V.S.A. § 4456(d) or any other law, to establish, by ordinance, requirements that residential tenants provide landlords notice prior to termination of tenancies, including requirements for the contents and timing of such notices.~~

(65) ~~Notwithstanding any other law, to prohibit increases in rent or other changes in lease terms for rental housing within the City without advance written notice. The timing, contents, and manner of giving such notice shall be established by ordinance of at least 90 days. Such ordinance may include special notice requirements for vulnerable populations, including elderly tenants, tenants with disabilities, and low-income tenants.~~

56 *Material underlined added.

57 ** Material stricken deleted.

58

59

60 er/ Resolutions 2024/*Charger Change re Rental Notifications*

61 *Date*

City of Burlington Charter Change Resolution for Control Over Rental Notice Periods

Whereas, the City of Burlington, Vermont, has a significant population of renters, and ensuring fair, transparent, and equitable housing practices is essential to promoting stability and wellbeing within the community;

Whereas the 2023 Rental Vacancy Study by Allen, Brooks & Minor (ABM), commissioned by CEDO, indicates a current rental vacancy rate of **1%** among **10,994** available units in Burlington;

Whereas rent inflation reached **5.5%** in **2022**, more than double the **2.7%** observed in **2021**, and decreased to **4.8%** in **2023**, outpacing the average annual change in the Consumer Price Index (CPI);

Whereas the estimated cumulative tax impact for the Future BHS/BTC school construction bond will start at **\$648** per **\$370k** assessed homestead value in **2025**, increasing to **\$834** per **\$370k** by **2027**, and remaining in effect for **18 years** until **2046** (Source: FY25 BSD City Council Presentation, July 2024);

Whereas a significant number of households in the Burlington Housing Authority's Section 8 program have struggled to secure housing within the typical **90-day** lease-up period, often requiring additional **90-day** extensions to find suitable options;

Whereas over **50%** of Burlington renters are classified as cost-burdened or severely cost-burdened, with **27%** paying **30% to 49%** of their income on rent and utilities and **26%** paying more than **50%** of their income towards these expenses, with households paying over **40%** considered cost-burdened and those paying over **50%** severely cost-burdened;

Whereas a recent analysis for City Planning concluded that the cost of creating new rental housing is unjustifiable, even at high rental prices, and only projects that are currently approved and underway are advancing at this time;

Whereas, under the current structure of the City Charter, the City of Burlington must seek legislative approval for the explicit authority to set local rental notice periods beyond what is prescribed, limiting the City's ability to address specific local rental issues and housing market conditions in a timely manner;

Whereas, the State of Vermont allows municipalities to request charter amendments to grant additional powers to cities and towns, including the ability to regulate rental notice periods as Burlington's is currently 90 days, whereas the State standard is 60 days.

Whereas, given its high proportion of resident renters compared to the rest of Vermont, the City of Burlington has a unique and prudent interest in regularly reassessing residential rental notice periods in an effort to more nimbly respond to market realities and stabilize our neighborhoods to better preserve our critical workforce housing and socio-demographic diversity.

Whereas, Burlington's ability to enact rental notice period regulations could enhance tenant stability, foster more transparent landlord-tenant relations, and mitigate negative impacts from sudden lease terminations, particularly for vulnerable populations;

Now, Therefore, Be It Resolved by the City Council of the City of Burlington that the City shall pursue a charter change to grant authority to the City of Burlington to establish rental notice periods via the ordinance process, as follows:

1. **Charter Amendment Authorization:** The City of Burlington shall have the authority, under its Charter, to enact ordinances governing rental notice periods for the renewal of leases and termination of tenancies, and other tenant-owner interactions concerning the timing of notices.
2. **Local Ordinance Power:** The City Council may, through its legislative process, adopt ordinances that establish rental notice periods, which may include but are not limited to:
 - Minimum notice periods for lease terminations initiated by landlords.
 - Minimum notice for tenants when terminating their leases.
 - Minimum notice required for rent increases or changes in lease terms.
 - Special notice periods for vulnerable populations, including elderly tenants, low-income tenants, and tenants with documented disabilities.
3. **Community Input and Stakeholder Engagement:** The City Council commits to a public and transparent process when drafting and adopting any ordinances under this authority. Input from renters, owners, housing advocates, and the broader community shall be solicited and considered to ensure the ordinances address the needs of all stakeholders and reflect the community's values.

Be It Further Resolved, the City Council directs the City Attorney to draft the necessary language for this charter change and to present it for approval by the voters of Burlington at the next general election.

Be It Further Resolved, upon approval by the voters, the City Council shall submit the charter change to the Vermont Legislature for consideration and enactment in accordance with state law.