



Burlington City Council Ordinance Committee ***Virtual Meeting*** 5/3/2021

City Council Ordinance Committee – Monday, May 3, 2021

Via Zoom

DRAFT MINUTES

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Tim Devlin (Assistant City Attorney), Lisa Jones (City Attorney's Office), Patricia Wehman (DPI), Chris Burns (BED), Bill Ward.

Others in Attendance: Sharon Bushor, Christie Delphia, George Love, Natalee Braun, Sarah Sciortino, Wendy Coe, Sophie Aronson, Daniel Munteanu, Sandy

Meeting called to order at 5:33 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

i. Public Forum

Christie Delphia: COC—changes made to improve the process should be done. Weatherization need to be at 3 yr. mark not 5, behind times in Vermont. Will find many buildings that will need it done.



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Sharon Bushor: Weatherization—think it is reasonable to have a year of transition to allow department to understand where buildings are, glad time of sale in place during the transition. Hope after 1st year can reevaluate whether can go hand in hand. Agree that timelines are important. Also believe it should capture all the properties that it can.

Natalee Braun: wearing 2 hats—climate emergency, Essex Energy Committee. Believe ordinance base is good. Any other process too cumbersome. Happy that COB taking leadership on this. Climate emergency import to do 3 year timeline, not 5 year. Have a freight train that doesn't stop on a dime. More years pass, more will need to deal with. More can do, better. Will have more to do in future.

Sophie Aronson: Echo prior speakers. Excited about rental weatherization policy. Think it is important to get in place as soon as possible. Support 3 year timeline. Think we can get capacity in that timeframe. Need to be addressing with climate change.

George Love: Support 3 year timeline, want living room more comfortable.

Sarah Sciortino: Support 3 year timeline. 4 or 5 year not impressive if done by then—need to set standard to show rest of country. Inspire others to adopt strong climate policies. In climate crisis and also want warmer living room.

Daniel Munteanu: Support 3 year timeline, climate crisis, need to get through this to see that other issues dealt with.

Closed public forum at 5:50 PM.

1. Minutes

i. Approval of Minutes of 4/1/21

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

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. Committee Discussion/Possible Action

i. BCO-HOUSING—Change re Energy Efficiency and Weatherization in Rental Housing Chapter 18



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Councilor Mason asked if there were issues from councilors, requirements, or just implementation timeline. Asked C. Burns or W. Ward to discuss timeline.

C. Burns explained that there had been discussions with partners about their timelines, also understanding the quantity of weatherization contractors, understanding waiting queues. He noted that during his career he hadn't seen as much effort to change as now. Rest of State too. Took into account those factors and desire to move as fast as can.

B. Ward indicated that starting enforcement in Jan. 2022 was a reasonable timeframe as it gives time for notice and to get on schedule. City does not have weatherization contractors on staff. Know that many are already booked out until November now. Jan. 2022 not unreasonable as will give them a chance to get on schedule. Not get weatherization done, will get them in during winter. Get in queue and get done during winter.

Councilor Hanson conveyed that his conversations with City staff had been very productive. Rather than May 1, 2022 it would be Jan. 1, 2022. Think reasonable that if we pass this ordinance this month than have plenty of time to sign up and get work done. Think that would be really good. Get least efficient buildings in queue. Another aspect discussed is for the rest of buckets grappling with timeframe to get into compliance. Need more data on how many in category. Don't have data need. Cement in 90,000 and up and then get the rest figured out. Signing up and getting work done in next year and can get data to see how it is going. Proposal move forward with 90,000 plus.

Councilor Mason asked about the data and whether to wait until have more to pass ordinance or pass something with ability to accelerate later to give notice? Fine with how proposing, but don't have enough data to know what is available. Don't want to debate because pointless until have data.

Councilor Hightower responded that she had been always worried about defunct timeline, rather more ambitious and then loosen versus tighten later. If Jan. 1 and 90,000, then July-70,000, Jan.-50,000.

Councilor Hanson replied that he did discuss with staff different timeline possibilities and may be compromise but want to go quicker. Ban may be different with different data. Would be put in other timelines except 90,000 plus. Don't want to hold up first grouping

Councilor Hightower indicated her preference to keep in 50,000 plus.

Councilor Hanson discussed other perspective--don't want properties with 50,000 to 90,000 to jump into queue now from policy perspective, for property 75% incentive, if don't get put on notice for a few more months then a benefit. Can have



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staff communicate with all property owners that council will be bringing up timeline in the next few months.

Councilor Mason responded that he appreciated the concern, but also a concern if too aggressive than people will get to Jan. 1 with express buckets. Putting in dates would be place holders.

Councilor Hanson clarified that he was just putting out defining 90,000 up now and to define the rest in the next few months.

Councilor Mason noted options to leave 90,000 and change or keep 50,000 and modify schedule.

Councilor Hightower offered 90,000 applicable Jan. 2022 and then don't define rest, have above 50,000 by Jan 1, 2025. So people are aware schedule coming. Compromise of 2025.

Councilor Mason indicated that he was leaning towards Councilor Hanson's preference. Put in 90,000 and date and revisit based on data, at that point in time put in more precise deadlines.

Councilor Hanson indicated that compromise was discussed, but wasn't what he supported in terms of Jan. 1, 2025 being ultimate deadline. Still want 3 years.

Councilor Hanson moved to approve the proposed ordinance and refer it back to the full Council with a recommendation for approval with the following amendments: change 50,000 to 90,000 in lines 58 and 79, change May 1, 2022 in line 62 to Jan. 1, 2022, remove lines 63 to 76 and change April 30, 2022 to December 31, 2021 in line 225; and with a request for BED and DPI to return to the Ordinance Committee within 90 days to discuss scheduling of rental properties above 50,000 BTU's.

C. Burns clarified that not all buildings will get down to 50,000.

Councilor Mason seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, No: Councilor Hightower





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i. **B.C.O.-HOUSING—Change re Certificate of Compliance Process, Chapter 18 (formerly Landlord Licensing)**

W. Ward introduced the item noting that during pandemic they have not had the same level of inspections. People did not want staff in. Numbers at a third of level. All housing staff are fully vaccinated so can get back to more inspections. With respect to proposed changes, first part raises bar by dropping timeframe for compliance based on deficiencies. Making progress to moving properties into compliance quicker.

Councilor Hanson indicated that he thought it was great and supports strengthening the ordinance. He questioned subsection (f)--don't understand up to 7? W. Ward replied that the difference is if below level has fixed property within timeframe. Councilor Hanson replied that he thought he understood but confused by how (f) is written. Councilor Mason added that (d)-(e) corrected within time set, (f) different because corrected, but not within timeframe. Councilor Hanson responded that (g) corrected but more than 7 is there, should say 7 or more. Previous 4-6 so should be 7 or more. Councilor Mason noted his confusion now—(f) if up to 7 and don't correct within timeframe best you can do is 2, if 7 or more that aren't corrected within timeframe what do you get? W. Ward responded that it is was missing from there that it is 6 months. Councilor Hightower noted is was in (h). Councilor Hanson indicated that it still needed to address exactly 7 and corrected on time, don't have that category. Up to 7 not corrected, but 7 that are corrected—(g) is 7 or more. Councilor Mason suggested taking out "more than" in line 107 and add in "up to."

Councilor Hightower questioned how ambitious is was? W. Ward responded that probably 75% rental units get 4 or 5 year certificate. Do feel more on bottom end that need more attention and tightening. Saw many of the property owners stepped up last time.

Councilor Mason moved to the next red line at line 343. W. Ward explained that Councilor Hightower had asked about the connection between complaints and inspections and the Certificate of Compliance (COC). This will give a better connection to complaints. If complaint and go back 6 months and still there complaint dealt with blinders on. Proposing we make nexus of complaint and COC. First part if complaint, can reduce to bring into compliance. Verified complaints should be changed.

Councilor Hanson indicated that it is a big change, direction want to see. If complaint happens in middle how change? W. Ward responded that if it is really back, number 8 gives you change during inspection process. W. Ward noted that it was a draft to discuss for Councilor Hightower's concerns. Already coming back in year. Councilor Hanson replied that he could see from enforcement why to do at beginning or end, but if happen in middle still need to shrink, can do a little more.

W. Ward indicated that he can certainly work with staff group. One of the things that will be helpful is to give analysis as to inspections with complaints. Not likely to get a complaint after 5 year, but can look at complaint inspections to see where fall within the last year or two. Also need to do some math to see implications for the ones. Want it easier for staff to understand but also see logic.



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Councilor Mason noted that would be good to get understanding of impact in real world. May be punishing landlord for being made aware and addressing it in a timely manner. Reading 8 concerns as tenant driven and concern punish landlord who may not know, for instance blocking fire exit. P. Wehman responded that in reality, first thing do is ask complainant have you talked to your property manager or landlord and what have they done. Not punishing, but holding accountable those 5 year. Councilor Mason replied that he didn't see that communication to landlord in the draft. W. Ward added that their experience 100% that action comes after complainant has said told landlord. If landlord does right thing, never hear about it. Typically if landlord calls asking if landlord knows. Understand owner versus tenant issues and try to make fair assessment.

Councilor Hightower thanked staff for bringing it back, noting in her ward complaints are prevalent, mechanism to hold landlord accountable huge.

Councilor Hanson indicated that from simplicity sake and policy want end years but if push back from resources then want to hear that.

W. Ward indicated that they would work with K. Sturtevant and T. Devlin.

1. Any Other Business

Next 5:30 on May 27.

1. Adjournment

Motion to Adjourn by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

The meeting was adjourned at 7:03 pm.



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