



Burlington City Council Ordinance Committee ***Virtual Meeting*** 2/4/2021

City Council Ordinance Committee – Thursday February 4, 2021

Via Zoom

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: Cecilia Giordano, Arelle Oberlander, Bryce Healy, Jessica Avison, Tiana Smith, Sharon Bushor

Meeting called to order at 5:34 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Mason, Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason

5:37 pm Councilor Hightower joined.

1. Public Forum

i. Public Forum

Cecilia Giordano: Renting in Burlington since age 17, UVM, support this ordinance. Feels that it supports renters. Worked with Karen Horn at VGS regarding fuel savings, data goes back 10 years, ave. annual per unit with policy incur \$141 per unit savings, ave. \$23 per month. Very significant under this ordinance. Per K. Horn, starting Jan 1, 2021 offering 75% rebate if



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tenant pay heating cost. High building cost, should adjust cap. Believe the amendment prioritizes health and wellbeing of community.

Sharon Bushor: A lot of comments incorporated into version. Still 3 areas not as clear about. 1) Line 74—exceptions number 6, no problem with language but need a timeline? 2) cost cap, support more realistic, 18-131-(b) and (d)—having difficulty understanding cap, if spend \$4,000 over and done, should be a phase in; 3) Don't think all happen immediately so still old 18-503, 228-234, time of sale—if sold shouldn't that be within time of sale? Want to get to all properties we can in most timely fashion.

Closed public forum at 5:47 PM.

1. Minutes

i. Approval of Minutes of 1/28/21

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

Councilor Mason asked about response from VGS and program capacity. C. Burns responded saying that they have been supportive, but have just as many customers outside of Burlington as in. Would love to be helpful, but need time to plan. Cautious because of all work going on there are not enough contractors to do the work. Want to be part of discussion. If pass ordinance to say look at all in 2 years, that would be problematic.

Councilor Mason questioned prioritization. B. Ward responded that it has just been discussions over the past week and half with staff, but looking at doing worst first, part of scheduling. Part of doing a good schedule is knowing where properties lie—properties with BTU numbers. Higher number BTU's target first, but depends on the data of how many in each level. Councilor Mason indicated his understanding that applies to all buildings greater than 50,000 BTU's, but schedule to do in stages. If that is the case are we subject to loose low fruit by taking out time of sale before fully in effect? B. Ward replied that it potentially impacts the number of workers available right now. For example, if have a 51,000 BTU may steal from someone with 75,000 BTU. If thousands of people start getting trained than can revisit. Councilor Mason appreciated that reminder of different factors involved. Councilor Hanson agreed, okay with drafting changes.

Councilor Mason moved to the amendment and specific changes. Okay with adding "annual" to line 55? Councilor Hanson noted he was confused. C. Burns responded that it was just trying to capture the time, defines look at BTU on an annual



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basis. Normalize for weather, heating degree days, remove hot water, and come up with average. Since we have metered. Councilor Mason replied that it just defined a year, start time and end time. Councilor Hanson noted that he cared about cold months. C. Burns replied that they do disaggregation. Councilor Mason noted to include the same in line 60. Next add "seasonal" on 66. K. Sturtevant noted change on Line 74 change to "valid permit".

Councilor Mason moved to 18-130 (c) regarding temporary waivers, noting three financial waivers if unable to do work. Councilor Hightower asked about the standard for market rates? How to go about trying to figure out what is market rate? Councilor Hightower suggested the state standard. Councilor Mason responded that he wasn't sure if it gets into that. There are two options—eliminate market rate or means to have that information available to DPI. Councilor Hightower asked what a reasonable excuse was. Councilor Mason indicated that insulation worker rate is included, but not sure if that is analogous. Councilor Hightower wanted to edit it but hadn't thought through fully yet—want in pipeline, more waiver. Prefer in line with contractor. Councilor Hanson indicated that he didn't think you need the mkt. rate language because VGS not going to give money to someone who was running a scam.

Councilor Mason turned to the cost cap in line 91 and thereafter, noting the initial cost cap was indexed to inflation (CPI). Councilor Hightower suggested increasing the cost cap schedule to have changes per the number the years of the program, as people know it is coming and should prepare for it. For example, increase by \$500 per year. B. Ward replied that he felt it should be the same for every property every year for simplicity sake. This is out of pocket portion. Most property owners paying \$6,000 then will pay extra \$1000 to get to full compliance. Do not want to make it too prohibitive for owner. Worried if there is no cost cap. Working on long time and trying to demonstrate reasonable number, initially people agreed to this number. Councilor Hightower replied that she was looking at a compromise, not two different schedules, but just higher. Not done by inflation, but just done by knowledge that people know it is coming and can adjust for it. Don't know schedule of implementation, this helps that. Want to avoid being at year 10 and still giving 3 year extensions. Councilor Mason asked if there was a different way to get to that. How to let taxpayers know coming? Probably no one will know unless we do something about it. If just notification concern? Maybe roll out with annual inspection? DPI can provide notice. Councilor Hanson indicated that he still didn't think they should do cost cap because of the context we are in—climate emergency, Vermont data shows it saves money. Have other mechanism in place, if done in last 10 years exempt. If defer maintenance for past 10 years then will need to do work. Financing good, incentives good, waiver. Think that is fair. If bottleneck and they are starting, then don't want to clog them up, want them to get in there and deal with issue the first time through. Councilor Mason indicated that he sees finance waiver not an incentive program. Councilor Hanson responded that he meant #2, attempt incentives. Councilor Mason replied that as he read it, person tried and couldn't get in even if no funds. They may not have 75%--just says you attempted. Councilor Hightower indicated that she didn't understand. C. Burns replied that it was a watershed moment—if incentive goes away what does ordinance want? Councilor Hightower noted new round meant 2 years on hold. C. Burns indicated that if incentive programs were available then great. Councilor Mason added that if not in there and funds go away concern. Maybe 2 comes out? Councilor Hanson agreed that 2 comes out. Concern bottleneck and this could add to it. Councilor Hightower indicated that we can clean up language to that effect. Possibility for more bang for your buck. Understanding that we do have ability to communicate with owners and increase cap and let them know to adjust for it. Increase, maybe \$500 not right amount. C. Burns noted that until recently 50% for same, don't allow to piecemeal, can't cherry pick have to do all. They want biggest bang for their money. Give some comfort that if in place most buildings go beyond what want to do. Programs backstopping ordinance. B. Ward asked if it makes sense that in initial phase properties over a specific number have no cost cap. C. Burns replied that it was an intriguing idea. Having conversation with VGS, staff that do numbers and then what is proper. If at a certain level then in category. Councilor Hanson noted it was huge to miss those that can't do incentive. J. Greene responded that she didn't think we will get a lot of people not taking advantage of incentive.



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Councilor Mason agreed, noting why turn down if going to have to do in a year anyway. Is there a number that take Councilor Hanson's approach? Willing to look at, not there yet, may have C. Burns look at numbers. Don't think unreasonable. Question, not reading extension to be automatic 3 year, read in program administrator can make decision of up to 3 years. May alleviate some concerns. Who is program administrator and what factors determine time of extension. C. Burns replied with example of what could happen. Attic, basement & sidewall. If only do part than loose incentive with VGS. Councilor Hanson wants to push to VGS and doing the whole thing. Councilor Mason asked what are consequences if don't have capital? Councilor Hanson responded financing and have capital coming in, financing out. In hypothetical don't have reserve.

Councilor Mason asked if there was consensus for looking at worst case offenders that cost cap not comply? Councilor Hanson responded that he didn't believe in it, but don't want to say no to eliminate for worst offenders. Councilor Mason thought it was a reasonable compromise. Councilor Hightower asked if not increase, just worst offenders, why? B. Ward indicated that keep CPI on cap but not for worst offenders. Councilor Hightower sensed lack of appetite not to increase more than CPI. B. Ward indicated his concern that may think it is progress, but not, think a lot of fearful people that may not understand and may get slowed down. Councilor Mason concerned about complexity of two different numbers—if 10 year then CPI, not in queue plus \$500. Concern unnecessary complication. Councilor Hightower asked why need two tracks, not go up by CPI, but by \$ amount. B. Ward replied that he would have to figure out what that cap is, would look at schedule if propose one. \$500 plus \$500 per year thereafter. Councilor Mason more comfortable with no cap for highest offenders. Tabled final determination on cap issue.

Councilor Mason asked if there was any other issue or whether it was sufficient to go back to staff. All agreed don't need number 2 in line 82 and to make it an "or" for that section. He indicated he would also edit that section to make number 3 look more like number 1.

C. Burns noted that there are a lot of older buildings in Burlington and that doing work in an occupied building is difficult. He didn't want to leave an impression that a high use building inherently has something wrong, it can be complex. It is not simple, single family home easier than multiunit. Not his experience that buildings are bad, there are always improvements that can be made but does take a lot of time.

1. Any Other Business

Next mtgs.: Feb. 17 at 5:30 pm

1. Adjournment

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

Final Resolution: Motion Passes



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Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

The meeting was adjourned at 7:11 pm.