



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

City Council Ordinance Committee – Wednesday, September 22, 2021

Via Zoom & In Person at Bushor Conference Room

MINUTES

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Tim Devlin (Assistant City Attorney), Meagan Tuttle (Office of City Planning), Bill Ward (Director, Department of Permitting and Inspections), Scott Gustin (Zoning Manager, Department of Permitting and Inspections)

Others in Attendance: Sharon Bushor, Amy Magyar, Jess Hyman, Laura Massell, Manny Capellan, Pat Bradley, Rolf, Sharon, Abbot Stark, Josephine Dean, Karen Cavoretto, Lauri Kotoman, Meda, Matt Sommerville, Julie Marks, Corey L. Hevrin, Eric Hanley, Andy Shaw, Megan Waite, Lori Kettler, Deborah DeLadurantaye

Meeting called to order at 5:35 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 Mason, Councilor Hanson, Councilor Hightower

1. Public Forum

Sharon Bushor: On sex worker ordinance have question whether if strike, strike header. Also, does police need section 21-28. On STR, people still doing it. Prefer to see something that sets criteria and revisit. Question threshold with 5-6



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

apartment building, don't understand logic behind that. Compliment all on the tables—that is where people will look and think they are clear. Thank you for all the hard work on STR's.

Closed public forum at 5:42 PM.

1. Minutes

3.01 Approval of Minutes of 9/1/21

Motion to approve minutes by Councilor Hightower, seconded by Councilor Hanson

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. Committee Discussion/Possible Action

4.01 B.C.O. - Sex Workers, Secs. 21-28, 21-33 & 21-34

K. Sturtevant explained that they returned regarding 21-28 as removed tool from Minimum Housing Certificate of Compliance process. Councilor Mason responded that he did not want to take away tool and explained that it had not gone back to full council yet.

C. Hevlin asked if it suggested that they can't have parties at a property. Councilor Mason that it did not, the issue is getting a ticket for engaging in conduct can be ticketed.

Motion by Councilor Mason to revise the prior action and approve the proposed ordinance amendment as now amended and refer it back to the full Council for second read and with a recommendation for approval, seconded by Councilor Hightower

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

4.02 Ordinance: Short Term Rentals--ZA 20-05 and Chapter 18. Housing (Planning Department, Office of City Planning, Department of Permitting and Inspections)

M. Tuttle and S. Gustin shared presentation on current proposal, noting the changes to streamline the zoning ordinance and add an annual registration under the Burlington Code of Ordinances.

STR timeline when permitted, up to 5 rooms in a single family dwelling as long as host's primary residence. If not host's primary residence, then renting not permitted—caveat added during process host must live at property for 3 years, whether or not host more than 5 is not allowed.

Ownership standards, concern how to enforce. Could require all.

Could adjust, think non-controversial:

- 3 rooms seem more appropriate
- delete B&B & historic standard and rely on lodging definition

1 year grace period for it to begin, If have zoning permit already will be considered non-conforming.

Councilor Mason asked about the 5 or more, see it in the summary, where in the ordinance? M. Tuttle clarifier, effort to be transparent. Agree not want more than 5, but can be if it is their primary residence. Host can always rent. Councilor Hightower think can change chart in ordinance to make clearer. Should do something like this in the ordinance to make clearer.

Councilor Hanson asked about just reducing from 5 to 3, current non-conformities still will be able to keep going. S. Gustin responded that there are approximately 36 approved currently.

Councilor Mason asked that within a dwelling if have multiple units in building—can have 3 registered then move around or must be same three. M. Tuttle responded that it was per dwelling unit. Also need to be host, so within that unit.

Councilor Mason opened to public comment.

Julie Marks: hope more opportunities to speak. Want to say the ordinance before you is somewhat close to a desirable



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

compromise to STR hosts, but would like to recommend additional allowances to consider to ensure not having unintended consequences that are harmful, if existing why wouldn't you want to keep them?

Exemptions:

- When host live there should be exempt and can rent at least 1 STR, should apply to 5+, ie if have 7 and live in one, should be able to short term rent. Have had testimony that people have turned to STR because couldn't long term rent.
- When property personal residence to owner, like mine, not a long term rental, it hasn't removed a unit from the marketplace, but benefits the City.
- From Planning Commission owned 3 or more years.
- Constructed for STR use or rehabilitated space, basement, attic, garage—good investment.

Goal as understand, want more long term housing in Burlington, that goal will not be met here. Have 300, lost 100 during COVID and not hurt market. Using freely and livable income, opposed that property owner should be without reasonable use of property. Majority of STR hosts are Vermonters—ambassadors.

Amy Magyar: group of people not spoken are big landlords or developers, not reach out and say will take away business because don't see STR as lucrative, too much work involved. If had a massive problem in town would hear about it. 3 year basis applaud, you can continue to rent, could present challenge to those who want to buy and short term rent; beautiful for those who own, give freedom. 3 year block for developer. Beautiful compromise, beautiful thing can turn on and off spigot, have another year and see more data. Will kick and scream, but can happen. All hard work really close. If take out 3 year will do more harm than good.

Eric Hanley: hotels \$500 per night where all 3 of his short term rentals total were \$500 night, not hurting big guys, economic impact if get rid of STR? Probably a 6 figure number lose to meals tax. Think good compromise. Owned property 30 years and don't want to put college kids in there.

Meagan Waite: new to short term renting, in June first STR, asked to get permit, but couldn't. Experience in last 2 months (LTR and other STR in other parts of state) employ a single mom that has flexible work. People come and visit have been good. Contribute to Burlington economy. Have landlords reach out, don't own, sublease, landlord was having trouble renting so sought her out to do STR.

Abbott Stark: Economics, wealth split, STRs more lower income, able to do fourplex, got from mid-size landlord who was milking it, not reinvesting. By living in tiniest unit and doing Airbnb have been able to upgrade and help with low income renters. Able to improve character and quality of building and block. STR does allow for better and more affordable housing. 1 percent new housing not enough, love to see clearing barriers for housing, STR are not barrier. Eminent domain, other options to take from wealthiest. Help to offset long term rents with STRs.

Deborah DeLadurantaye: rented for 30 years, first 25 had housemates to be able to afford to pay whole rent. Also social worker, couldn't afford to buy anything and could not afford to retire. Airbnb 2 rooms in space, very popular during last 5



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

years, earned and saved enough to be able to retire but couldn't do it without additional Airbnb income. Serve breakfast, Vermont food, promoting on bulletin boards. Abbott done nice things for properties.

Corey L. Hevrin: owner of multiple properties--4, 5, 6 units, live outside Burlington. Feel third amendment has been abated, don't understand when we lost the right. Burlington great historic district, frolicked there during college, want to preserve those buildings and want to put in people not going to damage. Preservation important. Burlington number 2 City to visit when it comes to short term rentals. Revenue from short term much higher than long term renters. When over regulate things, make more people do illegal stuff, government too big and no big business here.

Close public forum at 6:39 pm.

Councilor Mason want to identify issues to address, suggest start with M. Tuttle's list. Councilor Hanson agreed to start with those. Councilor Hightower indicated that topic wise agree with M. Tuttle's list. Only other question how ADUs dealt with.

Councilor Mason questioned where the 14 days in definition came from. M. Tuttle and S. Gustin responded that it is in state statute.

Councilor Mason asked how got to number. Councilor Hightower responded Planning Commissioners brought up, thought it was a different type of unit, 5 threshold in commercial property. Councilor Mason not understanding—if it is your own can do whatever, is that as a matter of policy? Standards of hosting community, based on concern for housing.

1. Hightower ask why 3 rooms. S. Gustin noted it is 5 in RH districts, 3 in RL districts. M. Tuttle responded that 4 unrelated not at play, but 3 lowest limit have now in residential districts. Hightower 5 bedrooms a lot but if limit, prefer 4 if limit.

M. Tuttle noted that because eliminate stand alone b&b then will have standard. Councilor Hightower responded that she is not in favor of 3 yr., prefer to leave in B&B.

Councilor Mason if concern taking away long term, how meet? Under zoning become pre-existing. M. Tuttle responded that there are so many moving parts, heard in favor of host residency and B&B, but host B&B already. Under B&B must have host, today limited opportunities that someone can short term rent.

Councilor Hanson asked if there were differences in taxation between B&B and STRs. Both pay meals and may be categorized different for taxing purposes, but otherwise same. B&B commercial, Airbnb not. M. Tuttle talked with assessor, assessment of whether commercial or residential is based on different review so not change by this label.



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

Councilor Mason indicated that he was still at 5 down to 3 question. Councilor Hanson asked if this was from staff. It was. Make be three to be consistent and no change to RL districts. Not impact any already permitted. Councilor Hanson questioned why can't keep at level now? S. Gustin responded that they can do that, only concern was about more than 4 unrelated, if have 5 bedrooms can make it easier to long term. S. Gustin not sure how real it is, comes down to enforcement. M. Tuttle Granicus did evaluation (unsolicited) and noted that regulation is already very detailed and hard to regulate. Move away from zoning. As number in rental code then would just introduce another layer of regulation. Councilor Hanson fine with change to 3 if others are. Councilor Mason indicated that he was as well. If want to keep STRs low than don't know why would keep high. Councilor Hightower appreciate STR, spirit that exclusively for host live on site not restrict that.

Councilor Mason noted ownership standard for off-site hosting for single detached and duplex vs. other may be difficult to enforce, consider:

- Requiring host residency for all scenarios
- Allow off-site hosting for all scenarios
- If 3 year ownership requirement is maintained apply to all off-site host scenarios
- Leave as is

Councilor Hightower support STR, but need to provide housing for those living here, so want to find ways to keep people in home and afford. For those not living in Burlington, a lot of non-students looking for housing, agree can change it but painful process and rather do it now and make it more permissive if need then, rather restrict and then turn up spigot if want to. Councilor Hanson would agree with that, think should have host residency. Even with new regulations could see a lot of units converting under it. One policy not fix housing crisis, don't want to make worse. Do think there are differences, with on/off-site, want those trying to live in Burlington and make work in Burlington different than someone else who is using Burlington property to make profit. A lot of benefit of having people running these be nearby to understand and live with impacts of housing in the neighborhood and be able to react quickly. A lot of logic to it. If find not an issue, can become more permissive.

Councilor Hightower wondering how ADUs fit into it? M. Tuttle responded that the way the current ordinance contemplate ADU is that it is like a single family dwelling, only allow with single family. If own ADU, would be able to use it. Can be in bedroom. Councilor Mason asked primary if home. M. Tuttle responded that only can rent one, either ADU or house, not both. Councilor Mason noted that it seems weird, can't live in both, M. Tuttle responded whole thing on property not the one live in. Councilor Hightower noted that she understood this standard now almost a duplex. Councilor Mason asked if register the ADU, then can only do ADU? M. Tuttle and S. Gustin responded yes, unless under 14 day. Councilor Mason noted that it is difficult to track. S. Gustin responded that can track by listing, where Granicus comes in. Councilor Hanson replied that he didn't think have to do it that way, even table 5 or more units, even don't permit STR, could argue own unit don't go to number, could be more clear but don't need to. M. Tuttle agree, if register single family home with ADU then could rent ADU exclusively but then could rent your home some. Councilor Mason noted that is 6 months, not full time, unlikely to get to 6 months if doing primary. M. Tuttle talked about host residency as one of the most clear standards to tie STRs to in terms of policy to favor housing as it looks to people who actually live at property. Still home where live majority of year. Intended to be standard that ties person to property as home. Councilor Mason—hear you, not sure agree.



Burlington City Council Ordinance Committee * IN-PERSON & REMOTE*** - Bushor Conference Room (Room 102) 5:30 PM 9/22/2021**

Line by line, work with K. Sturtevant, with expectation to get out at second meeting. Want to get back Council before summit.

Councilor Mason indicated that not trying to take away peoples livelihood, but feel no change if live there or not. Appreciate staff position on 3 years, but appreciate A. Montroll's attempt to compromise. Can change at council. Councilor Mason indicated it was okay as drafted.

Before next meeting work put in 2-3 and work on 1 to get drafted languages, more in line with first bullet.

1. Any Other Business

Next mtgs. TBD

1. Adjournment

The meeting was adjourned at 7:22 pm.