



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 Adam Roof, Chair, Ward 8
Councilor Sara Moore, Ward 3
Councilor Karen Paul, Ward 6

Attendance: Chair Adam Roof, Councilors and Committee Members Sara Moore and Karen Paul, Councilor Richard Deane, CEDO Assistant Director Gillian Nanton, Director of Code Enforcement William Ward, CEDO Staff Ian Jakus, Joe Speidel (UVM), Sandy Wynne, Jonathan Chapple-Sokol, Barbara Wynroth

Thursday June 15, 2017
5:30 – 6:30 PM
City Hall Conference Room 12 (CR 12)
Proposed Draft Agenda

Chairman Roof called meeting to order at 5:33 PM.

1. Review Agenda

Councilor Moore made a motion to approve the agenda as is, seconded by Chair Roof.

2. Public Forum

No comments at this time, forum reopened after presentation.

3. Approval of Minutes – [5/15](#)

Councilor Moore made a motion to approve the minutes. Chairman Roof seconded.

4. Bill Ward, Director of Code Enforcement

Mr. Ward noted that the committee will discuss the 'four unrelated' ordinance specifically at the next CDNR meeting but wanted to focus broadly on how Code Enforcement affects quality of life issues today. The presentation can be found posted on the CDNR Committee website, but the key points from the presentation are as follows:

- Noise complaints - have decreased as there has been more attention on mitigating them, especially in student neighborhoods.
- Trash - illegal dumping is being reported through SeeClickFix, more than half of which are reported by code enforcement staff. Code Enforcement also worked with UVM to prepare students for move out day.
- Lawn Parking – because restrictions are related to the zoning ordinance, and driveways are not always paved, violations are difficult to identify. Additionally some areas of the city do not have restrictions on lawn parking.
 - Notices of violation are a tool where the property owner is warned and they must comply rather than the tenant.
- Graffiti - Mayor Weinberger wanted Code Enforcement to be more involved in regulating graffiti, and they have been addressing this.
 - If graffiti is on public property it is addressed quickly. When on private property there is no ordinance to compel someone to clean it.
- Needles and syringes - needles getting retrieved from drop boxes is an issue due to budget cuts to non-profits such as Howard Center. Needles on the ground should be reported on SeeClickFix.
 - Councilor Moore asked if there is training to be able to pick up needles? Mr. Ward responded that if using SeeClickFix there is a link to the Vermont Dept. of Health explaining how to pick up needles and dispose them.
 - Councilor Deane asked if there is education in elementary school to instruct kids not to pick up these needles. Mr. Ward said he did not know and would follow up.
- Recycling - Generally rental properties have had disorder in recycling, with boxes not broken down, and bins causing a mess.
 - A new ordinance requires covered recycling totes for multi-family units that will be phased in throughout 2018.

- Inspections - Have instituted a 1 to 5 year certificate of compliance - good landlords are rewarded with longer periods between inspections.
 - average number of days to complete housing inspections by year has decreased

5. Public Forum

- Barbara Wynroth commented that the bus stop on College St emits exhaust from buses into her apartment and that she contacted VTrans. Mr. Ward responded that she should contact CCTA and board of health
- Jonathan Chapple-Sokol asked if noise complaints are being reduced citywide? Mr. Ward responded that yes it has generally been reduced. Jonathan followed up, asking who addresses vehicle noise? Mr. Ward explained that the best way to address this issue is to track the days/time and that way the police department can assess it.
- Joe Speidel asked what would help to make the system better? Mr. Ward responded:
 - For landlords to be more responsible. They are not following basic tenants of good property management. They're not doing the maintenance required. He cited property owner Gene Richards for having a great model of enforcing the use of dumpsters.
 - Requiring people to clean up any trash should be in their lease and enforced by the landlord.
 - Accurate and timely reporting is helpful because they can identify problem properties.
 - Often issues cannot be easily addressed just through changing ordinances.
- Chair Roof asked if there is something that could hold the worst landlords accountable. Mr. Ward responded that other places have a specific timeline for removal of trash, such as the next day by 4 o'clock and that this helps simplify enforcement.
- Sandy Wynne asked if there will be a separate presentation to the four unrelated?

- Mr. Ward responded they would discuss at the next meeting
- Sandy Wynne stated as owner occupied properties increase in the neighborhood noise goes down, that there is a need for a healthier balance. Neighborhoods are in danger of tipping the wrong way. Additionally she stated the trash is worse this year than ever before, and she has been using SeeClickFix.
- Councilor Moore asked what other ordinance changes are you looking for. Mr. Ward responded that energy efficiency requirements and graffiti removal enforcement are two places that could use changes.
- Councilor Paul stated that 8 years ago, Code Enforcement was much more of a concern. She used to contact landlords directly and they are usually responsive. She stated that she would like to consider the possibility of raising the fine of noise violations but not sure that would actually increase deterrence. There is a need to continually reeducate the tenants and noted that enforcement of the 'four unrelated' ordinance is not just a concern in student neighborhoods.
- Mr. Ward suggested there should possibly be an ordinance against being on the roof for a group of people, but not necessarily a single person.
- Chair Roof asked if the penalty for trash dumping that code enforcement can issue could be increased, given that anything over \$100 up to the \$500 max penalty for trash dumping must come from a judge. He added the following comments:
 - Having a strict timeline for trash pickup would be helpful
 - Can we learn more about the lack of lawn parking restrictions in the South End?
 - There should be a way to compel private property owners to deal with graffiti. Mr. Ward stated that he will meet with BBA Kelly Devine to see if they can come up with some solutions.
 - Chair Roof was not aware of the issues surrounding picking up needles, interested in more training for removing needles
 - Regarding Councilor Deane's question about education for elementary school - Chair Roof said he would take ownership of that.
 - As neighborhoods identify priorities, such as noise, they were better addressed. Can we identify what those priorities are for each neighborhood? Mr. Ward stressed that managing priorities is

critical, that each priority needs to be continually managed in a sustainable way.

- Chair Roof made a motion to close the meeting, seconded by Councilor Moore at 6:45 PM.

6. Plans for July Meeting (10 minutes) July 20th Thursday - one hour and a half 5:30 – 7:00 PM



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Councilor Adam Roof, Chair, Ward 8
Councilor Sara Moore, Ward 3
Councilor Karen Paul, Ward 6

Thursday, July 20, 2017
5:30 – 7:00 PM
City Hall Conference Room 12 (CR 12)

Proposed Draft Agenda

1. Review Agenda (5 minutes)
2. Public Forum (10 minutes)
3. Approval of Minutes – 6/15 (5 minutes)
4. Housing Trust Fund (HTF) - Discussion on allocation process FY18 - CEDO (10 minutes)
5. Zoning Enforcement – Discussion including 4 unrelated ordinance - David White - Director, Planning & Zoning, Bill Ward - Director, Code Enforcement (55 minutes)
6. Plans for August Meeting (5 minutes)

City of Burlington Housing Trust Fund (HTF) Application Scoring Form -- Capacity Grants

Capacity Project Name:

Project Agency:

Evaluator Name:

Date:

Amount requested:

DRAFT

HTF Allocation for this Fiscal Year	\$350,000.00
Maximum amount which can be allocated for capacity grants (35% of allocation if Administration is 15% of allocation)	\$122,500.00
Requirements Per Ordinance	
Is the applicant a 501(c)(3) tax-exempt, nonprofit corporation organized and operated for the purpose of creating or preserving housing for very low, low and moderate income households?*	Yes No
Would the requested grant support the staffing, training, planning, fundraising or on-going operations of a nonprofit corporation, thereby increasing that corporation's capacity to create or preserve housing for very low, low and moderate income households?*	
If the answer is " No " to either of the above, the application is not eligible for a Housing Trust Fund award	
Is the applicant a corporation, partnership or individual who is delinquent, at the time of application, in the payment of property taxes or impact fees to the City of Burlington, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under article IV of this chapter or under the fair housing laws of the State of Vermont, or who have pending violations of current city electrical, plumbing, building or housing codes or zoning ordinances?*	
If the answer is " Yes " to the above, the application is not eligible for a Housing Trust Fund award	
Priorities Per Ordinance/Committee Action/Other Factors (not listed in order of importance)	
The application supports a nonprofit's ongoing operations (priority)(yes= 5 points; no = 0 points)**	5
The application supports the assessment of structural and financial feasibility of new affordable housing (priority)(yes= 5 points; no = 0 points)**	5
The organization is currently involved in the construction of new affordable housing (priority)(yes= 5 points; no = 0 points)**	5
The application supports one or more of the priorities listed in the City's Housing Action Plan	5
The application supports one or more of the priorities listed in the City's Consolidated Plan	5
Financial need of the requested activity	5
The request clearly articulates how the Housing Trust Funds will be used	5
The negative impact to the community if the request is not funded	5
The proposed project supports an underserved and vulnerable population	5
Total	45

Evaluator Comments:

*HTF Ordinance Preference Threshold

**Requirements for applications per the Aldermanic Community Development Committee dated September 20, 1989

DRAFT

**City of Burlington Housing Trust Fund (HTF) Application
Capacity Grants
Scoring Criteria
FY18**

Factor #1: "The application supports a nonprofit's ongoing operations (priority) (Yes= 5 points; No = 0 points)"

Scoring Guidance: Self-explanatory

Factor #2: "The application supports the assessment of structural and financial feasibility of new affordable housing (priority) (Yes= 5 points; No = 0 points)"

Scoring Guidance: Self-explanatory

Factor #3: "The organization is currently involved in the construction of new affordable housing (priority) (Yes= 5 points; No = 0 points)"

Scoring Guidance: Self-explanatory

Factor #4: "The application supports one or more of the priorities listed in the City's Housing Action Plan"

Scoring Guidance:

0	Does not support plan priorities/incomplete information
1-2	Indirect support of 1 priority
3-4	Direct support of 1-2 priorities
5	Direct support of more than 2 priorities.

Factor #5: "The application supports one or more of the priorities listed in the City's Consolidated Plan"

Scoring Guidance:

0	Does not support plan priorities/incomplete information
1-2	Indirect support of 1 priority
3-4	Direct support of 1-2 priorities
5	Direct support of more than 2 priorities.

Factor #6: "Financial need of the requested activity" (suggestion: look at project budget, return on investment, and leverage)

Scoring Guidance:

0	Application does not demonstrate financial need/incomplete information
1-2	Application demonstrates some financial need
3-4	Application demonstrates moderate financial need
5	Application demonstrates high financial need

Factor #7: "The Request clearly articulates how the Housing Trust Funds will be used."

Scoring Guidance:

0	Request does not articulate how funds will be used
1-2	Request provides some detail about how funds would be used
3-4	Request provides moderate detail about how funds would be used

Factor #8: “The negative impact to the community if the request is not funded”

Scoring Guidance:

0	No negative impact if not funded/incomplete information
1-2	Some negative impact if not funded
3-4	Moderate negative impact if not funded
5	High negative impact if not funded

Factor #9: “The proposed project supports an underserved and vulnerable population”

Scoring Guidance:

0	Does not support underserved and vulnerable population/incomplete information
1-2	Serves somewhat underserved and vulnerable population
3-4	Serves moderately underserved and vulnerable population
5	Serves severely underserved and vulnerable population.

**City of Burlington Housing Trust Fund (HTF)
Capacity Grant Application**

DRAFT

APPLICANT ORGANIZATION
CONTACT NAME
DAYTIME PHONE & E-MAIL
NAME OF PROJECT
AMOUNT REQUESTED
ESTIMATED CONSTRUCTION START DATE (FOR FEASIBILITY/PREDEVELOPMENT GRANTS)
ESTIMATED COMPLETION DATE
TOTAL ESTIMATED PROJECT COST

Is the applicant a 501(c)(3) tax-exempt, nonprofit corporation organized and operated for the purpose of creating or preserving housing for very low, low and moderate income households?

- ☐ Yes
☐ No

Would the requested grant support the staffing, training, planning, fundraising or on-going operations of a nonprofit corporation, thereby increasing that corporation's capacity to create or preserve housing for very low, low and moderate income households?

- ☐ Yes
☐ No

Is the applicant a corporation, partnership or individual who is delinquent, at the time of application, in the payment of property taxes or impact fees to the City of Burlington, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under article IV of this chapter or under the fair housing laws of the State of Vermont, or who have pending violations of current city electrical, plumbing, building or housing codes or zoning ordinances?

- ☐ Yes
☐ No

Project Narrative

Funding priority goes to projects which respond to requirements of the Housing Trust Fund and the City of Burlington's affordable housing priorities. The Housing Trust Fund Administrative Committee (HTFAC) uses the attached criteria to score projects. Scores are tallied and ranked high to low. The HTFAC funds projects at its discretion.

Please provide the information below in the space provided. It is important to complete all fields. If you need additional space, attach separate pages to your application and title them as indicated below.

Project description (Please briefly describe your project. Specifically describe how Housing Trust Funds would: a) support your organization's ongoing operation and/or b) support the assessment of structural and financial feasibility of new affordable housing.):

Please describe how the organization is currently involved in the construction of new affordable housing:

Please describe how the application supports one or more of the priorities listed in the City's Housing Action Plan:

Please describe how the application supports one or more of the priorities listed in the City's Consolidated Plan:

Please describe the financial need of the requested activity (include a project budget with all sources and uses):

Please describe the negative impact to the community if the request is not funded:

Please describe how the proposed project supports an underserved and vulnerable population:

Signature Page

Please check each box that applies:

- ☐ **Good Standing:** I certify that I am in “good standing” with respect to, or in full compliance with a plan to pay any and all taxes due to the City of Burlington.
- ☐ **Certification:** Under penalties of perjury, I declare that the information I have provided, to the best of my knowledge and belief, is true, correct, and complete.

Print Name

Applicant Signature

Date

City of Burlington Housing Trust Fund (HTF) Application Scoring Form -- Project Awards

Project Name:

Project Agency:

Evaluator Name:

Date:

Amount requested:

DRAFT

HTF Allocation for this Fiscal Year	\$350,000.00	
Minimum amount which must be allocated for projects serving 80% of AMI*	\$115,500.00	
Minimum amount which must be allocated for projects serving 50% of AMI**	\$59,500.00	
Priorities Per Ordinance/Resolution/Committee Action	Max Points	Points Awarded
Will the proposed housing project be perpetually affordable? (first priority) (Yes= 5 points; No = 0 points)*	5	
Will the proposed housing project be affordable for 10-40 years? (second priority) (Yes= 1 point; No= 0 points)*	1	
Will the project serve households at or below 80% of AMI? (*No less than 33% of the annual disbursement of gifts, grants, or loans shall go to project grants..."**) **	5	
In addition to the above, will the project serve households at or below 50% of AMI? (**"...[n]o less than 17% of the annual disbursement of gifts, grants, or loans shall go to projects that directly benefit 'very low income' households [at or below 50% of AMI]..."**) **	5	
Has the City already demonstrated its interest and support through the investment of CDBG funds, the provision of technical assistance, and/or acquisition of site control for the proposed housing project? (priority) (Yes= 5 points; No = 0 points)***	5	
Other Factors (not listed in order of importance.)	Max Points	Points Awarded
The application supports one or more of the priorities listed in the City's Housing Action Plan	5	
The application supports one or more of the priorities listed in the City's Consolidated Plan	5	
The proposed project supports an underserved and vulnerable population	5	
Experience of the applicant organization's development team	5	
Cost effectiveness of the project: number of units served	5	
Cost effectiveness of the project: cost per unit	5	
Project has other ancillary uses (community space, mixed use, etc.)	5	
Project addresses community need	5	
Project has community impact	5	
	66	

Evaluator Comments:

*HTF Ordinance Preference Threshold

**City Council Resolution Requirements (dated September 3, 2002)

***Requirements for applications per the Aldermanic Community Development Committee (dated September 27, 1989)

DRAFT

City of Burlington Housing Trust Fund (HTF) Application
Project Awards
Scoring Criteria
FY18

Factor #1: “Will the proposed housing project be perpetually affordable (first priority) (Yes= 5 points; No = 0 points)”

Scoring Guidance: Self-explanatory

Factor #2: “Will the proposed housing project be affordable for 10-40 years? (second priority) (Yes= 1 point; No= 0 points)”

Scoring Guidance: Self-explanatory

Factor #3: “Will the project serve households at or below 80% of AMI? (‘No less than 33% of the annual disbursement of gifts, grants, or loans shall go to project grants...’)”

Scoring Guidance:

- 0 incomplete information/does not serve households under 80% of AMI
- 1 serves relatively few households under 80% of AMI
- 2-3 serves moderate number of households under 80% of AMI
- 4 serves fairly high number of households under 80% of AMI
- 5 serves high number of households under 80% of AMI

Factor #4: “In addition to the above, will the project serve households at or below 50% of AMI? (‘...[n]o less than 17% of the annual disbursement of gifts, grants, or loans shall go to projects that directly benefit ‘very low income’ households [at or below 50% of AMI]...’)”

Scoring Guidance:

- 0 incomplete information/does not serve households under 50% of AMI
- 1 serves relatively few households under 50% of AMI
- 2-3 serves moderate number of households under 50% of AMI
- 4 serves fairly high number of households under 50% of AMI
- 5 serves high number of households under 50% of AMI

Factor #5: “Has the City already demonstrated its interest and support through the investment of CDBG funds, the provision of technical assistance, and/or acquisition of site control for the proposed housing project? (priority) (Yes= 5 points; No = 0 points)”

Scoring Guidance: Self-explanatory

Factor #6: “The application supports one or more of the priorities listed in the City's Housing Action Plan”

Scoring Guidance:

- 0 Does not support plan priorities/incomplete information
- 1-2 Indirect support of one priority
- 3-4 Direct support of 1-2 priorities
- 5 Direct support of more than two priorities.

Factor #7: “The application supports one or more of the priorities listed in the City's Consolidated Plan”

Scoring Guidance:

- 0 Does not support plan priorities/incomplete information
- 1-2 Indirect support of one priority
- 3-4 Direct support of 1-2 priorities
- 5 Direct support of more than two priorities.

Factor #8: “The proposed project supports an underserved and vulnerable population”

Scoring Guidance:

- 0 Does not support underserved and vulnerable population/incomplete information
- 1-2 Serves somewhat underserved and vulnerable population
- 3-4 Serves moderately underserved and vulnerable population
- 5 Serves severely underserved and vulnerable population

Factor #9: “Experience of the applicant organization's development team”

Scoring Guidance:

- 0 Development team has no experience/incomplete information
- 1-2 Team has some experience successfully developing affordable housing projects
- 3-4 Team has moderate experience successfully developing affordable housing projects
- 5 Team has extraordinary experience successfully developing affordable housing projects

Factor #10: “Cost effectiveness of the project: number of units served”

Scoring Guidance:

- 0 Project will not create any new affordable units/incomplete information
- 1-2 Project will create some new affordable units
- 3-4 Project will create a moderate number of new affordable units
- 5 Project will create a large number of new affordable units

Factor #11: “Cost effectiveness of the project: cost per unit”

Scoring Guidance:

- 0 Project has an unreasonable per unit cost/incomplete information
- 1-2 Project has a high per unit cost
- 3-4 Project has an average per unit cost
- 5 Project has a low per unit cost

Factor #12: “Project has other ancillary uses (community space, mixed use, etc.)”

Scoring Guidance:

- 0 Project has no ancillary use/incomplete information
- 1-2 Project has an ancillary use for which there is some need
- 3-4 Project has a moderately needed ancillary use
- 5 Project has a much needed ancillary use

Factor #13: “Project addresses community need”

Scoring Guidance:

- | | |
|-----|--|
| 0 | No information |
| 1 | Poor, incomplete information, does not clearly describe the needs/issues |
| 2-3 | Fair, describes the needs/issues, but they are not significant or urgent |
| 4 | Good, clearly and convincingly describes compelling needs/issues |
| 5 | Excellent, clearly and convincingly describes compelling needs/issues that are significant and urgent and ties these needs/issues to facts and figures and/or local strategic planning efforts |

Factor #14: “Project has community impact”

Scoring Guidance:

- | | |
|-----|--|
| 0 | No information |
| 1 | Poor, incomplete information, does not clearly describe how the project addresses the identified impact of the project |
| 2-3 | Fair, describes how the project addresses the needs/issues, but the long-term community impacts are limited |
| 4 | Good, clearly describes how the project addresses the identified needs/issues and the project will have a reasonable impact on the community |
| 5 | Exceptional, clearly describes how the project addresses the identified needs/issues and the project, will have far-reaching and long-lasting impacts, and supports assertions with facts and figures. |

**City of Burlington Housing Trust Fund (HTF)
Project Award Application**

DRAFT

APPLICANT ORGANIZATION
CONTACT NAME
DAYTIME PHONE & E-MAIL
NAME OF PROJECT
AMOUNT REQUESTED
ESTIMATED CONSTRUCTION START DATE
ESTIMATED COMPLETION DATE
TOTAL ESTIMATED PROJECT COST
TOTAL NUMBER OF AFFORDABLE HOUSING UNITS
TOTAL ESTIMATED PROJECT COST / TOTAL NUMBER OF AFFORDABLE HOUSING UNITS (PER UNIT COST)

Is the applicant a corporation, partnership or individual who is delinquent, at the time of application, in the payment of property taxes or impact fees to the City of Burlington, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under article IV of this chapter or under the fair housing laws of the State of Vermont, or who have pending violations of current city electrical, plumbing, building or housing codes or zoning ordinances?

- ☐ Yes
☐ No

Will the proposed housing project be perpetually affordable?

- ☐ Yes
☐ No

Will the proposed housing project be affordable for 10-40 years?

- ☐ Yes
☐ No

Project Narrative

Funding priority goes to projects which respond to requirements of the Housing Trust Fund and the City of Burlington's affordable housing priorities. The Housing Trust Fund Administrative Committee (HTFAC) uses the attached criteria to score projects. Scores are tallied and ranked high to low. The HTFAC funds projects at its discretion.

Please provide the information below in the space provided. It is important to complete all fields. If you need additional space, attach separate pages to your application and title them as indicated below.

Project Description (Please briefly describe your project. Attach a project budget including all sources and uses):

Please describe how many households at or below 80% of AMI will be served by the project:

Please describe how many households at or below 50% of AMI will be served by the project:

Please describe how the City has already demonstrated its interest and support through the investment of CDBG funds, the provision of technical assistance, and/or acquisition of site control for the proposed housing project:

Please describe how the application supports one or more of the priorities listed in the City's Housing Action Plan:

Please describe how the application supports one or more of the priorities listed in the City's Consolidated Plan:

Please describe how the proposed project supports an underserved and vulnerable population:

Please describe the experience of the development team:

Please describe other ancillary uses (community space, mixed use, etc.), if any, in the proposed project:

Please describe how the project addresses community need:

Please describe how the project would impact the community:

Signature Page

Please check each box that applies:

- ☐ **Good Standing:** I certify that I am in “good standing” with respect to, or in full compliance with, with a plan to pay any and all taxes due to the City of Burlington.
- ☐ **Certification:** Under penalties of perjury, I declare that the information I have provided, to the best of my knowledge and belief, is true, correct, and complete.

Print Name

Applicant Signature

Date

More than four unrelated

Strategic enforcement rather than reactionary

- **Collection of accurate data on all properties is now occurring regularly**
 - All relevant departments share data
- **Proactive enforcement model of evaluation prior to housing inspections**
 - Ongoing approach for the last two years includes an examination of each property for inconsistencies in the number of approved bedrooms across each city database and compares that to the number of reported occupants. Code Enforcement inspectors have access to bedroom counts from Assessor's records, Planning and Zoning files and landlord registration documents before they enter a rental unit
 - Clearly worded occupancy language on rental registration forms submitted by landlords provides an excellent tracking mechanism
 - Landlords cannot add bedrooms or residents without an accompanying Zoning Permit
 - Year-to-year comparisons are available for detecting irregularities
- **Priority is placed on enforcement at properties with complaints or evidence of non-compliance**
 - Investigation is always within 7 days of receipt

Continuing challenges with enforcement

- Confusion about the ordinance
 - Zoning ordinance only prohibits more than 4 in RL and RM. RH zones were restricted after 2012
- The 48 hour tenant notification
 - Provides an opportunity for scrambling to avoid detection by removing beds or people prior to an announced inspection
- Zoning Enforcement is a lengthy process
 - Complainants expect immediate results
 - Warning notice, NOV, DRB appeals and Environmental Court review takes time. The time to resolve issues can be extensive if we do not have voluntary compliance

More than 4 unrelated violations in 2017

Complaints –

7 properties (5 were single family units)

Confirmed violations -

5 properties

3 with 5 occupants

1 with 6 occupants

1 with 8 occupants

Violation results

4 owners received Notices of Violation

1 is still within a 10 day warning notice

Comprehensive Land Use Planning and Policy Development



Information Technology – GIS and Permit Management System

Current Planning - Zoning Review and Permitting

Zoning Permit

(Dept. of Planning & Zoning)



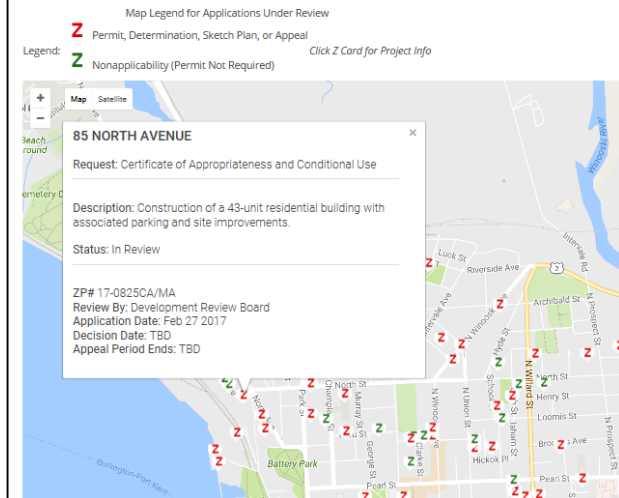
Construction Permit

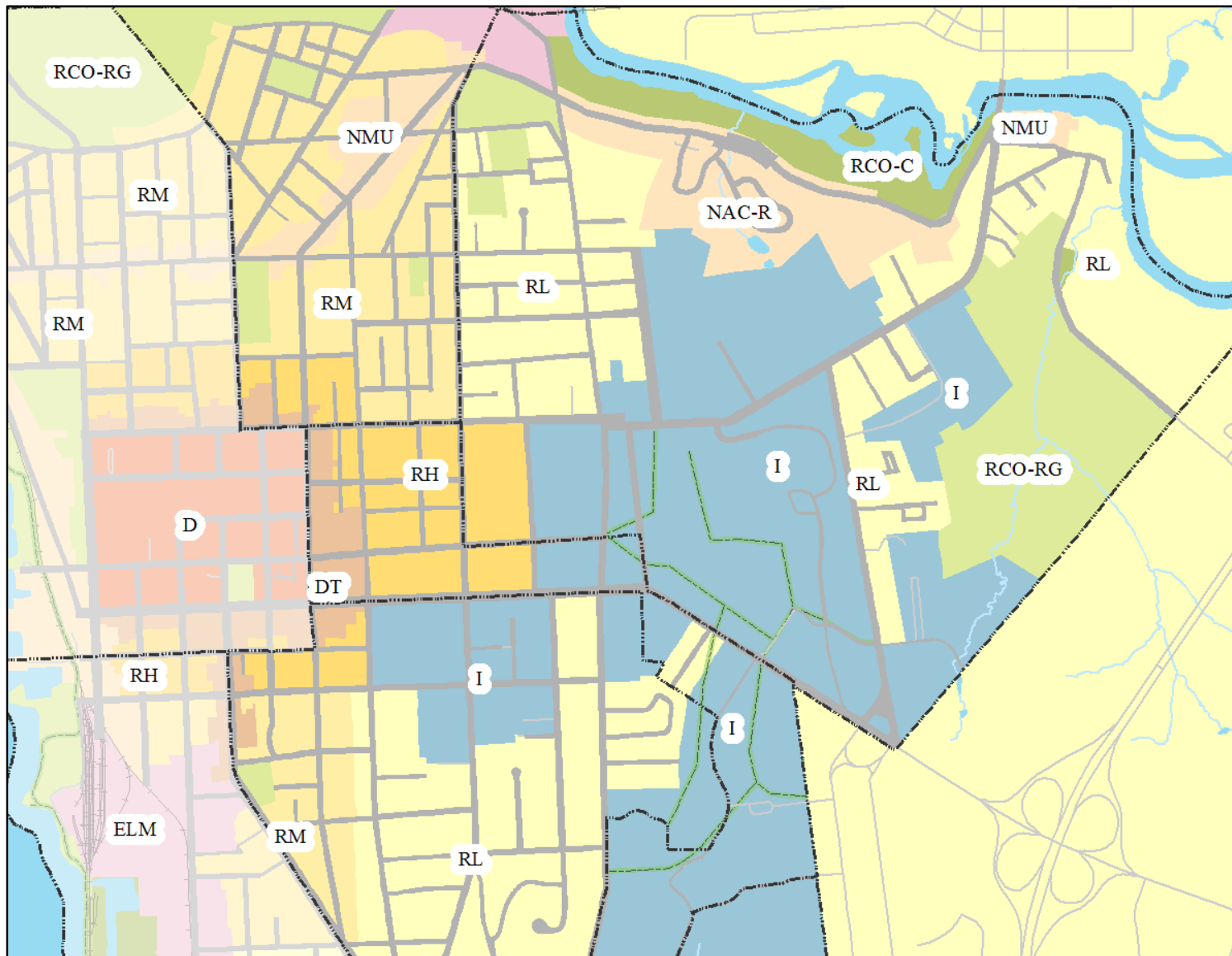
(Inspection Services Div., Dept. of Public Works)

Certificate of Occupancy

(Code Enforcement Office)

Applications Under Review





Zoning Standards:

District	Density	Lot Coverage	Residential Parking	Functional Family
RH	40 du/ac (MF only)	80%	2/du	Since 12/26/12
RM	20 du/ac (SF, Duplex & MF)	40%	2/du	Since 11/22/00
RL	7 du/ac (SF & Duplex)	35%	2/du	Since 11/22/00
I	20 du/ac (SF, Duplex & MF)	40%	1/du (MF) 2/du (SF & Duplex)	n/a

Entire area is subject to Design Review

Many buildings are in a historic district or are at least eligible for state or national listing



Zoning Permits:

Since July 2015:

- 269 zoning permits issued
 - 149 involved façade and/or site improvements only
 - 2 involved a change in parking (+1-2 spaces)
 - 38 involved new/expanded living space (14%)
 - 9 involving creation of new units
 - 6 actually built (2%)
 - 232 units at 140 Grove St (PUD)
 - 12 units at 289 College St (RH)
 - 2 accessory apartments
 - Conversion of SF to duplex
 - Boarding house reconfiguration (+1 unit)



IF one goal is to increase owner occupancy, a number of factors are conspiring to undermine this:

- Long-standing City development policy seeks to encourage greater density of residential use in a portion of this area.
 - The RH District was created in 1973 (area previously zoned medium-density (R-25)). Only pre-existing SF dwellings were permitted similar to today.
 - Remains good smart-growth policy today (sprawl, climate change, demographics, etc.)
- City development policy in other areas seeks to retain and conserve the existing pattern and scale of development (RL and RM)
- Throughout these neighborhoods the current building stock, development pattern, and zoning regulations (and resulting economics) incentivize the retention (or creation where possible) of larger dwelling units with multiple bedrooms and maintaining the status quo – both good and bad.
 - Density limits, lot coverage limits, on-site parking requirements and unrelated persons limits all create significant non-conformities which in most cases result in a significant incentive to retain the status quo.

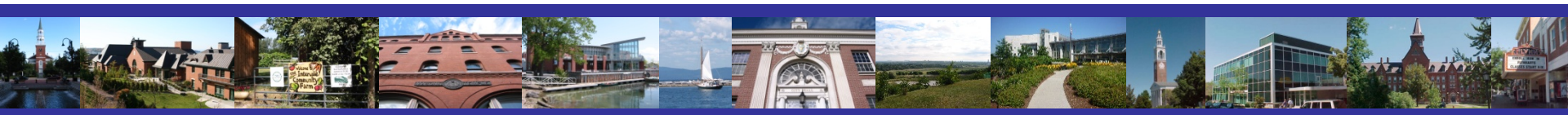


HOWEVER, if the goal is to:

- increase the diversity of housing and household types,*
- expand opportunities for home ownership, and as a result*
- efforts to improve residential quality of life,*

there are a few things that can be done.

- Rezone residential areas to mirror the current desired development pattern and intensity thus providing conformity under the regulations and thereby making some degree of change favorable and practical.
 - Density, lot coverage, setbacks and heights all need to change to reflect what is actually there today
- Calculate on-site parking based on # of bedrooms to dis-incentivize creation of larger units and incentivize smaller units to create more diversity of unit and household types.





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
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Councilor Adam Roof, Chair, Ward 8
Councilor Sara Moore, Ward 3
Councilor Karen Paul, Ward 6

Attendance: Chair Adam Roof, Councilors and Committee Members Sara Moore and Karen Paul, CEDO Director Noelle MacKay, CEDO Assistant Director Gillian Nanton, CEDO Housing Programs Manager Todd Rawlings, CEDO Staff Ian Jakus, Director of Code Enforcement William Ward, Code Enforcement Case Manager Patricia Wehman, Assistant City Attorney Kim Sturtevant, Director Planning & Zoning David White, Joe Speidel (UVM), Sandy Wynne, Jonathan Chapple-Sokol, Caryn Long, Ashley Bond, Candace Page

Thursday July 20, 2017
5:30 – 7:00 PM
City Hall Conference Room 12 (CR 12)
Draft Meeting Minutes

Chairman Roof called meeting to order at 5:33 PM.

1. Review Agenda

Councilor Moore made a motion to approve the agenda as is, seconded by Chair Roof.

2. Public Forum

- Candace Page stated that having lived on Henry Street since 1984, the passage of the four-unrelated ordinance saved the street leading to a number of rental units being converted back to home ownership. She does not want to see us take a step back from this.
- Ashley Bond stated that as a Henry St. resident she appreciates the advocacy of her neighbors and that it is necessary for residents to be vigilant. It is important to have the four-unrelated ordinance on the books for those rare cases when things really get bad, even though it is difficult to enforce. She felt her neighborhood is balanced, without too many students.
- Sandy Wynne asked if this CDNR meeting was advertised or just sent to the email list. Said it wasn't on front porch forum and asked for the Committee to restate the objective of the meeting.
- Chair Roof responded he could consider posting the meeting information out on front porch forum in the future. On the subject of four-unrelated ordinance there would be no action taken today or in the future as a result of this meeting only a discussion on zoning and enforcement in regards to quality of life.

3. Approval of Minutes - [6/15/17](#)

- Councilor Moore made a motion to approve the minutes. Chairman Roof seconded.

4. Housing Trust Fund (HTF)

- CEDO Director MacKay explained that the HTF Committee, composed of herself, Chair Roof and Jordan Redell. She explained they met three times last year and that there is a lot of need for the limited funds. The process begins with an allocation, then there is an RFP, and then the committee approves awards. They reviewed the criteria in order to make the regulations more consistent and easier to review as well as making it easier to understand for those receiving the score.
- CEDO Housing Programs Manager Todd Rawlings added that they are sharing more information about the HTF on the website including the deliverables and the outcomes. The new criteria will standardize the information collected to compare apples to apples rather than lots of extraneous information as is typically included. He clarified that the CDNR committee must approve these proposed changes.
- Councilor Moore asked to clarify how the money was allowed to be spent. Could it be used for administrative costs?
- Director MacKay responded yes through the capacity grant component, usually \$5,000 - \$12,000.
- Sandy Wynne asked if there is reporting required for the receipt of the grant money.
- Mr. Rawlings responded that most projects have federal money which has strict reporting requirements. Another example he provided is that organizations may ask for funds for a feasibility study and the HTF receives a copy of the product.
- Jonathan Chapple-Sokol asked if there is a reassessment of the new criteria built into the process.
- Director MacKay responded that the process would be reviewed every year and that the applicants would evaluate the process each year.
- Councilor Moore moved to approve the form and the process change. Councilor Roof seconded.

5. Discussion of Zoning Enforcement and Quality of Life Issues

- Chair Roof again stated that there is no action planned as a result of the discussion and that this is a general conversation about how code enforcement is done.

Part 1. Bill Ward, Director of Code Enforcement, presentation on the four-unrelated ordinance. (See posted presentation; notes are supplemental)

- The main challenge with the four-unrelated ordinance is that it doesn't apply citywide; only in RL and RM zones and the RH zone was added in 2012. This has led to a situation where certain properties are pre-existing non-conforming uses with greater occupancy than is allowed by zoning, making the ordinance particularly difficult to enforce.
- There are different definitions of a bedroom; rental registration form may define a bedroom differently than a real estate listing and potentially the assessor.
- In a case where the number of bedrooms on the rental registration form changes a landlord will be caught, assuming they are honest.
- The required 48 hour notification of a violation allows landlords to address any additional beds before the inspection.
- Violations involve a lengthy process and appeals can take months if they appeal the Development Review Board decision. If they appeal to the state it could a year or more.
- 7 properties had violations in 2017.
- The same issues that the four-unrelated ordinance attempts to address can be had with allowed 4 occupants.

- In one case the landlord had 8 occupants on a lease and then just made the building into a duplex within the allotted 7 day period to avoid the violation.

Comments part 1. (Chair Roof stated that given the time restraints for Mr. Ward, the public could ask questions of him now)

- Caryn Long stated that various owners have claimed they didn't know about the four-unrelated ordinance. Also that the City continues to support these land lords by allowing additional parking. She cited two specific problem properties.
- Mr. Ward explained that often what ends up happening is that when these folks get caught the landlords get attorneys. This prevents code enforcement from talking directly to the landlord. Mr. Ward said he had rarely seen someone get caught and not get an attorney. He also highlighted the need to close out all code violation investigations otherwise it will not be recorded for future property owners.
- Chair Roof said he was surprised there were only 7 complaints this calendar year. His perception was that it was much higher. He asked how many investigations are sourced from complaints versus police/fire.
- Mr. Ward responded that about 50% come from those two sources. In the case of a complaint they must take affidavits from the neighbors attesting to the violation and that often there are a variety of associated violations that accompany these cases.
- Sandy Wynn stated that realtors misrepresent properties and look past violations. Realtors need enforcement folks to interact with them and unless they live here in the City they don't take it seriously. She thought it would be helpful for realtors and the community at large to hear from the Mayor and the administration regarding enforcement of the four-unrelated ordinance. She asked if the complaints were public. She also asked who has access to the MLS real estate database that could be used to cross check the number of bedrooms listed with the allowed number for that property.
- Mr. Ward responded that the code enforcement data is public record and available upon request. Also that the assessor's office has access to MLS.
- Chair Roof asked what the mitigating forces are in these issues.
- City Attorney Kim Sturtevant responded that the big issue are claims that properties are grandfathered in and do not need to conform under current zoning. Often times in litigation an owner can provide enough paperwork to show they're grandfathered in from before 2000. It is common for the legal process to take a year or more.

Part 2. Director of Planning and Zoning David White: Presentation on zoning, quality of life and reinvestment (See posted presentation; notes are supplemental)

- Current zoning creates a tremendous amount of non-conformity:
 - 73% of homes in the RL zone are too small for a duplex. 43% are smaller than the minimum lot size.
 - Most RM lots can only support 2.5 units – there are a lot of parcels that have more than that and thus they're non-conforming.
 - Currently a 3 story building would require a quarter acre lot.
- RM and RL districts allow single family reconversion on properties where that was the original use.
- Institutional zone is not subject to four-unrelated.
- There are added restrictions due to historic districts.
- There has not been a significant number of zoning permits issued in these neighborhoods, meaning there has not been much change recently.
- It has been a long standing development policy to see intensification of residential uses.

- Zoning and economics incentivize the retention of larger dwelling units.
- Zoning does not reflect what exists on the ground and this serves to perpetuate the status quo. The perpetuation of non-conformities, and the four unrelated ordinance deters owners from reducing the number of tenants because they lose value.

Comments part 2:

- Ashley Bond asked how rezoning of residential areas is determined and if the rules tend to remain the same.
- Mr. White responded that it all goes back to the municipal development plan that the City Council approves based on priorities and objectives therein, and must be reflective of the overall pattern of land use.
- Joe Speidel asked what else could be done to create more density in a smart way.
- Mr. White offered that tweaking zoning will be necessary and Accessory Dwelling Units can increase density while promoting owner occupancy. Through the 'Neighborhood Project' effort there will be potential to target enforcement efforts and come up with innovative solutions.
- Councilor Paul offered one example, that parking not be included in rent, dis-incentivizing it's over use.
- Caryn Long stated she would like to talk about revitalization and turn the neighborhood back to resemble how it was 40 years ago.
- Candace Page stated that increased density raises the specter of Isham St. and that no single families would like to live there. A goal should be to think about how we can revitalize those neighborhoods. She suggested a single unit with 8 students, could become a duplex for two families.
- Chair Roof said that the 'Neighborhood Project' was included in the Housing Action Plan to determine how we can bend the curve in the near student neighborhoods and that increasing owner occupancy is a goal. The City is engaging in this because the four-unrelated ordinance is not an effective policy to solve the structural issues but only to protect from the truly bad violations.
- Caryn Long added a cautionary note, that when four-unrelated is enforced it is a deterrent, and she disagrees with David, that these properties need a lot of money to rehab. She warned to be careful to not perpetuate the past and understand what the market is doing now, including the new units coming online.
- Chair Roof made a motion to close the meeting, seconded by Councilor Moore at 7:13 PM.

6. Plans for August Meeting

- Chair Roof explained that they are not scheduling an August meeting as of now.