



Burlington City Council Ordinance Committee ***Virtual Meeting*** 10/29/2020

City Council Ordinance Committee

10/29/2020 via Zoom

Minutes

Participants:

- Councilor Mason (Chair), Councilor Hanson, Councilor Hightower
- Staff: Kim Sturtevant (Assistant City Attorney), Lisa Jones (Attorney's Office), Patti Wehman (Housing Manager, DPI)
- Public: Sharon Bushor

Meeting called to order at 5:32 PM.

1. Agenda

1.01 Motion to adopt the agenda

Motion to adopt agenda by Councilor Hanson, seconded by Councilor Mason à motion passes unanimously.

2. Public Forum

2.01 The Public is invited to speak

There were no speakers at public forum.

Closed public forum at 5:33 PM.

3. Minutes

3.01 Approval of Minutes of 10/13/20

Motion to approve by Councilor Hightower, seconded by Councilor Mason à motion passes unanimously.



Burlington City Council Ordinance Committee *Virtual Meeting*** 10/29/2020**

4. For Committee Discussion/Possible Action

4.01 Landlord Licensing

Councilor Mason identified new documents posted for this item, a spreadsheet and sections of the current BCO. Patti Wehman explained that the spreadsheet is a simplified version of reports that the Department runs. Noting that it shows the primary code owner and the date of certificate of compliance inspection timeline.

Councilor Mason questioned the objective. The issue was referred to Ordinance Committee, trying to look at whether to pass to Charter Change. Why Committee and Council potentially moving forward with this? If trying to move forward than is this a best way to go about it? Current tools allow removal. Other objectives? Should landlords who repeatedly withhold security be removed? First question for committee is what is objective.

Patti Wehman asked if there were other examples that they were concerned about. Councilor Mason noted that in other jurisdictions they do background checks, not if give license if criminal conviction in background. He also mentioned a letter on BoardDocs that put forth more information.

Councilor Hanson suggested a survey of renters to see what issues are. Indicating that they don't necessarily have the data needed. Maybe an anonymous survey--do outreach to tenants to see all issues.

Councilor Mason asked if we are looking at whether they have sufficient character to be landlord. If non-compliance with code--have structure in place already. What are we trying to solve? Not sure by requiring licensure address concerns. Councilor Hanson responded that we need to start by understanding problem. Not sure that licensing is necessarily what is needed. Zoom out and see how current system works.

Patti Wehman gave overview of current system--spend a lot of time with a few people coming into compliance. 1-5 with 5 being best that property can earn. Need to tighten code up, not new system. Essential Maintenance Performance on line with State. Working with state to tighten it up. Also proposed changes to CNDR, can send those along. Only hear about security deposits if called in to testify about it, otherwise go straight to City Attorney office. Inspectors are in a property 2 ways, routine inspection or complaint. Also, re-inspection if needed. In a perfect world, in compliance in 30 days.

Councilor Hightower asked if they were all on same page, do we need license or not? Do we have teeth to prosecute?



Burlington City Council Ordinance Committee *Virtual Meeting*** 10/29/2020**

Councilor Mason asked how to look at properties, noting that LLC's can hide. Patti Wehman indicated that the Department generally knows who principal(s) are.

Sharon Bushor indicated that she met with Patti, Bill and Gene to identify problem, noting that it was hard to put down everything learned. Targeted to small group of investment property owners who were taking up a large amount of time for code. As you look at information that learned during process, registration process that we have is a lot like licensing, but feel that if you own property doing business in City then should have license and should be able to get pulled if there is a problem. Not target all properties, just ones with issues. Concern with displacing tenants. Took up as final act on Council as felt when it first came up that it never got taken up. Learned that most property owners good, comply and should be held harmless. Thought could take current process and augment it. Better conditions to live with for tenants. Hoping if decide that licensure not needed then look at what need to do to augment current system to stop drain with current process.

Councilor Mason indicated a little concern with a broader survey, not sure what looking for that licensure solves. Ready to ask attorneys to look at what we have and what we need to address bad landlords. Also ready to ask if more tools needed for what Bill/Patti need. Not convinced that need total new system to do that. Patti Wehman responded that we have a system that needs tweaks. Have not done receivership in 6 years that have been with the Department. If in receivership not kick out tenant. Ticketing is one option, but bad players will scoff at that, already do. Tools there, need to tighten them up. Need to get more data, hard to get that out of system now. Best opportunity to see tenant issues is when at a property.

Councilor Hanson suggested that staff bring back alternative tools/strategies to get better compliance and reduce staff time. Councilor Hightower indicated that she was amenable to that.

Councilor Mason requested staff identify that there are bad apples and identify what changes we can consider implementing using existing structure. Should there be revocation across more than one property at time? Interested to hear thoughts.

Councilor Hanson added that it is not just about getting compliance, but how to reduce staff time as well. Missing a lot because not reach out to tenants.

4.02 BCO Sec. 18-113 Parking Plan Required

Councilor Hanson introduced the item noting that he made changes to the prior version that was then further revised by staff. Kim Sturtevant followed up, noting the changes from the last version. Also noting that Bill Ward was not able to attend but was still concerned with the phasing schedule—still prefer to do new rentals now and reassess in one year.

Councilor Hightower moved to add language to line 23 to add "or ground markings" after signage. Councilor Mason seconded the amendment. Councilor Hanson indicated that he was fine with the amendment. Councilor Mason noted



Burlington City Council Ordinance Committee *Virtual Meeting*** 10/29/2020**

that it doesn't say you have to park in the parking area. The amendment passed unanimously.

Sharon Bushor indicated that new rentals would have gone through system, so it was a strange comment. If not approved by City, then how find in violation. Need to have another paragraph with process of approval. There would be time and money, not denying it. Hope to augment staff to get that done. With phase in not sure how many in east and central district, thinking a lot. For south and north may be less. Lacks process of how to approve with City. Does it matter if plan approved? Think it does. If not approved, then problematic. Suggest look at section regarding new rentals if plan not approved by City then would go through process.

Councilor Hanson indicated that he was trying to find compromise between both. Good to show to tenant. If issue arises then can say never submitted a plan or your plan doesn't meet CDO. Submitted but doesn't meet what is on ground. Not all, but middle ground. In terms of checking back in on it in a year, can still do that, fine if want to take a look at this in a year. Like how written, but fine to move forward.

Councilor Mason noted that it represents compromise and supported bringing back to full Council.

Motion to send back to full Council for second read by Councilor Hanson, seconded by Councilor Hightower, motion passes unanimously.

5. Any Other Business

5.01 Next Meeting(s) and Items to review

Setting of next meeting for Thursday, November 19th at 5:30 pm.

Agenda Items: Decarbonization and Energy Efficiency.

Discuss Landlord Licensing in December.

6. Adjournment

6.01 Motion to Adjournment

Motion to Adjourn made by Councilor Hanson, seconded by Councilor Hightower à Motion passes unanimously.





Burlington City Council Ordinance Committee *Virtual Meeting*** 10/29/2020**

Meeting adjourned at 6:52 PM.