



Burlington City Council Ordinance Committee ***Virtual Meeting*** 11/19/2020

City Council Ordinance Committee – Thursday November 19, 2020

Via Zoom

MINUTES

Members Present: Councilor Mason (Chair), Councilor Hanson, Councilor Hightower

Staff Present: Kim Sturtevant (Assistant City Attorney), Tim Devlin (Assistant City Attorney), Lisa Jones (City Attorney's Office), Bill Ward (Director, Department of Permitting and Inspections) Jennifer Green (Burlington Electric Department), Darren Springer, (Director, Burlington Electric Department), Chris Burns (Burlington Electric Department), Patti Wehman (Department of Permitting and Inspections)

Others in Attendance: Sharon Bushor, Brian Forrest, Brynne Martin, Emily Wanzer, George Love, Grace Frideger, Julie Macuga, Christie Delphia, Matt Cota, Max Horovitz, Natalee Braun, Nick Thiltgen, Nikolaus Gruswitz, Sarah Sciortino, Sophie Aronson, Theo Talcott, tom Murray, William Keeton, Sophia Smith, Laurel, plus unidentified telephone numbers/emails

Meeting called to order at 5:33 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Hightower, Councilor Mason

1. Public Forum

i. Public Forum



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Natalee Braun—part of Essex Energy Committee, Committee is very excited about the discussion for removal of hook up and weatherization. Eager to watch City's leadership on this. Little doubt that they will try to follow. Dreadful backslide in last couple years, no longer in position to take baby steps, need to leap.

Sophie Aronson—1st year student at UVM, as both young student and tenant support request for to make changes, just one student but hundreds feel the way I do.

Brian Forrest—Energy Coordinator Town of Williston, applaud ordinances, but why pick on just landlords, all buildings need to move off of 10 year weatherize and fossil fuels. City needs to get use to putting skin in game to reduce by 2020. Don't think like legislators, big bold steps.

Christie Delphia—speaking to both proposals, every building, not just rental units, but focus on them first as tenants are being hit hard by rent pay, paying large utility bills does not help them. If New York can figure out electric base than VT can do the same. Fossil fuels are depleting earth of resources need to stay alive. Dangerous emissions in air. Should say fossil fuels thing of past. Hopefully can move forward on both at same time, show important.

Nick Thiltgen—Efficiency Vermont, licensed engineer, work on last 2 state updates. Concern in conversation is that there is little technical analysis. Know can do single family and duplex. Question for large multi-units heating with electricity. A lot of challenges, washer/dryers, etc. Look at technically, economically and code challenges. Take time to look at.

Max Horovitz—Senior at UVM, not from Burlington, but lived in rental properties last 2 years. Last year partnered with Jack for service program. Feel time to move it forward. Many peers also renters. Challenge to get bills. Also, important time as older buildings need repair, can make changes now while doing repairs.

Sarah Sciortino—support mandatory rental weatherization. Know a lot of people struggling to pay bills. Measures should pay off and help renters. Need to do hook up bans, climate crisis has a time limit, waiting can cost lives.

Julie Macuga—from new north end, work against fossil fuel as a profession. Support hook up, worry about items not in it—fracking, money leaving state, impact indigenous communities. CO2 not only concern that needs to be regulated. Outright ban fracking. Fossil fuel theoretically become obsolete. Pipeline all come from Canada. Need to make sure that companies like Vt. Gas first commercial available product. Strongly support ordinance, but could be stronger.

Sophia Smith—16, 11th grade Essex. Loss of environmental diversity, human population and climate greatest threat to diversity/ecosystem. Decarbonization of Burlington's building really important to take on.



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Nikolaus Gruswitz—very little say from tenants, supports initiatives.

Brynne Martin—important, in chilly rental now. Decarb important, need bigger deterrents.

George Love—weatherization important from personal experience—broken boiler and landlord did want to fix. Really a human rights thing. W/r/t decarb, think engineer logic a little circular, but do believe should speak to experts.

Nikolaus Gruswitz —read statement from Darby Relyea—support mandatory weatherization of rental units as it is an efficient way to maximize energy efficiency and eliminates one unnecessary use of plastics in our waste. Climate needs to be number one priority. Also need to address lead paint. Support a way to do this with little or no cost to renters.

William Keeton—climate justice is also racial justice, cold drafty homes, need to fix.

Sharon Bushor—decarbonization and electrification—began in 2019, was a sponsor, thought about what we could do. Mainly gas heating a challenge, but could start with new construction. Took up at BED, given life with new council. Support some and disappointed also. Not sure why new build would need to rely on fossil fuel. There are heat pumps and other ways to do this without fossil fuels, know cost, but there is a climate crisis. Never going to address if take small steps. If Committee and City decide to deal with energy credits, don't believe what is proposed works, is peanuts for someone building. NY \$200. Understand help City in conversion, but don't feel that is what need to do, feel need to divorce from fossil fuels. Hoping Julie's comments could be reduced to writing.

Min. Housing stnds. & weatherization—people are looking for weatherization relief. Thought hadn't moved much, now specifics added appreciated. Didn't appreciate difficulty getting contractors for weatherization, upset still a question and no one has reached out to people. CEDO? Tough nut to crack but hope committee and others have ideas.

Closed public forum at 6:21 PM.

1. Minutes

i. Approval of Minutes of 10/29/20

Motion to approve minutes by Councilor Hanson, seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Hightower, Councilor Mason



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1. Committee Discussion/Possible Action

1.

i. Energy Efficiency in Rental Housing

Jennifer Green shared power point. One of 5 housing summit items. Time of sale shortcoming as don't move enough rental properties to make difference. Equity access warm in winter, cool in summer. Elements—use existing Minimum Housing standards, DPI as an enforcement body and apply crucial elements of time of sale. Who need to comply—buildings that use over 50,000 BTU, buildings where tenants pay bills and buildings that have not participated in weatherization program. Asking Committee to give thumbs up.

Councilor Mason indicated that it was an easy question—3 thumbs up. He asked if there were issues that want input from Committee?

Councilor Hanson indicated that he was glad to hear that the conversation was moving forward but that he felt a lot of frustration at the pace the policy has moved. Councilor Mason responded that he would stay in contact with Committee staff and let know once back. Appreciate frustration, but in light of meeting over zoom still optimistic can get it done in short time. Last of the big 5.

Councilor Hightower asked how high standard 50,000 btu was? Chris Burns responded that in Burlington 95% buildings metered gas so can get good numbers. Have building square footage so can figure whether likely issues. Once you get over 50 you are going to justify a high energy to do energy analysis. Less not as much to do. No perfect number, but good number in our area.

Councilor Hightower asked if there was a sense of the percentage of buildings? Chris Burns responded that much through Vt. Gas so don't have all that information. Best guess is 40% - 50% of rental buildings are probably over 50,000 btu. Can be a number of things—shell, leaky, or insulated but really old. Just by equipment replacement it will drop.

Councilor Hightower indicated a preference for no cost cap or cost cap per year so more time to get into compliance. She also noted that with a short supply of workers, good to have more direct communications with workers through unions, etc. She then asked for the timeline for next steps? Chris Burns responded that from weatherization contractor standpoint, big issue in Vermont. Trying through schools to bring them up. Good work happens in attics and basements, but not great workplace—collaboration ongoing.



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Councilor Hanson asked what to expect going forward? Jennifer Green responded that looking at ordinance draft next week, maybe able to get for next meeting.

Councilor Mason indicated that it was a challenge not having workers, not sure how to identify challenge, looking forward to thoughts on how to tackle.

Councilor Hanson noted that as much as challenge around workers, opportunity as well. Not just negative, good way to bring good pay into jobs. Disconnect between ourselves/callers about climate crisis getting putting behind other policies.

4.02 Decarbonization and Electrification of Buildings

Darren Springer outlined the policy proposal and walked through a powerpoint, noting the process including a public meeting July 7 and work with Burlington electrification. Policy stemming from commitment to net zero. Connect building carbon fee. Looked at other cold climate cities that had done complete ban, not in US. Carbon pricing build on city—polluter pay system. Revenue revolving fund. BED already offers a lot of incentives. Incentives working but understand need policy to work in tandem. Worked on with DPI and City Planning.

Tim Devlin spoke to legal aspects noting that the City Attorney's Office looked at the decarbonization mechanics. Other municipalities in California or Massachusetts like Berkeley have different authority, are home rule, Vermont Dillion's Rule. Massachusetts has specific charter language. Vermont has some enabling authority to enact the mechanisms through zoning or building codes. Fees may depend on type.

Councilor Hanson asked about process, noting interest in straight out ban.

Councilor Mason noted technological challenges to full ban without off-set.

Councilor Hightower asked about other mechanisms.

Councilor Hanson asked if comfortable to move forward without fee.

Councilor Hightower asked about all fee and then discount? Every new building 20,000 fee and then say get a discount if



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also green then get refund. Fees tied to measure costs.

Councilor Mason asked about energy incentives and options to move forward with ban or fold both into charter change, just do ban, challenge to move forward is a time issue. Darren Springer responded that that not connecting is default policy but alternate policy, thought fee stronger signal and tech. neutral signal to building owner, ongoing encouragement to retrofit in future. Would certainly advocate for having discussion around alternative options not just ban.

Councilor Mason asked about alternative timeline. Darren Springer responded that they would work with City Attorney Office regarding alternatives, if not charter then tailor approach work with focus on i.e. heating systems, less complication, ventilation needs noting that the team was available to be able to advance this in relatively short order.

Councilor Hanson noted an interest in the fee aspect more widely applied than just this initiative, tried \$ for TDM same conversation, if do battle for charter would want to have more come from the charter change fee issue. Fee for more than just decarb, more applications like transportation. Can write charter change broader to allow more tax change? Would want to see move forward with policy around ban even if certain exceptions. Interest in both ordinance and charter change going forward in tandem.

Councilor Hightower noted her concern that with too many exceptions we won't be hitting point.

Councilor Mason suggested putting the conversation on pause and coming back to discuss in 2 weeks.

1. Any Other Business

Next mtgs. Dec. 3 and 10 at 5:30 pm.

1. Adjournment

Motion to Adjourn by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hightower, Councilor Hanson

The meeting was adjourned at 7:50 pm.



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