



Burlington City Council Ordinance Committee *Virtual Meeting*** 2/17/2021**

City Council Ordinance Committee – Wednesday, February 17, 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), Bill Ward (Director, Department of Permitting and Inspections), Jennifer Green (Burlington Electric Department), Chris Burns (Burlington Electric Department), Patti Wehman (Housing Manager, Department of Permitting and Inspections)

Others in Attendance: Sharon Bushor, Siddhesh Mukerji

Meeting called to order at 6:02 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hanson, Seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason

6:04 pm Councilor Hightower joined.

1. Public Forum

i. Public Forum



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Sharon Bushor: Tried to reach out to individuals who initially did time of sale. Beth Sachs had strong feeling that when we were talking about this we were going to build on time of sale ordinance. Understand that focus is on where to put resources. Eliminate time of sale, eliminate equity. Not a lot of properties that turn over on a regular basis, except last year due to COVID. Bringing it up because question whether we really do have enough resources to do the job. Second part of the question is the number of people available to do the work. Asked if reached out to Sue Minter in central Vermont as that is part of her work. Agree that 10 years was a reasonable amount of time for exception. Felt \$2,000 was too low. As a person with life experiences—grew up in Massachusetts where some ordinances in place that are triggered when sell properties. Some allow new owner to put in place within 18 months. Hope staff and Committee relook at time of sale and cap.

Siddhesh Mukerji: Faculty member at UVM, echo a lot of students comments. Time of sale important because of equity. Encourage to look at closely.

Closed public forum at 6:13 PM.

1. **Minutes**
 - i. **Approval of Minutes of 2/4/21**

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**

4.01 BCO Ch. 18 changes re Energy Efficiency and Weatherization in Rental Housing

K. Sturtevant explained changes from last version: addition of "valid permit", removal of #2, changing "and" to "or" and rewording of prior c. Consensus that changes were acceptable.

Councilor Mason identified outstanding issues: cost cap and removal of time of sale.

Councilor Hightower noted a compromise to raise cap higher.



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Councilor Mason discussed the removal of the time of sale provision—not seeing it as inequitable, removal of resources, worst offenders first seemed more equitable. Different perspective? Heard staff’s concern of dealing with limited resources. Councilor Hanson agreed with councilor Mason that see it as taking time of sale and universalizing it to all rentals. Councilor Mason noted loophole if not up until 2 years and sell, still in 2 years, not at time of sale. Councilor Hanson agreed that the proposed way of doing it is most equitable.

Councilor Mason then moved to the issue of the cost cap—removal of cost cap for worst offenders. B. Ward indicated that staff met and looked at data. Feel have consensus. C. Burns used data from Karen Horn given by a UVM student at the last meeting and followed up with Karen Horn. Used last 3 years data and came up with \$2,500 per unit cap to start. When use \$2,500 and CPI then cover 99% of cost. Important because sends the signal that basing on real numbers and predictable. Think less chance that cost will be passed on to tenant with this and incentives. If there is a three year pause, when comeback there is no cap. Councilor Hanson asked to clarify that average cost of work was \$2,500. C. Burns replied that yes, it was for greater than 3 units. He also noted that there was a 50% incentive before, now it is 75%.

Councilor Mason noted his appreciation for the work and the real number. In coming up with schedule, 1st are highest cost of project, what does it mean in terms of the market. B. Ward responded that they will look at what it means in time, amount of work can accomplish.

Councilor Hanson noted that if there are not incentives it is weird to use average as cap. Incentives give us a lot more room. Do you know what percentage of projects was greater than \$5,000? C. Burns responded that he did not do that breakdown, but looking at quickly only see one. Very tight ban, not a large range. Councilor Hanson replied that that was helpful, gives comfort, plus still need to come back and get work done. Cap only available to worst offenders and fact only few and have to come back within 3 years and get done. C. Burns noted that we don’t want to exceed expectations for any of us. Best case get robust data, and can use and set. But don’t know how many between 75,000 and 100,000 BTU’s—need to get that and then compare to resources—staff, VGS. Current desire around state to weatherize and build work force. Also, privacy issues on how VGS gives us this data, privacy issues of data share as other utilities have in VT. Have some ideal ways to do this and think it will be very clear, but a lot more work to do.

Councilor Hightower indicated that she hoped we won’t be too conservative in the schedule because at some point incentive may wear out. Think \$2,500 makes sense with the information received.

Councilor Mason indicated that he was hearing consensus on \$2,500 with CPI. He then asked Where the schedule lives after passed by council? Something to consider where live, report back? Looking at Councilors Hanson and Hightower for thoughts. Not aware of committee that should go to? Councilor Hightower suggested TUEC? Councilor Hanson agreed and asked if that goes in with the ordinance or part of a resolution? Appreciate everything that C. Burns laid out. Hopeful that policy accelerate impetus, and that city become/stay part of pressure to make job growth in industry. One of the most popular policies, support bringing it to full council.





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Councilor Hanson raised the exception for seasonal heating, air conditioning. Councilor Hightower responded that they will need to come back to discuss air conditioning. Currently still deal with heating, just for heating purposes so would be 0 under methodology unless want to tackle air now.

MOTION by Councilor Hanson to change cost cap to \$2,500 and send to the full council for first read on deliberative and then second read on consent at the following meeting with a recommendation for adoption and send to TUEC regarding schedule. Councilor Hightower seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

1. Any Other Business

Next mtgs.: TBD.

Councilor Hanson thanked everyone, noting that he was very excited about this amendment and appreciated staff's work on it. Councilor Mason and Hightower agreed.

1. Adjournment

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

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

The meeting was adjourned at 6:54 pm.