



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

Councilor Brian Pine, Chair, Ward 3
Councilor Sarah Carpenter, Ward 4
Councilor Zoraya Hightower, Ward 1

Monday, November 30th 2020
4:00 PM – 6:00 PM

You are invited to a Zoom webinar.
When: Nov 30, 2020 04:00 PM Eastern Time (US and Canada)
Topic: CDNR Committee Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81736121064>

Telephone: +1 929 205 6099

Webinar ID: 817 3612 1064

To participate in public forum please email Christine Curtis before or during the meeting: ccurtis@burlingtonvt.gov. Comments can also be made during the meeting by using the raise hand function or the chat function.

Draft Agenda

1. Review/adopt the agenda
2. Work Session: Just Cause Eviction 4:00-5:30 PM (Approximate)
3. Public Forum
4. Approve draft minutes: 11/10
5. Set date for next committee meeting

The programs and services of the City of Burlington are accessible to people with disabilities.
For accessibility information, call 865-7144. For questions about the meeting,
contact Christine Curtis at ccurtis@burlingtonvt.gov

Revised Amendment to Just Cause Eviction Charter Change (11-30-20)

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to give the City the power to provide by ordinance the conditions under which evictions may occur, and may prohibit such without “just cause” by adopting and adding a new section 48(66) to read as follows:

To provide by ordinance protections for residential tenants from eviction without “just cause”, where just cause shall include, but is not limited to (a) a material breach of a written rental agreement, (b) violation of state statutes regulating tenant obligations in residential rental agreements, (c) non-payment of rent or (d) tenant refusal to accept reasonable changes to the term of a lease made in good faith.

The City, by ordinance, may also exclude from “just-cause” the expiration of a rental agreement as sole grounds for termination of tenancy. Reasonable exemptions from this provision shall be provided for properties that include, but are not limited to (a) sublets and in-unit rentals; (b) owner-occupied duplexes, triplexes; and accessory dwelling units (c) units where the owner or immediate family certifies they are moving in (d) units being withdrawn from the rental market (e) units in need of substantial renovations that preclude occupancy. The ordinance shall provide for a reasonable probationary period for initial occupancy. All termination of tenancy shall include adequate notice to tenants.

The City, by ordinance, may also provide for limits on unreasonable rent increases to prevent de facto evictions or non-renewal of lease. This shall not be construed to limit rents beyond the purpose of preventing individual evictions. The ordinance shall define what is ‘unreasonable’ and ‘adequate notice’ as consistent with city and state law defining “just cause”; and require that landlords provide notice of just cause and other legal requirements as part of the rental agreement.

This Charter amendment shall exclude, but is not limited to, residential rental agreements defined in 9 V.S.A ss 4452.”

This is what I have rewritten based on Zoraya's amendment and language, and input from others:

1st paragraph

- The underlined sentence in the first paragraph I am fine with; may be too broad for legislature.

2nd paragraph

- (d) Added tenant refusal of lease renewal as a just cause; was in a previous edit
 - Added "in good faith"

3rd paragraph

- Rewritten some – may exclude lease expiration as a "just cause"
 - Personal disagreement dropped
- Kept in exemption for owner or family "certifying" they are moving in ("not desire to")
 - ZH felt this could be handled in the removal of a unit from the rental market clause
- Added in reasonable probationary period for initial occupancy, was in a previous edit
 - Originally had one year like CA and Oregon

4th paragraph

- Ok with language change on unreasonable rent increase
 - Changed from more detail of what would be included

5th paragraph

- Added definition of excluded rental agreements. Covers what had been discussed previously.

Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to give the City the power to provide by ordinance the conditions under which evictions may occur, and may prohibit such without ‘just cause’ by adopting and adding a new section 48(66) to read as follows: To provide by ordinance protections for residential tenants from eviction without “just cause”, where just cause ~~shall~~may include, but is not limited to (a) a material breach of a written rental agreement, (b) violation of state statutes regulating tenant obligations in residential rental agreements, (c) non-payment of rent, ~~while just cause may exclude (a) expiration of rental agreements (b) personal disagreements.~~

The City, by ordinance, may also provide that ‘just-cause’ is the expiration of a written rental agreement for properties that may include but are not limited to: (a) sublets and in-unit rentals; (b) owner-occupied duplexes, and triplexes; (c) being withdrawn from the rental market, (d) in need of substantial renovations which preclude occupancy – with adequate notice to tenants and as defined by the ordinance. ~~The ordinance~~The City may also provide by ordinance, limits on unreasonable set a maximum rent increases with the purpose of to prevent~~ing~~ de facto evictions or non-renewals. This shall not be construed to limit rents beyond the purpose of preventing individual evictions.

The ordinance shall define what is ‘unreasonable’ and ‘adequate notice’ in defining just cause and may require that landlords provide notice of just cause and other legal requirements as part of the rental agreement.”

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Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to give the City the power to prohibit ~~vide by ordinance the conditions under which evictions may occur, and may prohibit such evictions~~ without 'just cause' by adopting and adding a new section 48(66) to read as follows:

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Commented [ZH1]: @city attorney – please review this specifically

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To provide by ordinance protections for residential tenants from eviction without "just cause", where just cause shall include, but is not limited to (a) a material breach of a written rental agreement, (b) violation of state statutes regulating tenant obligations in residential rental agreements, (c) non-payment of rent.

Commented [ZH2]: City attorney: can you review and find language for: (d) tenant refusal to accept reasonable changes to the term of a lease made in good faith. Intent is to say leases still apply for rental period and non-renewal of lease is a reason to terminate tenancy. Do we need this – how do we say what we mean?

Commented [ZH3]: Potentially have something softer here rather than exemptions to that we can put in a shall?

The City, by ordinance, may also exclude from "just-cause" the expiration of a rental agreement as sole grounds for termination of tenancy. Reasonable exemptions from this provision (may or shall or nothing here) include, but are not limited to, these properties: The City, by ordinance, may also provide that "just cause" is the expiration of a written rental agreement for properties that may include but are not limited to: (a) sublets and in-unit rentals; (b) owner-occupied duplexes, and triplexes; (c) being withdrawn from the rental market, (d) in need of substantial renovations which preclude occupancy. These exemptions will not restrict the City from crafting ordinance provisions that mitigate potential negative impacts on tenants and property owners, including but not limited to adequate notice and reasonable relocation expenses. —with adequate notice to tenants and as defined by the ordinance.

The ordinance (may or shall) provide for a reasonable probationary period after initial occupancy. The City may also provide by ordinance, limits on unreasonable rent increases to prevent de facto evictions or non-renewals. This shall not be construed to limit rents beyond the purpose of preventing individual evictions.

The ordinance shall define what is 'unreasonable' and 'adequate notice' in defining just cause and require that landlords provide notice of just cause and other legal requirements as part of the rental agreement."

Include 9 V.S.A ss 4452?

Commented [ZH4]: @City Attorney's Office please look at how to capture the exemptions in state law here, if we need to, and can we have flexibility to add things (like substance abuse treatment centers). This Charter amendment may as have the same exclusions as... or something like that?



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Committee members: Chair Brian Pine (BP), Sarah Carpenter (SC), Zoraya Hightower (ZH)

City staff: Christine Curtis, CEDO; Eileen Blackwood, CA (via phone)

Other Attendees: Stephen Marshall, Erhard Mahnke, Christie Delphia, Tom Proctor, Patrick Murphy, Gene Bergman

Monday, November 30th, 2020

4:00 PM – 6:00 PM

Virtual Zoom Meeting

Minutes approved on 1/20/21

Meeting Started at 4:03 PM

1. Review Agenda

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, to adopt the agenda as presented

VOTING: unanimous; motion carries.

2. Work Session: Just Cause Eviction

Committee members discussed Just Cause Eviction revision language. Gene Bergman was consulted via phone; Eileen Blackwood, CA was consulted via phone.

3. Public Forum

Stephen Marshall, Erhard Mahnke, Christie Delphia, Tom Proctor, Patrick Murphy all spoke on the Just Cause Eviction language being drafted by Committee members.

Public forum closed with no further comments.

4. Approve Draft Minutes: 11/10

MOTION by Councilor Hightower, SECOND by Councilor Pine, to approve the Draft minutes as presented

VOTING: unanimous; motion carries.

Councilor Carpenter absent from voting.

5. Set date for next committee meeting

The Committee discussed scheduling a meeting on Friday, December 4th. This date was not confirmed and CDNR will not be meeting on the 4th.

MOTION by Councilor Hightower SECOND by Councilor Pine to adjourn the meeting at 6:16 PM

VOTING: unanimous; motion carries.

Councilor Carpenter absent from voting.