



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

Tuesday, November 10th 2020
7:00 PM – 8:30 PM

You are invited to a Zoom webinar.
When: Nov 10, 2020 07:00 PM Eastern Time (US and Canada)
Topic: CDNR Committee Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82760366211>

Telephone: +1 929 205 6099

Webinar ID: 827 6036 6211

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. Approve agenda
2. Public Forum
3. Continue discussion about potential exemptions for Just Cause Eviction charter change
4. Review landlord licensing resolution and determine what information is needed
5. Committee open forum
6. Review and approve minutes from 9/16, 10/8, 10/19, 10/21, 10/27
7. Set date for next committee meeting

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



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Councilor Sarah Carpenter, Ward 4
Councilor Zoraya Hightower, Ward 1

Committee members: Chair Brian Pine (BP), Sarah Carpenter (SC), Zoraya Hightower (ZH)
City staff: Christine Curtis, CEDO

Wednesday, September 16th, 2020
5:00 PM – 5:30 PM
Virtual Zoom Meeting

Draft Minutes

Meeting Started at 5:00 PM

1. Review Agenda

MOTION, to adopt the agenda as presented

VOTING: unanimous; motion carries.

2. Public Forum

Public forum opened, no one spoke, public forum closed.

3. Discuss Hiring a Research Assistant to gather information on Just Cause Eviction

BP shared a draft version of an outline of the Scope of Work for Just Cause Eviction research. The completed draft can be found online: [click here](#)

SC stated that she was envisioning a spreadsheet or report that would show legislation of other states and communities that have Just Cause Eviction laws in place. SC stated this should be a broad scope and not a detailed report of ordinances.

ZH wanted to add special attention to the item “prohibit excessive rent increases in jurisdictions without rent control” and termination of lease discussion. BP commented this will probably be the most contentious topic.

SC mentioned the real estate market and what impact the ordinances will

have on the community she stated this is a bigger project that they have not discussed yet.

MOTION by Councilor Hightower, SECOND by Councilor Carpenter, to authorize up to 45 hours of LOE by Audrey Oliver for completion of Just Cause Eviction research as laid out in the presented document.

VOTING: unanimous; motion carries.

4. Next Steps

BP stated the committee is moving forward with this step so they can be more informed and ready to face the challenges that may come with it.

ZH will share contact information with SC to get this project moving.

Next meeting will be Thursday, October 8th at 5:30 PM.

MOTION to adjourn the meeting at 5:30 PM

VOTING: unanimous; motion carries.



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

City staff: Christine Curtis, CEDO; Brian Lowe, I/T; Audrey Oliver, CDNR Research Asst.

Other Attendees: Christie Delphia, Burlington Tenants Union; Jess Hyman, CVOEO; Brian Armstrong, Julie Marks, Mayumi Cornell, Kai Mikkell Forlie, Tom Proctor, Erhard Mahnke, Ricky Martin, Ann (unknown last name)

Thursday, October 8th, 2020

5:30 PM – TBD

Virtual Zoom Meeting

Draft Minutes

Meeting Started at 5:30 PM

1. Review Agenda

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, to adopt the agenda as amended by adding an item 4.5 FAQ document discussion
VOTING: unanimous; motion carries.

2. Public Forum

Public forum opened: Christie Delphia, Brian Armstrong, Julie Marks, Mayumi Cornell, Kai Mikkell Forlie, Tom Proctor, Erhard Mahnke, Ricky Martin, Ann (unknown last name) expressed their concerns as Burlington tenants and concerns as Burlington Landlords re: just cause eviction language, tenant rights and landlord rights.

Jessica Hyman advertised the new renter resource page available [here](#).

Philip Geraghty provided written statement as he could not attend public forum: "As a landlord I will not deny housing is a human right. The issue of contention I have with just cause eviction is clarity. The research presented in the past city council meetings has been about evictions as a whole and does not represent

clearly a picture of either no cause evictions being abused or just cause evictions being needed. As a whole landlords are not adversaries of our tenants but rather we prefer to be their advocates. Advocate for safety, advocate for their health, advocate for their right to live peacefully. Unfortunately there is a group of individuals that make this difficult. They exist as both landlords and tenants looking to "pull one over" on the other party. Those individuals should not be in this business as landlords. I welcome code enforcement inspections, heating inspections and alike. The negative to proposals like just cause are the same as the problems with restrictive zoning is it stifles change. I've linked in several articles that relate to just cause evictions and restrictive zoning and how it hurts everyone. If you are convinced just cause is a way to proceed the last link is a simple guide to the just cause ordinance in Oakland CA. This would be a version of just cause evictions that I feel most landlords would support."

Public Forum closed.

3. Language Access Plan

Brian Lowe presented on the City's Language Access Plan found [here](#).
MOTION by Councilor Carpenter, SECOND by Councilor Hightower, to recommend favorably towards the policy as been presented to City Council.
VOTING: unanimous; motion carries.

4. Just Cause Eviction (continued)

Audrey Oliver presented on her research so far regarding Just Cause Eviction in other states/municipalities (can be found on [CDNR webpage](#)).

4.5 FAQ document discussion

**Agenda item tabled until next meeting

5. Approve Draft Minutes: 5/6, 5/20, 6/3, 7/15, 7/27, 8/5

**Agenda item tabled until next meeting

6. Next Steps

The next meeting will be Wednesday, October 21st at 5:30 PM.

MOTION by Councilor Hightower SECOND by Councilor Carpenter to adjourn the meeting at 7:26 PM

VOTING: unanimous; motion carries.



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

City staff: Christine Curtis, CEDO

Other Attendees: Courtney Lamdin, Larry Miller, Leslyn Hall, Theresa, Julianne Heisler, David Edwards, Rich Ketcham, Donald Weikert

Monday, October 19th, 2020

10:00 AM – 10:30 AM

Virtual Zoom Meeting

Draft Minutes

Meeting Started at 10:05 AM

1. Review Agenda

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

VOTING: unanimous; motion carries.

2. Public Forum

Leslyn Hall spoke on the scope of work she saw presented by the Committee and had concerns about the Just Cause policy as it is being worked on currently. She believes we need to help people to stay in their homes especially during this tough time.

David Edwards commented how did the committee determine the amount of funds allocated to complete the study? Why is it limited to 45 hours at \$15 per hour or a total of \$675.00? This is fairly complex issue with 10 sub-issues as part of the study. Therefore, the amount of funds and time allocated to support the study appears inadequate.

3. Remediation of 9/16/20 CDNR meeting re: "Discuss Hiring a Research Assistant to gather information on Just Cause Eviction"

SC commented that they went into this process with a narrow target and knew they needed a charter change but also knew that this provision would not be the answer to all of Burlington's housing problems. She stated that the committee wishes to gather more information on what is happening nationally with just cause eviction.

ZH noted that there were two open meeting violations that happened and have since been working on remediating the situations. ZH stated that she is confident in the charter change language but more work needs to be done for the ordinance.

BP commented on rentals and vacancy rates and the housing market where new units have been added over the last 5 years. With the addition of new units, rental inflation occurs and there is an imbalance in the housing market. BP stated they are attempting to provide some level of protection for vulnerable populations. The Committee is not ignoring the other issues, but they are acknowledging that the market has limitations and there is a segment of the population that is at risk for not having their lease renewed for many different reasons.

BP went through the [scope of work document](#).

MOTION by Councilor Hightower, SECOND by Councilor Carpenter, to authorize up to 45 hours of LOE by Audrey Oliver for completion of Just Cause Eviction research as laid out in the presented document.

VOTING: unanimous; motion carries.

4. Adjournment

MOTION by Councilor Pine SECOND by Councilor Hightower to adjourn the meeting at 10:59 AM

VOTING: unanimous; motion carries.



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

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

City staff: Christine Curtis, Luke McGowan, CEDO

Other Attendees: Judi Schwartz, Joyce George, Lam Phan, Beth Davies Carpinello, George Carpinello, Peter Smiar, Jo Ann Lafayette, Mark Porter, John Alexander, Frank Gonath, Kim Guidry, Mary Maloney, Larry Miller

Wednesday, October 21st, 2020

5:30 PM – 7:30 PM

Virtual Zoom Meeting

Draft Minutes

Meeting Started at 5:35 PM

1. Review Agenda

MOTION to adopt the agenda as presented

VOTING: unanimous; motion carries.

2. Public Forum

Judi Schwartz, Joyce George, Lam Phan, Beth Davies Carpinello, George Carpinello, Peter Smiar, Jo Ann Lafayette, Mark Porter, John Alexander, Frank Gonath, Kim Guidry, Mary Maloney, Larry Miller spoke at public forum and expressed their concerns about Just Cause Eviction and how it will affect landlords and tenants.

3. CEDO Covid funds presentation

Luke McGowan, Director of CEDO, presented to the Committee on the Proposed Uses of CDBG-CV Funds [found here](#).

MOTION by Councilor Carpenter, SECOND by Councilor Pine, to approve and recommend approval of the Proposed Use of CDBG-CV Funds to Board of Finance and City Council
VOTING: unanimous; motion carries.

4. Enhanced Charter Change Resolution discussion

SC went through the draft resolution [found here.](#)

5. Just Cause Eviction FAQ document discussion

**Agenda item tabled until next meeting

6. Approve Draft Minutes: 5/6, 5/20, 6/3, 7/15, 7/27, 8/5

**Agenda item tabled until next meeting

7. Next Steps

BP requested that the City Attorney be present at the next meeting to go over the Charter Change Resolution and Just Cause Eviction FAQ document.

MOTION by Councilor Carpenter SECOND by Councilor Pine to adjourn the meeting at 7:29 PM

VOTING: unanimous; motion carries.



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Committee members: Chair Brian Pine (BP), Sarah Carpenter (SC), Zoraya Hightower (ZH)
City staff: Christine Curtis, CEDO; Tim Devlin, City Attorney's Office
Other Attendees: Christie Delphia, Tom Proctor, Robert Lee, Joyce, Tara, Kim Holtan, Peter Smiar, Josh Rudman

Tuesday, October 27th, 2020
7:00 PM – 9:00 PM
Virtual Zoom Meeting

Draft Minutes

Meeting Started at 7:00 PM

1. Review Agenda

MOTION by Councilor Hightower, SECOND by Councilor Carpenter, to adopt the agenda as presented
VOTING: unanimous; motion carries.

2. Public Forum

Public Forum opened after Councilors agreed to three minutes per person. Christie Delphia asked the councilors to pass the proposed charter change as is and to not allow exemptions for landlords as landlords already have unbalanced power and this proposal is for tenant protections, not landlords.

Tom Proctor said they seconded Christie and asked the councilors to pass the proposed charter change as is. He said that the current language would allow for flexibility and local ordinance changes later, which do not need to go through the state legislative process. He said that putting exemption language in the proposal would make changes harder down the road.

Robert Lee commented that it was too soon to decide on what should be included in the just cause evictions without knowing what can and can't be done,

but that the focus should be aimed at tenant protections and giving tenants' more rights than they've had in the past, especially given the pandemic and moratoriums ending at the end of the year.

Joyce asked where in the research does it say that the tenant can stay beyond the end of the lease? Councilor Pine answered that he would make a note of that and they would discuss that later in the meeting after public forum.

Tara gave a personal testimony about their experience with their new landlord at Cathedral Square, to whom they paid \$2,000.00 to get into as a transitional program. They are very concerned given that no cause eviction is currently allowed, and the power imbalance between the management company and the tenants in transitional housing. Tara asked for the proposed charter change to pass as is currently written.

Kim Holtan gave a personal testimony about their experience as a local landlord and said they are concerned how this will work and how it will affect them. They said they would like more information.

Peter Smiar gave a personal testimony about their experience as a local landlord and former resident of Burlington, and said they are concerned about the issue of lease expiration in the charter change and that it does not give landlords the right to move in a different direction after a tenants' lease expires. Peter Smiar asked the councilors to pass the charter change without the lease expiration language and that it should be addressed now in the process as opposed to later.

Josh Rudman gave a personal testimony as a local landlord and their experience with tenant turnover. They said they are concerned that with less turnover, landlords will have less access to repair and renovate spaces.

With no further comments, public forum closed.

3. Enhanced Charter Change Resolution discussion

The Committee discussed the draft resolution [found here](#). SC went through the proposed exemptions for committee feedback. ZH suggested not including exemptions in the charter change before an ordinance was drafted in order to full protect tenants' rights and prevent loopholes for landlords. SC shared that the City Attorney's office advised the committee to include specific language now in the charter change as opposed to later in a resolution, to which Asst City Attorney Tim confirmed. SC and BP agreed that using more specific language would give voters more information as well as create guidelines for the charter change. ZH expressed concerns that using language that is too specific or imperfect will create inflexibility in the charter change that is much harder to remedy in the future. ZH said she would support exceptions with broader language that is agreed upon after public discussion.

The committee discussed the exemptions listed and whether they should be further defined, clarified, or included at all. The councilors agreed to using broader language such as “ordinances may include” as opposed to, “should include” in order to provide the most protection and flexibility. ZH suggested that a few of the exemptions, such as “close family member” and “substantial repairs” should not be left open to landlord interpretation.

After much discussion, the committee agreed to leave the topic unresolved and move on to the next agenda item.

4. Just Cause Eviction FAQ document discussion

The Committee concluded that they could not move forward with the FAQ document discussion until they can agree on final language for the Enhanced Charter Change resolution as it is relative.

5. Approve Draft Minutes: 5/6, 5/20, 6/3, 7/15, 7/27, 8/5

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

VOTING: unanimous; motion carries.

6. Next Steps

The Committee agreed to continue to work on the Just Cause Eviction resolution language for further discussion at the next meeting.

The Committee asked the public for last additional comments.

Joyce raised their hand for comment to ask a few questions, such as clarification on lease expirations and tenant versus landlord’s rights regarding termination and what authority the City had in contracts between two parties. The councilors answered that leases continue unless there is a cause for termination, and the passing of time is not enough of a reason. The committee said if a landlord chooses not to renew a lease, they would follow the same month-to-month provisions that are in place currently, and explained their authority with an example using labor law which are regulations on contracts between two parties as well and by explaining minimum housing standards. Joyce also asked if the rent control provision would be included in the final draft. CP said the proposed exemptions are not finalized and that provision is currently included to protect tenants from egregious rent increases as a means of eviction.

Christie Delphia, of Tenants Rights, said the proposal is not including rent control, just that landlords cannot increase rent to a level which would force an eviction and that Just Cause evictions benefit the landlords, as well as the community.

MOTION by Councilor Hightower SECOND by Councilor Carpenter to
adjourn the meeting at 9:02 PM
VOTING: unanimous; motion carries.

Draft revolved clause related to Just Cause Eviction Charter Change:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended by adopting and adding a new section 48(66) to read as follows: "To provide by ordinance protections for residential rental tenants from eviction without "just cause," where just cause 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 that do not interfere with quiet enjoyment of the property by others or are illegal. The ordinance may also set a ~~maximum~~ rent increase provision with the purpose of preventing de facto evictions. This rent increase provision will take into account reasonableness of the increase, market comparability and increases for property improvements, tax increases, and other external increases beyond the property owner's control. This provision is not intended to control rents or rent increases for the broader residential rental market. This charter amendment shall exclude specialty and transient housing, licensed facilities, hospitals, school dormitories and properties rented to seasonal guests. Further, there will be exemptions from provisions related to expired rental agreements and personal disagreements for owner occupied properties, properties being withdrawn from the rental market, properties where the owner or close family member is intending to move in, properties in need of substantial repair or renovation and in unit rentals and sublets. Additional exclusions and exemptions may be added. The ordinance will not become effective until after one year of occupancy. The ordinance may require that landlords provide notice of just cause and other legal requirements as part of the rental agreement:"

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Sarah Carpenter
11/8/2020



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

City staff: Christine Curtis, CEDO

Other Attendees: Christie Delphia, Stephen Marshall, Dan DeDom, Tom Proctor, Jessica Hyman, Sharon Bushor, Erhard Mahnke, Tara, Gene Bergman

Tuesday, November 10th, 2020

7:00 PM – 8:30 PM

Virtual Zoom Meeting

Approved 11/30 - Minutes

Meeting Started at 7:02 PM

1. Review Agenda

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

VOTING: unanimous; motion carries.

2. Public Forum

Christie Delphia, Burlington Tenants Union, said that they find the exemptions unacceptable as they will create loopholes for landlords, and they will only agree to exempting “owner-occupied buildings.”

Stephen Marshall said that this document is not an ordinance but a charter change and that a third of the language is unnecessary. Marshall gave multiple suggestions for language changes.

Dan DeDom said they do not agree with the exemptions, and that the exemption for leases less than a year ignores the current reality for renters in Burlington, especially student housing. DeDom said this would create an incentive for landlords to rent to students and short-term leases.

Tom Proctor said that the exemption for “owner-occupied buildings” is fair, but many of the exemptions contain loopholes which could take a long time to repair, and cause real harm to Burlington tenants in the meantime, especially the “after a year” provision.

Jessica Hyman, Fair Housing Project at CVOEO, said they urge the committee to support a basic charter change, and exemptions can be discussed at a later time in the ordinance process, giving time to be sure that the needs of both tenants and landlords are met.

Sharon Bushor, former councilor, entered public forum but held their comment for landlord licensing agenda item.

Erhard Mahnke said they support the original language for just cause evictions, and understand the reasoning for including the exemption, but that they could be discussed at a later time.

Tara gave a personal testimony of the challenges of being threatened with eviction. They said they hope the language will be simple and easy to understand, and consistent with the original intentions of tenants’ rights.

Public forum closed with no further comments.

3. Continue discussion about potential exemptions for Just Cause Eviction charter change

Committee members discussed exemptions and Councilor Carpenter’s changes to the draft resolution. Councilor Pine asked for input on specifying “owner-occupied buildings” to “owner-occupied buildings with 3 or fewer units.” The committee discussed which landlords this would affect and how, as well as what state law already covers and any gaps an ordinance could fill and ultimately agreed on this exemption.

The committee also discussed the timeframe exemption. Councilor Pine said that many student leases in the area are “360 days” to allow landlords a 5 day turnover period, excluding many from just cause eviction under this provision. The committee did not reach agreement and decided to prepare an amendment and propose it to council on the 23rd.

4. Review landlord licensing resolution and determine what information is needed

Councilor Hightower began the discussion with an update from the Ordinance committee on a landlord licensing resolution, by saying they are evaluating what problems licensing would solve and what enforcement is currently available.

Sharon Bushor, former councilor, discussed their work on this topic from years past. Bushor said they worked with a state rep. who felt strongly that

landlord licensing should be considered and needs further exploration. Bushor said the current registration process costs the city a lot in terms of human resources when it comes to non-compliant businesses, and licensing would bring those businesses to compliance. Bushor said this would require a charter change to receive authority from the state.

Erhard Mahnke said they disagreed with landlord licensing and that the current registration process could be augmented to fit. Mahnke said that licensing would allow revocation which could harm tenants, and recommends other measures be considered before going to charter change.

Gene Bergman, former City Attorney, said that revocation is an issue under the current system, and there are compliance measures to help landlords that won't displace people and they should continue to investigate the topic.

Christie Delphia, Burlington Tenants Union, gave support for landlord licensing, and said it would allow for tenants to be able to do research on their landlords before signing a lease. Delphia said this issue was listed in the demands from the BTU.

Stephen Marshall said that for the sake of professionalism, businesses are required to have licenses because of the potential for harm, and that landlords should be included. Marshall said licensing gives the government the ability to hold bad landlords accountable, causing them to clean up or sell their properties.

The committee agreed they'd like to meet with the Ordinance committee to discuss the issue further.

5. Committee open forum

Councilor Pine went over the Accountability List for the Committee. The committee agreed that they should meet with the Joint Committee to work with their process, as opposed to starting fresh.

6. Approve Draft Minutes: 9/16, 10/8, 10/19, 10/21, 10/27

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

VOTING: unanimous; motion carries.

7. Set date for next committee meeting

The Committee will meet on Monday, November 30th at 4 PM.

MOTION by Councilor Hightower SECOND by Councilor Carpenter to adjourn the meeting at 8:48 PM

VOTING: unanimous; motion carries.