



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

Wednesday, October 21st 2020
5:30 PM – 7:30 PM

You are invited to a Zoom webinar.
When: Oct 21, 2020 05:30 PM Eastern Time (US and Canada)
Topic: CDNR Committee Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88263768525>

Telephone: +1 929 205 6099

Webinar ID: 882 6376 8525

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 Agenda
2. Public Forum
3. CEDO Covid funds presentation
4. Enhanced Charter Change Resolution discussion
5. Just Cause Eviction FAQ document discussion
6. Approve Draft Minutes: 5/6, 5/20, 6/3, 7/15, 7/27, 8/5
7. Next Steps

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

Draft resolution (resolved clauses) related to Just Cause Eviction Charter Change:

NOW, THEREFORE, BE IT RESOLVED the Charter Change Committee, with approval of the Community Development and Neighborhood Revitalization Committee (CDNR), recommends that the City Council consider the following amendment to the Burlington City Charter be placed on the March 2021 Annual City Meeting Ballot:

"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. The ordinance may also set a maximum rent increase provision with the purpose of preventing de facto evictions. The ordinance may require that landlords provide notice of just cause and other legal requirements as part of the rental agreement:' and

BE IT FURTHER RESOLVED that if the City Council choses to enact ordinances under the new section 48(66) of the City Charter, the ordinances shall:

- Exclude specialty and transient housing, licensed facilities, hospitals, school dorms, properties rented to seasonal guests.
- Provide for exemptions from the ordinances, including:
 - 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
 - In unit rentals and sublets
- Provide for an "unreasonable" or "unconscionable" rent increase provision. This rent increase provision is intended to prevent the de facto eviction of a current tenant. Factors to be considered could include how the existing and proposed rent compare to rents charged at similar rental properties, landlord expenses and the amount of the rent increase. This provision is not intended to control rents or rent increases for the broader residential rental market.
- Not become effective until after one year of occupancy

Additional exclusions and exemptions may be added.

Sarah Carpenter
10/18/2020

DRAFT
Frequently Asked Questions about Just Cause Eviction

What are the policy objectives of Just Cause Eviction control measures?

Current Vermont law allows termination of tenancy for no cause. Just cause eviction policies are intended to promote residential stability by limiting the grounds upon which a landlord may evict a tenant; typically, allowable grounds for eviction include nonpayment of rent, significant damage to the unit, or other material noncompliance with the terms of the lease, including nuisance and tenant threats to safety, before they may evict tenants. Such policies create procedures that rental property owners must follow in order to establish “just cause” to evict. Renters abiding by their lease need assurance they can remain in their home; reaching the end of a lease term alone would not be cause for terminating a tenancy.

Does a Vermont municipality have the authority to adopt such a policy?

Not without seeking approval from the General Assembly. In this case, the City Council is seeking legislative enabling authorization or permission to develop a local Just Cause Eviction ordinance with certain features that are listed in the proposed Charter Change language that has been referred to the City Council Charter Change Committee for consideration on the March 2021 Town Meeting ballot. The details of what might be adopted in ordinance would be developed after permission is received and would follow all the city processes for public input and ultimate adoption by the City Council.

Has this policy been adopted in other places?

Yes, just cause eviction policies have been adopted in four states (California, New Jersey, Oregon, New Hampshire, and in a number of cities including Seattle and Washington D.C and is being considered in Boston, Chicago and New York. Over 3.25 million privately owned apartments that received federal housing tax credits operate under this provision. Though the measures are not considered a “silver bullet” to solving the housing instability of renters, such policies are part of state and local governments’ efforts to provide housing stability for renters in expensive housing markets with very low rental vacancy rates similar to Burlington.

Do any Burlington tenants have this type of protection now?

Yes, over 2,000 Burlington tenants living in the following types of rental housing currently enjoy the protection afforded by Just Cause Eviction policies:

- All conventional public housing units (i.e. BHA)
- All privately owned rental units receiving “project-based” rental assistance (i.e. Northgate Apartments)
- All privately owned rental units created through the federal low-income housing tax credit program (i.e. Champlain Housing Trust, Cathedral Square, eligible for-profit housing)

Why is this policy needed?

A recent report by Vermont Legal Aid analyzing eviction data over the last five fiscal years found that there were an annual average of 368 evictions filed in Chittenden County and 20% of all filed eviction cases were for no cause at all since the existing “No cause” eviction law allows landlords to evict tenants even if the tenants have paid rent on time and have never broken their leases. We also know that many no cause lease terminations never go to court. For an exhaustive discussion about the personal and societal costs of evictions, go to the Princeton University Eviction Lab at <https://evictionlab.org/>

Isn't this just a backdoor way to enacting Rent Control?

No, Just Cause Eviction policies are only invoked in cases where an owner would seek to evict a tenant or to terminate a rental agreement. Rent increases are allowed under these policies. However, since an egregious rent increase would have the same effect as an eviction for many tenants, an effective policy must close that potential loophole with a prohibition on excessive rent increases. The maximum allowable rent increase will be decided based upon research, market conditions and the public process of adopting a local ordinance. With most existing Just Cause Eviction policies, this kind of rent cap generally only applies to the current tenant.

Would this cover all properties? Are there exemptions?

Most Just Cause Eviction policies allow exemptions for certain types of properties including owner-occupied rental properties with 4 or fewer units. Other reasons may include landlord or their immediate family moving in, the property is to receive significant repair/renovations, or the property is being removed from the rental market.

If more restrictions are required of landlords won't the rental housing stock be reduced?

In review of US census data in a number of jurisdictions with Just Cause Eviction policies that has not been the case. In the last 8 years Burlington appears to have over 400 units of owner-occupied housing converted to rental housing, in addition to new rental housing.

Why not draft the ordinance now before getting a charter change?

As explained earlier, because of state law, for Burlington to adopt any of these types of ordinances we need both voter and legislative approval to proceed. The soonest that is likely to happen is spring of 2021. Just Cause Eviction ordinances are complex and will need to be well researched and tailored to Burlington. It is not advisable to include all the detail of an ordinance in the City charter as the only way to change anything would be to go back to the voters and the legislature. To reach consensus on all the detail, we will need robust public input, similar to what is done with zoning changes and most ordinances. This will take significant time and allow for flexibility. After input, all the final detail of the ordinance would go through an extensive public hearing process and be approved by the City Council.



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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

Approved on 11/10 - 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.