



# **BTV HOUSING SUMMIT**

**STR Summary Slides Jan-Nov 2020**

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***Document updated on Dec 1 to incorporate information from Nov. 24, 2020 meeting***

# Housing Summit 2019 Recap

## Organized by Mayor Weinberger in July & September 2019 to:

- Look at chronic housing challenges, progress in since 2012
- Bring renewed energy, attention to work of 2015 Housing Action Plan
- Identify a list of actionable policy changes to pursue in 2019-2020
- Set the table for additional housing work in the future



*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# 2015 Housing Action Plan

- **Expand municipal resources to support new low- and moderate-income housing creation, assist those ineligible for subsidy**
- **Consider land use reforms to address regulatory barriers and disincentives to housing production**
- **Pursue strategies for housing college students, improving quality of life and housing cost in historic neighborhoods**
- **Identify new approaches to homelessness in our community**
- **Provide appropriate housing options for an aging population**

# 2019 Housing Summit Reforms

- Updating standards for energy efficiency in rental housing- *in progress*
- Making it easier to build Accessory Dwelling Units- *adopted*
- Implementing regulations for short-term rental- *in progress*
- Reforming requirements for building new parking- *adopted*
- Restoring the level of funding for the City's Housing Trust Fund- *approved by voters, but postponed in 2020*

# Housing Summit 2019 RE: STRs

## What We Heard:

- Establish standards for STR's (zoning & minimum housing).
- Encourage or require owner-occupancy.
- Encourage partial unit STR's rather than whole unit.
- Different standards for different types and areas – not one size fits all.
- Consider ways to limit number & location.
- Consider neighborhood impacts.
- Consider ways STR's might support affordable housing.



*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# STR Policy Goals

Per Oct 2019 Council Resolution, a framework that “creates tiers for different types of [STRs] and disincentivizes the most impactful uses...by:

- *limiting the number of housing units that can be converted for [STR] purposes and*
- *ensuring that those conversions are contributing to the city’s efforts to preserve and expand permanently affordable housing, while also*
- *preserving some flexibility and ability to earn greater income for Burlington homeowners, and*
- *recognizing that some supply of [STRs] benefits the Burlington economy...”*

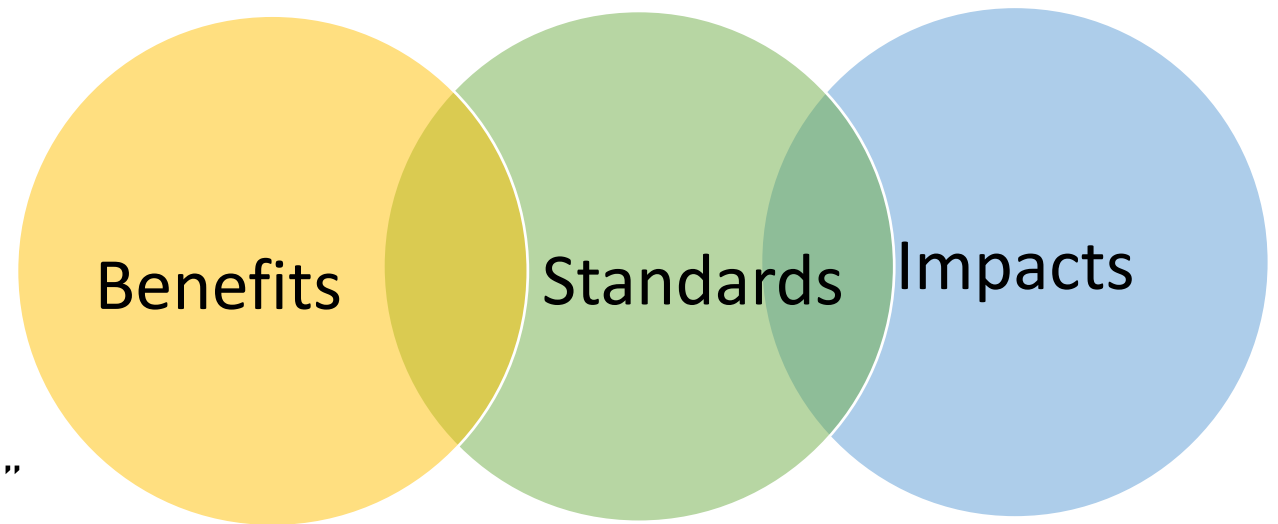


*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# Proposed Framework (original)

We've have heard a lot of very different opinions; key is to find balance between a legal pathway for these rentals, while limiting the burden on the city's housing stock.

- Consider Zoning, Rental Registration & Minimum Housing Code requirements
- Distinguish between whole-unit and rooms-within-a-unit STR's
- Require annual rental registration for STR's
- Require minimum housing inspection, except for some situations
- Continue to apply "Housing Replacement" and "Temporary Use" standards



# Proposal: Rooms within a Unit

**Policy intends to limit the number of housing units converted to STR, ensure that those conversions contribute to efforts to preserve & expand affordable housing, while allowing some flexibility for hosts to earn income and benefits to Burlington economy.**

## **Proposed Zoning Policy:**

- Revise “bed & breakfast” definition to recognize this type of STR
- Property must be host’s primary residence
- In residential zones, up to 2 rented rooms are permitted, 3+ are Conditional Use
- In mixed-use zones, up to 5 rented rooms permitted
- One parking space per rented bedroom in residential districts

## **Other Regulatory Considerations:**

- Allow tenants as hosts, with owner/association permission
- All units required to register as a business (pay applicable taxes), and register annually as a rental
- Continue existing minimum housing inspection exemption for rental of one or two rooms within an owner-occupied home

# Proposal: Whole Unit Rentals

## Proposed Zoning Policy:

- Create new “whole unit short term rental” definition, considered a non-residential use
- Property where the STR is located must be the host’s primary residence
- Permitted in mixed-use zones, Conditional Use in residential zones
- Limit # of rentals based on size of building:
  - 1 STR in bldgs. with 1-3 units (including ADUs)
  - 2 STR in bldgs. with 4-5 units
  - 3 STR in bldgs. with 6+ units
  - Buildings with 4+ STR considered a Hotel
  - Upper limit of 3 or 5% of total dwelling units on a property, whichever is greater
- One parking space per rented unit in residential districts

## Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission
- All units required to register as a business (pay applicable taxes), and register annually as a rental
- Require minimum housing inspection
- Continue to apply Housing Replacement to housing units converted to STRs; exempt from requirement if unit is originally created & permitted as an STR

# Existing Regulations

## What is in place already that remains unchanged in this proposal?

- City & State rooms & meals tax required of hosts (some platforms remit on behalf of hosts)
- Zoning standards for Bed & Breakfast (to which permitted short-term rentals have complied)
- Zoning has “temporary use” provisions, which exempt some uses from permitting requirements
- Zoning requirements for housing replacement, when housing is converted to commercial use

This is not a zoning permit. This is a

# NOTICE

of  
**ZONING PERMIT REQUEST**

ADDRESS: \_\_\_\_\_  
DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
APPLICANT: \_\_\_\_\_  
DEVELOPMENT REVIEW BOARD DATE: \_\_\_\_\_

For more information  
contact

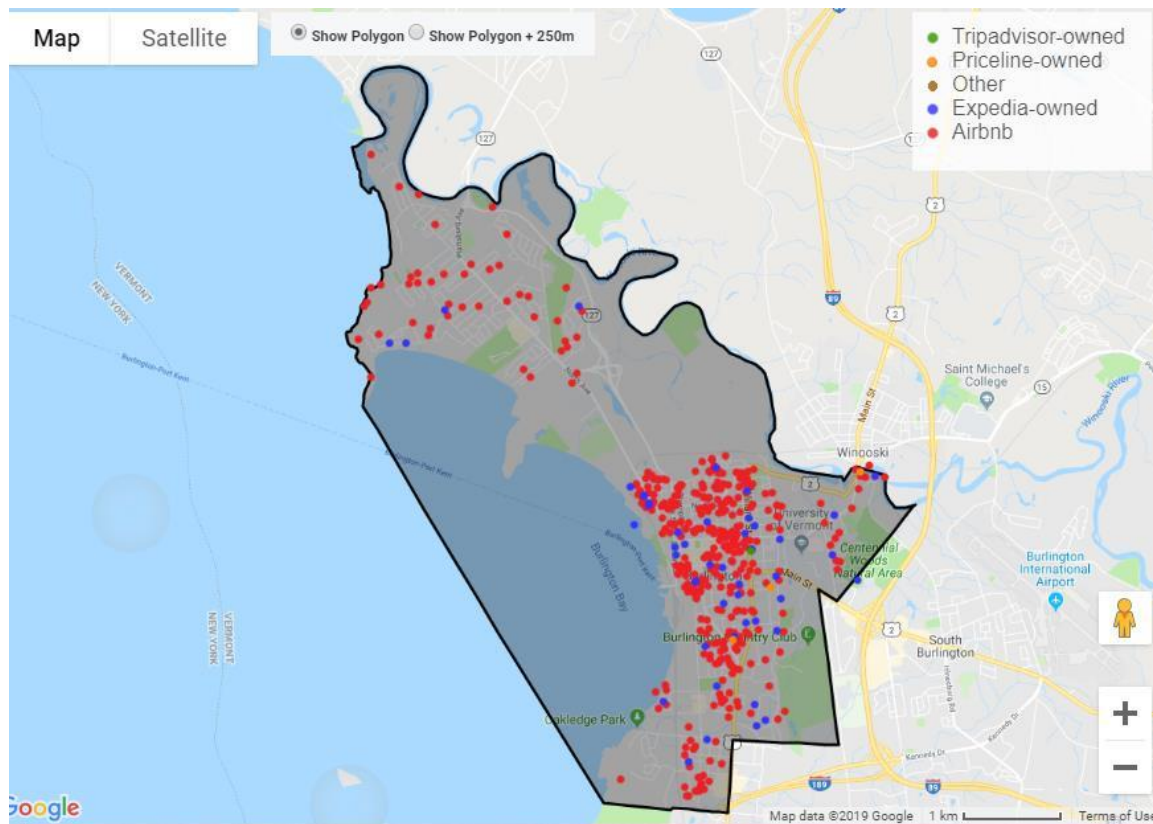
**City of Burlington**  
**Permitting & Inspections**

645 Pine Street,  
Burlington VT

**TEL: 802-865-7188**  
[WWW.BURLINGTONVT.GOV/PZ](http://WWW.BURLINGTONVT.GOV/PZ)

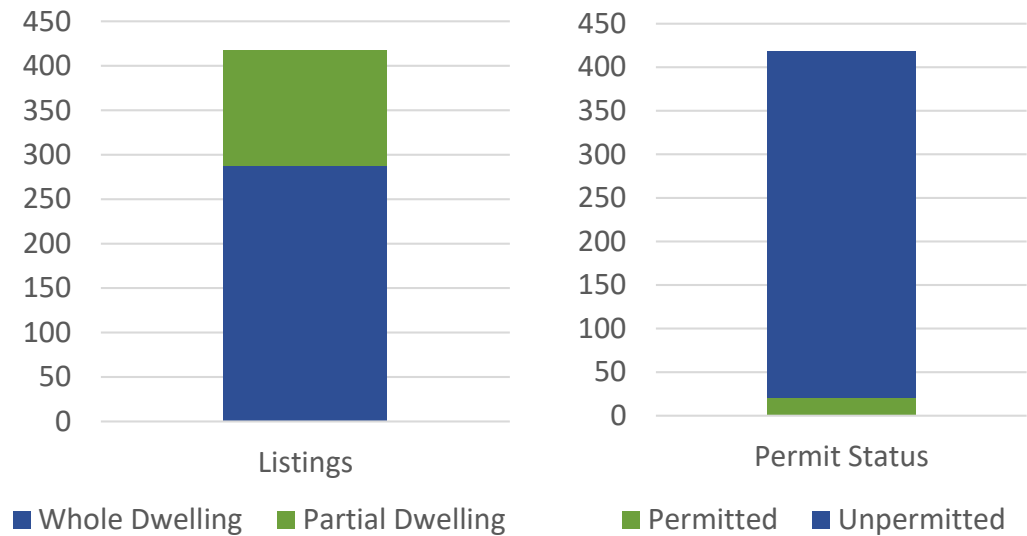
This notice shall be displayed on the subject premises and shall be clearly visible from a public way. Notice shall be displayed at the time of application and shall not be removed until after the appeal expiration date, and the permit has been picked up.

# Background on STR's in Burlington



Short-term rentals are dwelling units rented in whole or part to guests for stays of 30 days or less.

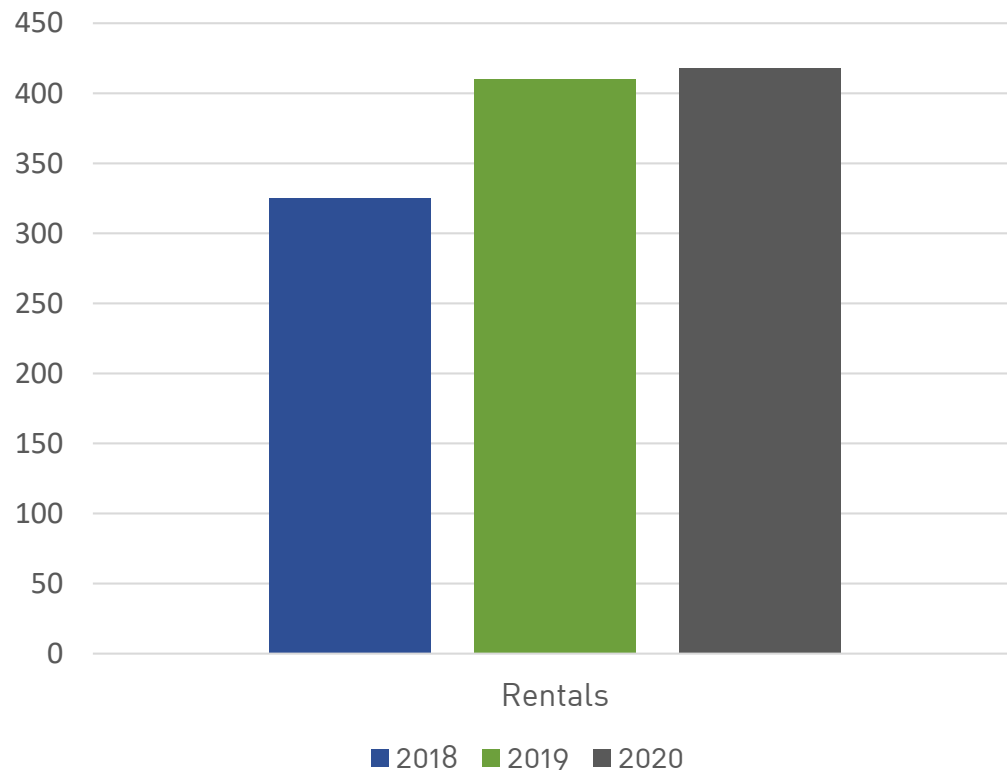
## Short-Term Rentals, Burlington *July 2020*



Map and data on number of STR's in Burlington provided by HostCompliance. Data on number of permits issued provided by Department of Permitting & Inspections.

# Background on STR's in Burlington

## Growth in STR Listings in Burlington



Data in charts/graphics on slide provided by Host Compliance. Total listings has varied from 405 to 420 listings between June – Sept. 2020

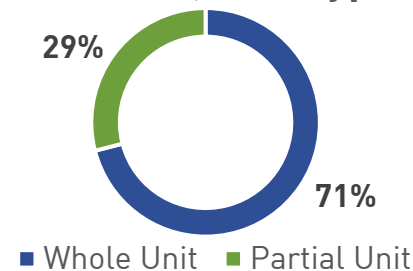
## 2019 report by AirBnB:

- Burlington was #1 destination in VT, summer 2019
- Avg. monthly revenue for a STR in Burlington was \$2,700 in 2019.

## Sept 2020 Data from Host Compliance:

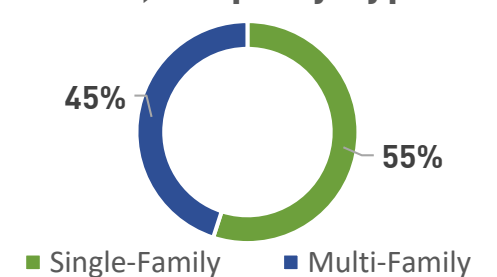
- Median Nightly Rate in BTV is \$129, from \$119 in July 2019

### % of STRs, Unit Type



Update: Whole Unit STR's increased from 67% to 71% in the last year.

### % STRs, Property Type



Update: Single-Family properties decreased from 58% to 55% in July.

# Background on STR's in Burlington

## Listings:

- All rental advertisements that are available across all platforms
- May duplicate portion(s) of other listings

## Unique Properties:

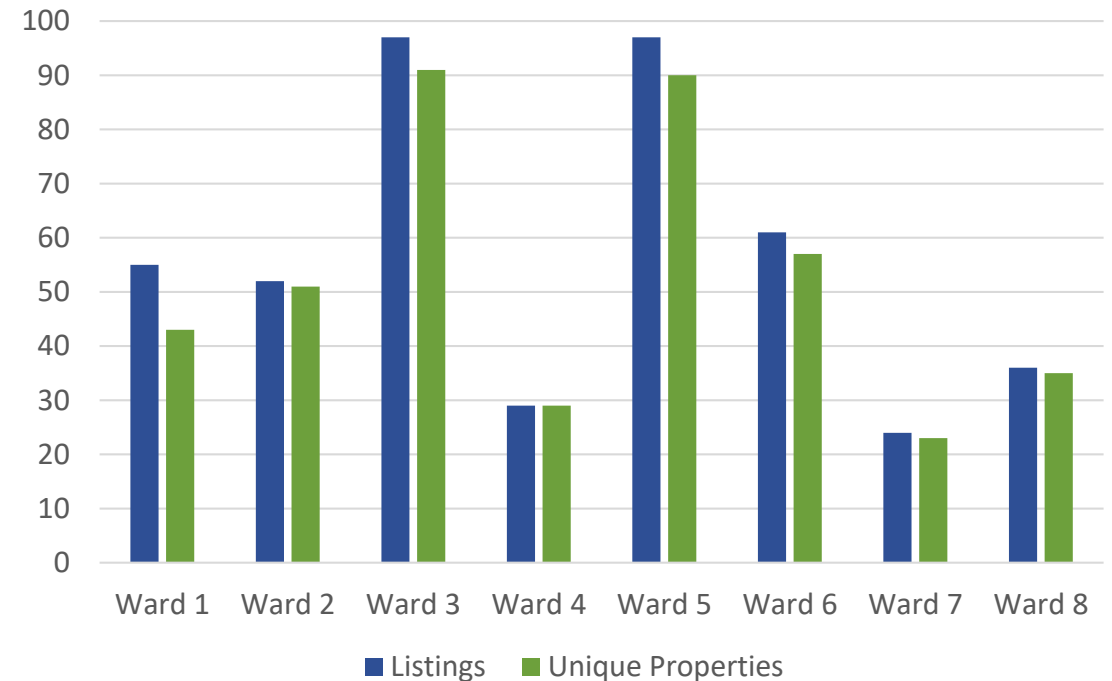
- Controls for duplicate listings

## Active Listings

- STR's currently being advertised for rent, whether booked or available.

*Varying approaches to renting in 2020 may impact ongoing variation in "active" listings, frequency of rentals*

Short-Term Rentals by Ward *Jan. 2020*



*Map and data on number of STR's in Burlington provided by HostCompliance.*

# Additional Data on STR's

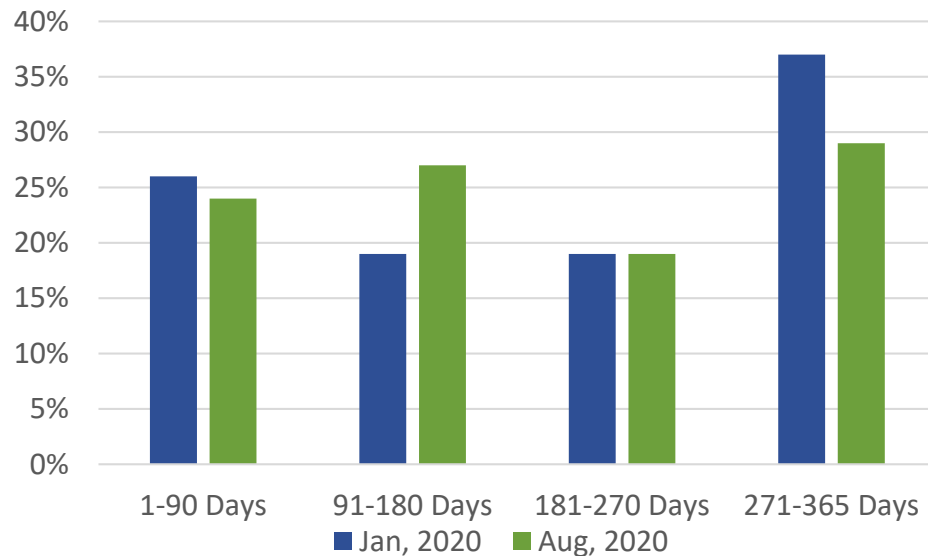
**Additional stats are included on following slides regarding the number, type, and frequency of short-term rentals in Burlington.**

- 25% increase in number of STRs 2018-2019, doubled 2016-2019. Not much change in total listings in 2020; unclear what long-term COVID-19 impacts will be.
- There is some, but not dramatic, seasonal variation in the number of STR's. During 2020 Stay Home Stay Safe Order, all STRs were prohibited, and AirBnB disabled renting. Aug 2019- Aug 2020 data shows impact of COVID-19 in shift in number of nights rented (slide 13).
- In Nov 2020, AirDNA estimated that 74% of active STRs are efficiency, one-bedroom, or two-bedroom units
- In FY2019, City collected ~\$121,000 in Rooms & Meals taxes attributable to STRs, for ~\$6.05M in host income. This is 12.4% of R&M Tax collected in 2019.
- In FY2020, City collected ~\$103,715 in Rooms & Meals taxes attributable to STRs, for ~\$5.2M in host income. This is 13% of RMT collected in FY20, and 14% less than FY 19

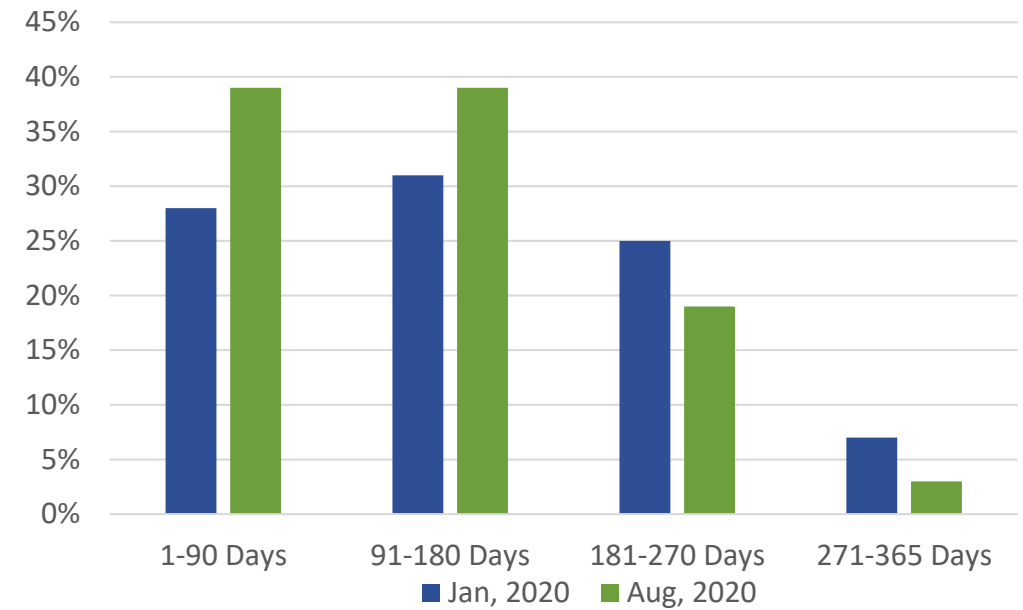
# Additional Data on STR's

AirDNA reports that over the past year, almost half of STR's were listed available for more than 180 days, but nearly 80% were rented less for less than 180 days.

# Nights BTV STR's listed "available"



# Nights BTV STR's booked



*Update: Data in these charts is from AirDNA and reflects listing and booking activity in the year preceding the date noted in the chart. Therefore, "Jan 2020" represents activity primarily from 2019, where "Aug 2020" represents activity primarily from July 2019 to July 2020*

Intermittent STR → Full-time STR

# Additional Data on STR's

## Additional information regarding hosts (provided by AirBnb in late 2019):

- 63% of Burlington hosts self-identify as women
- 31% self-identify as 60+ years of age
- 55% of hosts reported that hosting has helped them afford their home
- From Memorial – Labor Day 2019, 35,000+ guests in Chittenden County
- During same time period, \$20.4M in host income in Vermont, with \$5.1M in Chittenden County

# Housing Characteristics

There are approximately 17,000 housing units in Burlington, 60% of which are renter-occupied.

| Type of Structure                     | % of All Occupied Units |
|---------------------------------------|-------------------------|
| Single Unit Detached Dwelling         | 30%                     |
| Single Unit Attached (i.e. townhomes) | 5.5%                    |
| 2 Units                               | 13%                     |
| 3 or more Units                       | 50.3%                   |
| Mobile home or other type             | 1.2%                    |

- Single-unit properties (attached and detached):
  - 35.5% of total housing stock, but
  - 80% of all owner-occupied housing units
- Duplex (2-unit) properties:
  - 13% of total housing stock
  - 5.5% of all owner-occupied units, 17% of all renter-occupied units
- Multi-unit properties:
  - 50.3% of total housing stock, and
  - 73% of all rental housing units

# Housing & Vacancy Trends

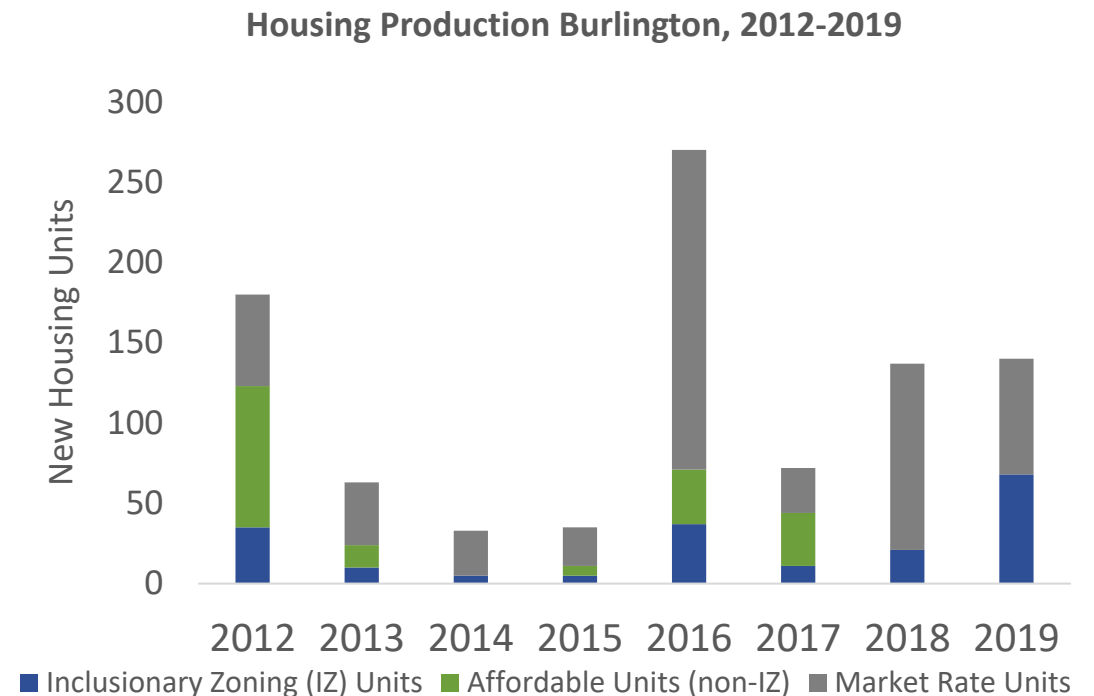
Despite some positive progress, **BTV's apartment vacancy rate continues to be less than 2%.**

## According to Allen, Brooks & Minor:

- 1.6% in July 2019, compared to 2.5% in Chittenden County
- Average annual vacancy rate in Burlington was:
  - 0.7% from 2006-2011
  - 1.5% from 2012-2018

## Housing Growth

- Approx. 930 new housing units 2012-Sept 2019
- Vast majority have been in multi-unit, rental developments
- According to ABM, 60% of new housing growth in 2019 was in suburban Chittenden County



Source: CEDO IZ Reports, AMANDA

# Housing & Vacancy Trends

Most of the recent and anticipated **housing growth is in multi-unit developments.**

## According to Allen, Brooks & Minor:

- 1.6% in July 2019, compared to 2.5% in Chittenden County
- Average annual vacancy rate in Burlington was:
  - 0.7% from 2006-2011
  - 1.5% from 2012-2018

## Housing Growth

- Approx. 930 new housing units 2012-Sept 2019
- Vast majority have been in multi-unit, rental developments
- According to ABM, 60% of new housing growth in 2019 was in suburban Chittenden County

## Housing Units in the queue (all multi-unit)

### Permitted

- 113 units received zoning permits in FY20 and so far in FY21; not yet built/have certificate of occupancy

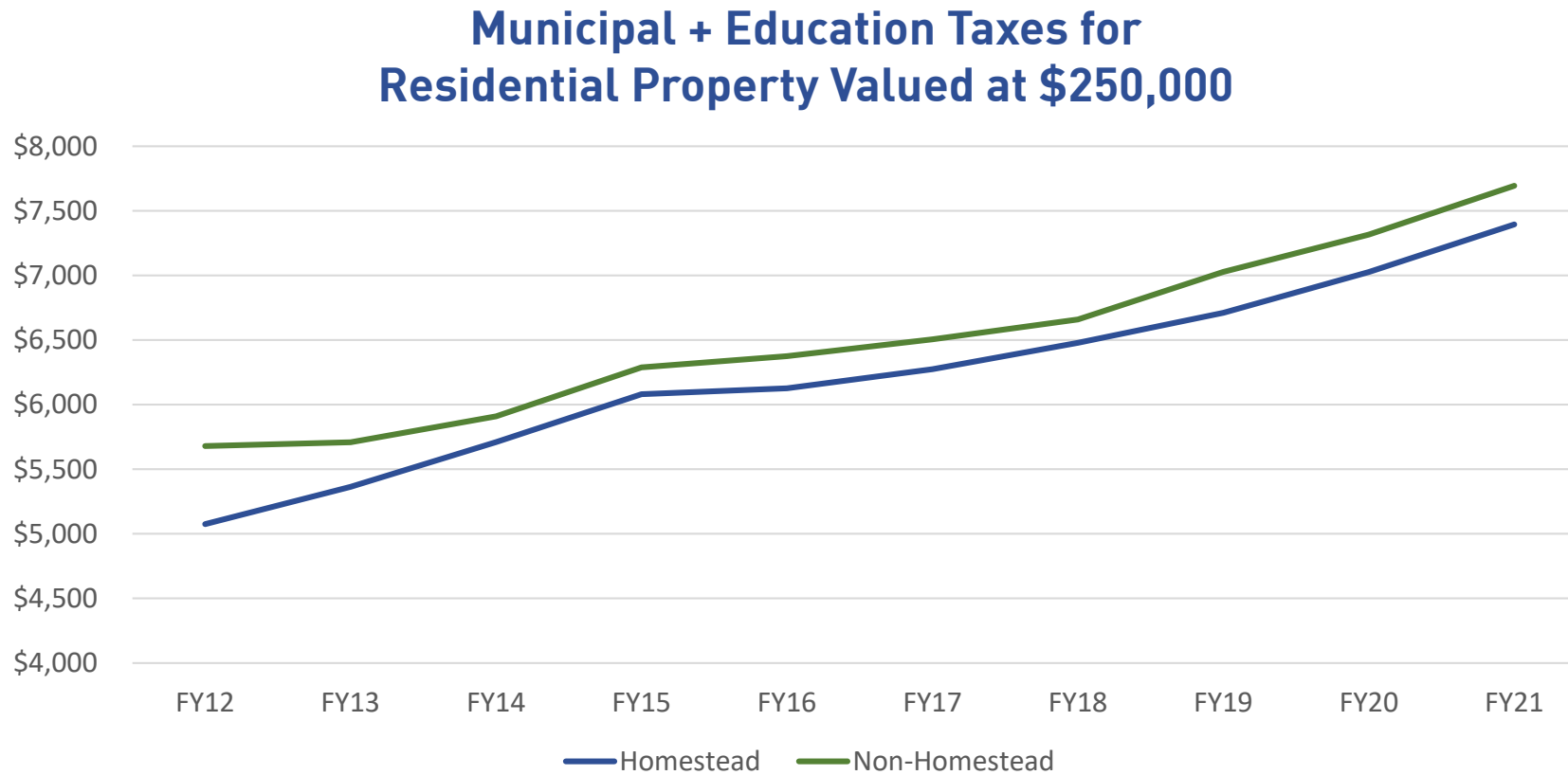
### Applications pending

- 64 senior housing units
- ~425 at 75 Cherry Street (City Place)

### Conceptual (no application yet)

- ~200 more at Cambrian Rise
- 100+/- in 2 to 3 additional projects

# Residential Property Tax Rates



# Current draft STR Proposal (as of 11/24/20)

Staff has updated corresponding elements to reflect Committee input. Framework includes changes to several city ordinances/policies:

- **Proposed zoning amendments to the *Burlington Comprehensive Development Ordinance***
  - Following discussion, recommend warning for a public hearing
- **Proposed amendments to *Chapter 18 of the Code of Ordinances* regarding “Minimum Housing Standards”**
  - Typically not within the purview of the Planning Commission, but included for discussion
- **Proposed Council Action to impose an additional tax or fee on nights or revenue**
  - Not included in packet, would be recommended when transmitting proposal to Council

# STR Discussion Recap (as of 11/24/20)

Per Oct 2019 Council Resolution, a framework that “creates tiers for different types of [STRs] and disincentivizes the most impactful uses...by:

- *limiting the number of housing units that can be converted for [STR] purposes and*
- *ensuring that those conversions are contributing to the city's efforts to preserve and expand permanently affordable housing, while also*
- *preserving some flexibility and ability to earn greater income for Burlington homeowners, and*
- *recognizing that some supply of [STRs] benefits the Burlington economy...”*

Original proposal included three strategies to limit conversion:

- Tiered limit to number of STRs based on units on a property
- Host residency required in all scenarios
- Some STR's considered commercial use, and/or conditional use

# STR Discussion Recap (as of 11/24/20)

Per Oct 2019 Council Resolution, a framework that “creates tiers for different types of [STRs] and disincentivizes the most impactful uses...by:

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Joint Committee has discussed this proposal in 7 meetings in 2020, providing feedback that has led to changes to:

- number of STRs allowed in multi-unit buildings
- when host is required on-site
- STRs as special residential use (changes applicability of housing replacement)
- fewer scenarios as conditional use

# STR “Scenarios”

How does this proposal acknowledge “one size does not fit all”?

## Type of Unit

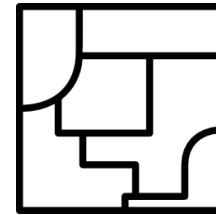


Renting room(s)  
within a house or  
apartment



Renting an entire  
house or  
apartment(s)

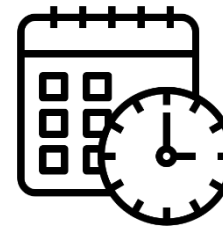
## Applicable Regulations & Standards



Zoning



Property Tax Assessment



Length of rental period;  
total days/year



Minimum Housing



Fees & Taxes

## Flexibility for host More permissive

## Limit Conversion More restrictive

| Short Term Rental Scenarios & Proposed Regulatory Framework for Joint Cmte Discussion- Updated August 2020                                                                                                                                                                                     |                                                                                                                                                                                                                                                                   |                                                                                        |                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                       |                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                            |                                                        |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                        |                                                                                                                                                                                                                                  |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|                                                                                                                                                                                                                                                                                                | Scenario 1:<br>Renting my own home occasionally as an STR                                                                                                                                                                                                         |                                                                                        | Scenario 2:<br>Renting my own home for several months at a time                                                                                                                                                    | Scenario 3:<br>Renting bedroom(s) as STR within the home I live in                                                                                                                                                                                                    |                                                                                                                                                 | Scenario 4:<br>Renting an ADU or 1/2 of a duplex, I live in the other unit                                                                                                                                                                                                                                                                                                 |                                                        | Scenario 5:<br>Renting some unit(s) in a building with 3+ units <del>when I live on the property</del>                                                                                                                                                                          |                                                                                                                                                                        | Scenario 6:<br>Renting all unit(s) in building with 3+ units as STRs                                                                                                                                                             |                                                    |
| <b>Zoning</b><br>For all scenarios: <ul style="list-style-type: none"><li>Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li><li>Parking space(s) not required <u>for any STR type</u> in new parking district <u>anticipated</u> per ZA-20-04</li></ul> | <br>Whole Unit STR                                                                                                                                                               | <del>1 parking space per rented unit</del>                                             | If rental "term" 30+ days, it is <b>NOT</b> considered an STR.<br><br>Simply renting a housing unit does not require a Zoning Permit.                                                                              | <br>Partial Unit STR (Bed & Breakfast)                                                                                                                                             | For 2+ rooms, 1 parking space per rented room                                                                                                   | <br>Whole Unit STR                                                                                                                                                                                                                                                                      | 1 parking space per rented unit                        | <br>Whole Unit STR                                                                                                                                                                           | 1 parking space per rented unit                                                                                                                                        | <br><u>Lodging Hotel/Motel</u>                                                                                                                |                                                    |
|                                                                                                                                                                                                                                                                                                | Permitted Use: <del>n/a</del><br><u>In all zoning districts when host's primary residence</u>                                                                                                                                                                     | <del>Conditional Use:</del><br><u>Not Permitted:</u><br><u>In all zoning districts</u> |                                                                                                                                                                                                                    | Permitted Use: <ul style="list-style-type: none"><li>Up to 2 rooms in any residential zone</li><li>Up to 5 rooms in mixed use zones</li></ul>                                                                                                                         | Conditional Use: <ul style="list-style-type: none"><li>3 rooms in RL zones</li><li>3-5 rooms in residential &amp; institutional zones</li></ul> | Permitted Use:<br><br>N/A                                                                                                                                                                                                                                                                                                                                                  | Conditional Use:<br><br><u>In all zoning districts</u> | Permitted Use:<br>In mixed use districts; <u>and in residential districts when host on-site</u><br><br>Conditional Use:<br>In residential districts <u>when host lives off-site</u>                                                                                             | # of STR in Bldg: <ul style="list-style-type: none"><li>1 STR in Bldgs up to 3 units</li><li>2 STR in Bldgs up to 5 units</li><li>3 STR in Bldgs w/ 6+ units</li></ul> | Permitted Use:<br>In mixed use zoning districts<br><br>No limit to # of rented units.                                                                                                                                            | Prohibited Use:<br>In residential zoning districts |
| <b>Rental Duration</b><br>Host's "primary residence" means that the host lives in/at the unit/property for at least half the year                                                                                                                                                              | <ul style="list-style-type: none"><li>Individual rental "terms" are less than 30 days</li><li><b>No limit to number of nights rented as STR as long as continues to be host's primary residence</b></li></ul>                                                     |                                                                                        | <ul style="list-style-type: none"><li>Individual rental "terms" are <del>more than 30</del> days</li></ul>                                                                                                         | <ul style="list-style-type: none"><li>Individual rental "terms" are less than 30 days</li><li><b>No limit to number of nights rented as STR as long as continues to be host's primary residence</b></li></ul>                                                         |                                                                                                                                                 | <ul style="list-style-type: none"><li>Individual rental "terms" are less than 30 days</li><li><b>No limit to number of nights rented as STR as long as host's primary residence</b></li></ul>                                                                                                                                                                              |                                                        | <ul style="list-style-type: none"><li>Individual rental "terms" are less than 30 days</li><li><b>No limit to number of nights rented as STR as long as host's primary residence</b></li><li><b>STR units may be operated by an off-site host, per above scenarios</b></li></ul> |                                                                                                                                                                        | <ul style="list-style-type: none"><li>Individual rental "terms" are less than 30 days</li><li><b>No limit to number of nights rented</b></li><li><b>By nature, lodging not required to be host's primary residence</b></li></ul> |                                                    |
| <b>Housing Code Requirements</b>                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"><li>Register annually as a rental</li><li>Meet basic Life Safety Standards in Chapter 18</li></ul>                                                                                                                              |                                                                                        | <ul style="list-style-type: none"><li>Register annually as a rental</li><li>Meet basic Life Safety Standards in Chapter 18</li></ul>                                                                               | <ul style="list-style-type: none"><li>Register annually as a rental</li><li>Meet basic Life Safety Standards in Chapter 18</li><li><b>Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration &amp; annual housing inspection</b></li></ul> |                                                                                                                                                 | <ul style="list-style-type: none"><li>Register annually as a rental</li><li>Meet basic Life Safety Standards in Chapter 18</li></ul>                                                                                                                                                                                                                                       |                                                        | <ul style="list-style-type: none"><li>Register annually as a rental</li><li>Meet basic Life Safety Standards in Chapter 18</li></ul>                                                                                                                                            |                                                                                                                                                                        | <ul style="list-style-type: none"><li>"Minimum Housing" and rental registration not applicable because not "residential"</li><li>Building code requirements will depend on number of occupants in building</li></ul>             |                                                    |
| <b>Taxes &amp; Fees</b>                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li><b>NOT required to pay Housing Replacement Fee</b></li><li>Register as a business</li><li>Pay Burlington &amp; VT Rooms &amp; Meals Taxes, <u>including additional rate benefitting Housing Trust Fund (HTF)?</u></li></ul> |                                                                                        | <ul style="list-style-type: none"><li>NOT required to pay Housing Replacement Fee</li><li>Not required to register as a business</li><li>Not required to pay Burlington &amp; VT Rooms &amp; Meals Taxes</li></ul> | <ul style="list-style-type: none"><li><b>NOT required to pay Housing Replacement Fee</b></li><li>Register as a business</li><li>Pay Burlington &amp; VT Rooms &amp; Meals Taxes, <u>including additional rate benefitting Housing Trust Fund (HTF)?</u></li></ul>     |                                                                                                                                                 | <ul style="list-style-type: none"><li>Register as a business</li><li>Pay Burlington &amp; VT Rooms &amp; Meals Taxes</li><li><b>Housing Replacement Fee if STR is replacing a long-term housing unit (and/or additional rate benefitting Housing Trust Fund (HTF)?)</b></li><li>Not required to pay Housing Replacement if building a new unit for use as an STR</li></ul> |                                                        | <ul style="list-style-type: none"><li>Register as a business</li><li>Pay Burlington &amp; VT Rooms &amp; Meals Taxes, <u>including additional rate benefitting the HTF</u></li><li><b>Housing Replacement Fee if STR is replacing a long-term housing unit</b></li></ul>        |                                                                                                                                                                        | <ul style="list-style-type: none"><li>Register as a business</li><li>Pay Burlington &amp; VT Rooms &amp; Meals Taxes</li><li><b>Housing Replacement Fee req. if replacing long-term housing unit(s)</b></li></ul>                |                                                    |
| <b>Property Assessment</b>                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"><li>Likely assessed as "residential"</li><li>Report any rental use to State of VT for Homestead Declaration</li></ul>                                                                                                           |                                                                                        | <ul style="list-style-type: none"><li>Likely assessed as "residential"</li><li>Report any rental use to State of VT Homestead Declaration</li></ul>                                                                | <ul style="list-style-type: none"><li>Some configurations may be assessed as "commercial" with 120% commercial value factor</li><li>Report any rental use to State of VT for Homestead Declaration</li></ul>                                                          |                                                                                                                                                 | <ul style="list-style-type: none"><li>Likely assessed as "residential"</li><li>Report any rental use to State of VT Homestead Declaration</li></ul>                                                                                                                                                                                                                        |                                                        | <ul style="list-style-type: none"><li>Some configurations may be assessed as "commercial" with 120% commercial value factor</li><li>Report any rental use to State of VT for Homestead Declaration</li></ul>                                                                    |                                                                                                                                                                        | <ul style="list-style-type: none"><li>Considered "commercial" by Assessor, with 120% commercial value factor</li><li>Considered "commercial" for purpose of State of VT Homestead Declaration</li></ul>                          |                                                    |

Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.

# Scenario 1

## Flexibility for Host Most Permissive

**“I want to rent my own home as a short-term rental for part(s) of the year, but it will still be my primary residence.” (i.e. a single-family home)**

|                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                    |                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Zoning</b><br>For all scenarios: <ul style="list-style-type: none"><li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li><li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li></ul> |  Whole Unit STR                                                                                                                                                   | No pkg space req. in addition to what is provided for the primary home |
| <b>Rental Duration</b><br>Host’s “primary residence” means that the host lives in/at the unit/property for at least half the year                                                                                                                              | <b>Permitted Use in:</b> All zoning districts                                                                                                                                                                                                      |                                                                        |
| <b>Housing Code Requirements</b>                                                                                                                                                                                                                               | <ul style="list-style-type: none"><li>• Register annually as a rental</li><li>• Meet basic Life Safety Standards in Ch. 18</li></ul>                                                                                                               |                                                                        |
| <b>Taxes &amp; Fees</b>                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>• STR’s are currently req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT) regardless of type.</li><li>• Potential for additional fee to support Housing Trust Fund</li></ul> |                                                                        |

### Approach:

- Provides flexibility for the host to use own property for STRs
- Most permissive of the scenarios as long host lives on site

### Reference in Amendment Language:

- See Table 5.4.14-1
- See exemption from parking for Whole Unit STR in Table 8.1.8-1

*Reminder: Scenario 2 from STR Matrix is NOT an STR. It was added to the table to illustrate difference between short-term and long-term rentals in response to frequently asked questions.*

# Scenario 3

## Flexibility for Host More Permissive

### “I want to rent bedrooms as short-term rentals within my home.”

| <b>Zoning</b><br>For all scenarios: <ul style="list-style-type: none"><li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li><li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li></ul> |  Partial Unit STR<br><b>Permitted Use:</b> <ul style="list-style-type: none"><li>- Up to 2 rooms in res. &amp; institutional zones</li><li>- Up to 5 rooms in mixed use zones</li></ul> <b>Conditional Use:</b> <ul style="list-style-type: none"><li>- 3 rooms in RL zone</li><li>- 3 to 5 rooms in other residential &amp; institutional zones</li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rental Duration</b><br>Host's "primary residence" means that the host lives in/at the unit/property for at least half the year                                                                                                                              | No limit to number of nights the rooms are rented as STR, as long as continues to be host's primary residence                                                                                                                                                                                                                                                                                                                               |
| <b>Housing Code Requirements</b>                                                                                                                                                                                                                               | <ul style="list-style-type: none"><li>• Register annually as a rental</li><li>• Meet basic Life Safety Standards in Ch. 18</li><li>• Continue current exemption from registration &amp; inspections for owner-occupied homes with 1 or 2 rented rooms</li></ul>                                                                                                                                                                             |
| <b>Taxes &amp; Fees</b>                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>• STR's are currently req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT) regardless of type.</li><li>• Potential for additional fee to support Housing Trust Fund</li></ul>                                                                                                                                                                                          |

#### Approach:

- Provides flexibility for the host to use own property for STRs
- Requires host to live on site (same as current Bed & Breakfast standards)

#### Reference in Amendment Language:

- See Table 5.4.14-1
- See parking for Partial Unit STR in Table 8.1.8-1

Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.

# Scenario 4

Limit Conversion  
More Restrictive

**“I own a duplex/single-family home with an ADU. I want to live in one unit and use the other as a short-term rental.”**

| <b><u>Zoning</u></b><br>For all scenarios: <ul style="list-style-type: none"><li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li><li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li></ul> |  Whole Unit STR 1 parking space per unit                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Rental Duration</u></b><br>Host's "primary residence" means that the host lives in/at the unit/property for at least half the year                                                                                                                              | <b>Permitted Use in:</b><br>All zoning districts                                                                                                                                                                                                   |
| <b><u>Housing Code Requirements</u></b>                                                                                                                                                                                                                               | <ul style="list-style-type: none"><li>• Register annually as a rental</li><li>• Meet basic Life Safety Standards in Ch. 18</li></ul>                                                                                                               |
| <b><u>Taxes &amp; Fees</u></b>                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>• STR's are currently req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT) regardless of type.</li><li>• Potential for additional fee to support Housing Trust Fund</li></ul> |

## Approach:

- Enables STRs in these building types if host lives on site
- Requires parking space for an ADU, that is not otherwise required if used for long-term housing

## Reference in Amendment Language:

- See Table 5.4.14-1
- See parking for Whole Unit STR in Table 8.1.8-1

# Scenario 5a

Limit Conversion  
More Restrictive

*“I own and live in, or rent in a multi-unit building, and want to rent some of the units as short-term rentals.”*

|                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zoning</b><br>For all scenarios: <ul style="list-style-type: none"> <li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li> <li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li> </ul> | <div data-bbox="749 551 817 618"></div> <div data-bbox="830 568 1059 604">Whole Unit STR</div> <div data-bbox="1085 568 1429 604">1 parking space per unit</div> <div data-bbox="723 719 983 755"><b>Permitted Use in:</b></div> <div data-bbox="723 762 991 798">All zoning districts</div> <div data-bbox="1085 639 1416 675"><b>Limit to # STR in Bldg:</b></div> <div data-bbox="1085 682 1449 875"> <ul style="list-style-type: none"> <li>- 1 STR in Bldgs of 3 to 4 units</li> <li>- 2 STR in Bldgs of 5-6 units</li> <li>- 3 STR in Bldgs 7+ units</li> </ul> </div> |
| <b>Rental Duration</b><br>Host's "primary residence" means that the host lives in/at the unit/property for at least half the year                                                                                                                                 | No limit to number of nights rented as STR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Housing Code Requirements</b>                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Register annually as a rental</li> <li>• Meet basic Life Safety Standards in Ch. 18</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Taxes &amp; Fees</b>                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• STR's are currently req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT) regardless of type.</li> <li>• Potential for additional fee to support Housing Trust Fund</li> </ul>                                                                                                                                                                                                                                                                                                                        |

## Approach:

- Lower the limit on number of STRs allowed in each building, so always less than half of total units
- Allow in all districts, based on host residing on site
- Any property which exceeds these thresholds is considered "lodging" (i.e. Scenario 6)

## Reference in Amendment Language:

- See Table 5.4.14-1, including note about limit on lots and threshold for lodging
- See parking for Whole Unit STR in Table 8.1.8-1

# Scenario 5b

Limit Conversion  
More Restrictive

**“I own a multi-unit building, and want to rent some of the units as short-term rentals.  
I don’t live on the property”**

|                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zoning</b><br>For all scenarios: <ul style="list-style-type: none"> <li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li> <li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li> </ul> | <div>  <div> Whole Unit STR 1 parking space per unit </div> </div> <div> <b>Permitted Use in:</b><br/> Mixed Use districts <b>Conditional Use in:</b><br/> Residential &amp; Institutional zones </div> <div> <b>Limit to # STR in Bldg:</b> <ul style="list-style-type: none"> <li>- 1 STR in Bldgs of 3 to 4 units</li> <li>- 2 STR in Bldgs of 5-6 units</li> <li>- 3 STR in Bldgs 7+ units</li> </ul> </div> |
| <b>Rental Duration</b><br>Host’s “primary residence” means that the host lives in/at the unit/property for at least half the year                                                                                                                                 | No limit to number of nights rented as STR                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Housing Code Requirements</b>                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Register annually as a rental</li> <li>• Meet basic Life Safety Standards in Ch. 18</li> </ul>                                                                                                                                                                                                                                                                                                                                                           |
| <b>Taxes &amp; Fees</b>                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• STR’s are currently req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT) regardless of type.</li> <li>• Potential for additional fee to support Housing Trust Fund</li> </ul>                                                                                                                                                                                                                                             |

## Approach:

- Lower the limit on number of STRs allowed in each building, so always less than half of total units
- Permit in mixed use districts, but conditional use in residential districts
- Any property which exceeds these thresholds is considered “lodging” (i.e. Scenario 6)

## Reference in Amendment Language:

- See Table 5.4.14-1, including note about limit on lots and threshold for lodging
- See parking for Whole Unit STR in Table 8.1.8-1

# Scenario 6

## Limit Conversion Most Restrictive

**“I own a multi-unit building, and want to rent all the units as short-term rentals.”**

|                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Zoning</u></b><br>For all scenarios: <ul style="list-style-type: none"> <li>• Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year</li> <li>• Parking space(s) not required if located in Multimodal Mixed-Use District</li> </ul> | <div>  <div>Lodging</div> <div>1 parking space per room/unit</div> </div> <div> <b>Permitted Use in:</b><br/>           Mixed Use districts, with no limit on # STR units           <b>Prohibited Use:</b><br/>           Residential districts         </div> |
| <b><u>Rental Duration</u></b><br>Host's "primary residence" means that the host lives in/at the unit/property for at least half the year                                                                                                                                 | No limit to number of nights rented<br>Not required to be host primary residence                                                                                                                                                                                                                                                                |
| <b><u>Housing Code Requirements</u></b>                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Housing Code &amp; Rental Registration not applicable because not considered a "residential" use</li> <li>• Building code req. will depend on # occupants in Bldg.</li> </ul>                                                                                                                          |
| <b><u>Taxes &amp; Fees</u></b>                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• Pay <b>Housing Replacement Fee per unit</b> for converted housing units</li> <li>• Would still be req. by state &amp; city to register as a biz and pay Rooms &amp; Meals Taxes (RMT)</li> </ul>                                                                                                       |

### Approach:

- Should be limited and most restrictive.
- Housing Replacement should apply in scenario.
- Considering this scenario as "lodging" (i.e. hotel/motel) achieves both of the above objectives
- No limit on number of STRs, but not allowed in any residential districts

### Applies to situations between Scenario 5 and 6:

- Exceeding the STR limits outlined in any scenario for any property type, for example:
  - I.e. renting a third STR in a building with 6 dwelling units
  - I.e. renting both sides of a duplex as an STR

# Previous Committee Topics

**The Committee and public shared the following questions/issues for discussion in prior meetings:**

- **Why require a property to be a Host's Primary Residence? Should some scenarios allow off-site host?**
- **What is amount and purpose of Housing Replacement Fees? Any alternatives?**
- **How does a new policy get implemented?**
- **Can existing STR's be allowed to continue, despite changes to the ordinance?**
- **Can permits for STR's be revoked if too many are created?**

# Residency Requirement for STR

## Considerations for Discussion:

- Original framework required Host Primary Residence in most situations
- A small number of STR's have been permitted to-date as hotel/motel with off-site host
- Hotel/motel is not a permitted use in residential zones

## Original Proposed Framework:

### Host Residency:

- Owner- Occupied STRs: Allowed
- Tenant- Occupied STRs: Allowed
- Off-Site Host STRs: Prohibited unless a hotel/motel

### For Units that have Host Residency:

- Partial Unit STRs may be rented any amount of time
- An STR unit in a Duplex or ADU, or within a property with 3+ units may be rented any amount of time
- A Single-Family home rented as an STR requires that host live on site at least ½ the year (to maintain host's primary residence)

# Residency Requirement for STR

## What is the primary objective for requiring host-residency?

- **Limiting the conversion of properties from long-term housing to 100% short-term rental use**
- Enable flexibility for residents to use their own homes to generate income
- May be some benefit from a neighborhood impact perspective, but not primary driver

## Residency Standards:

### Owner-occupied

- The property owner lives onsite for at least half of the year

### Primary residence of the host

- Enables either an owner or a tenant to operate an STR within their home or on the property containing their primary residence (meaning they live there at least half the year)

### “Domicile” as defined in VT statutes

- Alternative standard that enables flexibility to account for extended leaves such as military service or sabbatical

# Residency Requirement for STR

## Considerations for Discussion:

- Despite some positive progress, **BTV's apartment vacancy rate continues to be less than 2%.**
  - 1.6% in July 2019, compared to 2.5% in Chittenden County
  - 60% of new housing growth in 2019 was in suburban Chittenden County
- **75% of STRs in Burlington are studio, one and two bedroom units.**
  - Allen & Brooks 2019 report indicated 25-34 yr old & 65+ renters are largest projected population growth.
- Census Tracts 3, 4, 5 and 10 make up the bulk of the **downtown, Old North End, and portions of Wards 5 and 8** immediately around downtown. In these areas:
  - 48% of Burlington's STR's
  - STRs represent 2.5-3% of housing stock\*
  - 61% of the households are renters
  - Census Tracts have lowest median household income

*\*Represents all STRs, including Partial Unit and Whole Unit.*
- STRs can be **both generate income for hosts** to afford homes as well as **create additional demand for existing housing units**

# Residency Requirement for STR

**Are there some scenarios wherein an off-site host would be acceptable? Potential framework:**

*(i.e. a single-family/duplex vs. a unit in a multi-family building)*

| When Host does not live on Property:                                                                                                | Residential & Institutional Districts | Mixed Use Districts | Notes                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Single Family Home</b>                                                                                                           | Not Permitted                         | Not Permitted       | Does not prohibit host from renting own home (primary residence)                                                                                      |
| <b>Duplex OR SF Home w/ ADU*</b><br><i>*By definition, ADUs are only permitted on owner-occupied properties.</i>                    | Not Permitted                         | Not Permitted       | In all scenarios, not required that host physically be present during guest stay                                                                      |
| <b>Multiple Dwelling Unit building</b><br>- 1 STR in Bldg up to 3 units<br>- 2 STR in Bldg up to 5 units<br>- 3 STR in 6+ unit Bldg | Conditional Use                       | Permitted Use       |                                                                                                                                                       |
| <b>Hotel/Motel/Hostel**</b><br><i>**By definition, does not require host to reside on property</i>                                  | Not Permitted                         | Permitted           | Need to revise definitions to eliminate inconsistencies and make uniquely different from STRs; perhaps as more general "Lodging" not to include STR's |

# Housing Replacement Fee

## Considerations for Discussion:

- Flexible nature of an STR means a unit can be STR & long-term housing in the same year.

*Turning a housing unit into an STR is not the same as physical change to a café, for example*

- Housing Replacement may remove the incentive for an owner to reconvert a unit to long-term housing due to need to recoup upfront cost.
- Some have suggested as an alternative a special registration fee or tax (annual or on-going) related to duration of actual STR use

*Supporting housing affordability still important given many STRs are utilizing existing housing units.*

## Why {did} some scenarios require Housing Replacement Fee?

- Housing Replacement Ordinance is an existing standard, that applies when a housing unit is converted to a commercial use.
- Fees benefit the Housing Trust Fund

## How much are the Fees?

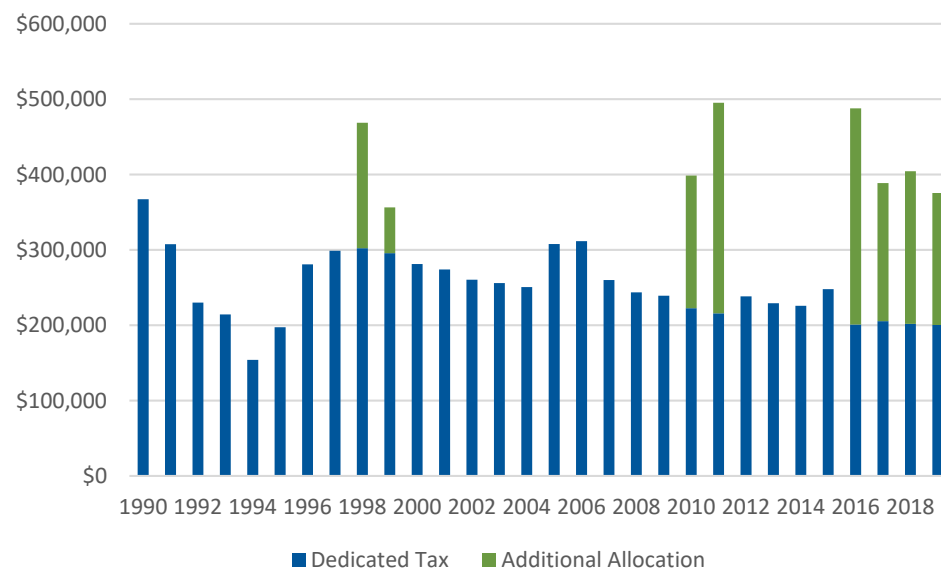
Fees are set each year, based on the cost of subsidizing an housing unit of a similar size to be affordable at 65% AMI. In 2019 these rates were:

- Studio: \$1,700
- 1 Bedroom: \$7,930
- 2 Bedroom: \$19,015
- 3 Bedroom: \$42,950

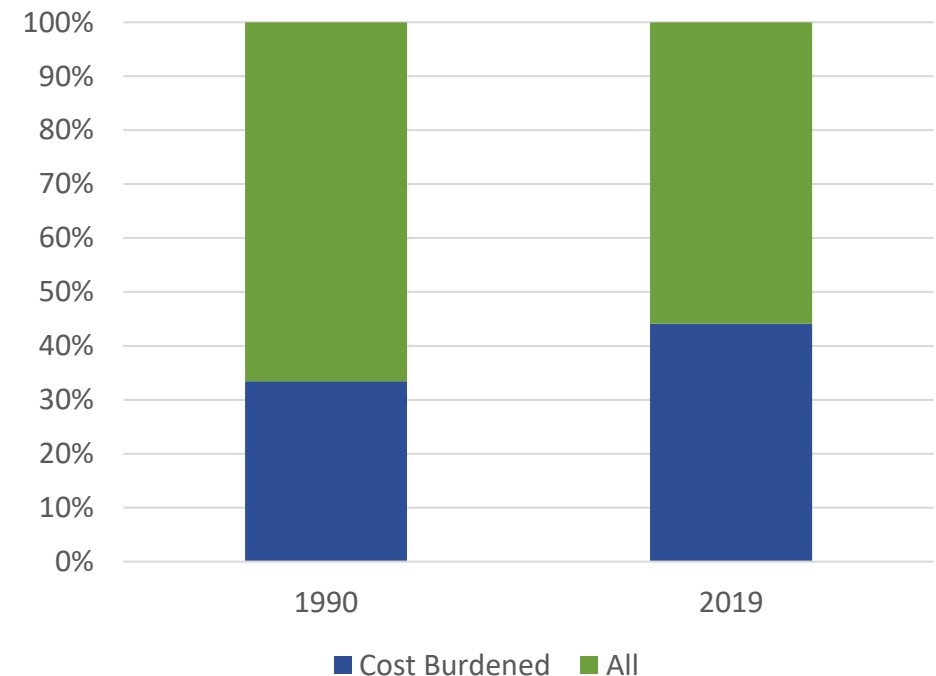
# Burlington's Housing Trust Fund

**Dedicated tax of ½ penny/\$100 assessed value contributes \$200k/year to Housing Trust Fund.**  
*Since 1990, \$6.9M has been invested to create 1,800 affordable homes & beds.*

**Historic Contribution to Housing Trust Fund**  
Adjusted for Inflation to 2019 Dollar



**Low Income Households with Cost Burden**



# Implementing Zoning Requirements

## In considering a transition to a new regulatory framework:

- **One Year Grace Period before active zoning enforcement of STR's begins**
  - Operators who apply for permits will not be subject to zoning violations, apply penalty-free
  - Other Applicable Fees apply (i.e. Rental Registration, Housing Replacement, etc)
- **Create a User Guide/FAQ's**
  - Similar to content of these presentations (zoning, codes, taxation, assessment, etc)
- **Establish contract with HostCompliance for monitoring/enforcement**

# Existing STRs without Zoning Permits

Can the City allow existing STR's that do not have a zoning permit to be granted a nonconforming status, or be written into the bylaws to enable them to continue?

- **Short term rentals that have received a zoning permit under the present standards will be considered legal nonconformities**
- **Nonconforming status is predicated on a use/structure:**
  - being legal and/or permitted at the time it started or was created
  - the standards for what is legal changes after the use/structure was permitted
- **CDO includes a few provisions to allow something that would otherwise not be permitted, but:**
  - Applicability is predicated on the use/structure having legally existed
  - Additionally, this approach is not advisable because:
    - creates precedent for automatically making violations legal, rather than creating a policy that intentionally and explicitly allows them
    - unfair to STR's that have been subject to violation/enforcement action, particularly those discontinued

# Revoking Zoning Permits

Can zoning permits be revoked or phased out if too many STRs are created in the city?

- **Zoning permit runs with the land and is valid as long as a use is established, continued**
  - Ordinance requires work/action associated with a permit to commence within one year
  - Additionally, Ordinance establishes timelines for “discontinuance” for nonconformities
- **Provision of state statute that allowed for amortization of zoning permits has been revoked.**
- **For consideration:**
  - add permit condition to Zoning Permit requiring maintenance of Rental Housing Permit in order for zoning permit to be valid

# Key Policy Questions 11/24/20

**We are looking for consensus from Committee on the following issues:**

- Scenarios that allow for off-site host
- Whether hosts must be an owner
- Proposed limits on the number of STR's by property type
- Policy objective behind a nightly fee for STR use
  
- Others?

*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# Host Residency on Property

## What is the primary objective for requiring host-residency?

- **Limiting the conversion of properties from long-term housing to 100% short-term rental use**
- Enable flexibility for residents to use their own homes to generate income
- May be some benefit from a neighborhood impact perspective, but not primary driver

## Considerations:

- STRs can both generate income for hosts to afford homes *and* increase demand for existing housing units
- Original proposal required host on-site in all scenarios; current proposal requires for single-family & duplex properties
- Impact of requiring host on-site varies based on related definition of host
- Property types requiring host on-site relative to share of city's housing stock

# Defining STR Host

## What is the primary objective for requiring host to be an owner?

- Staff recommendation prioritized host on property, not owner
- Widely believed that few rental property owners will allow tenants to STR
- **Impact of requiring host to be an owner depends on related question of where host is required on-site.**

## Residency Standards:

### Primary residence of the host- current proposal

- Host is defined as owner or a tenant operating an STR in their home or on the same property as their primary residence
- Primary residence means they live there at least half the year- I.e. “host on-site”
- Required to live on-site for STRs in single-family and duplex, not required on-site for multi-unit

### Owner-occupied

- The property owner lives onsite for at least half of the year

# Hosting Requirements

## Per the current proposal...

| Type of Structure             | % of All Occupied Units | % of Unit Type Owner-Occupied | % of Unit Type Renter-Occupied |
|-------------------------------|-------------------------|-------------------------------|--------------------------------|
| Single Unit Detached Dwelling | 30%                     | <b>88%</b>                    | 12%                            |
| Single Unit Attached          | 5.5%                    | 69%                           | 31%                            |
| 2 Units                       | 13%                     | 16%                           | <b>84%</b>                     |
| 3 or more Units               | 50.3%                   | <b>10%</b>                    | <b>90%</b>                     |
| Mobile home or other type     | 1.2%                    | 23%                           | 77%                            |

*2018 American Community Survey 5-Year Estimates*

**Host: owner or tenant**

**On Site: single-unit, duplex properties**

**Off Site: multi-unit properties**

- Most single-unit properties can host an STR, including small number of rentals if owner allows tenant to host
- Most multi-unit properties can host STR subject to max building limits
- Duplexes can host STR if owner allows tenant to be host

# Hosting Requirements

**No change to definition of host, but allow off-site hosting for all scenarios...**

| Type of Structure             | % of All Occupied Units | % of Unit Type Owner-Occupied | % of Unit Type Renter-Occupied |
|-------------------------------|-------------------------|-------------------------------|--------------------------------|
| Single Unit Detached Dwelling | 30%                     | 88%                           | 12%                            |
| Single Unit Attached          | 5.5%                    | 69%                           | 31%                            |
| 2 Units                       | 13%                     | 16%                           | 84%                            |
| 3 or more Units               | 50.3%                   | 10%                           | 90%                            |
| Mobile home or other type     | 1.2%                    | 23%                           | 77%                            |

**Host: owner or tenant**

**On Site:**

**Off Site: all scenarios**

Who the host is and where they live has no bearing on potential for STR:

- Small, but notable opportunity for single-family rental to become STR, potential to create demand for single-unit properties
- No change to STRs in multi-units
- Makes it easier to STR in a duplex

*2018 American Community Survey 5-Year Estimates*

*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# Hosting Requirements

If host is required to be owner, but no change to on-site requirements...

| Type of Structure             | % of All Occupied Units | % of Unit Type Owner-Occupied | % of Unit Type Renter-Occupied |
|-------------------------------|-------------------------|-------------------------------|--------------------------------|
| Single Unit Detached Dwelling | 30%                     | 88%                           | 12%                            |
| Single Unit Attached          | 5.5%                    | 69%                           | 31%                            |
| 2 Units                       | 13%                     | <b>16%</b>                    | <b>84%</b>                     |
| 3 or more Units               | 50.3%                   | 10%                           | <b>90%</b>                     |
| Mobile home or other type     | 1.2%                    | 23%                           | 77%                            |

**Host: owner**

**On Site: single-unit, duplex properties**

**Off Site: multi-unit properties**

- Minimal change to circumstances for single-unit, small number no longer have option for tenant to host
- Little change to when an STR could happen in multi-unit, but no longer allows tenant to host
- **Majority of duplexes not able to STR**

*2018 American Community Survey 5-Year Estimates*

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# Hosting Requirements

If host is required to live on-site in all scenarios, but no change to who is host...

| Type of Structure             | % of All Occupied Units | % of Unit Type Owner-Occupied | % of Unit Type Renter-Occupied |
|-------------------------------|-------------------------|-------------------------------|--------------------------------|
| Single Unit Detached Dwelling | 30%                     | 88%                           | 12%                            |
| Single Unit Attached          | 5.5%                    | 69%                           | 31%                            |
| 2 Units                       | 13%                     | 16%                           | 84%                            |
| 3 or more Units               | 50.3%                   | 10%                           | 90%                            |
| Mobile home or other type     | 1.2%                    | 23%                           | 77%                            |

**Host: owner or tenant**

**On Site: all scenarios**

**Off Site:**

- No change from current proposal for single-units
- **May have a significant impact on STRs in multi-unit properties, unless owner allows tenant to host**
- No change from current proposal for duplex

*2018 American Community Survey 5-Year Estimates*

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# Hosting Requirements

If host is required to be owner, and live on-site in all scenarios...

| Type of Structure             | % of All Occupied Units | % of Unit Type Owner-Occupied | % of Unit Type Renter-Occupied |
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| 3 or more Units               | 50.3%                   | 10%                           | 90%                            |
| Mobile home or other type     | 1.2%                    | 23%                           | 77%                            |

**Host: owner**

**On Site: all scenarios**

**Off Site:**

- Little change to circumstances for single-unit, small number no longer have option for tenant to host
- **Will prohibit STR in most multi-unit scenarios**
- **Majority of duplexes not able to STR**

*2018 American Community Survey 5-Year Estimates*

*Slides have previously been presented to Joint Committee in meetings throughout 2020. Some slides may not be current based on changes to the proposal. These slides are being shared for reference, and most current proposal can be found in upcoming Planning Commission agenda.*

# Key Host Questions

**With that background, we are looking for consensus from Committee on the following issues:**

- Should off-site hosting be allowed in all, some, or none of the scenarios?  
*If some, which ones?*
- Should the definition of host be revised to include only property owners?  
*If so, why?*

# Proposed STR Limits

## Proposed Whole Unit STR Limits

| Units in Building           | Whole Unit STRs |
|-----------------------------|-----------------|
| Single Unit                 | 1               |
| Single Unit w/ADU or Duplex | 1               |
| 3-4 Units                   | 1               |
| 5-6 Units                   | 2               |
| 7 or more Units             | 3               |

### Considerations:

- Looking for committee to confirm support for proposed limits, which have been revised down for multi-unit properties
- Two options for properties that exceed these limits:
  - Treat as “lodging” - a commercial use that’s prohibited in residential areas
  - Don’t allow properties to exceed these limits anywhere in the city

# Additional STR Fees

## Comparing revenue from Housing Replacement to a “nightly fee” is difficult:

- We know how much revenue the city has earned in the last 2 years from 2% Gross Receipts on STR income, but we don’t yet know long-term impacts of COVID-19 on STRs
- We don’t know how many STRs would have continued if housing replacement were applicable
- We don’t know how many existing STRs would have been exempt from Housing Replacement
- Housing replacement is based on upfront, one-time fee based on number of bedrooms in unit vs. alternatives which could be based on duration of use as an STR, which could be highly variable.

## Considerations:

- Looking for committee to confirm what it views the purpose of a fee to be
- Original intent of Housing Replacement was not to generate a defined amount of revenue for the Housing Trust Fund
- A fee that is more equitable, and based on actual use of STR could be a more fair way for STRs to “contribute to the city’s affordable housing efforts”

*See also: slides on Housing Replacement Fee and Housing Trust Fund*

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
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Andy Montroll, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur

## Burlington Planning Commission with City Council Ordinance Committee

Tuesday, December 8, 2020, 6:45 P.M.

**Remote Meeting via Zoom**

### To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/87613162507>

### To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 876 1316 2507

## **AGENDA**

### **I. Agenda**

### **II. Conflicts of Interest**

### **III. Public Forum**

Public Forum for items not on the agenda. See the Agenda Packet for details on how to participate in the public forum for this meeting.

### **IV. Proposed CDO Amendment: Short Term Rentals**

Staff will share options for how the Committee may consider incorporating its feedback from the 11/24/20 meeting into the draft proposal. The Chair will then invite public comment followed by Committee discussion.

Information related to this item is included in the agenda packet and online, including:

- Draft CDO and Minimum Housing Code language– p. 3
- Zoom Chat transcript from 11/24/20 meeting– p. 23
- Communications from STR hosts to the Committee– p. 26
- A composite PDF of slides from past Joint Committee meetings has been posted under the files for this meeting, at: <https://www.burlingtonvt.gov/CityPlan/PC/Agendas>
- A link to the 2019 Housing Summit summary report, including a summary of the discussion about STRs is available online at:  
[https://www.burlingtonvt.gov/sites/default/files/201908%20BTV%20Housing%20Summit\\_Summary%20of%20Event%20and%20Feedback\\_final.pdf](https://www.burlingtonvt.gov/sites/default/files/201908%20BTV%20Housing%20Summit_Summary%20of%20Event%20and%20Feedback_final.pdf)

**Staff Recommendation:** Hear public input, and provide any additional direction on changes to the proposal and next steps in the Committee's process.

### **V. Commissioner Items**

- a. Upcoming Meetings in 2021– January 12 and 26, 2021

### **I. Minutes & Communications**

- a. The minutes of the November 24 meeting are enclosed in the agenda packet on p. 50
- b. Communications are enclosed in the agenda packet.

### **II. Adjourn**

*The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at [mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov)*

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## **Guidance for Participating in a Virtual Planning Commission Meeting**

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

### **General Guidance for Public Participation**

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

### **How to Join a Virtual Meeting**

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

### **How to Participate in a Virtual Meeting**

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at [mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov) by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.



City of Burlington, VT  
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[www.burlingtonvt.gov/plan](http://www.burlingtonvt.gov/plan)

**TO:** Burlington Planning Commission & City Council  
Ordinance Committee  
**FROM:** Scott Gustin, Principal Planner & Zoning Division Manager  
Meagan Tuttle, Comprehensive Planner, Office of City Planning  
**DATE:** December 4, 2020  
**RE:** Proposed CDO Amendment ZA-20-05: Short Term Rentals

---

## **Overview & Background**

### ***Defining Short Term Rentals***

A short term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for less than 30 consecutive days for overnight stays. It may be an apartment, a house, or just a bedroom within a housing unit. AirBnB exemplifies short term rentals.

In the last several years, there has been significant and growing demand for STR's internationally, and locally. They benefit owners with a source of income that can help subsidize a cost of living that may otherwise be unaffordable. STR's may also encourage investment in a property. They benefit Burlington's tourism economy and provide guests with a convenient, and often more affordable, place to stay when traveling. They also generate city and state tax revenue via the Rooms & Meals Tax (RMT). Short term rentals, however, do not come without impacts. Some have the effect of removing dwelling units for long-term occupancy, and they may contribute to rising rental rates and purchase prices. Given the high turn-over of guests, short-term rentals may bring about nuisance impacts such as traffic, noise, and trash to neighborhoods.

As the Joint Committee has heard from many of the city's STR hosts, short-term rentals are uniquely flexible and come in a variety of forms—beyond the major distinction between whole unit and partial unit STR's. The same dwelling unit may alternate between long- and short-term rental uses within a relatively short period of time. A dwelling unit may serve as one's primary residence for most of the year, and serve as a short-term rental while the resident is away. A short-term rental may coexist with a number of long-term rentals within a multi-family building. This variability and flexibility needs to be considered within the context of the overarching policy objective: to protect Burlington's limited housing stock, while affording reasonable opportunity to host short-term rentals within the city.

### ***Short Term Rentals in Burlington***

Burlington has some 10,000+ rental housing units, representing 60% of all housing units. While the June 2019 Housing Summit reported hopeful trends in a slightly increasing vacancy rate and slight slowing annual rent inflation, the city's housing market remains tight with the long-time rental vacancy rate between 1% and 2%. Short-term rentals have replaced a growing number of dwelling units citywide in recent years. According to data provided by HostCompliance, the number of short term rentals within Burlington increased 26% between 2018 and 2019. The average monthly number of short term rentals within city limits between June and September 2020 was 403 listings, representing 357 unique rentals.

As of September 2020, 71% STRs in Burlington are an entire dwelling unit, whereas 29% are partial dwelling units (i.e. bedrooms). This is a change from 67% and 33% respectively in 2019, likely due to COVID-19 concerns. In September 2020, 55% of the city's STR's were in single-family properties and 45% in multi-family properties. The COVID-19 pandemic has had wide-ranging impacts on the STR market globally and locally.

While the total number of unique properties and listings in Burlington has changed little in 2020, the number of active listings has varied this year due travel restrictions and hosts' management decisions. Stories shared by STR hosts and data from other sites, such as AirDNA, suggest that many of these listings may currently be inactive, are being rented as an STR for a longer duration (such as for weeks or months), or are being used as temporary accommodations for people who have relocated due to the pandemic. It will be some time before the long-term impacts of COVID-19 on the local STR market are understood.

### ***Joint Committee work on STR Proposal***

The Joint Committee has received information on STRs in the city during 7 previous meetings in 2020. In response to public and Joint Committee comments, the draft regulatory framework has been revised in three major ways:

- Revision to STR limits within multi-unit buildings to be less than 50% of units, and a related clarification that exceeding these limits results in a "lodging" use.
- Allow some degree of off-site hosting for STR's within multi-unit buildings
- Consider an alternative to Housing Replacement fees, such as an additional fee based on STR income. In either scenario, fees will support the City's Housing Trust Fund.

Additional changes to the proposal reflecting comments of the Joint Committee include:

- Revision to standards for permitted vs. conditional use for a number of the scenarios.
- Elimination of the requirement for an additional on-site parking space when a single bedroom is rented within a host's dwelling unit. For instances with multiple bedrooms, the parking requirement has been revised to 1 space per bedroom, minus 1.
- Replacing "hotel/motel" and "hostel" uses with a more general "lodging" use.

Some existing standards in both the *Comprehensive Development Ordinance*, and Chapter 18 of the *City Code of Ordinances* continue to be applicable. Specifically, use of a whole or partial unit as a short-term rental will not require a zoning permit if it meets the existing "temporary use" thresholds in the *CDO*. This exempts any use from requiring a zoning permit if it is operating for less than 10 consecutive days, and up to 30 total days within a year. Conversely, a long-term rental (defined as having a single lease or contract for 30 or more consecutive days) also does not require a zoning permit.

While outside of the *CDO*, this amendment is accompanied by related revisions to Chapter 18 of the *City Code of Ordinances*. These revisions will be made to include short-term rentals in the city's rental registration and inspection process. To be consistent with state statute, which defines a short-term rental as operating for "less than 30 days", the threshold between a short-term and long-term rental within Chapter 18 has been revised. Applicability of Chapter 18 will ensure that minimum life safety standards are adhered to for STRs. These proposed amendments are attached to this memo, following changes to applicable sections of the *CDO*.

## **Proposed Amendment**

### **Amendment Type**

| Text Amendment | Map Amendment | Text & Map Amendment |
|----------------|---------------|----------------------|
|----------------|---------------|----------------------|

### **Purpose Statement**

The proposed zoning amendments are aimed at minimizing the potential for adverse impacts to the city's housing stock, while balancing some flexibility for hosts to operate short-term rentals. The proposed standards are intended to be clear, reasonable, and enforceable. The proposed amendments are intended to allow the short term rental of bedrooms within a dwelling, and the use of a host's own dwelling occasionally as a short-term rental, with minimal burden to the host. More rigorous standards are applied to whole-unit short term rentals operated by off-site hosts so as to limit their proliferation. In an effort to balance the benefits to

hosts with the preservation of our neighborhoods, short-term rentals would generally be allowed wherever residential uses are allowed; however, in most scenarios, hosts must be a resident of the property. Within residential and institutional zones, multi-unit buildings with off-site whole unit STR hosts would be a "conditional use" thereby affording a forum to identify and address potential impacts by the Development Review Board. Large partial-unit STRs would continue to be conditional uses in these zones, as bed and breakfasts currently are.

### **Proposed Amendments**

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

**1. Create Section 5.4.14 within Citywide General Regulations for Short Term Rentals**

This will expressly enable and directly address Short Term Rental (STR) uses, replacing the current system of treating them as either a Bed & Breakfast or a Hotel/Motel. This section will establish the base standards for both whole unit and partial unit STRs, address where off-site hosting is permitted, and establish limits on the number of STRs in a building. In certain cases, the host is required to reside on the lot where the STR is located; the notable exception is for STR's located within multi-unit buildings.

**2. Amend Article 13 Definitions to add STR types, modify lodging definitions**

Create definitions for Whole Unit and Partial Unit STR's and STR hosts. Additionally, streamline the definitions of Bed & Breakfast, Hotel/Motel, and Hostel to a more general "Lodging" definition to reduce redundancy and inconsistencies in how various lodging options are permitted.

**3. Add Whole Unit and Partial Unit STRs as "special residential uses" to Appendix A- Use Table and in Article 14- Downtown Code**

This will establish where various STR types are permitted, not permitted, or permitted by conditional use, as well as set limits on the number of rooms or units that may be rented as an STR. Short-term rentals that are comprised of bedrooms within a host-occupied unit will be permitted in most cases, and will largely be based on existing Bed & Breakfast standards. Short-term rentals that are comprised of an entire dwelling unit will be a permitted use in most cases. However, when operated by an off-site host in Residential districts, conditional use will apply. See attached excerpts of these sections of the CDO.

**4. Amend Table 8.1.8-1 Minimum Off-Street Parking Requirements**

This will establish the related parking standards for each STR type, and amend standards for traditional lodging establishments. Generally, a requirement of one parking space will apply for Whole Unit short term rentals, and 0.75 spaces per rented bedroom, except for the first bedroom, for Partial Unit STRs. Additionally, STR's of any type may not be required to provide a minimum number of parking spaces if located within the "Multimodal Mixed-Use Parking District" that was recently adopted.

**Excerpt of ARTICLE 5: CITYWIDE GENERAL REGULATIONS**

**PART 4: SPECIAL USE REGULATIONS**

**Sec. 5.4.1 - 5.4.13** *As written.*

**Sec. 5.4.14 Short Term Rental (Partial and Whole Unit)**

All short term rentals (STR) shall be comply with the following requirements:

1. Subject to the site and design review standards in Art 6 or Art. 14, and subject to conditional use standards in Art. 3 where applicable; and
2. All dimensional standards for the underlying zoning per the requirements of Art. 4 or Art. 14 shall be applicable; and
3. Short term rentals shall register with the city as rental units under Chapter 18: Housing unless exempted under that Chapter; and.
4. The host's primary residence shall be within the same building or on the same lot (on-site) as the short term rental, except per Table 5.4.14-1 below; and,
5. Whole and Partial Unit STRs may be located within the same building or on the same lot, subject to standards in Table 5.4.14-1.

| <b><u>Table 5.4.14-1 Short Term Rental Types, Limits, and Standards</u></b>   |                                          |                                     |                                        |                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------|------------------------------------------|-------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Building Type</u></b>                                                   | <b><u>Dwelling Units in Building</u></b> | <b><u>STR Limit in Building</u></b> | <b><u>Host's Primary Residence</u></b> | <b><u>Permitted or Conditional Use</u></b>                                                                                                                                                                                                                         |
| <b><u>Whole Unit STRs</u></b>                                                 |                                          |                                     |                                        |                                                                                                                                                                                                                                                                    |
| <u>Single Detached Dwelling</u>                                               | <u>1</u>                                 | <u>1 Whole Unit</u>                 | <u>Required</u>                        | <u>Permitted</u>                                                                                                                                                                                                                                                   |
| <u>Single Detached Dwelling with an ADU (attached or detached), or Duplex</u> | <u>2</u>                                 | <u>1 Whole Unit</u>                 | <u>Required on same lot as STR</u>     | <u>Permitted</u>                                                                                                                                                                                                                                                   |
| <u>Attached Dwellings- Multifamily</u>                                        | <u>3-4</u>                               | <u>1 Whole Unit</u>                 | <u>Not Required</u>                    | <u>Permitted in FD5, FD6, &amp; Neighborhood Mixed Use Districts</u><br><br><u>Permitted in Residential &amp; Institutional Districts when host's primary residence</u><br><br><u>Conditional use in Residential &amp; Institutional Districts when not host's</u> |
|                                                                               | <u>5-6</u>                               | <u>2 Whole Units</u>                | <u>Not Required</u>                    |                                                                                                                                                                                                                                                                    |
|                                                                               | <u>7+</u>                                | <u>3 Whole Units</u>                | <u>Not Required</u>                    |                                                                                                                                                                                                                                                                    |

|                                                                                                                                                                                    |                                                       |                                      |                                      |                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------------|
|                                                                                                                                                                                    |                                                       |                                      |                                      | <u>primary residence</u>                   |
| <u>On lots containing 2 or more detached primary structures/buildings, the STR limits are applicable to each building, based on the number of dwelling units in each building.</u> |                                                       |                                      |                                      |                                            |
| <u>Buildings exceeding these limits are a Lodging use, and subject to standards in Appendix A.</u>                                                                                 |                                                       |                                      |                                      |                                            |
|                                                                                                                                                                                    | <b><u>Zoning District</u></b>                         | <b><u>STR Limit on Property</u></b>  | <b><u>Host Primary Residence</u></b> | <b><u>Permitted or Conditional Use</u></b> |
| <b><u>Partial Unit STRs</u></b>                                                                                                                                                    |                                                       |                                      |                                      |                                            |
| <u>Rooms within a Dwelling Unit</u>                                                                                                                                                | <u>RL and RL-W</u>                                    | <u>1 – 2 Rooms</u><br><u>3 Rooms</u> | <u>Required</u>                      | <u>Permitted</u><br><u>Conditional Use</u> |
|                                                                                                                                                                                    | <u>RM, RM-W, RH, and Institutional</u>                | <u>1-2 Rooms</u><br><u>3-5 Rooms</u> | <u>Required</u>                      | <u>Permitted</u><br><u>Conditional Use</u> |
|                                                                                                                                                                                    | <u>FD5, FD6, and Neighborhood Mixed Use Districts</u> | <u>1-5 Rooms</u>                     | <u>Required</u>                      | <u>Permitted</u>                           |

*Excerpt of* **ARTICLE 8: PARKING**

**Sec. 8.1.1 – 8.1.7** *As written.*

**Sec. 8.1.8 Minimum Off-Street Parking Requirements**

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.

When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

| <b>Table 8.1.8-1 Minimum Off-Street Parking Requirements</b>                                |                                          |                            |                                      |
|---------------------------------------------------------------------------------------------|------------------------------------------|----------------------------|--------------------------------------|
|                                                                                             | <b>Neighborhood District</b>             | <b>Shared Use District</b> | <b>Multimodal Mixed-Use District</b> |
| <b>RESIDENTIAL USES</b>                                                                     | <b>Per Dwelling Unit except as noted</b> |                            |                                      |
| No changes                                                                                  |                                          |                            |                                      |
| <b>RESIDENTIAL USES - SPECIAL</b>                                                           | <b>Per Dwelling Unit except as noted</b> |                            |                                      |
| ** Rest of Special Residential Uses unchanged**                                             |                                          |                            |                                      |
| <del>Bed and Breakfast (per room, in addition to single-family residence)</del>             | <u>1</u>                                 | <u>0.75</u>                | <u>0</u>                             |
| <u>Short Term Rental – Partial Unit (per bedroom minus 1, in addition to dwelling unit)</u> | <u>1</u>                                 | <u>0.75</u>                | <u>0</u>                             |

|                                                                                                                          |                                                                        |          |          |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----------|----------|
| <u>Short Term Rental – Whole Unit, except no additional parking space is required for single detached dwelling units</u> | <u>1</u>                                                               | <u>1</u> | <u>0</u> |
|                                                                                                                          |                                                                        |          |          |
| <b>NON-RESIDENTIAL USES</b>                                                                                              | <b>Per 1,000 square feet of gross floor area (gfa) except as noted</b> |          |          |
| ** Rest of Non-Residential Uses unchanged**                                                                              |                                                                        |          |          |
| <del>Hostel</del> (per two (2) beds)                                                                                     | 0.5                                                                    | 0.5      | None     |
| <del>Hotel/Motel</del> <u>Lodging</u> (per room)                                                                         | 1                                                                      | 0.75     | 0        |

## ARTICLE 13: DEFINITIONS

**Sec. 13.1.1 Miscellaneous** *As written.*

### Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to *Art. 14 planBTV: Downtown Code* can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

*All other definitions as written.*

**Bed and Breakfast:** ~~An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on premises to guests.~~

**Host:** A person who operates a whole or partial unit short term rental. The host may be the property owner or tenant.

**Hostel:** ~~A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.~~

**Hotel, Inn or Motel Lodging:** ~~An establishment providing for a fee three or more temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals (except when per-building short term rental limits per Table 5.4.14-1 are exceeded).~~

**Short Term Rental – Whole Unit:** A dwelling unit (as defined in Article 18 of the Burlington City Code of Ordinances) that is rented to guests for overnight stays of less than 30 consecutive days and is subject to the Vermont rooms and meals tax. Short term rental does not include lodging.

**Short Term Rental – Partial Unit:** A dwelling unit (as defined in Article 18 of the Burlington City Code of Ordinances) wherein only bedrooms are rented to guests for overnight stays of less than 30 consecutive days and is subject to the Vermont rooms and meals tax. A morning meal may be provided onsite such as with a traditional bed and breakfast.

**\*\*End Proposed Text Amendments\*\***

## **Relationship to planBTV**

*This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).*

### **Compatibility with Proposed Future Land Use & Density**

The proposed amendments are intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals in recent years, largely at the expense of long term housing stock. This increase puts additional pressure on the city's available housing and degree of affordability. The proposed measures will establish parameters for allowing short term rentals while limiting their adverse impacts on the city's housing supply and affordability.

### **Impact on Safe & Affordable Housing**

The proposed amendments will have no impact on the intensity or density of future land use. They will; however, ensure that future short term rentals are compatible with the residential neighborhoods that so many of them occupy. Short term rentals will be allowed as another one of many uses in the city's mixed use and downtown areas. Conditional use review of STR's operated by offsite hosts in our residential areas will ensure compatibility with existing neighborhoods. Overall limits will prevent wholesale conversion of residential units into short term rentals.

### **Planned Community Facilities**

This amendment has no impact on any planned community facilities.

## **Process Overview**

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

| Planning Commission Process                                           |                                                                                                           |                                      |                              |                              |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------|------------------------------|
| Draft Amendment prepared by: Staff, based on referral of City Council | Presentation to & discussion by Joint Committee<br>1/14, 1/28, 2/11, 2/19, 8/11, 9/23, 10/28, 11/24, 12/8 | Approve for Public Hearing           | Public Hearing               | Approve & forward to Council |
|                                                                       |                                                                                                           |                                      |                              | Continue discussion          |
| City Council Process                                                  |                                                                                                           |                                      |                              |                              |
| First Read & Referral to Ordinance Cmte                               | Ordinance Committee discussion                                                                            | Ordinance Cmte recommends to Council | Second Read & Public Hearing | Approval & Adoption          |
|                                                                       |                                                                                                           |                                      |                              | Rejected                     |

**Appendix A-Use Table – All Zoning Districts**

|                                                                           | Urban Reserve    | Recreation, Conservation & Open Space |              |              | Institutional                | Residential                  |                              |                              | Downtown Mixed Use <sup>l</sup>   | Neighborhood Mixed Use |              |              |              | Enterprise   |              |
|---------------------------------------------------------------------------|------------------|---------------------------------------|--------------|--------------|------------------------------|------------------------------|------------------------------|------------------------------|-----------------------------------|------------------------|--------------|--------------|--------------|--------------|--------------|
| USES                                                                      | UR               | RCO - A                               | RCO - RG     | RCO - C      | I                            | RL/W                         | RM/W                         | RH                           | DW-PT <sup>16</sup>               | NMU                    | NAC          | NAC-RC       | NAC-CR       | E-AE         | E-LM         |
| RESIDENTIAL USES                                                          | UR               | RCO - A <sup>1</sup>                  | RCO - RG     | RCO - C      | I                            | RL/W                         | RM/W                         | RH                           | DW-PT <sup>16</sup>               | NMU                    | NAC          | NAC-RC       | NAC-CR       | E-AE         | E-LM         |
| As written                                                                |                  |                                       |              |              |                              |                              |                              |                              |                                   |                        |              |              |              |              |              |
| RESIDENTIAL SPECIAL USES                                                  | UR               | RCO – A                               | RCO - RG     | RCO - C      | I                            | RL/W                         | RM/W                         | RH                           | DW-PT <sup>16</sup>               | NMU                    | NAC          | NAC-RC       | NAC-CR       | E-AE         | E-LM         |
| Rest of Residential Special Uses as written.                              |                  |                                       |              |              |                              |                              |                              |                              |                                   |                        |              |              |              |              |              |
| <del>Bed and Breakfast<sup>4,-6</sup></del>                               | <del>N</del>     | <del>N</del>                          | <del>N</del> | <del>N</del> | <del>CU</del>                | <del>CU</del>                | <del>CU</del>                | <del>CU</del>                | <del>N</del>                      | <del>Y</del>           | <del>Y</del> | <del>Y</del> | <del>N</del> | <del>N</del> | <del>N</del> |
| <del>Short Term Rental – Partial Unit (See Sec. 5.4.14)<sup>4</sup></del> | <del>N</del>     | <del>N</del>                          | <del>N</del> | <del>N</del> | <del>Y/CU</del>              | <del>Y/CU</del>              | <del>Y/CU</del>              | <del>Y/CU</del>              | <del>N</del>                      | <del>Y</del>           | <del>Y</del> | <del>Y</del> | <del>Y</del> | <del>N</del> | <del>N</del> |
| <del>Short Term Rental – Whole Unit – (See Sec. 5.4.14)<sup>4</sup></del> | <del>N</del>     | <del>N</del>                          | <del>N</del> | <del>N</del> | <del>Y/CU<sup>33</sup></del> | <del>Y/CU<sup>33</sup></del> | <del>Y/CU<sup>33</sup></del> | <del>Y/CU<sup>33</sup></del> | <del>N</del>                      | <del>Y</del>           | <del>Y</del> | <del>Y</del> | <del>Y</del> | <del>N</del> | <del>N</del> |
|                                                                           |                  |                                       |              |              |                              |                              |                              |                              |                                   |                        |              |              |              |              |              |
| NON-RESIDENTIAL USES                                                      | UR <sup>21</sup> | RCO - A                               | RCO - RG     | RCO - C      | I                            | RL/W                         | RM                           | RH                           | DW-PT <sup>16</sup>               | NMU                    | NAC          | NAC-RC       | NAC-CR       | E-AE         | E-LM         |
| Rest of Non-Residential Uses as written.                                  |                  |                                       |              |              |                              |                              |                              |                              |                                   |                        |              |              |              |              |              |
| <del>Hostel</del>                                                         | <del>N</del>     | <del>N</del>                          | <del>N</del> | <del>N</del> | <del>Y</del>                 | <del>N</del>                 | <del>N</del>                 | <del>CU</del>                | <del>N</del>                      | <del>Y</del>           | <del>Y</del> | <del>Y</del> | <del>Y</del> | <del>N</del> | <del>N</del> |
| <del>Hotel, Motel Lodging</del>                                           | <del>N</del>     | <del>N</del>                          | <del>N</del> | <del>N</del> | <del>CU</del>                | <del>N</del>                 | <del>N</del>                 | <del>N</del>                 | <del>(See Sec. 4.4.1 (d) 1)</del> | <del>N</del>           | <del>Y</del> | <del>N</del> | <del>Y</del> | <del>N</del> | <del>N</del> |
|                                                                           |                  |                                       |              |              |                              |                              |                              |                              |                                   |                        |              |              |              |              |              |

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district. See limits on number, and permitted or conditional use, of Partial and Whole Unit STRs per building or lot in Table 5.4.14-1.~~
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

| Legend:      |                                                                   |
|--------------|-------------------------------------------------------------------|
| Y            | Permitted Use in this district                                    |
| CU           | Conditional Use in this district                                  |
| N            | Use not permitted in this district                                |
|              |                                                                   |
| Abbreviation | Zoning District                                                   |
| RCO – A      | RCO - Agriculture                                                 |
| RCO – RG     | RCO – Recreation/Greenspace                                       |
| RCO – C      | RCO - Conservation                                                |
| I            | Institutional                                                     |
| RL/W         | Residential Low Density, Waterfront Residential Low Density       |
| RM/W         | Residential Medium Density, Waterfront Residential Medium Density |
| RH           | Residential High Density                                          |
| DW-PT        | Downtown Waterfront-Public Trust                                  |
| NMU          | Neighborhood Mixed Use                                            |
| NAC          | Neighborhood Activity Center                                      |
| NAC-RC       | NAC – Riverside Corridor                                          |
| NAC-CR       | NAC – Cambrian Rise                                               |
| E-AE         | Enterprise – Agricultural Processing and Energy                   |
| E-LM         | Enterprise – Light Manufacturing                                  |

**Appendix A-Use Table – All Zoning Districts**

- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 33. Whole Unit short term rentals operated by off-site hosts are subject to conditional use review; short term rentals operated by on-site hosts are a permitted use.

<sup>i</sup> For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

### 14.3.4-H- Use Type FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

#### RESIDENTIAL - GENERAL

|                    |   |
|--------------------|---|
| Attached Dwellings | P |
|--------------------|---|

|                                                                                                              |   |
|--------------------------------------------------------------------------------------------------------------|---|
| Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose) | P |
|--------------------------------------------------------------------------------------------------------------|---|

#### RESIDENTIAL - SPECIAL

|                 |   |
|-----------------|---|
| Assisted Living | P |
|-----------------|---|

|                             |   |
|-----------------------------|---|
| Boarding House <sup>1</sup> | P |
|-----------------------------|---|

|                                 |   |
|---------------------------------|---|
| Community House (Sec. 14.6.6.e) | P |
|---------------------------------|---|

|                            |   |
|----------------------------|---|
| Convalescent /Nursing Home | P |
|----------------------------|---|

|                                               |   |
|-----------------------------------------------|---|
| Short Term Rental- Partial Unit (Sec. 5.4.14) | P |
|-----------------------------------------------|---|

|                                             |   |
|---------------------------------------------|---|
| Short Term Rental- Whole Unit (Sec. 5.4.14) | P |
|---------------------------------------------|---|

#### SHORT-TERM ACCOMMODATIONS

|                                |   |
|--------------------------------|---|
| Bed and Breakfast <sup>+</sup> | P |
|--------------------------------|---|

|                              |   |
|------------------------------|---|
| Historic Inn (Sec. 14.6.6.c) | P |
|------------------------------|---|

|       |   |
|-------|---|
| Hotel | P |
|-------|---|

|         |   |
|---------|---|
| Lodging | P |
|---------|---|

|         |   |
|---------|---|
| Shelter | P |
|---------|---|

#### RETAIL - GENERAL

|     |   |
|-----|---|
| ATM | P |
|-----|---|

|                                         |   |
|-----------------------------------------|---|
| Auto/Boat/RV Sales/Rentals <sup>3</sup> | P |
|-----------------------------------------|---|

|                   |   |
|-------------------|---|
| Convenience Store | P |
|-------------------|---|

|                                                   |    |
|---------------------------------------------------|----|
| Fuel Service Station <sup>2</sup> (Sec. 14.6.6.d) | CU |
|---------------------------------------------------|----|

|                            |   |
|----------------------------|---|
| General Merchandise/Retail | P |
|----------------------------|---|

#### RETAIL - OUTDOOR

|                  |   |
|------------------|---|
| Open Air Markets | P |
|------------------|---|

#### Key

|               |   |
|---------------|---|
| Permitted Use | P |
|---------------|---|

|                 |    |
|-----------------|----|
| Conditional Use | CU |
|-----------------|----|

#### END NOTES

<sup>1</sup> Must be owner-occupied.

<sup>2</sup> Automobile sales not permitted as an Accessory Use

<sup>3</sup> Exterior storage and display not permitted.

### 14.3.4-H- Use Type FD6

#### OFFICE & SERVICE

|                 |   |
|-----------------|---|
| Animal Grooming | P |
|-----------------|---|

|                                                   |   |
|---------------------------------------------------|---|
| Auto/Boat/RV Service <sup>3</sup> (Sec. 14.6.6.d) | P |
|---------------------------------------------------|---|

|                              |   |
|------------------------------|---|
| Beauty Salon/Barber Shop/Spa | P |
|------------------------------|---|

|          |   |
|----------|---|
| Car Wash | P |
|----------|---|

|                                          |   |
|------------------------------------------|---|
| Crisis Counseling Center (Sec. 14.6.6.g) | P |
|------------------------------------------|---|

|                  |   |
|------------------|---|
| Office – General | P |
|------------------|---|

|                  |   |
|------------------|---|
| Office – Medical | P |
|------------------|---|

|                    |   |
|--------------------|---|
| Office – Technical | P |
|--------------------|---|

|                      |   |
|----------------------|---|
| Dry Cleaning Service | P |
|----------------------|---|

|              |   |
|--------------|---|
| Funeral Home | P |
|--------------|---|

|                    |   |
|--------------------|---|
| Health Club/Studio | P |
|--------------------|---|

|            |   |
|------------|---|
| Laundromat | P |
|------------|---|

|                             |   |
|-----------------------------|---|
| Mental Health Crisis Center | P |
|-----------------------------|---|

|             |   |
|-------------|---|
| Tailor Shop | P |
|-------------|---|

#### HOSPITALITY/ENTERTAINMENT/RECREATION

|          |   |
|----------|---|
| Aquarium | P |
|----------|---|

|                    |   |
|--------------------|---|
| Art Gallery/Studio | P |
|--------------------|---|

|             |   |
|-------------|---|
| Bar, Tavern | P |
|-------------|---|

|                             |   |
|-----------------------------|---|
| Billiards, Bowling & Arcade | P |
|-----------------------------|---|

|      |   |
|------|---|
| Café | P |
|------|---|

|        |   |
|--------|---|
| Cinema | P |
|--------|---|

|                  |   |
|------------------|---|
| Club, Membership | P |
|------------------|---|

|                  |   |
|------------------|---|
| Community Center | P |
|------------------|---|

|                              |   |
|------------------------------|---|
| Conference/Convention Center | P |
|------------------------------|---|

|        |   |
|--------|---|
| Museum | P |
|--------|---|

|                        |   |
|------------------------|---|
| Performing Arts Center | P |
|------------------------|---|

|                        |   |
|------------------------|---|
| Performing Arts Studio | P |
|------------------------|---|

|                                |   |
|--------------------------------|---|
| Recreational Facility - Indoor | P |
|--------------------------------|---|

|            |   |
|------------|---|
| Restaurant | P |
|------------|---|

|                       |   |
|-----------------------|---|
| Restaurant – Take Out | P |
|-----------------------|---|

## 14.3.5-H- Use Types

FD5

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

## RESIDENTIAL - GENERAL

|                    |   |
|--------------------|---|
| Attached Dwellings | P |
|--------------------|---|

|                                                                                                              |   |
|--------------------------------------------------------------------------------------------------------------|---|
| Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose) | P |
|--------------------------------------------------------------------------------------------------------------|---|

## RESIDENTIAL - SPECIAL

|                 |   |
|-----------------|---|
| Assisted Living | P |
|-----------------|---|

|                             |   |
|-----------------------------|---|
| Boarding House <sup>1</sup> | P |
|-----------------------------|---|

|                                 |   |
|---------------------------------|---|
| Community House (Sec. 14.6.6.e) | P |
|---------------------------------|---|

|                            |   |
|----------------------------|---|
| Convalescent /Nursing Home | P |
|----------------------------|---|

|            |   |
|------------|---|
| Group Home | P |
|------------|---|

|                                               |   |
|-----------------------------------------------|---|
| Short Term Rental- Partial Unit (Sec. 5.4.14) | P |
|-----------------------------------------------|---|

|                                             |   |
|---------------------------------------------|---|
| Short Term Rental- Whole Unit (Sec. 5.4.14) | P |
|---------------------------------------------|---|

## SHORT-TERM ACCOMMODATIONS

|                                |   |
|--------------------------------|---|
| Bed and Breakfast <sup>+</sup> | P |
|--------------------------------|---|

|                              |   |
|------------------------------|---|
| Historic Inn (Sec. 14.6.6.c) | P |
|------------------------------|---|

|       |   |
|-------|---|
| Hotel | P |
|-------|---|

|         |   |
|---------|---|
| Lodging | P |
|---------|---|

|         |   |
|---------|---|
| Shelter | P |
|---------|---|

## RETAIL - GENERAL

|     |   |
|-----|---|
| ATM | P |
|-----|---|

|                                                 |   |
|-------------------------------------------------|---|
| Automobile and RV Sales and Rental <sup>2</sup> | P |
|-------------------------------------------------|---|

|                   |   |
|-------------------|---|
| Convenience Store | P |
|-------------------|---|

|                                                   |    |
|---------------------------------------------------|----|
| Fuel Service Station <sup>2</sup> (Sec. 14.6.6.d) | CU |
|---------------------------------------------------|----|

|                            |   |
|----------------------------|---|
| General Merchandise/Retail | P |
|----------------------------|---|

## RETAIL - OUTDOOR

|                    |   |
|--------------------|---|
| Boat Sales/Rentals | P |
|--------------------|---|

|                     |   |
|---------------------|---|
| Garden Supply Store | P |
|---------------------|---|

|                  |   |
|------------------|---|
| Open Air Markets | P |
|------------------|---|

## 14.3.5-H- Use Types

FD5

## OFFICE &amp; SERVICE

|                 |   |
|-----------------|---|
| Animal Grooming | P |
|-----------------|---|

|                              |   |
|------------------------------|---|
| Beauty Salon/Barber Shop/Spa | P |
|------------------------------|---|

|          |   |
|----------|---|
| Car Wash | P |
|----------|---|

|                                          |   |
|------------------------------------------|---|
| Crisis Counseling Center (Sec. 14.6.6.g) | P |
|------------------------------------------|---|

|                      |   |
|----------------------|---|
| Dry Cleaning Service | P |
|----------------------|---|

|              |   |
|--------------|---|
| Funeral Home | P |
|--------------|---|

|                    |   |
|--------------------|---|
| Health Club/Studio | P |
|--------------------|---|

|            |   |
|------------|---|
| Laundromat | P |
|------------|---|

|                             |   |
|-----------------------------|---|
| Mental Health Crisis Center | P |
|-----------------------------|---|

|                  |   |
|------------------|---|
| Office – General | P |
|------------------|---|

|                  |   |
|------------------|---|
| Office – Medical | P |
|------------------|---|

|                    |   |
|--------------------|---|
| Office – Technical | P |
|--------------------|---|

|             |   |
|-------------|---|
| Tailor Shop | P |
|-------------|---|

|                                          |   |
|------------------------------------------|---|
| Vehicle/Boat Repair/Service <sup>2</sup> | P |
|------------------------------------------|---|

## HOSPITALITY/ENTERTAINMENT/RECREATION

|          |   |
|----------|---|
| Aquarium | P |
|----------|---|

|                    |   |
|--------------------|---|
| Art Gallery/Studio | P |
|--------------------|---|

|             |   |
|-------------|---|
| Bar, Tavern | P |
|-------------|---|

## Key

|               |   |
|---------------|---|
| Permitted Use | P |
|---------------|---|

|                 |    |
|-----------------|----|
| Conditional Use | CU |
|-----------------|----|

## END NOTES

<sup>1</sup>Must be owner-occupied.

<sup>2</sup> Exterior storage and display not permitted.

## ARTICLE I. IN GENERAL

### 18-1 Short title.

---

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

### 18-2 Definitions.

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For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

*Hotel or motel* means an establishment which holds itself out to the public by offering temporary sleeping accommodations for consideration. Hotel or motel does not include short term rental.

*Occupant* shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

*Rental unit* shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

*Roominghouse* shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons. A roominghouse does not include short term rental.

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental shall mean a dwelling unit that is rented in whole or in part to guests for less than thirty (30) consecutive days for overnight stays. It may be a whole dwelling unit or just bedroom(s) within. For the purposes of this Chapter, short term rental shall not include "temporary uses" as defined in the Comprehensive Development Ordinance (zoning ordinance). See also Article 13: Definitions of the Comprehensive Development Ordinance for related definitions of short term rentals (whole unit and partial unit).

*Target housing* means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons

with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

All other definitions as written.

### **18-3 – 18-14 Reserved**

As written.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. GENERALLY<sup>1</sup>**

#### **18-15 Registration required.**

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units~~s~~ at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.
- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent

and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.

(10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.

(11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

(12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

(13) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(14) State yes or no to the following question: Does the rental property contain short term rental(s)?

If yes:

(i) How many short term rentals are there in the building?

- Number of whole unit short term rentals?
- Number of partial unit (i.e. only bedrooms) short term rentals?

(ii) Will the short term rental(s) be rented short term for more than 183 days per year?

(iii) What is the tax account number?

(b) Upon purchase or transfer of property containing a rental unit, the purchasers shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

### **18-16 Inspection required.**

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The enforcement officer or his/her delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period ~~in excess~~ of thirty (30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation (including partial unit short term rentals of just one {1} or two {2} bedrooms. See Article 13 of the Comprehensive Development Ordinance for definition of short term rental – partial unit). Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00)

### **18-17 – 18-29**

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As written.

## **18-29a Termination of rental housing tenancy; rental housing rent increase.**

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

## **18-30 Fees.**

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial-unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

## **18-31 – 18-69**

As written.

# **ARTICLE III. MINIMUM STANDARDS<sup>1</sup>**

## **DIVISION 1. GENERALLY**

### **18-70 Compliance with article required.**

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's

installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2. See Division 7 for Minimum Standards applicable to short term rentals.

## **18-71 – 18-120**

As written.

### **DIVISION 7. SHORT TERM RENTAL**

#### **18-121 Compliance with article required.**

No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

#### **18-122 Minimum Fire Safety Standards:**

- (a) Smoke and carbon monoxide alarms are provided per the following:
  - i.. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
  - ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.
  - iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
  - iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.
  - v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.
- (b) GFI Outlets are provided in the following areas:
  - i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.
- (c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.
- (d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.
- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart. Stairs must be provided with graspable handrails.

### **18-123 Minimum General Standards:**

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.
- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.

## **ARTICLE IV. HOUSING DISCRIMINATION**

### **18-200 Purpose.**

As written.

### **18-201 Definitions.**

- (a) For the purpose of this article, "adverse housing action" means any of the following:
  - (1) Refusal to rent;
  - (2) Refusal to negotiate a rental;
  - (3) Making a rental unit unavailable;
  - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
  - (5) Falsely representing that a rental unit is not available for a prospective tenant;
  - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
  - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
  - (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
  - (3) Housing provided for pious, charitable, or public purposes;
  - (4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;
  - (5) Dwellings which are owner-occupied duplexes-:

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

**18-202 – 18-301**

As written.

**18-302 Exemptions.**

- (a) This article shall not be applicable to single-family homes and duplexes.
- (b) This article shall not be applicable to properties that meet all of the following requirements:
  - (1) land tract with ten (10) or fewer housing units;
  - (2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and
  - (3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

**18-303 – 18-501**

As written.

**18-502 Applicability.**

- (a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.
- (b) The following properties shall be exempt from meeting the requirements of this article:
  - (1) Rental properties not rented between November 1 and March 31 of each year.
  - (2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)
  - (3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.
  - (4) Buildings or apartments where heating costs are paid by owners of the rental properties.

(5) Short term rentals.

(Ord. of 3-24-97)

**18-503 – 18-511**

As written.

**Zoom Chat Messages from  
Joint Planning Commission & City Council Ordinance Committee  
November 24, 2020**

From Abbott Stark to All panelists : Duplex's make very little of the housing stock (13and for several years

From Abbott Stark to All panelists : Sorry mistype. Duplexes only comprise 13% of the available units and over the last several years, owners have been able to occupy and rent on Airbnb, but it hasn't significantly moved the needle - has it?

From Cheri Campbell : A 3 month sublet is not a STR rent

From Kelli Varela to All panelists : 1. Referring to "conversion" of units, what consideration is given to owner occupied house with 2 little studios out back to help pay property taxes? (Existing STRs, not new Conversion. Will existing owner occupied be Grandfathered? (we are senior citizens) ? owner occupied

From Kelli Varela to All panelists : 2. Is there a parallel movement in changing zoning policy regarding Student Housing? of 17k units, AirBnb is only 400 apartments. There must be thousands of student housing units, not owner occupied. In reality why are the few STRs being regulated so heavily, and not Student Housing which represents a Much larger portion of the "stock". Student Housing properties should only be allowed 1 unit as well Equal treatment, not disparate treatment of the few STRs in the 17,000 total stock. STR why are

From Kelli Varela to All panelists : 3. Triplex is not necessarily a "multi ", when it's owner occupied in the largest unit, and tiny other 2 studios. can't group triplex owner occ into big apartment buildings

From Kelli Varela to All panelists : 4. Fees. if wash unit rented as Student Housing paid the fee thousands of units a year), then owner occ senior citizens doing STR can be exempted . students are mostly out-of-state & parents will be paying the fee through add-on to rent. student housing is much bigger problem affecting housing "stock"

From William Gonyaw to All panelists : why not have a large yearly rental registry fee? Burlington already charges a yearly rental fee. Just make it more for STRs. This is what Portland ME does.

From Jamie Sharpe : Its not 400 whole unites

From Jamie Sharpe : 71% are whole units so thats 284 units out of the 17,000 units equalling 1.6% of housing stock

From Deb Ward Lyons to All panelists : And that number is based on old info; I do not believe the "410 units" is accurate anymore, now in Covid or even going forward

From Erhard Mahnke (he/him) : As Alex said, the proposed replacement fee will never suffice to create a new affordable rental unit. My suggestion, along the lines of Yves earlier comment, would be to charge a tax or fee based on STR revenues and dedicate it to the Housing Trust Fund.

From Erhard Mahnke (he/him) : Think of it more as an impact fee

From Ken Baldwin : Agreed with Yves and Erhard

From Deb Ward Lyons : Deb Lyons: And that number is based on old info; I do not believe the "410 units" is accurate anymore, now in Covid or even going forward.

From William Gonyaw to All panelists : Portland ME charges quite a bit more yearly for some types of STRs. Non owner occupied could pay a large yearly fee, larger than owner occupied.

From Deb Ward Lyons : There was an idea of a 1% tax already suggested in previous committee meetings

From Ken Baldwin : Hi, I used to live in Burlington and I have a single family home there. I had to move to a different market for my job and I travel back to Burlington monthly. I subsidize my mortgage through Airbnb so I can keep my place there.

If you're requiring owner occupied for single family rentals - I want you to consider off-site owners for single families? According to your data - most single family homes are owner occupied. So that would be the least amount of impact.

I just want to remind everyone these are people vs the hotels. When you make it difficult for owner's to provide housing for guests - they end up having to go to a Hilton or a Marriot that charges \$400 a night. Most people who visit Burlington cannot afford to pay \$3-400 a night for a single room. This ends up hurting tourism and local businesses that benefit from out of town visitors.

From Kelli Varela to All panelists : triplex too

From ehanley : Great point Ken,

From ehanley : My first guests in May when Air B& B

From ehanley : opened back up, were a couple from NY that were not able to get chemo treatment in NYC, and they rented my STR within 1.5 miles from the Hospital and loved it, they were not able to stay in a hotel because of their situation.

From ehanley : So what is on the table right now, I would be out of Business because I do not live at property, and they would make me live on the property, which would take away a LTR, because I have a 1 Bedroom, that is a LTR in the unit I would have to live in.

From ehanley : Does not make sense to me, it should be treated like all the other multi units.

From ehanley : Thanks

From Erhard Mahnke (he/him) : I've been holding off till the public comment period, but to be clear: I would not support any STRs in multi-family above 4 units. Those properties tend to be more investor owned and are a large part of our rental housing stock. We cannot afford to lose any of them. Agree with Jack that we should allow no more than 1 STR in up to 4 unit properties, so long as they are owner-occupied, or if a tenant wants to rent out their own place as an STR while away.

From Kelli Varela to All panelists : Any fee should be on student housing units too

From Erhard Mahnke (he/him) : I was using the term impact fee very loosely, not in the statutory sense

From Paul OBrian : Could someone please address the disparity between requiring owner occupancy for single family detached homes versus the multi-units not being required for owner/host occupancy? The numbers put forth in Megan's outstanding data are clear that most of the units in Burlington are rentals in a multi-unit building...meaning the proposal as it stands would necessarily have a substantial (potential) impact on those buildings rather than the 12% single family units that are rented/tenant occupied. This distinction seems to miss the mark of the bulleted goals of the resolution and policy questions.

From Abbott Stark : I think that we need to get back to the specifics on the matrix... otherwise the concepts are hard to manage.

From Ken Baldwin : Thank you Jamie!

From Ken Baldwin : Yes Amy - 100%

From ehanley : Thanks Jamie and Amy

From Amy Magyar to All panelists : Tail wag Erhard!

From Kelli Varela to All panelists : Agreed Erhard

From William Gonyaw to All panelists : Yes! Don't allow STRs in 5+ units that a bank would consider a commercial property. Why not let the smaller property owners have 1 airbnb in their 4 or less unit building and not be owner occupied?

From William Gonyaw to All panelists : This would limit the airbnbs as you want but still allow small property owners, owner occupied or not, to received needed income.

From William Gonyaw to All panelists : Have you looked at the population growth in Burlington? in the past few years census shows around a 500 person increase per year.

From William Gonyaw to All panelists : It's true that a "rich landlord" wouldn't bother with Airbnb's. I think this is an assumption about the non owner occupied host that should be examined.

From Kelli Varela to All panelists : Agreed Lucas. STR is such a small part of housing stock. Student housing units are much much higher percentage of pie. agreed/ it's not easy, and it's because we need to resort to STR to keep home

From ehanley : Paul,Great

From Kelli Varela to All panelists : Thank you Paul, yes we are residents & taxpayers trying to keep our homes & stay in Burlington

From ehanley : Happy Thanksgiving to ALL

From Abbott Stark : Happy Thanksgiving!

## Meagan Tuttle

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**From:** AVCO .K.Brown <avcovt@comcast.net>  
**Sent:** Tuesday, November 24, 2020 4:54 PM  
**To:** Meagan Tuttle  
**Subject:** STR written question for tonight

[WARNING]: External Message

Hello-

**Question:** Will properties with apartments for Students have to pay the same impact fees as STR properties?

**Comment:** It seems the city is putting an undue burden on STR properties, being punished for the supposed housing shortage.

If students were required to live on campus, there would be plenty of housing in Burlington.

**Personal:** STR is the only option we have to help pay the very high property taxes. We are owner occupied. It is our home. We sold our home in St George to live here. My husband is 68. Also we don't necessarily want to live full time with year round tenants in the same house. That would make life very uncomfortable for us, noise & lack of privacy. Also we had problem tenants under leases- pet violations, late rent, rowdy students, parties, drugs & alcohol etc, that seemed impossible to control if we were away.

-This way we are able to choose the couples that stay, pre-qualified and pre-paid, and only a few days a week.

We thought Burlington would be where we lived for the rest of our lives, now it all seems negative with this new problem.

Thank you very much,

KB

Email: [AVCOVT@comcast.net](mailto:AVCOVT@comcast.net)

To: Burlington Planning Commission  
From: Lucas Jenson  
Date: 12/1/20

RE: Short Term Rentals

I am writing to explain to you our situation in regards to short term rentals and lobby for allowing non-owner occupied hosting in duplexes.

My wife and I are small time landlords in Burlington having owned a few investment properties there for many years. While we felt Burlington was a good market for real estate investment, it has always been a struggle to make enough money on our rentals to maintain, let alone improve, the buildings as they should be and have a little left over for ourselves after all the expenses are paid. Burlington is a good market for rentals, but it is also very challenging and expensive and excess cash flow is very slim because of that.

One of our properties is a duplex which has two 4 bedroom apartments in it. These apartments have always been a challenge to rent, but we have noticed in recent years they have become more challenging as tenant preferences have shifted away from roommate situations to single bedrooms units. About 2 years ago this apartment became vacant and we had no luck whatsoever finding suitable tenants to move into it. Risking having it sit vacant, we tried our luck at AirBnB and have found great success renting it to folks wanting to visit Burlington for all the great things the city has to offer. We really enjoy welcoming visitors to our city and making recommendations for places to eat, visit and enjoy. Our guests typically only stay at AirBnBs because of their affordability, greater space and being in a community/neighborhood versus a hotel. Based on the shopping bags, restaurant menus, etc. that are left behind we can see that these guests are spending a lot of money when they are here. We take great pride in our short term rental and the additional income we are making has allowed us to finally invest in some much needed maintenance to the building. We also feel much less pressure to increase the rent in the other unit to keep pace with the increasing costs of property ownership in the city.

We are greatly concerned that we will be shut out of this market if non-owner occupied duplexes are not allowed to rent short term. This loss of income will be very hard for us to overcome and will likely require us to raise rents for our other tenants to make up for it. I am also concerned that this unit will sit vacant as we know it will be a challenge to find long term tenants to rent it. If this unit is vacant, we won't be able to afford to own the property. Plans we have to continue investing in maintenance and improvements of our properties have been shelved because of this concern. These improvements include exterior painting, new roofing, window replacement... all efforts to keep our buildings and the city looking good for both long and short term tenants as well as visitors that are so critical to the economy of Burlington.

The genesis of this committee's directive to put limits on short term rentals came from the housing summit held in 2019. At that summit no data was presented about the size and impact of the short term rental market in the city, both current and potential. The direction to put limits

on STRs was based on opinions and assumptions. This committee has never completed the task of collecting actual data and thoroughly understanding this market and have jumped to the step of figuring out a solution to a problem that does not exist. The assumption that STRs are somehow to blame for the “housing crisis” in Burlington is simply not supported by data. The little we do know about STRs is this - at most there are less than 300 whole unit STRs in Burlington. That is only 1.6% of the housing stock in the city, an insignificant amount.. A metric often quoted as evidence of the “housing crisis” is the historically low vacancy rate in the city. Please do not lose sight of the fact that the vacancy rate has doubled in the time that STRs have arrived in Burlington. Clearly there is no correlation between growth in STRs and increased pressure on the housing market. Short term rentals are simply not to blame for the “housing crisis”.

As you are considering putting limits on STRs, please consider with practicality how those limits will effectively improve housing affordability in the city. From what I am seeing, none of the recommended limits being considered will improve the “housing crisis” in Burlington. Tenants will not find a greater selection of housing and cheaper rents because of these limits. Again, short terms rentals are not to blame for this problem and why they are being considered as a solution is simply beyond me. However, for certain, limits placed on short term rentals will have an immediate and devastating impact on the property owners currently hosting short term rentals to help with the struggle to make ends meet in this expensive and challenging environment. Placing aggressive limits on short term rentals will not help tenants, but it will most definitely hurt hosts.

I ask that you please allow short term rentals in non-owner occupied homes, both stand alone homes and duplexes as well as in some multi unit situations. If the time was taken to better understand this market, you would see that almost all of us who participate in the short term rental market are small time, mom & pop style folks looking to make ends meet, not take advantage of the market while driving up rents and property values. Larger landlords are just not interested in operating short term rentals on a large scale because its hard work that takes a lot of care and effort to be successful. If this committee is truly interested in improving the housing situation in Burlington, your efforts would show a greater return elsewhere.

Regards,

Lucas Jenson

## Meagan Tuttle

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**From:** Justin Vandette <justin.vandette@gmail.com>  
**Sent:** Wednesday, December 02, 2020 11:49 AM  
**To:** Meagan Tuttle  
**Subject:** STR Host Coalition

[WARNING]: External Message

Hi Meagan, hope you're doing well.

I'm part of the BTV-STR Host Coalition. I've lived in the ONE for almost 4-years and have been Airbnbng full time (along with working a part time job in town) since I got laid off a couple years ago.

I rely on my STR for most of my income and I'm worried any new regulations could put me in a hard spot.

Some things I'd like to point out about STR in Burlington:

- it's a lot more work than people think, otherwise there would be way more in town
- STRs are less than 2% of the housing stock in Burlington, some of these are only available for peak times like graduation (it's not a significant source of the housing problem)
- STRs provide inexpensive accommodation to tourists who otherwise wouldn't come if their only option was \$300/night at the Marriot (why put more money in Marriot/Hiltons pockets?)
- Cheaper accommodation means more money spent on Church Street at bar, restaurants, etc
- STR hosts have a big incentive to upkeep their properties and neighborhoods in order to provide a nice experience for guests

Thanks for your time and I hope you can reiterate some of what I outlined above to your colleagues.

Best,  
Justin Vandette  
603.548.8385

December 8, 2020

To members of the Planning Commission and Joint Committee:

Well here we are, one year later, but somehow it feels like we're back at day one. I hope none of you have forgotten the faces behind these scenarios—although I recognize that we have new members who haven't met us yet—so I feel compelled to start over and remind you about whose livelihoods are at stake here.

Let me begin by re-introducing myself to the committee and its newest members. My name is Julia, most people call me Julie. I am 34 years old. Born and raised in Vermont. An aspiring entrepreneur. A democrat. A daughter. A cat mom and avid gardener and a pretty decent cook.

I own a property in Burlington that has been in my family for over 30 years. And I am here today, and have shown up all year, because this property is very personal to me. It is the place I took the bus to every day after school and did my homework while my dad finished his work. It is the house my brother and I renovated ourselves when my mother, seeking divorce from my father, needed a new home. This house contains the bedroom where I worked through a full year of deep depression. And when I moved back to Vermont after grad school hoping to find some way make a living in this jobless state, this house was my home.

I now live in Jericho, but I'm only a 20-minute drive from the Elmwood house. This house that was once my dad's office, then my mother's home, is now a registered 3-unit house that I own and manage. Two of my units currently have the best long-term tenants a landlord could ask for and I will be sad whenever they choose to move on. The third unit is a studio. Since my younger brother has moved out and on to different things, I offer my studio as a STR for half the year and LTR for the other half (although you wouldn't be able to tell that from the listing or see it represented by the data you have). I choose to use this hybrid approach to renting this unit for several reasons:

Number 1: STRs earn more money faster which allows me to make the necessary annual home improvements to keep this 200-year-old historic house up to code and current efficiency standards. (And you can check my tax returns, I profited \$3,000 this year from my Burlington STR because most of the money I earn goes back into the property). – Sidebar: I don't have to do this. I could pocket all my earnings and just pay the expenses and let the house degrade. But I choose not to be a slumlord and I take great pride in contributing positively to the aesthetic of Burlington's built environment and the availability of quality housing.

Number 2: The studio is used by myself and my family for personal reasons several times throughout every year for various lengths of time. Being able to control occupancy and regain access to this personal space as needed is essential to supporting other members of my family. This also brings much enrichment to my own life by giving me the opportunity to spend time in a building that means so much to me.

Reason Number 3: Like all college towns, Burlington is a transient city. A good proportion of our renters are students, temporary workers, or young families who quickly outgrow the

downtown spaces. Burlington is also a tourist hub with an economy that depends on tourism. And we see seasonal trends in who's living where and why. That's why I consistently offer 3 to 6-month leases during the winter months when school is in session and tourism has subsided.

My scenario, my life, is just one of many that would be hurt by your decision to prohibit off-site (yet local) hosts to manage and operate their properties as they currently do.

As a local landlord and local STR host, Burlington is my business. I am a Steward of this town just like you. We, the STR hosts, are Stewards of Burlington who you have mistakenly singled out as causing a housing crisis. As a landlord and host, ensuring that my tenants are happy, my property is well cared for, and that my guests spend all their money downtown IS MY BUSINESS. (And I can't help but mention that I've even paid my tenants to help me with my AirBnB on occasion.)

But I have a feeling, that in addition to losing sight of who is offering STRs in Burlington, some of you many also not remember who is USING STRs in Burlington:

- Becca & her kitty, a Burlington resident needed transitional housing for 5 days between leases
- Jane & Nick, stayed for 10 days while they shopped for homes in Burlington
- Brittney, a UVM student who was kicked out of her dorm due to the COVID and needed 6 weeks of housing
- Veronica, a visiting professor who enriched our university's on-campus offerings
- Henry, an actor on tour with the Flynn theater
- [Censored], a local woman seeking escape from her boyfriend after a break up
- Nikolina, the traveling nurses who left her husband at home to come to our aid during the COVID crisis
- Mary, the proud mother of a UVM student missing her son
- ...and countless middle-class travelers who otherwise would not be able to afford a stay in downtown Burlington with Hilton rates running \$399/night (and without a kitchen, mind you).

To the newest City Council members, congratulations on earning a place in local government. I hope you have long careers as public servants. But I ask you now to please remember that you represent both the tenants and landlords who reside in your districts. On this particular issue, at this particular time, I ask that you check your personal agendas at the door and just listen. Actually listen and pay attention—meaning stop turning off your camera or reading something else while we are speaking. It's rude and unprofessional. And to be blunt, you're already very late to the table on this one. So please respect the work that's already been accomplished, respect the personal stories that have already been shared, and respect the arguments that have already been considered and please refrain from spinning this year-long conversation in circles. If you feel you have not been adequately briefed on this issue and preceding discussions, perhaps you need to excuse yourself from this conversation until you are caught up.

Like it or not, we live in a capitalist society. Between calling for just-cause eviction laws that would allow tenants to stay beyond the term of their rental agreement, and overly restricting the

innovative ways we have found to care for our properties and grow our businesses, you are aggravating a group you should be incentivizing.

Be careful. While you may think you are speaking for tenants, I have never heard their voices opposing Short Term Rentals in Burlington. In fact, the only opposition we've heard this year is from you, committee and council members. Not even the data presented by the City substantiates the claim that STRs are responsible for the lack of affordable housing in Burlington.

Be careful, because what you are doing is starting to pissing off the people you rely on to offer good, safe housing in Burlington. Remember, this is extremely personal to us. For many, self-included, my property is my business; my job. If I am not permitted to operate my property and my business as the market dictates—and in a way that best suits the evolving needs of my family and my tenants—then you can trust that my STR unit will NOT be contributing to the affordable housing market. My tenants' rents will go up. And I will cater to a higher-class market of renters in all my units, present and future.

We hosts have spent countless hours sharing our personal stories with you, explaining to you why we joined the home-sharing marketplace in the first place. We have illuminated how the majority of us use our earnings to keep our rents low and to keep our Burlington properties to code. Why would you incentivize the majority of STR hosts—who are also landlords—to convert their now affordable properties into upper class offerings?

What is your goal? I thought it was to create more housing. By your own reporting, we the property owners create twice as many new housing options per year than the Housing Authority or your Housing Trust Fund. Because, as you know, creating new housing requires landlords with enough money and energy to bother investing and participating in Burlington's rental economy.

You need to trust us, your community Stewards. No landlord on this call is being greedy. No host offering STR in Burlington is trying to kick people out of their homes and destroy the city we love. We are all trying to make this city a better place to live, to work, and to visit. We bring dollars to Burlington's businesses and tax revenue to Burlington's municipality.

The home-sharing marketplace has opened Burlington up to new-comers, while allowing old-timers to afford to stay. That's great. Why are you afraid? What worst-case scenario have you imagined? Reality check: It has not materialized in Burlington. Put in the protections you need to prevent outside mega investors from converting entire apartment complexes to STR. We agree and support those types of protective measures. We don't want Burlington becoming San Diego either! But please keep one finger on reality.

Everything that exists right here right now is not a problem. None of us represent the scenario you should be focused on preventing. Please do not get rid of us. Allow off-site property owners to operate STRs in Burlington. Grandfather every existing 4-and 5-star listing in. We will pay and register for permits. We will adhere to regular inspections. We never opposed sharing our use data with the city. So again, allow us to operate and trust us. We have done, and will continue to do good things for this city, for our tenants, and for our neighborhoods. The solution to creating and incentivizing more housing in Burlington lies elsewhere.

**PS: For those who need reminding of who I am and why this issue has potential to threaten my livelihood and personal well-being, please review the first public comment I made, originally presented on January 28, 2020:**

*Dear Members of the Burlington Planning Commission,*

*I would like to start by saying that I generally support the city's overarching objective to maintain a reasonable housing stock in Burlington. I have been a renter in Burlington. I have worked on housing issues in Burlington as an employee of COTS. I understand the issues and am also concerned.*

*However, I believe this response to the Short-Term Rental marketplace is being done in haste. I fear policy is being proposed without comprehensive data and analysis of data gaps. I fear that without strong data a problem cannot be accurately identified and defined, and that without adequate research, proposed actions may result in unexpected consequences for unintended parties.*

*It is therefore my first request that you delay this action until comprehensive research can be completed and vetted data can be disclosed to the public. I see little evidence that this issue poses such urgency as to warrant exemption from the approach of evidence-based policymaking.*

*If a delay in action is denied, I would also like the record to show my second request is an amendment to the currently proposed regulations on Short-Term Rentals—and offer yet another example of a circumstance that feels overlooked by this action.*

*In short, my second request is to remove the requirement that a “host” claim primary residency at the same address as a whole-unit STR. Why must a host live in the property they rent short term—especially if the host lives nearby and personally manages the STR? Under the current draft, all local, small-scale landlords and second homeowners in Burlington would be excluded from participating in the Short-Term Rental market—a market that has made small-scale land-lording viable for many Vermonters and has turned otherwise seasonally vacant homes into tax-generators for the City of Burlington.*

*In my case, I am currently pending ownership of an 1810 single family home on Elmwood Avenue that my family converted (by the books!) into 3 apartments. I currently manage the property and am attempting to buy it. I live in Jericho. This property on Elmwood Ave has been in my family for 30 years—since I was 4. It was dad's office space. It was mom and brother's home after my parents divorced. And it was my home when I was transitioning back to Vermont as an adult.*

*Three years ago, my elderly mother, felt she could no longer age comfortably in Burlington and moved away. However, she maintained ownership of the Burlington property in order to allow my younger brother who was still living there, and at the time, struggling with a medical condition that prevented him from working or finishing school, to stay in his home.*

*Last year, my brother's health improved enough to enable him to relocate to a gentler climate and supportive community out of state. But with deep ties to this community, my mother and brother still return to Burlington every year and stay in part of this home.*

*This property on Elmwood Ave has 3 apartments and I currently offer 2 as long-term rentals. The third, however, is my family's. We sleep there. It houses our belongings. It may very well become home for my brother again once he finishes school. But until then, what my family needs is flexibility for that 3rd unit. As a landlord, what I will need in order to continue to provide high quality rental housing in this 200-year-old house is capital.*

*Without STR income from the third unit, I will not be able to afford the extremely costly home improvements that historic houses require—houses with slate roofs, stone foundations, drafty single pane windows, and uninsulated plaster walls. I have a strong personal interest in keeping this property safe, sound, and re-sellable, but I fear your policies as written will make it very difficult for me to care for this property in a way that would most benefit our community. Long term tenants depreciate a property quickly. Short term rentals can help off-set and correct that depreciation.*

*Please consider the possibility that your data is incomplete and therefore as a City, your proposed policies may not be fully informed. I ask that you delay action, or, at least revise the proposed regulations to allow local, small-scale landlords to participate in the STR market so that we too can continue to be a part of the housing solution in Burlington.*

Sincerely,

Julia L. Marks

Property Manager and Owner of 42 Elmwood Ave, Burlington, VT

jlmarks722@gmail.com  
206-446-9572

## **Joint Planning Commission and Ordinance Committee,**

The current proposed regulations by the Planning Commission will cause us extreme financial harm, distress and emotional trauma. I know other hosts fear the same.

We have spent a great deal of time writing this letter as well as conducting our own research on this topic. Thus, your thorough, full, and detailed focus would be appreciated as we believe it can shine light on a dark cloud facing all hosts at this moment in late 2020.

We respectfully ask the powers that be regarding decisions to be made on this topic, do so with the utmost clarity and care for the entire community and carefully weigh the cost-benefit analysis (CBA) of any potential scenario and outcome.

There are three main questions to ask here:

1. Is available and affordable housing in Burlington truly becoming an increasingly negative, dire, and worsening situation for the community right now in 2020?
2. If so, are short term rentals a major contributing factor behind this housing market?
3. If the proposed regulations for short term rentals go into effect, will the intended positive impact for the community truly outweigh the negative impact on the community?

### **Part I: “Housing Crisis”**

We along with many others take objection with this term, “housing crisis”, with regards to how it is being represented and applied. The connotation behind the term is that 2020 is a “tipping point” and that available and affordable housing will only get worse at a rapid rate if STRs continue operating in their current capacity without further regulation.

STRs seem to be an easy target and convenient scapegoat when the City, hoteliers and premium priced apartment developers are considerably more to blame as we will closely examine.

First, let’s look at the numbers (by Allen, Brooks and Minor):

- **Apartment Growth**

- Average annual 5 year apartment growth rate (new units built) = 529 units in Chittenden County
- 645 new units built in 2019, three times the average annual growth from 2000–2009. 215 of these units were in Burlington alone.
- 2019 was the second highest apartment growth rate on record.
- 2021 projects 580 additional apartments to the marketplace.
- *CityPlace Burlington is not included in these figures of which an additional 318 apartments are projected to be built over the next three years.*

***\* 2019–2021 per year new construction average is APPX. 500 NEW UNITS PER YEAR\****

***\*20 year average of annual new construction is APPX 300 NEW UNITS PER YEAR\****

***Thus, from 2019 – 2021, we will witness a 66% increase in annualized new apartment growth as compared to the rolling 20 year average.***

- **Vacancy Rates Chittenden County**

- 2018–2019 vacancy rates have climbed from 1.7% to 2.2%
  - It is important to note that when this survey was completed, 69% of new units were not yet finished thus WERE NOT INCLUDED in the vacancy figures for 2019. Had they been included this vacancy number would likely have been significantly higher than 2.2%
- 2020 : 2.6%
  - The new 2020 data, as hard as it is to believe, actually shows half a point drop in rent inflation from 2019. Folks, we were at 1.7% last year where most anticipated a bottom, and yet we fell even further to 1.2%! An increase in vacancy rates helped drive this down to even more unfathomable level.

- **Rent Inflation (average rent increase from prior year):**

- 2015 : 2.9%
- 2016 : 2.6%
- 2017 : 2.1%
- 2018 : 2.1%
- 2019 : 1.7%
- 2020: 1.2%

\*It is critical to note that these rates were actually LOWER than CPI (inflation) itself....this is stunning considering we have lived in a world of negligible inflation for the better part of a decade.

These declining rent inflation numbers clearly reflect a tightening and more competitive marketplace for landlords as new supply saturates the market.

Albeit, non-affordable supply.

Please read the Allen and Brooks report for yourself. For the sake of transparency, we don't want to be accused of "cherry picking" data thus we urge everyone to read the report and see what conclusions you draw on your own.

The following numbers are from census operator ESRI:

BURLINGTON RENTER OCCUPIED HOUSING UNITS

**2010: 9,566**

**2019: 10,679**

**11.6% growth**

BURLINGTON POPULATION

**2010: 42,417**

**2019: 43,936**

**3.6% growth**

These numbers show that new apartment construction has been more than three times greater than population growth.

*"The Chittenden County apartment market is moving into a period of greater balance between apartment supply and renter demand, which is a healthy trend for the market as well as for the overall economy. Vacancy levels have begun to rise, but remain well below national averages. Demand remains strong among tenants and investors alike; however, we expect minimal upward pressure on rental rates and sale prices as the market stabilizes."*

*“Property managers and investors have reported increasingly competitive market conditions, especially over the last six months. Tenants have become more selective, and are reluctant to sign a lease immediately.”*

*\*June 2019 Survey, Allen and Brooks*

If STRs were truly becoming a major concern, we would not see any of the numbers here trending as they are. We would see incremental increases in rent over time. We are seeing the exact opposite. The rate of rent increases over the past several years clearly indicates an increasingly renter friendly market with significantly more inventory than in years past.

However if the issue here is “affordable” more so than “available” housing then the City has negatively contributed to this more so than the average Joe STR host by an exponential margin.

The City has largely never turned away from developers of hotels or apartment complexes. Projects in the hundreds of millions get approved for construction including eight new hotels scheduled for construction in the area.

How are these developments somehow not part of the problem? There are new premium priced apartments or standard hotel rooms in the hundreds going up without the City batting an eye.

Yet limiting STRs- which constitute 1.6% of the housing market- should miraculously solve affordability concerns? Our apartments are generally very high quality and we would be forced to rent them long term at their fair market value.

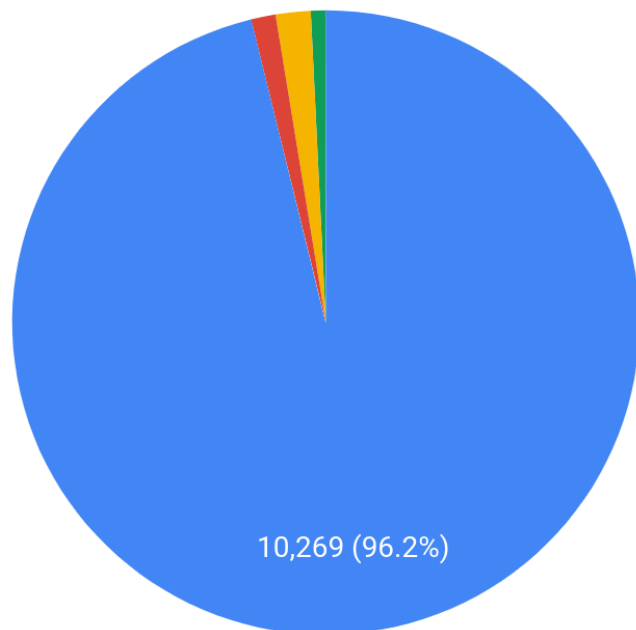
The committee is representing a belief that our STRs will help with affordability in the area. This is perhaps the most concerning, misleading and utterly false conclusion to draw from these ongoing discussions.

If this “housing crisis” was as serious as many are claiming, perhaps the City wouldn’t continue to approve new hotel developments and instead incentive developers to focus on scaling affordable housing. This is not being done at nearly the level it needs to be.

## Long Term Rentals / Short Term Rentals

### Total Rental Dwellings in Burlington 10,679

- Long Term Rentals 10,269 (96.2%)
- STR Shared Unit 135 (1.3%)
- STR Entire Dwelling Studio/1Bedroom 192 (1.8%)
- STR Entire Dwelling 2+Bedrooms 82 (0.8%)



This ratio is roughly **39 to 1** (10,679 to 274)

*\*The city referenced 410 STRs, this includes private rooms, not “entire dwelling” which is where the focus should be centered here\**

Of the 274 “entire dwelling” STRs, 70% or 192 are Studio or 1 Bedroom

This means that approximately only 82 STRs are 2 Bedroom or greater **which is where the greatest demand for affordable housing lies. Many families need larger and cheaper housing.**

Percentage growth for STRs can be deceiving when apartment growth conveniently is left out of the equation.

How does STR growth compare to apartment growth?

**Burlington Short Term Rental Unit Total 2016-2019** (Including “private rooms” - figures for “entire place” rentals not available)

\*Quoted from the City of Burlington

**2016:205**

**2019:410**

**Total: 410**

**Growth:100%**

**Apartment Construction (Chittenden County) 2016-2019:**

**2016: 689**

**2017: 362**

**2018: 415**

**2019: 645**

**Total: 2,111**

**Growth: 206%**

*If Burlington accounts for a conservative estimate of 25% of total construction since 2016, then approximately 527 new units were built in Burlington from 2016-2019.*

**Projected Apartment Construction 2020-2021**

**2020: 304**

2021: 580

- Of the total apartment construction from 2019–2021, approximately 35% will be in Burlington alone.
- 1,519 new units projected to be built from 2019–2021 in Chittenden County
- 532, approximately, will be in Burlington

The city is not fully representing the facts when they imply dangerous STR growth since 2016 of 100%. Do they mention apartment construction has been more than twice that of STRs over the same period of 206% to 100%? I think not.

In Burlington by 2021, as a best ESTIMATE, there likely will be approximately 1,059 more apartments than there were in 2016.

Hotel figures are not made public but please note apartment construction numbers above quite obviously DO NOT INCLUDE new hotel rooms over the same period.

Thus the large projected totals of area apartment construction PLUS new hotel rooms relative to STRs over the next several years can only be left to our imaginations.

In summary, an increase in apartment growth and vacancy rates combined with a decline in rent inflation in Burlington and Chittenden County does not add up to an existential threat to the community or “tipping point” here in 2020 regarding housing.

Furthermore the implication of STRs being a driving force behind any housing issues is clearly being misrepresented when the other forces that be, described above, are proven to have much greater responsibility for any possible destabilization of the Burlington housing market.

## **Part II: Intended Outcome vs Likely Result, How the Negative Consequences Outweigh Positive Intentions**

The cities of San Francisco and New York both enacted strict laws regulating STRs because large real estate investors were beginning to cause a crisis and the risks were too large to ignore. We support regulating in that regard because these areas were seeing de facto hotels run under the Airbnb or VRBO umbrella. Rents were becoming even more astronomical than they were prior.

Burlington is seeing absolutely nothing of the sort (proven above) and should be viewed as such: A polar opposite situation to how the rich hosts with dozens, hundreds, or even thousands of units in New York or San Francisco were affecting their local housing markets.

We pay \$11,000+ in property taxes. As stated, we can't pay our mortgage without STRs thus neither could many new property owners in the city. The only people who are doing exceedingly well are the property owners who've owned for decades.

The STR rooms and meals tax for every booking in the city equates to substantial and much needed revenue for the City. Additionally, the City makes money when STR guests spend their money when they are here in town via the city sales tax.

Which leads us to another critical element to properly understand: People stay in Burlington in many cases because of the STRs they find available. Many guests would likely not come or they'd spend less time and money here if STRs weren't as available to them.

Here are what some of our past guests had to say about this issue:

"Hi! We absolutely visited Burlington because of the AirBNB options. We most likely would not have stayed if our only option was to overspend on a downtown hotel. We like the opportunity to stay in a more home-like setting in different parts of a town or city than a downtown hotel void of character. We also often decide to stay in a part of town BECAUSE of the Airbnb we find/really like." Ashley from Worcester, MA (Stayed 2 nights in Nov, 2019)

"It breaks my heart hearing that the town of Burlington is considering banning or limiting Airbnb and other short term rentals. Any time I have travelled, both at home and abroad, I have always leaned towards Airbnb as my go to for affordable, unique, and comfortable stays. I would hate to see the following listing or any other in Burlington get pushed out of the way, while some "generic" hotel pops up. There would definitely be a lower likelihood for me to return to Burlington if I knew that I would end up in a hotel. It also goes without saying that anyone who owns a home and decides to list it with Airbnb or any other short term rental platform, should be granted permission to do so, as it remains the private property of that individual and not that of the town or city." Daphne Toronto, Canada (Stayed 1 night in Aug, 2019)

"I obviously cannot speak to the specific numbers you are citing, but I can speak to the Airbnb experience that appeals so much to my wife and I. In the last several years we have become empty-nesters, and finally have the time and resources to do some of the traveling around the US (Denver CO, Ithaca NY, Burlington VT, Naples FL, New York City NY, Davenport IA, Sonoma CA, Gulfport, MS) and around the world (Canmore, Canada and Cape Town, South Africa) that we have always wanted to do. We have stayed or are

planning to stay at Airbnb's in all those locations. We love the fact that an Airbnb gives us more privacy and allows us to become more immersed in the neighborhood and culture of where we are staying than a hotel would. We also often travel with other friends or family; anywhere from one to three other couples. Airbnb's offer much better solutions for being able to hang out in the evenings in a common gathering place without worry of interference from other guests. Finally, we enjoy being able to stay exactly where we want to. Often, our goal is to walk the area we are visiting, and many times there are no hotels in the immediate area; especially hotels that fit our budget. But we are almost always able to find an Airbnb that allows us to stay close to the action where we want to be so that we can walk and take in the area up close." Mark Carmel, IN (Stayed 2 nights in Sept. 2019)

"My husband and I would not have considered a romantic weekend away to Burlington without an airbnb option. I am shocked that Burlington would consider limiting Airbnb rentals. As a Vermont resident, I continue to hear about the importance of ongoing revenue from vacationers coming to the state. Airbnb has made that easier than ever and has made the allure even greater through personalized service and comfortable atmospheres, with options that fit for everyone's budget and needs. Hotels are not able to even come close with their offerings." Stephanie Braintree, VT (Stayed 2 Nights Nov. 2019)

"I would stay with you or other Airbnb's because it's a better experience for my wife and me and also it supports the local community - puts money in the hands of the actual people. I recommend Burlington public servants work with the public, including Airbnb hosts, to find innovative solutions that would bring needed funds to both the city and its residents without cashing in on nature/land." David Las Vegas, NV (Stayed 2 nights in Dec, 2019)

"My wife and I were definitely planning to visit Burlington again. I hate hotels because of the extra cost. You are forced to valet a car or pay for self parking, no kitchen to make your own food. If short term rentals are banned in Burlington I would just find another township nearby that allows them, or visit another area entirely. Long story short, hotels suck." David Chicago, IL (Stayed 1 night in Sept, 2019)

"Airbnbs in burly have been a huge life and time saver. Especially for extended stays where you don't wanna spend money on restaurants everyday. There are no extended stay places with kitchens besides air BNB. The ability to also use air BNB for business extended stays <month is helpful. Burlington just wants to take away housing so they can make it college rentals. Air bnb is needed to facilitate the "Vermont" idea Burlington craves. Having to stay at some hotel instead of a cozy apartment for a vacation is anti-vermont" Joe from Arlington, VA (Stayed 5 nights in Jan. 2020)

"We were in Burlington for only one night and wanted to be within walking distance to downtown, but did not want a traditional hotel experience. This sweet place remains one of the very best things we liked about our short Burlington experience. It would be unfortunate for the city if this type of opportunity were no longer available." Russ Saint Paul, MN (Stayed 1 Night May, 2019)

This is obviously a small sample size of people's feelings toward STRs, however we believe it's well founded to be able to apply this mentality toward a much broader guest base for STRs.

With the testimonials above, you can see many people wouldn't come to the area or would spend far less time if they couldn't stay downtown. This becomes an obvious economic issue for the City when people begin to spend less time here or possibly cease to come at all. A larger ripple effect for the local and state economy as a whole potentially looms with stricter regulations and therefore potentially fewer visitors.

These opinions and emotions above clearly show what people want and Burlington has always been a place "for the people".

In addition, Cityplace Burlington thus far has been nothing short of disastrous for the City and community as a whole. It's well documented that many local businesses have seen less foot traffic and declining sales because of this delay in construction. Burlington at this juncture needs all the visitors and foot traffic it can get, especially with a giant hole in the ground on Church Street eroding business as we speak.

**If people spend less time in Burlington here are some safe projections:**

- *The city loses with less tax revenue.*
- *The businesses lose with less foot traffic and declining sales.*
- *The average host loses with less money in their pocket*
- *The guest loses because they aren't able to find as many readily available STRs in the city*

Who really wins here? Hotel Vermont, Brookfield Asset Management or Hilton Garden? We can guarantee you it certainly isn't the poor family in need of affordable housing. Please tell us how anyone else benefits more so than a very rich cohort of the City.

Once again, building more premium priced apartments and hotel rooms doesn't help the City with their housing needs. Yet somehow the tiny percentage of STRs relative to long term rentals run by hard working and modest tax abiding citizens are a bigger threat than the behemoth hotel and real estate developers. This is what is being heavily implied by the City with these proposals.

The following is perhaps one of the most vital parts to understand in all of this as to why the City believes STRs are a major threat:

As the Allen and Brooks report indicates, renters are favoring new or renovated units of which new apartment construction often and largely fits into a premium pricing category.

A STR that is commanding \$200 a night because of the location would also command top dollar on the full time rental market. So any argument that the majority of STRs are somehow hampering the lower rent market is a flawed one.

**Of the 10,679 units in Burlington, are 82 STRs of particular concern for the wellbeing of the city due to the need for larger housing? As described above these 82 STRs would likely be on the higher end of rent pricing anyway if they were rented full time.**

Furthermore, over the next several years, growth in apartment construction will likely continue to far exceed growth in STRs.

By limiting STRs more harm would be done than any positive that could be had from this. The economic numbers are difficult to state and project at this juncture but I'm sure the City has certainly and closely examined the numbers and potential revenue lost.

Burlington is not Portland, Maine or San Francisco or New York City- we are our own unique community and we need to treat it as such.

Hotels can fight it all they want but the sharing economy is the future and there is no better example of this than current platforms for short term rentals. Why have these new companies done so well over the past five years? Because it is clearly what the people needed in their lives that was missing for too long.

Move bravely into the future and lead the charge by making decisions for what is best for the entire community of Burlington.

Sincerely,

Ellis McArdle and Jamie Sharpe

## Meagan Tuttle

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**From:** Laurie kotorman <laurieinv@yahoo.com>  
**Sent:** Thursday, December 03, 2020 11:59 AM  
**To:** Meagan Tuttle  
**Subject:** Re: Joint Committee re: Short Term Rentals Nov 24

[WARNING]: External Message

Hello Meagan,

This note is for the next STR meeting, as I am not sure if I will be able to attend. I have a standing Tue. 7 pm mtg. that makes it difficult to attend these meetings. I am part of the BTV-STR Host Coalition, and very concerned about the direction the current proposal is taking. I understand from the last meeting reviewed on YouTube that the progress and decisions made prior to the delay in meetings has taken a serious regression. I have reviewed and added my support/signature to the recent letter to the Joint Planning Commission and Ordinance Committee Chairs, but below is our personal story.

My husband and I have been superhosts with Airbnb for over 7 years, without incident. We started in Shelburne with a rental in our primary residence and purchased a single family home in 2013 as an investment for retirement income. We initially rented the property as a single family, 3 bedroom home. We had good tenants, but to afford a 3 bedroom home, the couple rented two bedrooms to single friends. There was turnover in the bedrooms, and when the couple decided they needed their own space, we took the opportunity to create a duplex. The property barely met expenses with high taxes and debt service and maintenance, but with the addition of a second unit for STR, we were able to keep the front apt. LTR, with reasonable, affordable rent. We have had the same tenants in the front, who happily co-host for us. We have had 0 problems with guests, as we are very clear in our listing NO PARTIES, ON SITE HOSTS, etc. We are self employed, small business owners without pensions or 401k's, so this is our sole retirement income.

The building is now profitable ( although with Covid, who knows, things are changing ) but we are in hopes to continue as we have for the last 5 years in our STR rental of the back apt., LTR of the front. Since adding a unit, we have been able to improve the property, and meet our expenses with modest profit for retirement savings. NOW, Burlington is looking to take that away from us.

As things look with the current grid, we will not be allowed to off site host. WHY???????? This feels like an obstruction of our civil liberties. It appears that if we had large building with 10 units, we could STR 5, but if we have a duplex, we can't STR one. This seems out of balance and unreasonable. I understand having parameters, but I also see the need for looking at case by case basis and history. We have been doing this for sometime, it seems we should be permitted with some type of "grandfather" clause, and then new STR hosts can look at what the permitted uses are and decide if they want to invest \$75k like we did or not.

I understand there is a noon deadline, so I will send this now. If I am able to attend the next meeting, I will be willing to speak, but for now, this will have to suffice.

With respect and appreciation for being heard,  
Laurie Kotorman

December 3, 2020

To:

Andy Montroll  
Burlington Planning Commission, Chair

Chip Mason  
Ordinance Committee, Chair

Burlington City Hall  
149 Church Street  
Burlington, VT 05401

Re: Public Grievance Against Burlington Planning Commission Proceedings

Dear Joint Planning Commission and Ordinance Committee Chairs,

We, a collective of Burlington's Short-Term Rental (STR) hosts and landlords, are writing to express our deep concerns for how recent Planning Commission meetings regarding proposed CDO amendments relating to STRs have been managed.

For over a year, the BTV-STR Host Coalition has amicably participated in the development of recommendations to regulate STRs in our city. As experts on STRs, we aided the Commission in accurately understanding the unique nuances of the STR landscape so that the proposed CDO amendments would be practical and enforceable, while still supporting the small business opportunities that many local residents rely on. At the beginning of this calendar year, the STR Host Coalition was in support of the revised draft.

However, since public meetings moved to an online format and some new members have joined the discussion, our voices have been lost. The meeting that occurred on November 24, 2020 best exemplifies our specific concerns, which are as follows:

1. The Committee's discussion has lost direction and purpose. New City Council Members do not appear to have been briefed on the reasoning behind previously made decisions. New members' contributions thus far have been mostly baseless and demonstrated a blatant unfamiliarity with the public testimonies, committee discussions, and data analyses that came before them. Their comments have created confusion and degraded the proceedings. Furthermore, some Committee Members have reversed decisions on the grounds that they "cannot remember why" that decision was made. This is unreasonable. We, the STR Host Coalition, remember why it was made and would be happy to remind members should we be allowed to participate in an actual discussion. **We ask the Committee Chair to defend the progress and decisions made prior to the delay in meetings caused by the pandemic.**
2. STR stakeholders cannot be adequately heard or represented via the virtual meeting format. Council and commission members often display behaviors of distraction while on the call. They cannot see our faces. We, the public, are being dehumanized and ignored. **We ask that the video of each attending member of the public be shared during the meetings and that Committee Members conduct themselves in the formal manner expected during regular meetings.** (No eating, leaving their seats, turning off their video, using cell phones, engaging in other distractions, etc.)

3. Planning Commission member, Emily Lee, has an egregious conflict of interest on the issue of STRs and should recuse herself. As described in a previous letter to the Chair, Lee has been active in her opposition to STR scenarios that compete with her own. **We ask the Committee to confirm all members are free of conflict of interest before proceeding further.**
4. The claim that STRs are the cause of the “housing shortage” in Burlington is false and unsubstantiated. According to the city’s own data, the average annual vacancy rate in Burlington was 0.7% from 2006-2011 and 1.5% from 2012-2018. There has never been more than 284 unique STRs in Burlington that would otherwise qualify as long-term housing (71% of 400). Out of the >10,200 apartments, 284 STRs is less than 3% of the rental market. And as stated in numerous testimonies, many STR listings simultaneously provide long-term housing opportunities in the same year. Available data does not support the claim that STRs significantly impact the availability or pricing of Long-Term Rentals (LTR) in Burlington. **We ask the City to publicly dismiss the notion that STRs are a cause of the “housing crisis” in Burlington at this point in time.**
5. In over a year, there has been no public opposition to STRs or the home-sharing marketplace that currently exists in Burlington. In reality, the opportunity to participate in the home-sharing marketplace under any scenario can be beneficial to our most vulnerable populations in times of financial need. **We ask that CDO amendment recommendations focus on incentivizing new and additional housing development while allowing property owners maximum flexibility in how they offer different types of housing to the community.**
6. The recommendations being pursued by the committee will not correlate with increased housing affordability. STRs are not affordable units and if forced to be converted to solely long-term rentals, there is no current incentive for property owners to contribute to the affordable house options. Furthermore, the number of entirely new LTR units that would be reintroduced to the market is too few to noticeably affect rental prices. **We ask for recognition that it is the responsibility of the Housing Authority—not STR providers—to provide an adequate supply of affordable housing options in the City of Burlington.**

The BTV-STR Host Coalition is frustrated. We are tired. We are hurt. Why, after almost 2 years of participating in this process, are we arriving back at square one? Please do not forget our stories or our insights. Do not forget that many of us are doing what we need to ensure our own housing stability. And please remember that mega landlords and developers are not at play in this arena. This letter comes to you from local, small-scale individuals and families doing everything we can to make ends meet and improve the city we love.

We respectfully ask that the Committee hear our grievances and conduct future Planning Commission meetings with more fairness and respect to the perspectives offered by the attending public.

Sincerely,

The BTV-STR Host Coalition:

- |                        |                    |                    |
|------------------------|--------------------|--------------------|
| 1. Cheri Campbell      | 6. Eric Hanley     | 13. Ellis McArdle  |
| 2. Kent Cass           | 7. Lucas Jenson    | 14. Gail Rafferty  |
| 3. Sam Catz            | 8. Lori Kettler    | 15. Ericka Redic   |
| 4. Mary Ann Ficociello | 9. Laurie Kotorman | 16. Jamie Sharp    |
| 5. Chris Haessly       | 10. Deb Lyons      | 17. Abbott Stark   |
|                        | 11. Amy Magyar     | 18. Justin Vandett |
|                        | 12. Julia Marks    |                    |

December 3, 2020

To: Andy Montroll, Burlington Planning Commission, Chair  
Chip Mason, Ordinance Committee, Chair  
Burlington City Hall  
149 Church Street  
Burlington, VT 05401  
Re: Short Term Rentals

Dear Joint Planning Commission and Ordinance Committee Chairs and Members,

Although there has been much movement on Short Term Rental (STR) recommendations within this Joint Committee and BTV's Planning Office, I am again returning to my January 2020 request that this committee eliminate the proposal requiring a STR host/owner to be a primary resident of the building they rent.

Per the current matrix there is no accommodation for a landlord such as myself to rent my single, stand-alone building as a STR. The building I own is right next door, on the same lot that I pay my city taxes on! Regardless, I believe a landlord should be allowed to permit their building for a STR as an off-site host if they are 5 blocks away or in another VT town.

I understand the value and truth in strengthening the housing market for renters. I have been a renter. I worked my ass off for many years to get to the point where I could buy my house, and eventually the twin house that went with it. I have rented the house next door in many different configurations: annually, monthly, as a STR and I've also used it for family finding respite during this pandemic and for their health recovery from illness/surgery.

I believe this world is not black and white ~ it is nuanced and on a spectrum and as such, one "side" never has a monopoly on the truth. Your willingness to listen to the "small" landlords and allow for discussion and consideration of various viewpoints and situations has been a long process. I appreciate the openness you've had so far this year.

Now, you have the ability to figure out a path forward that takes into account working within the rigidity of current zoning laws while still allowing hosts to live off-site. You can allow a landlord with a single, stand-alone building, or a duplex or triplex, to rent ONE of the rental properties as a STR, as an off-site host. The current zoning laws are not prohibiting you from doing this!

I encourage you to be fair in the balance you are trying to achieve and to create tools that both supports housing for renters AND allows off-site host/owners to rent their property as a STR, if they so choose.

Thank you for seriously considering this option,  
Deb Ward Lyons

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

Andy Montroll, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur

## Burlington Planning Commission

Tuesday, November 24, 2020, 6:45 P.M.

Remote Meeting via Zoom

### Draft Minutes

|                 |                                                                                                                                                                                                                                                                      |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Members Present | A Montroll, A Friend, B Baker, H Roen, E Lee, Y Bradley, C Mason, Z Hightower, J Hanson                                                                                                                                                                              |
| Staff Present:  | D White, M Tuttle, S Gustin, K Sturtevant                                                                                                                                                                                                                            |
| Attendance:     | Eric Hanley, Amanda Goossen, Jamie Sharpe, Eric B., J.S., Erhard Mahnke, Dan Goossen, Ken Baldwin, Paul O'Brian, Amy Magyar, Abbott Stark, Gail Rafferty, Kelli Varela, William Gonyaw, Michael Monte, Cheri Campbell, Deb Ward Lyons, Lucas Jenson, Sarah Carpenter |

#### **I. Agenda**

|               |              |
|---------------|--------------|
| Call to Order | Time: 6:49pm |
| Agenda        | No Changes   |

#### **II. Public Forum**

|             |         |
|-------------|---------|
| Name        | Comment |
| No Comments |         |

#### **III. Proposed CDO Amendment: Short Term Rentals**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|
| Action: Committee will continue discussion to next meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |           |
| Motion:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Second: | Vote: N/A |
| Staff answered committee questions from prior meeting, and provided additional data to support discussion of several key policy questions. Slides are posted at:<br><a href="https://www.burlingtonvt.gov/CityPlan/PC/Agendas">https://www.burlingtonvt.gov/CityPlan/PC/Agendas</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |           |
| Committee Discussion: <ul style="list-style-type: none"><li>- Several committee members expressed preference to require the STR host to be the property owner who also lives on the property, particularly for single-unit, duplex, and perhaps even triplex properties.</li><li>- Committee was supportive of tenants having some ability to rent their own housing unit, but concerned about allowing a tenant as a host (as a proxy for an owner) for another unit on a property.</li><li>- Regarding STR fees, some committee members were supportive of minimal fees for owner-occupants with an STR, or in small buildings, as a way to benefit the Housing Trust Fund, and some also felt that more substantial fees, such as housing replacement, could apply to STRs in larger multi-unit buildings and/or non-owner occupied properties with an STR.</li></ul> |         |           |

#### **IV. STR Public Forum**

|      |         |
|------|---------|
| Name | Comment |
|------|---------|

*The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 802-865-7188.*

Tuesday, November 24, 2020

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E Hanley  | Duplex includes a long-term rental and one STR; don't want to turn the property into a college rental. Hires a super host to clean and manage property. If STRs are shut down, what will the city do about the lost RMT revenue? If owner required to live on property, would lose long-term rental.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| J Sharpe  | As a host, exhausted and frustrated by repetition of these meetings, specifically related to host on-site and housing replacement fee. Proposal balances committee and host views, and current discussions are backtracking the last year's work. Whole Unit STRs represent 1.6% of housing stock.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| A Magyar  | Unclear why preventing non-owner-occupied single-unit properties as STRs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| E Mahnke  | Housing market has been constrained in Burlington since 1980s and losing any units to STRs hurts the market; however, understand concern to balance with moderate income residents' ability to realize extra income to afford own homes. Propose no STRs in multi-unit buildings of 4 or 5 units or more, which are largely investor owned properties, and require owner occupancy except for small set of circumstances for tenant's own unit. Are non-profit housing developers aware of this policy, how will STRs change assessed value and resale cost. Consider allocating city's RMT to HTF, and/or any other type of assessment/tax on STRs rather than exacting a large fee upfront that is insufficient anyways. |
| L Jensen  | Committee seems to be stepping backwards, which is frustrating to participate in. Still no evidence that STRs are impacting the city's housing stock, and STRs didn't grow this year. Most hosts not doing this to extract money from community, but to make ends meet and put money into subsidizing rent, improving housing, etc. Unclear why a non-owner-occupied duplex is different than a 3-unit property.                                                                                                                                                                                                                                                                                                           |
| P O'Brien | Confusing to follow this discussion, and why it's moving back in this direction. Most hosts are not trying to be a commercial operation, but rather to supplement income. There is a lot of speculation about housing stock and impact of STRs. No speculation about how STR hosts will be impacted by regulations.                                                                                                                                                                                                                                                                                                                                                                                                        |

**V. 2021 Meeting Schedule**

|                                                                                                       |                  |                            |
|-------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| Action: Approve 2021 Regular Meeting schedule                                                         |                  |                            |
| Motion: H Roen                                                                                        | Second: A Friend | Vote: Unanimously Approved |
| - Meetings will generally take place on the 2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays of the month |                  |                            |

**VI. Commissioner Items**

|                                                                              |            |          |
|------------------------------------------------------------------------------|------------|----------|
| Action: N/A                                                                  |            |          |
| Motion: NA                                                                   | Second: NA | Vote: NA |
| - Next Joint Committee meeting regarding STR's on December 8, 2020 at 6:45pm |            |          |

**VII. Minutes & Communications**

|                                                                                                                                               |                |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------|
| Action: Approved the minutes and accepted the communications                                                                                  |                |                            |
| Motion by: A Friend                                                                                                                           | Second: H Roen | Vote: Approved Unanimously |
| <ul style="list-style-type: none"> <li>Minutes Approved: November 10, 2020</li> <li>Communications filed enclosed in agenda packet</li> </ul> |                |                            |

**VIII. Adjourn**

|                |                  |                            |
|----------------|------------------|----------------------------|
| Adjournment    |                  | Time: 9:07pm               |
| Motion: H Roen | Second: A Friend | Vote: Approved Unanimously |

## Based on the discussion at the 11/24 meeting, staff has developed two options for how the Committee could move ahead:

### **If there is consensus to revise the Zoning amendment based on the 11/24 meeting...**

- STR Host is owner, except limited allowance for tenants
- Host must live on site in all scenarios
- Separate recommendation to Council to consider a new STR fee

**...then direct staff to incorporate changes and schedule a public hearing.**

### **If there is interest in a Zoning amendment that is more flexible pending other policy changes...**

- i.e. allowing off-site STR Host with a meaningful fee
- Includes a date certain for formalizing Zoning changes following outcome of other decision-making processes

**...then direct staff to incorporate sunset provisions into the current draft ordinance.**

# Current DRAFT STR Proposal

Draft ordinance language based on Committee discussion prior to Nov 24 meeting:

| Building Type (“Tiers” of STRs)                                                                  | Number of Whole Unit STRs Permitted                          | Property Required to be Host Primary Residence? | Notes                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single Family Home                                                                               | 1                                                            | Yes                                             | Distinguished from 3-unit buildings based on situations shared by hosts. Major difference from 3-unit buildings was when off-site hosts were allowed. |
| Duplex OR SF Home w/ ADU                                                                         | 1                                                            | Yes                                             |                                                                                                                                                       |
| Multiple Dwelling Unit building<br>Bldgs of 3-4 units<br>Bldgs of 5-6 units<br>Bldgs of 7+ units | 1<br>2<br>3                                                  | No                                              | Both the limits on number of STRS in building, and when host on site changed during committee feedback.                                               |
| Rooms within a Dwelling Unit                                                                     | Considered Partial Unit STR, limit varies by zoning district | Yes                                             | Partial Unit STRs largely follow the existing standards for Bed & Breakfast. Only change was to reduce parking requirements by one space.             |

- All STRs currently pay 2% city + 9% state RMT
- Per Committee discussions, all of the above STR types are considered “Special Residential Uses,” *do not* trigger Housing Replacement
- Committee interested in an additional fee or tax on all STRs. Per City Atty office, new fee would require Charter Change.

# Committee Discussion 11/24/20

If Committee wishes to amend current draft based on the Nov 24 meeting:

| Building Type (“Tiers” of STRs)                                                                  | Number of Whole Unit STRs Permitted                          | Property Required to be Owner Occupied? | Notes                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single Family Home                                                                               | 1                                                            | Yes*                                    | In change from previous discussions, the Committee indicated it wanted to <b>require host to be the property owner and to reside on property for all STR types.</b><br><br>*However, allow for a tenant to STR their own rental unit with owner’s permission. |
| Duplex OR SF Home w/ ADU                                                                         | 1                                                            | Yes*                                    |                                                                                                                                                                                                                                                               |
| Multiple Dwelling Unit building<br>Bldgs of 3-4 units<br>Bldgs of 5-6 units<br>Bldgs of 7+ units | 1<br>2<br>3                                                  | Yes*                                    |                                                                                                                                                                                                                                                               |
| Rooms within a Dwelling Unit                                                                     | Considered Partial Unit STR, limit varies by zoning district | Yes                                     | No discussion/change.                                                                                                                                                                                                                                         |

- All STRs would still pay 2% city + 9% state RMT
- Committee interested in an additional fee or tax on all STRs. Per City Atty office, new fee would require Charter Change.
- Committee discussed that owner-occupancy should be required for all scenarios, but some suggested a willingness to allow off-site host for STRs in multi-unit buildings if a substantial fee paid to HTF. For all others, seems to be continued interest in a nightly fee.

# Revoking Zoning Permits

Can zoning permits be revoked or phased out if too many STRs are created in the city?

- **Zoning permit runs with the land and is valid as long as a use is established, continued**
  - Ordinance requires work/action associated with a permit to commence within one year
  - Additionally, Ordinance establishes timelines for “discontinuance” for nonconformities
- **Provision of state statute that allowed for amortization of zoning permits has been revoked.**
- **For consideration:**
  - add permit condition to Zoning Permit requiring maintenance of Rental Housing Permit in order for zoning permit to be valid

## Meagan Tuttle

---

**From:** Phil Draper <pdraper84@gmail.com>  
**Sent:** Friday, December 04, 2020 6:53 PM  
**To:** Meagan Tuttle  
**Subject:** 30 day limit on Airbnbs

[WARNING]: External Message

I think limiting people's income and experiences is absolutely terrible. Airbnb is popular for a reason, guests and host love it. There are already laws against excessive noise, bothering your neighbors and most negative impacts from an Airbnbs. Don't make laws against change, solely because you can't handle change and want to control people. People will move or not visit as much, there is zero reason to that, get a clue, stop worrying. 🐼

Phil Draper, host and guest

## Meagan Tuttle

---

**From:** Julie Marks <jlmarks722@gmail.com>  
**Sent:** Monday, December 07, 2020 7:00 PM  
**To:** Chip Mason; Andrew Montroll; Meagan Tuttle  
**Cc:** Cheri Campbell  
**Subject:** Re: Letter of Grievances from the Burlington Short Term Rental Host Coalition  
**Attachments:** STRHostGreivance\_BTVP\_120320\_Revised.pdf

[WARNING]: External Message

Hello,

Please find the revised Letter of Grievances regarding the STR issue. In the original letter, one signature was mistakenly included, which has been removed in this "revised" version for public record.

Thank you and apologies for the mistake.

Julie

On Thu, Dec 3, 2020 at 2:07 PM Julie Marks <[jlmarks722@gmail.com](mailto:jlmarks722@gmail.com)> wrote:

Please see the attached letter, sent on behalf of select members of Burlington's Short Term Rental Hosts Coalition, as a motion to assert our grievances against the Joint Committee and the proceedings regarding Short Term Rental regulation.

Thank you for your time, attention, and response.

--

**Julie Marks**  
206.446.9572

--

**Julie Marks**  
206.446.9572

December 3, 2020

To:

Andy Montroll  
Burlington Planning Commission, Chair

Chip Mason  
Ordinance Committee, Chair

Burlington City Hall  
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Burlington, VT 05401

Re: Public Grievance Against Burlington Planning Commission Proceedings

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- |                        |                    |                    |
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| 5. Eric Hanley         | 10. Amy Magyar     | 17. Justin Vandett |
|                        | 11. Julia Marks    |                    |
|                        | 12. Ellis McArdle  |                    |

**ACT 250 NOTICE**  
**APPLICATION 4C0174-6,4C0368-3**  
**SITE VISIT AND PREHEARING CONFERENCE**  
**10 V.S.A. §§ 6001 - 6111**

On December 2, 2020, The Burton Corporation, 180 Queen City Park Road, Burlington, VT 05401 filed application number 4C0174-6,4C0368-3 for a project generally described as **redevelopment of an existing 83,000-square foot manufacturing building into a mixed-use facility, including a performing arts center, and associated parking improvements. The project is located at 180 and 266 Queen City Park Road in Burlington, Vermont.** This Project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A. § 6086(a).

Pursuant to Act 250 Rules 16 and 20, the Commission is convening an online prehearing conference ("PHC"). A PHC, in summary, has narrow goals and is designed to identify the parties and the issues. The PHC will be followed by the issuance of a Prehearing Conference Report and Order ("PHCRO"), which will prescribe any informational filing requirements, preliminary party status rulings, and the scheduling of a merits hearing at a later date.

**Note to Prospective Parties:** Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request "on or before the first prehearing conference." Accordingly, all prospective parties are obligated to log in or call into the PHC scheduled below, or to file a written party status petition in advance to the Commission at [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov). **Failure to timely appear on the PHC call or video conference call, or to timely file a written request by the date of the PHC, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission. Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email ([NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)) for receiving service of notices on the proceedings.**

A prehearing conference is hereby scheduled to convene:

Date: Wednesday, January 13, 2021

In-Person Site Visit: 8:30 AM at 266 Queen City Park Road, Burlington, VT 05401

Virtual Prehearing Conference: 10:00 AM via Microsoft Teams (see below)

**Site Visit Instructions:** All site visit participants shall be required to observe the following [protocol](#) prior to, and during the site visit:

- a. Prior to the site visit, all potential attendees **must confirm in writing, which may be via email** to the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)), that they will abide by this protocol.
- b. No more than 25 people may attend the site visit.

- c. If any portion of the site visit will be conducted inside, all occupancy limits established by the Agency of Commerce and Community Development must be followed even if that results in a limit of less than 25 people. See <https://accd.vermont.gov/content/maximum-retail-occupant-load-during-covid-19> (last visited June 10, 2020).
- d. No one may attend the site visit who has displayed [any of the symptoms of COVID-19 recognized by the Vermont Department of Health](#). No earlier than 24 hours prior to the appointment, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no-contact thermometer.
- e. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.
- f. No one may attend the site visit if they must travel from any location from which visitors to Vermont are required to self-quarantine unless they have self-quarantined for either 14 days or 7 days followed by a negative COVID-19 test. A map of such locations can be found at the Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/restart/cross-state-travel> (last visited August 19, 2020).
- g. Everyone attending the site visit must observe strict social distancing of six feet.
- h. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.
- i. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.
- j. Everyone attending the site visit must have completed a VOSHA-approved and employer-sponsored training program regarding COVID-19. Additional information about VOSHA-approved training may be found on the Vermont Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/business/restart> (last visited May 21, 2020).
- k. No more than three people shall occupy any single vehicle traveling to or from the site visit.
- l. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.

**Virtual Prehearing Conference Instructions:** Due to the coronavirus (COVID-19), this prehearing conference will necessarily be conducted **remotely** via **Microsoft Teams video conferencing software**. To receive a Microsoft Teams invitation via email, please e-mail the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)) by no later than Wednesday January 6, 2021, at 4:30 PM. If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667

- **Enter Conference ID:** 657 787 993#

**Prehearing Conference Preliminary Agenda:**

1. 9:55 AM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 10:00 AM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.
5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others** may participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing as Friends of the Commission without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the prehearing conference on behalf of a group or organization, please submit the following to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov): 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the prehearing conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

**If you would like further information regarding participation in this prehearing conference,**

**please contact the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)) by no later than Wednesday January 6, 2021, at 4:30 PM.** If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are Thomas A. Little, Chair and Convening Officers Monique Gilbert and Pamela Loranger. If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the State Coordinator as soon as possible, and by no later than prior to the date of the prehearing conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C0174-6,4C0368-3.

Dated this 7<sup>th</sup> day of December 2020.

By:   
Aaron J. Brondyke, State Coordinator  
111 West Street  
Essex Junction, VT 05452  
802-595-2735  
[aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)

## CERTIFICATE OF SERVICE

I hereby certify on this 7<sup>th</sup> day of December, 2020, a copy of the foregoing ACT 250 SITE VISIT AND PREHEARING CONFERENCE NOTICE #4C0174-6,4C0368-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)**

The Burton Corporation  
c/o Justin Worthley  
180 Queen City Park Road  
Burlington, VT 05401  
[justinw@burton.com](mailto:justinw@burton.com)

John Caulo  
LandPlan Development Services, LLC  
61 Central Avenue  
Burlington, VT 05401  
[John.caulo@gmail.com](mailto:John.caulo@gmail.com)

Tyler Barnard  
Engineering Ventures  
208 Flynn Ave, Suite 2A  
Burlington, VT 05401  
[tylerb@engineeringventures.com](mailto:tylerb@engineeringventures.com)

Katherine Schad, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
City of Burlington  
149 Church Street  
Burlington, VT 05401  
[burlingtontownclerk@burlingtonvt.gov](mailto:burlingtontownclerk@burlingtonvt.gov); [lolberg@burlingtonvt.gov](mailto:lolberg@burlingtonvt.gov)

Donna Kinville, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
City of South Burlington  
575 Dorset Street  
South Burlington, VT 05403  
[dkinville@sburl.com](mailto:dkinville@sburl.com); [abolduc@sburl.com](mailto:abolduc@sburl.com); [pconner@sburl.com](mailto:pconner@sburl.com)

Chittenden County Regional Planning Commission  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[permitting@ccrpcvt.org](mailto:permitting@ccrpcvt.org)

Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[ANR.Act250@vermont.gov](mailto:ANR.Act250@vermont.gov)

Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov); [PSD.VTDPS@vermont.gov](mailto:PSD.VTDPS@vermont.gov)

VTrans Policy, Planning & Research Bureau  
Barre City Place  
219 N. Main Street  
Barre, VT 05641  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Agency of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov); [james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)  
[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

District #4 Environmental Commission  
Thomas Little, Chair  
Monique Gilbert/Pam Loranger  
111 West Street  
Essex Junction, VT 05452

Natural Resources Conservation Service  
68 Catamount Park, Ste. B  
Middlebury, VT 05753  
[marybeth.whitten@vt.usda.gov](mailto:marybeth.whitten@vt.usda.gov)

Winooski NRCO Office  
617 Comstock Road, Suite 1  
Berlin, VT 05602  
[whiterivernrco@gmail.com](mailto:whiterivernrco@gmail.com)

Ethan Tapper, County Forester/FPR  
John Gobeille/Toni Mikula, ANR/Dept. of Fish & Wildlife  
111 West Street  
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[john.gobeille@vermont.gov](mailto:john.gobeille@vermont.gov); [toni.mikula@vermont.gov](mailto:toni.mikula@vermont.gov)

Seven Days Classified Ad Section  
255 South Champlain Street, PO Box 1164  
Burlington, VT 05402  
[classifieds@sevendaysvt.com](mailto:classifieds@sevendaysvt.com)

Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446  
[kim.jones@greenmountainpower.com](mailto:kim.jones@greenmountainpower.com)

Vermont Gas Systems  
PO Box 467  
Burlington, VT 05402  
[efficiency@vermontgas.com](mailto:efficiency@vermontgas.com)

Efficiency Vermont  
128 Lakeside Ave., Suite 401  
Burlington, VT 05401  
[pics@veic.org](mailto:pics@veic.org)

Champlain Water District  
403 Queen City Park Road  
South Burlington, VT 05403  
[mike.barsotti@champlainwater.org](mailto:mike.barsotti@champlainwater.org)

## ADJOINING LANDOWNERS

Available via:  
[https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0174-6,4C0368-3/Application%20Documents/001\\_Act%20250%20Application.pdf](https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0174-6,4C0368-3/Application%20Documents/001_Act%20250%20Application.pdf)

Dated at Essex Junction, Vermont, this 7<sup>th</sup> day of December, 2020.

*Jessica B. Mason*

Jessica Mason  
Natural Resources Board Technician  
802-879-5614  
[Jessica.Mason@vermont.gov](mailto:Jessica.Mason@vermont.gov)

## FOR YOUR INFORMATION

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

Andy Montroll, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur

## Burlington Planning Commission

Tuesday, December 8, 2020, 6:45 P.M.

Remote Meeting via Zoom

### Minutes

|                 |                                                                                                                                                                                                                                                                             |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Members Present | A Montroll, B Baker, H Roen, E Lee, J Wallace-Brodeur, C Mason, Z Hightower                                                                                                                                                                                                 |
| Staff Present:  | D White, M Tuttle, S Gustin, K Sturtevant                                                                                                                                                                                                                                   |
| Attendance:     | Amy Magyar, Julie Marks, Rose, Dan Goossen, Abbott Stark, Cheri Campbell, Kent Cassella, Paul O'Brien, Ellis McArdle, Rolf Danielson, Erhard Mahnke, Deb Ward Lyons, Sarah Carpenter, Lucas Jensen, Kelli Varela, Michael Monte, Amy Rothman, Chris Haessly, William Gonyaw |

### **I. Agenda**

|               |              |
|---------------|--------------|
| Call to Order | Time: 6:49pm |
| Agenda        | No Changes   |

### **II. Conflicts of Interest**

The Planning Commission Chair, City Attorney, and Commissioner Lee spoke to Planning Commission policies regarding conflicts of interest and a complaint by members of the public regarding Commissioner Lee's use of AirBnB. Commissioner Lee stated she has previously disclosed her use of the platform to find roommates for her home.

### **III. Public Forum**

|             |         |
|-------------|---------|
| Name        | Comment |
| No Comments |         |

### **IV. Proposed CDO Amendment: Short Term Rentals**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------|
| Action: No action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |       |
| Motion:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Second: | Vote: |
| Staff updated the committee on changes to the proposal and answered questions from prior meetings. Slides are posted at: <a href="https://www.burlingtonvt.gov/CityPlan/PC/Agendas">https://www.burlingtonvt.gov/CityPlan/PC/Agendas</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |       |
| Public Comments:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |       |
| <ul style="list-style-type: none"><li>- E McArdle: Committee is missing the data needed to inform intelligent policy. Zoom has been detrimental to Committee hearing the hosts, making them invisible. Committee members need to be part of the discussions through the entire meetings. Host Coalition perceives some committee members have eliminated compromises from previous discussions. City is scapegoating STRs; city housing problems are about affordability, not availability, and banning STRs will not help affordability. STRs are a win-win, and assertion otherwise is an uninformed narrative; there are no problems and therefore no need to prevent future issues. Mom-and-pop property owners stand to lose.</li><li>- J Marks: Frustrated with how policy recommendations have reverted back to where they started, unprepared committee members. Changing approach to policy could impact job and</li></ul> |         |       |

*The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.*

management of a family property. STR a studio apt in a 3-unit building part of the year that is a long-term rental or for family the other half of the year. STR enables to afford management of historic home, maintain high quality housing. Committee doesn't have comprehensive data on benefits of STRs such as tax revenue, visitors, subsidizing upkeep of homes or rents for tenants, and other stories shared about guests. STRs are not the cause of a 50-year housing problem. Data is incomplete or misleading; delay action until a comprehensive cost-benefit analysis. Only scenario worth preventing: entire buildings as STRs and STRs in properties that receive public funding. AirBnb has new option for offering units for free to people in need of emergency housing. Don't create policy that limits opportunity for creative housing solutions, upsets hosts who provide high-quality housing.

- D Lyons: Gaps in the data need to be filled before the committee can act on this policy. Concerned about prohibition on STR in non-owner occupied property. Portland, ME allows off-site hosts with cap on STRs city-wide. Consider this kind of approach, and use just a registration process to get more data on STRs, and properties they're located in, before creating regulations.
- C Haessly: Have good, but not complete data. Need to consider the economic multiplier of STRs before moving forward with a proposal. Proposal is needlessly complex; consider regulating bedrooms instead of units.
- S Bushor: Started committee work thinking that STRs needed to be owner occupied, for consistency with ADU policy, but changed mind for multi-unit properties. Not convinced as to why committee thinks multi-unit properties need to be owner-occupied. Wonder if the policy should only allow up to 2 STRs in multi-unit buildings. Feel data is incomplete, but also know there are many STRs from working as a census enumerator and concerned that they might not come forward for registration-only process. Concerned about having a date certain to revisit a policy; may not get reviewed in a timely fashion.
- M Monte: Perhaps consider limit to the number of STRs in city or allow existing STRs. There is a lack of supply both affordable and market rate. State economists, VHFA estimate increase in households in County in excess in expected growth in housing units. STRs have some impact overall by taking housing out of the long-term housing market. Number of housing policies in city to limit conversion of rental housing to commercial use or even to homeownership/condos; regulating STRs is about the same thing. If King St. revitalization effort had not happened, the neighborhood likely would have been bedroom of downtown.
- L Jenson: Lack of understanding of city's STR market and who hosts are is challenging the discussion about policy. STRs have been a lifeline to keep up buildings, not raise rents, contribute to tourism economy. Feel like host stories that have been shared have been forgotten. Don't know how many STRs put out of business if this passes, don't know how much RMT lost, what impact it will have on availability and affordability of housing in the City. Won't fix housing crisis but will hurt hosts.
- A Magyar: Incredible that decisions are being made without data. Suggest getting everyone registered to get data on who's out there. AirBnb can shut hosts down if the city tells them to. Can't imagine buying a car sight unseen, without Carfax, just being told to have faith. Hosts will register and help with the data collection.
- P O'Brien: STR is personal, not commercial operations, and hosts rely on income. Not sure what the motivation is if there is no data to show STRs are implicated in housing crisis. Disingenuous to say solving a problem and helping affordable housing, when this is taking away people's income. Affordable housing has been a problem that is the responsibility of the city. To make an informed decision need data analysis, and to explore benefits to the city that would be lost, outside the context of affordable housing.
- R Danielson: Tourism is one of the largest industries in VT, and STRs have revolutionized an industry to allow more competition and keep lodging money local. STRs have benefits to the city, requiring owner-occupancy excludes people and does not factor reasons why people might

Tuesday, November 24, 2020

need to move off their property. Burlington needs affordable housing, opinion is that this is best done through the Housing Trust Fund. Leverage a fee on STRs to benefit both hosts and affordable housing.

- E Mahnke: Sympathize with concerns about loss of income because it is expensive to live in city. STRs would not necessarily provide additional supply for very low income renters, but housing market is constrained at all income levels. Housing market is in balance at a 5% rental vacancy rate. City's constrained market causes problems for affordable housing, and also for middle income, and loss of a few units at a time has an impact on local market. If units that are STR's were back on the market, along with currently vacancy rate, market starts to reach equilibrium. Allow a path forward for those currently operating, set a limit city-wide. It is legitimate to regulate a public good, and affordable housing is a public good just like economic benefits that hosts have advocated. UVM student housing has also been a long-standing problem that city is also pursuing, and constant struggle. Large impact fee won't have intended impact, a tax or fee to support HTF is more appropriate.
- Amanda: Disheartening to see that work over months may not be considered. Will have an impact on families trying to make a living in the state, who are invested personally and deeply in properties. Want to use property for STR in a way that has no impact on number of long-term rentals. Think a cap on number overall could go a long way.

**Committee Discussion:**

- Chair expressed that the Committee's process has been iterative, but no formal votes have been taken. Acknowledged that it can be complicated or frustrating, but also how the Committee's process often works; thanked participants for comments and asked for patience. Chair intends to dedicate large part of the next meeting to full committee discussion focusing on specific changes to the language of the draft ordinance, hearing from public at the close of the meeting or the beginning of the one after.
- A Commissioner expressed thanks for public comment over time, along with surprise at the suggestion that the committee isn't listening and concern about unaccepting tone toward elected city councilors who are new to the committee.

## **V. Commissioner Items**

|                                                           |            |          |
|-----------------------------------------------------------|------------|----------|
| Action: N/A                                               |            |          |
| Motion: NA                                                | Second: NA | Vote: NA |
| - Planning Commission's next meeting is January 12, 2021. |            |          |

## **VI. Minutes & Communications**

|                                                                                                                                                                                                         |                 |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------|
| Action: Approved the minutes and accepted the communications                                                                                                                                            |                 |                            |
| Motion by: J Wallace Brodeur                                                                                                                                                                            | Second: B Baker | Vote: Approved Unanimously |
| <ul style="list-style-type: none"> <li>• Minutes Approved: November 24, 2020</li> <li>• Communications filed enclosed in agenda packet, and additional communications posted online on 12/8.</li> </ul> |                 |                            |

## **VII. Adjourn**

|                           |               |                            |
|---------------------------|---------------|----------------------------|
| Adjournment               |               | Time: 8:34 pm              |
| Motion: J Wallace-Brodeur | Second: E Lee | Vote: Approved Unanimously |



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Andy Montroll, Chair

Signed: January 13, 2021

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner