



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 Sarah Carpenter, Chair, Ward 4
Councilor Zoraya Hightower, Ward 1
Councilor Joe Magee, Ward 3

Thursday, February 17th, 2022

5:00 PM – 7:00 PM

****Virtual meeting only****

Attend via Zoom by clicking the link below:

<https://us02web.zoom.us/j/89366850755>

Telephone: +1 929 205 6099

Webinar ID: 893 6685 0755

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. Approve agenda
2. Approve minutes: 1/27/22
3. Public Forum
4. Discussion on Tax Policy Research
5. Review of proposed camping policy - Councilor Magee
6. Update on JCE Charter Change
7. Other Business
8. Adjournment

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

H.708

Introduced by Committee on Government Operations

Date:

Subject: Municipal government; municipal charters; City of Burlington;
amendment

Statement of purpose of bill as introduced: This bill proposes to approve an
amendment to the charter of the City of Burlington to authorize the City
Council to adopt an ordinance prohibiting the eviction of residential tenants
without just cause.

An act relating to the approval of an amendment to the charter of the City of
Burlington

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City
of Burlington as set forth in this act. The voters approved the proposal of
amendment on March 2, 2021.

Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

CHAPTER 3. CITY OF BURLINGTON

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The City Council shall have power:

* * *

(66)(A) To provide by ordinance protections for residential tenants, as defined in 9 V.S.A. chapter 137, from eviction without “just cause,” where “just cause” shall include:

(i) a tenant's material breach of a written rental agreement;

(ii) a tenant's violation of State statutes regulating tenant

obligations in residential rental agreements;

(iii) nonpayment of rent;

(iv) a tenant's failure to accept written, reasonable, good faith

renewal terms;

(v) substantial damage to the property by the tenant, members of

the tenant's household, or guests;

(vi) behavior of the tenant, members of the tenant's household, or

guests that adversely affects the health and safety of the other tenants, the

landlord, or the landlord's representative; and

(vii) criminal activity on the premises of the rental property or any

criminal threat against the landlord or the landlord's representative.

(B) The ordinance shall exclude from “just cause” the expiration of a

rental agreement as the sole grounds for termination of tenancy. In addition to

1 the exemptions in 9 V.S.A. chapter 137, the ordinance shall exempt from this
2 provision, subject to mitigation provisions, sublets and in-unit rentals as well
3 as the following properties, but not limited to:

4 (i) owner-occupied duplexes and triplexes;

5 (ii) those being withdrawn from the rental market, including
6 properties to be occupied by the owner or an immediate family member as a
7 primary residence or properties being sold for owner-occupied use; and

8 (iii) those in need of substantial renovations that preclude
9 occupancy.

10 (C) The ordinance shall include provisions that:

11 (i) mitigate potential negative impacts on tenants and property
12 owners, including requirements of adequate notice and reasonable relocation
13 expenses that shall not exceed the value of one month's rent or another amount
14 negotiated by the landlord and tenant;

15 (ii) provide for a one-year probational period after initial
16 occupancy;

17 (iii) limit unreasonable rent increases to prevent de facto evictions
18 or nonrenewals, although this shall not be construed to limit rents beyond the
19 purpose of preventing individual evictions; and

20 (iv) mitigate potential impacts on small landlords.

4 ***

6 This act shall take effect on passage.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

PARKS –
Camping in Parks or Other Municipal Lands

ORDINANCE _____

Sponsor: Councilor Magee
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 22, Parks, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 22-7, Camping in parks prohibited, thereof to read as follows:

Sec. 22-7 **Camping in lands enumerated as parks or other municipal lands parks prohibited**

~~(a) It shall be unlawful for any person to camp in any public park in the city unless otherwise authorized by this code. Camping may occur at public areas designated as campsites by the parks and recreation department.~~

~~(b) The term "to camp" shall include the placing of any bedding, sleeping bag or other material at a site to serve as a sleeping area; the placing of any tent, lean to, other structure or vehicle at a site to serve as a sleeping or living area; or the use of any public park for sleeping between the hours of 10:00 p.m. and 7:00 a.m.~~

(a) Purpose, Policy, and General Provisions.

The purpose of these provisions is to support and maintain a safe public environment for those camping on lands enumerated as city parks or on other lands, including land owned or controlled by the City of Burlington. These provisions address traditional camping in designated campsites and other camping, including by persons who may be unhoused and have no other place to live but in public places.

It is the policy of the City to attempt to end houselessness while ensuring that the immediate needs of those experiencing houselessness are met and their civil rights are respected and protected because safe, decent, and affordable housing is a human right. It is the policy of the City that everyone can live with dignity in a stable, inclusive, eco-friendly place to call home and that the City has an affirmative duty to support this dignity. It is the policy of the City that no person should be arrested for sleeping or camping on public property and that sleeping or camping as a result of houselessness should not be criminalized.

To effectuate this purpose and policy, the City shall take steps, including but not necessarily limited to those set forth in this section, to ensure that houseless individuals are provided with information on available resources, are given the assistance necessary to meet their immediate needs (i.e., sanitation), and are offered help to go through the applicable processes to obtain assistance, including housing. Notwithstanding that the City may try to ensure that individuals do not camp or set up residences in areas prohibited under the

Burlington Code of Ordinances or areas that are permanently posted, such as in the Urban Reserve, a camp site that is not in a prohibited area and does not present exigent circumstances shall not be subject to removal unless certain criteria are met, and outreach efforts are made consistent with the provisions of this section. Furthermore, where exigent circumstances exist in the period from October 1 – May 1, there shall be no removals for any person who is not eligible for state provided emergency housing, unless 1) the City provides, at a minimum, an alternative location to shelter within City borders, 2) transportation for person and property to that location, and 3) direct support with moving any and all belongings to the new location.

(b) Definitions.

(1) **Camping** shall mean the placing and use of any bedding, sleeping bag or other material at a place to serve as a sleeping area as well as the placing and use of any tent, lean to, or other structure or vehicle at a site to serve as a sleeping or living area.

(2) **Sufficiently posted** shall mean signs or placards designed and situated as to give reasonable notice that camping is prohibited on the area, such signs to be posted at a minimum at the corners of and at the regularly used entry points to the property.

(3) **High sensitivity area** shall mean a location where the health and safety impacts of camping create exigent circumstances.

(4) **Exigent circumstances** shall mean conditions of a camping site that pose an immediate and substantial threat to human life, health, and property, or the ecology and environmental sensitivity of the area on and/or directly impacted by the site.

The conditions constituting exigent circumstances must be related to an individual camping site unless the conditions created by more than one individual site when added together pose the exigent circumstance that can only be remediated by treating the sites as a single site.

Conditions that can be readily remediated shall not be deemed exigent circumstances unless they rise to an immediate and substantial threat using the public health, safety and environmental factors stated below and the resident of the site has been given notice of this, notice of the least restrictive means necessary to remediate the threat, has been offered public assistance to help and a reasonable time to remediate the exigency, and has refused or failed to remediate the condition in the reasonable time. These notices, offers of assistance, and time to remediate shall be given prior to any enforcement action. The time given shall comply with the procedures stated in this section.

The following public health, public safety, and environmental factors shall be used to determine the existence of exigent circumstances if they pose immediate and substantial threats:

Public health:

- Confirmed case of infectious disease(s) present at a camp site;
- Excessive animal or vermin vector hazards (e.g., rats) present at a camp site;
- Presence of biological vector hazards (e.g., blood, fecal matter) present at a camp site;

- Camping on or encroachment of the grounds of a facility tied to public health (e.g., water treatment or water resource recovery facility) where such activity is interfering or likely to interfere with the operations, integrity, or public health obligations of the facility;
- Notice of public health emergency at a camp site declared by a local, state, or federal public health entity present at encampment; or

Public safety:

- Location at or on ground adjoining a school, childcare facility, adult day-care facility, or other public facility serving a young or vulnerable population;
- Location on privately owned land and the City has been requested to intervene or within 50 feet of the property boundaries of private property, unless adjoining owner consents;
- Location on public land where individuals have a private easement or ownership interest or where the City owes a duty to maintain said lands in perpetual care to the benefit or partial benefit of private individuals (i.e. City cemeteries);
- Location on Burlington City or School facility and associated property;
- Individual is a registered sex offender and the location is in violation of their on-going terms of probation, parole, or release;
- Location obstructs or impedes in a not insignificant, infrequent, or incidental manner, the access and use of a residence, business, emergency route, right-of-way, lane of traffic, bike lane, hydrant, or ADA access;
- Location is such that First Responders (including, but not limited to, Fire, Police, and any health care workers), are impeded in performing their essential government functions;
- Damage to or substantial potential to damage essential infrastructure (e.g., reservoirs, bridges, public utilities, public safety buildings, water treatment and drainage and sewer systems);
- Excessive amounts of waste/garbage/debris;
- Substantial/Serious fire hazards;
- Substantial unsafe storage of combustible materials.

Environmental protection:

- Location is in an area that is protected, deemed sensitive, or protected from development by federal, state, or local law, such as a wetland, vernal pool, or steep slope;
- Location within a federal, state, or locally recognized wildlife habitat area;
- Location substantially interferes with a park, wilderness environment or wildlife habitat;
- Location is in an area where there is reasonable and significant concern with erosion;
- Location obstructs or substantially impedes an established outdoor activity or use, such as mountain biking or hiking;
- Location is in an area that city or other public officials have deemed to be environmentally sensitive or fragile; or
- There is evidence of impairment of a natural resource(s) as a result of the camp site.

(c) Camping.

(1) Camping in any public park with designated campsites shall be regulated by the city's applicable ordinances, rules and regulations.

(2) In all other lands owned or controlled by the city, it shall be unlawful to camp if the camp site is in a high sensitivity area or the property is sufficiently posted to provide notice that camping is prohibited.

(d) Enforcement.

A violation of this section is subject to the removal of the camp site. An enforcement action shall be initiated only upon a certification by the enforcement officer specifying the underlying facts supporting the conclusion that the site is in a high sensitivity or on a sufficiently posted area of the city where camping is prohibited.

Such enforcement action (issuance of a civil municipal complaint and actions to remove a camp) shall only be available if the enforcement officer has acted in compliance with the “Procedures for determining that camping is prohibited and taking enforcement action” and any operational policies adopted by the city to address camping or setting up residences in areas where it is prohibited.

In situations where there are persons residing in multiple camps in reasonable proximity to one another to constitute a community-like setting, a violation determination and enforcement action shall be based on the individual conditions in each camping site and the certification shall state the particulars that make camping in the individual site prohibited. In the event that the conditions created by numerous individual sites when added together pose the immediate and substantial threat(s) that can only be remediated by treating the sites as a single site, the certification shall specify how the individual camp site contributes to the immediate and substantial threat posed by the camping sites when taken together.

(e) Procedures for determining that camping is prohibited and taking enforcement action.

The following procedures shall be followed by the city when it is determining that camping is prohibited. The City recognizes that individuals may not know or be aware that they are camping in a prohibited or a high sensitivity area. The purpose of these procedures is, in part, to educate and assist such individuals in connecting with community services and/or relocating to a site that is not prohibited. This policy shall at all times be interpreted and implemented in a manner that affords dignity and care to the individual being asked to move or relocate.

(1) Areas that are sufficiently posted to provide notice that camping is prohibited.

(A) The enforcement officer shall document and record the locations of the signs giving notice that camping is prohibited in the particular area, referencing the facts that make it clear that a reasonable person in the community would know that camping is prohibited in the particular location where the camp site is located.

(B) The enforcement officer shall give a notice of the postings to the camper(s) informing them that camping is prohibited in this area and provide them with the locations and other facts found that substantiate that the camp site area has been sufficiently posted declaring that no camping is permitted. The notice shall also provide them with information regarding public assistance that is available to help secure alternative shelter, programs, and necessities, including information regarding access to bathroom and cleaning facilities at night. This information shall provide a Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) to all campers with a written notice of location, person, and email address where this assessment form can be delivered. The notice shall include

information detailing the currently available shelter space within the City and other local options for shelter.

(C) The notice shall provide at least 30 days for the camp site to be removed unless there is an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property. If the officer determines that there is an emergency situation, then the officer shall state that in the notice along with the underlying facts supporting that determination.

(D) The notice shall inform the resident(s) of the camp that they have 14 days to appeal the determination that the area was sufficiently posted such that it was clear that camping was prohibited. The notice shall include an appeal form and state where the appeal can be filed. Appeals can be filed at the administrative office of any city department, which shall forward the appeal request to the Parks Commission, which shall expeditiously hear the appeal and make a written determination as to the validity of the notice based on the preponderance of the evidence. The appeal hearing shall be recorded and the records of the proceeding and decision shall be kept as a public record.

(E) In the event that an emergency situation is determined and the officer determines that the camp must be removed to prevent imminent danger to life or serious damage to property, then if the camper(s) does not remove their property in the time needed to abate the danger, then alternative shelter or a shelter referral shall and must be offered and thereafter the property shall be seized and removed to a secure storage location by the officer and the camper(s) shall be given notice of where and when they can reclaim their property. Seized property shall be stored for 90 days in accordance with the Vermont lost property statute, 27 V.S.A. ch. 11.

In the event that no emergency situation is determined, and either no appeal has been taken or the commission has ruled in favor of the enforcement officer, and the camp has not been voluntarily removed by the camper(s) within the time given in the notice, then alternative shelter or a shelter referral shall and must be offered and thereafter the enforcement officer may seize and remove the camper(s)' property and store it in a secure storage location and provide the camper(s) with a notice of where and when they can reclaim their property. Seized property shall be stored for 90 days in accordance with the Vermont lost property statute, 27 V.S.A. ch. 11.

(F) In the event that an emergency situation is determined, the officer shall document the situation related to the emergency at the deadline given to abate the danger and if the danger has been abated, then a new notice shall be given with a revised date for removal, which shall be no less than 30 days after the first notice was given.

(G) The notices, offer of assistance, and time to appeal and remove shall be given prior to any enforcement action, including removal.

(2) High Sensitivity Areas.

(A) The enforcement officer shall determine and document the underlying facts that allow them to determine that a camp site is in a high sensitivity area.

(B) The officer shall give notice to the camper(s) of the determination that their site is in a high sensitivity area, attaching the documentation and statements of facts that substantiate it, and also informing them that they have 30 days to remove the camp site from the area. If there is an emergency situation requiring swift action to prevent danger to life or serious damage to property, the notice shall state that and provide a time for the removal of the camp site commensurate with the emergency.

(C) The notice shall inform the resident(s) of the camp that they have 14 days to appeal the determination that the area is of high sensitivity. The notice shall include an appeal form and state where the appeal can be filed. Appeals can be filed at the administrative office of any city department, which shall forward the appeal request to the Parks Commission, which shall expeditiously hear the appeal and make a written determination as to the validity of the notice based on the preponderance of the evidence. The appeal hearing shall be recorded and the records of the proceeding and decision shall be kept as a public record.

(D) The notice shall detail how the conditions rise to an immediate and substantial threat based on the public health, safety and environmental factors stated in this ordinance. It shall also provide the resident with information on the possible least restrictive means that can be used to remediate the threat.

The notice shall also provide information regarding other public assistance that is available to help remediate the threats or secure alternative shelter, programs, and necessities, including information regarding access to bathroom and cleaning facilities at night. The notice shall provide a Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) to all campers with a written notice of location, person, and email address where this assessment form can be delivered. The notice shall include information detailing the currently available shelter space within the City and other local options for shelter.

For conditions related to sanitation the notice shall inform them of the availability of trash collection bags at designated locations provided by the city and where the city will conduct regular and on-call trash pickups, and provide access to conveniently located “sharps containers,” and access to bathroom and cleaning facilities at night.

(E) The notice shall provide at least 30 days for the camp site to be removed unless there is an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property. The notice shall provide a reasonable time to remediate the immediate and substantial threats and shall state the underlying facts supporting the determination of an emergency.

(F) The notice shall state that if the camper refuses or fails to remediate the condition in the reasonable time provided, the camp site will be subject to an enforcement action, including a fine and removal of the camp by the city.

(G) In the event that an emergency situation is determined and the officer determines that the camp must be removed to prevent imminent danger to life or serious damage to property, then if the camper(s) does not remove their property in the time needed to abate the danger, then alternative shelter or a shelter referral shall and must be offered and thereafter the property shall be seized and removed to a secure storage location by the officer and the camper(s) shall be given notice of where and when they can

reclaim their property. Seized property shall be stored for 90 days in accordance with the Vermont lost property statute, 27 V.S.A. Ch. 11.

In the event that no emergency situation is determined, and either no appeal has been taken or the commission has ruled in favor of the enforcement officer, and the camp has not been voluntarily removed by the camper(s) within the time given in the notice, then alternative shelter or a shelter referral shall and must be offered and thereafter the enforcement officer may seize and remove the camper(s)' property and store it in a secure storage location and provide the camper(s) with a notice of where and when they can reclaim their property. Seized property shall be stored for 90 days in accordance with the Vermont lost property statute, 27 V.S.A. Ch. 11 and take other enforcement action as is deemed appropriate.

(H) In the event that an emergency situation is determined, the officer shall document the situation related to the emergency at the deadline given to abate the danger and if the danger has been abated, then a new notice shall be given with a revised date for removal, which shall be no less than 30 days after the first notice was given.

(I) The notices, offers of assistance, and time to remediate shall be given prior to any enforcement action.



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Councilor Sarah Carpenter, Chair Ward 4
Councilor Zoraya Hightower, Ward 1
Councilor Joe Magee, Ward 3

Committee members: Chair Sarah Carpenter (SC), Joe Magee (JM), Zoraya Hightower (ZH)

City staff: Christine Curtis

Other Attendees: Brian Pine, CEDO; Jessica Hyman, CVOEO; Lacey Smith

Thursday, February 17th, 2022

5:00 PM – 7:00 PM

Virtual Zoom

Draft Minutes

Meeting Started at 5:03 PM

1. Approve agenda

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to adopt the agenda as presented

VOTING: unanimous; motion carries.

2. Approve minutes: 1/27/22

MOTION by Councilor Hightower, SECOND by Councilor Magee, to adopt the minutes as presented

VOTING: unanimous; motion carries.

3. Public Forum

- Jessica Hyman spoke about JCE – concerned about the additions that were put into the charter change: probation period item
 - The language seemed problematic

4. Discussion on Tax Policy Research

- The Committee is seeking ideas how to approach this research topic

- Brian Pine believes it will be helpful to develop a scope of work
- SC stated she wants someone to look into the impacts of revenue raises
- How is it related to Homestead Declaration credit
- The Committee would like to schedule a work session to discuss and plan further

5. Review of proposed camping policy - Councilor Magee

- Councilor Magee walked through the revised ordinance (found on the CDNR webpage)
- De-criminalize camping on all City land for houseless individuals
- SC asked about presumptions being made that all campers are houseless
- SC is concerned about getting a consensus on what the City will and will not allow for camping
 - What forum should be used, who should be invited to the discussion
- Brian Pine stated Parks should be part of the conversation as well as the City Attorney
 - CEDO can engage in a dialogue with other stakeholders
- Lacey Smith stated that Brattleboro has dealt with this issue previously
 - Lacey suggested NPA meetings as a way to get a broader public input
- SC suggested inviting reps from Montpelier and Brattleboro to discuss their policies at the next CDNR meeting

6. Update on JCE Charter Change

- SC stated the process is still on-going at the State House and is set to convene on 2/18
- SC is following up with Legislators to give them more details
- There were edits made to the Charter Change, mostly clarifying language (document can be found on CDNR webpage, edits are highlighted)

7. Other Business

No other business discussed

8. Adjournment

MOTION by Chair Carpenter to adjourn meeting at 6:36 PM.
VOTING: unanimous; motion carries.