



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 Brian Pine, Chair, Ward 3

Councilor Karen Paul, Ward 6

Councilor Ali Dieng, Ward 7

Attendance

Committee members: Chair Brian Pine (BP), Karen Paul (KP)

City staff: Ian Jakus, CEDO, Gillian Nanton, CEDO

Other Attendees: Dave Hartnett; Joe Speidel, Gale Champnois, Councilor Sharon Bushor, Caryn Long, Sandy Yusen, Hannah King, Grace Viscito

Monday, December 10, 2019

5:30 – 6:30 PM

City Hall – Conference Room 12

Draft Agenda

1. Review Agenda (5 minutes)

Karen Paul made a motion to approve the agenda. Seconded by Brian Pine. Unanimous approval.

2. Approve Minutes (5 minutes) 6/6/19, 4/22/19, 7/1/19, 7/22/19, 11/13/19

Karen Paul made a motion to approve the following CDNR meeting minutes: 4/22/2019, 6/6/19, 7/1/19, 7/22/19, 11/13/19. Seconded by Brian Pine. Unanimous approval.

3. Public Forum (10 minutes)

Dave Hartnett said that Brookfield owes us a lot. City council passed a resolution for a public relations plan last month and they came to the CDNR Committee with absolutely nothing to update. He said this is unacceptable and he doesn't think they are the developers we want in this city. He said it's going to be at least another few years and City council should work to sell the project and not build a hotel that the people in Burlington don't want.

Caryn Long said she came to discuss the Neighborhood Project. She said she has owned her home on Henry St. for 37 years, and she's very concerned about the neighboring streets. She

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contact Gillian Nanton at Gnanton@burlingtonvt.gov

noted a current 4 unrelated legal action on North Willard St. that was a problem property was converted to a single family, and then it became a rental. The owner is claiming it has 6 bedrooms, Caryn said the City cannot lose this case, as it will set a bad precedent. This is the place where we can support the goals of the Neighborhood project to win this case. She suggested additional resources for enforcement to win these cases.

Brian Pine said he could follow up with the legal counsel on this case.

Sharon Bushor said at the DRB the conversation was defining livable space, and there wasn't an agreement among city staff, and we should be clear about the definition of livable space, and that the space can be finished but may not be livable.

4. Neighborhood Project timeline and CEDO staff capacity update - Gillian Nanton, CEDO (15 minutes)

Gillian Nanton explained that on April 29th the City Council accepted the Neighborhood Project Report. They referred the report recommendations to CDNR to be prioritized. The administration was instructed to prepare an implementation plan and report back to City Council. She the administration has identified which ones we have the capacity to pursue in the next 6 months. See attached document: The Neighborhood Project – Implementation Plan (Phase 1).

Brian Pine said that he noticed on the property database that rental is now included and asked if minimum housing information is on there?

Patti Wehman said that the property database has been updated to include rental units. The goal is to streamline the messaging through the website, including highlighting this information.

Karen Paul said that the city council resolution regarding minimum housing ratings was just a couple weeks ago, and the administration thought we could have a way to filter the properties by ratings and to add a link on the city's homepage. It has to be done by property address, not ownership because most properties are in LLC's. The due date on item 1.3 can be sooner, maybe by January this can be done. Additionally the minimum housing standards will be reviewed, and code was researching adopting the international code.

Patti said that she examined the international code and the city of Burlington's code and found that wholesale adoption of the international code may not be necessary, but certain pieces can be added or strengthened. She said they discussed filing an EMP regularly as part of the CoC ranking. She said that they need to explain better how the rating system is so people understand what they're looking at, and this could be done in the short term but maybe not in January.

Caryn Long said that the problem with the EMP compliance is there are dishonest landlords that are not actually in compliance, for example with peeling lead paint.

Gillian Nanton said that she will make changes, and then send the plan to council, so it would be important to ask questions or point anything out. She said that regarding renter education the preferred renter card would require some tenant education and we could codify that requirement.

Sharon Bushor said that the work that UVM and the community coalition are doing exemplary work and should speak to that.

Gail Champnois said regarding the preferred renters card they get good feedback from landlords that they have less problems. Currently the preferred renter training is in person but the video pieces they have could generalize that information for the general public. The online training will be available this Spring. And they're trying to understand better how to describe the ratings system.

Hannah King said that it was helpful to understand what the minimum housing standards are. She brought up the five star rating system and the work that the subcommittee is doing looking at renter's rights – and that getting paper materials isn't worth it, but making it accessible online and video is important.

Gillian explained this is just the start of other recommendations that we should be taking forward. She said that this is what staff can handle in the next 6 months or so. She said that there are a number of other recommendations that talk about examining strategies, the institutional parking management plan will be forthcoming in 2020. She said that some of the other work required additional resources. She said that her hope is that some of that additional money left in the budget would be used for the tenant education recommendations.

Brian Pine asked about the status of UVM master plan.

Joe Speidel said that the consultant will be sharing initial findings with ward 1 and 8, and get input.

Brian Pine asked if the comparison of on campus and off campus living will be part of this.

Joe Speidel said they have long looked at the costs of on campus and off campus and found that the all-in cost is comparable. Students say that independence and amenities are driving them off campus. There are a lot of things you get on campus that you don't in terms of additional services.

Dave Hartnett asked if UVM has looked at any sites for building more housing?

Hannah King said that she knows of very few people that are looking for a one bedroom apartment. She thinks the University is doing a good job getting input. The Redstone lofts are more expensive than off campus housing. I know that people living there it may not be their first choice.

Caryn Long said that her understanding is that a single room on campus is about \$1000 which is more than living off campus. She says students have told her it is mainly the cost that drives them off, and the fact that UVM is a dry campus also drives them off.

Brian Pine said that he is not sure there are many campuses that do allow alcohol. Is vehicle ownership another issue for on campus students in the first and second year?

Joe Speidel said that there are some permits available for second year students.

Dave Hartnett said that most students are renting around 700 or 800 per person. How does UVM factor that in?

Joe Speidel said that the \$1000 a month for Redstone is for a 9 month lease, and it needs to cover costs of construction and maintenance.

Karen Paul made a motion to accept the communication and that we get updated every two months on the timeline. Brian Pine Seconded. Unanimous approval.

Brian Pine asked when UVM will report to City Council on the housing plan.

Joe Speidel said the consultant is updating the Ward 1 and 8 NPA and he would follow up to see they can report to city council in January.

Brian Pine said the Neighborhood Project plan should be submitted to City council on consent agenda.

Move to adjourn unanimous 6:32

5. Old North End Arts & Business Network update (ONEABN) (15 minutes) - Postponed

To: City Councilors

From: CEDO and Department of Permitting & Inspections

RE: Review of and recommendations regarding renter protections

Executive Summary

There is little doubt that Burlington needs more affordable housing and homes for households of all incomes. Increasing rents and chronically low vacancy rates put low- and moderate-income residents and tenants at a particular disadvantage. Much work has been done to advance the 2015 *Housing Action Plan (HAP)*, including efforts to protect tenants' rights, prevent displacement, and ensure fair housing. In April 2019, Mayor Miro Weinberger announced an effort to bring focus, urgency, and resolution to remaining unfinished business from the Plan. Coming out of that announcement, the City hosted two public meetings that it called the "Housing Summit" parts one and two in order to ask for public input on and, later, share initial proposals for five areas of housing policy reform.

During public discussions related to the Housing Summits and related proposals, members of the public made a strong call to action to address the housing difficulties experienced by Burlington renters. In response to these concerns, Mayor Weinberger directed CEDO and the Department of Permitting & Inspections to undertake a review of existing tenant protections in Burlington and Vermont, examine best practices from other communities and states, and identify where the City can improve its policies to better support tenants. This memo contains staff research on these topics in order to facilitate further discussion, as well as seven recommendations.

Vermont is among the best states for tenant protections, and Burlington's ordinances go beyond state requirements.

Federal, state, and local laws together create the landscape of tenant protections, and often cities have more robust protections in place than are required by the states. Vermont offers some of the most thorough tenant protection laws in the nation, which provides a strong foundation for laws that regulate the landlord and tenant relationship here in Burlington. This year, historic tenant protection reform efforts have passed in New York, Oregon, and California in direct response to a growing housing crisis in those states. It is noteworthy that many of the provisions contained in those bills already exist here in Burlington.

Local housing ordinances in Burlington further increase protections for tenants from what is required by the state, first and foremost by requiring landlords to register rentals and undergo inspection to receive a Certificate of Compliance (COC). Furthermore, the Code Enforcement team investigates tenant complaints about violations of the minimum housing standards. Burlington has additional ordinances specific to other aspects of tenant rights, including those relating to: retaliatory evictions, additional eviction notice, security and pet deposits, housing discrimination, tenant relocation, and condo conversion. The Housing Board of Review (HBR), a citizen board, hears appeals regarding security deposit and minimum housing code disputes.

There are opportunities to further strengthen the City's tenant protections.

While Burlington has a strong renter protection landscape, there are opportunities to further expand these efforts, and to evaluate the work of progressive cities and states for their applicability to

Burlington. As such, this report evaluates current practices in Burlington, compares them to best practices from around the country, and identifies seven recommendations for the City to explore further: Improving the accessibility of code enforcement data; Strengthening the City's minimum housing standards; Assessing the capacity of existing tenant advocacy resources to meet demand in Burlington and requiring distribution of educational materials to landlords and tenants; Considering an expanded role for Burlington's Housing Board of Review; Reviewing 'just cause' eviction standards and considering tenant assistance for 'no cause' evictions; Tracking data on evictions and Housing Board of Review decisions; and Evaluating existing tenant support resources and assessing the need for an eviction support fund.

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Overview of Existing Tenant Protections

Federal, state, and local laws together create the landscape of tenant protections, and often cities have more robust protections in place than are required by the states. Vermont offers some of the most thorough tenant protection laws in the nation, which provide a strong foundation for laws that regulate the landlord and tenant relationship here in Burlington. The infographic at right gives a general sense of how Vermont compares to Arkansas, which is the lowest ranked state for basic renter protection metrics. This does not tell the whole story, however, as cities generally have stronger protections than states, and indeed, Burlington's own ordinances are stronger than the state of Vermont's.

This year, historic tenant protection reform efforts have passed in New York, Oregon, and California in direct response to a growing housing crisis in those states. It is noteworthy that many of the provisions contained in those bills already exist here in Burlington. The recent reforms in these states means that state law is catching up to the tenant protections offered in some of the leading U.S. cities.

Burlington ordinances specific to tenant rights include those relating to: retaliatory evictions, additional eviction notice, security and pet deposits, housing discrimination, tenant relocation, and condo conversion.¹ The Housing Board of Review (HBR), a citizen board, hears appeals regarding security deposit and minimum housing code disputes. Rental housing in Burlington must undergo inspection to receive a Certificate of Compliance (COC), and the code enforcement team investigates tenant



Best and worst states' renter protections- rentcafe.com

¹ Burlington Code of Ordinances Ch. 18 Housing, Sections: 29 & 29(a) (retaliation & eviction) ,28 (relocation) ,120 (deposits) , Article IV (discrimination), Article V (condo conversion), 35-43 (HBR)

complaints about violations of these minimum housing standards within 7 days.² The following is a summary of Vermont and Burlington ordinances regarding tenant protections.

Existing Vermont & Burlington Tenant Protections		
	Vermont	Burlington
Security Deposit Maximum	<i>None</i>	<i>1 months' rent (1/2 month pet deposit)</i>
Deadlines for returning security deposits	<i>Postmarked within 14 days</i>	
Rent increase notices	<i>Min. 60 days</i>	<i>3 rental periods</i>
Repair and deduct policies	<i>May deduct up to 1/2 rent amount</i>	
Withholding rent policies	<i>For failure to provide essential services</i>	
Landlord Access (non-emergency)	<i>48 hours</i>	
Tenant termination notice	<i>None</i>	<i>2 rental periods</i>
Eviction notice	<i>Requires notice for just cause³/no cause⁴ with written lease</i>	<i>Requires notice without written lease⁵</i>
Abandoned tenant property	<i>60 days from notice to retrieve</i>	
Application fees	<i>Prohibited</i>	
Retaliatory Conduct	<i>Prohibited</i>	<i>Retaliatory eviction protections</i>

For a more detailed explanation of landlord and tenant law in Vermont and Burlington, CVOEO and VT Apartment Owners Association produced a comprehensive guide for landlords and tenants called "[Finding Common ground: The Definitive Guide to Renting in Vermont.](#)"

Background on Evictions in Vermont

This section draws from the 2019 report by Vermont Legal Aid, "[Eviction in Vermont: A Closer Look,](#)" which examined data on evictions in Vermont (Appendix E). The report identified that reforms to the eviction process can provide additional protections for renters, but noted that the problem with evictions is ultimately rooted in the lack of affordable housing supply and low wages. When a household is "cost-burdened"—defined as spending more than 30% of their income on rent—that household is always on the brink of eviction. In Burlington, roughly 60% of renter-occupied households are cost burdened, with 33% spending more than 50% of their income on rent.⁶ For these households, a single shock to income, or a temporary or unexpected expense, can lead to a missed payment and potential eviction filing.

² Where there is a violation, the order may require the violations to be corrected within sixty (60) days or less or require that the premises be vacated and secured until the dwelling or dwelling unit meets the standards (18-25)

³ Just Cause termination notice: Nonpayment of rent & criminal activity (14 days) Breach of rental agreement & Sale of property (30 days)

⁴ No Cause termination notice (written lease) - 30 (if weekly), 60 or 120 days depending on length of tenancy

⁵ No Cause termination notice (no lease) - 21 (if weekly), 60, or 90 days depending on length of tenancy

⁶ <https://www.housingdata.org/profile/rental-housing-costs/rent-cost-burden>

Eviction in Vermont is primarily a result of alleged nonpayment of rent. The Vermont Legal Aid report found that around 1,700 eviction cases are filed in Vermont every year, and in 70% of the cases studied, unpaid rent was the only issue raised (as opposed to violating the lease, foreclosure, or evicting “without cause”). Evictions were filed against 1 out of every 44 of renting households in Vermont in 2016 (a 2.25% eviction filing rate), with 75% of those cases resulting in an eviction. The national eviction filing rate varies between 6 and 7 percent.⁷ This would indicate that Vermont is not facing a disproportionate amount of evictions relative to the nation; however, more research is needed to understand eviction rates in Burlington. Data is not currently available on any public or private database – records are only available at the county courts where files must be requested and reviewed individually.

Vermont’s Eviction Process

An eviction in Vermont begins with a Notice of Termination, which is a letter from the property owner to the tenant, explaining that the tenancy is being terminated, why, and the date of termination based on the required notice. In Vermont, tenants may be evicted due to falling behind on rent; breaking the terms of their lease; engaging in criminal, drug, or violent activity; or simply for “no cause” at all. If the tenant hasn’t moved by the termination date, the landlord must sue the tenant in court to remove them from the unit. If this occurs, it is customary to take at least two months from the start of the eviction process until a judge’s order is obtained, and the process can often take much longer. A tenant is not “evicted” until the entire court process is completed, a judge issues an order, and the order is delivered to the tenant. The Vermont Legal Aid report found that a program to intervene in the early stages of the process could potentially resolve 70% of evictions before they start, preventing the costs from escalating throughout the legal process.⁸

Review of Recent Reforms and Best Practices

In 2019, historic tenant protection reform efforts have passed in [New York](#), [Oregon](#), and [California](#) in direct response to a growing housing crisis in those states. Recent tenant protection reforms nationally have focused on changing the rules around the eviction process by establishing stricter ‘just cause’ eviction provisions and reforms to the eviction legal process. ‘Just Cause’ eviction protections typically establish notice periods and stipulate the allowable reasons for eviction. Another common element is that they also include regulations on the eviction process, such as regulating security deposits or protecting against retaliatory evictions. Much of those protections already exist in Burlington.

There are instances where these new reforms go further than Burlington’s protections. Eviction protection laws, known as ‘just cause’ laws, are more restrictive in California and Oregon, and New York’s reforms include changes to the eviction adjudication process. New York is also reforming the long-standing rent control provisions applied in New York City, while Oregon’s and California’s legislation both contain an annual cap on rent increases intended to stop very large increases in rent. This section will explore these common protections and recent reforms more fully.

⁷ <https://evictionlab.org/national-estimates/> (or see Appendix E)

⁸ Vermont Legal Aid [“Eviction in Vermont: A Closer Look”](#)

Standards for ‘Just Cause’ Eviction Laws

Historically cities have had ‘just cause’ protections only for apartments subject to rent control, while recent efforts are offering those protections more widely. Establishing ‘just cause’ eviction standards, or, allowable grounds for evictions, varies in its implementation. This is compared to ‘no cause’ evictions, in which no reason for eviction is stated or required. In Vermont, a ‘no cause’ eviction is permitted, but requires more advanced notice to a tenant than a ‘just cause’ eviction.

California and Oregon have adopted prohibitions against ‘no cause’ evictions after one year of tenancy. California applies this prohibition to all leases, whereas Oregon covers only month-to-month leases. In both cases, owner-occupied homes and duplexes (including Accessory Dwelling Units) are exempt from the prohibition.

Relocation Assistance

California and Oregon distinguish ‘no fault just cause’ scenarios that constitute allowable reasons for eviction after one year when ‘no cause’ eviction is prohibited, i.e. substantial rehabilitation of the unit or sale of the property for owner-occupied use. In these cases, where the tenant is not at fault, the property owner must provide one month’s rent to the tenant, or waive the last month’s rent. Oregon exempts property owners managing four or fewer units from this payment.

In the case of Oregon, the prohibition on ‘no cause’ eviction is for month-to-month tenancies after one year of occupancy, and does not apply to fixed-term tenancies, such as a one-year lease. Oregon requires a fixed-term tenancy to convert to a month-to-month lease upon its expiration, unless a new fixed-term is agreed upon. However, Portland, Ore., requires that a property owner that declines to renew or replace an expiring rental agreement with ‘no cause’ be subject to a more substantial relocation assistance payment than those declining to renew with ‘just cause’.⁹

Prohibitions on Retaliatory Conduct and Retaliatory Evictions

Consistent with national best practices, Vermont prohibits retaliatory conduct by a property owner that changes the terms of a rental agreement or brings or threatens to bring an action against a tenant who has made a formal complaint, complained to the property owner about a violation, or has organized or

CALIFORNIA JUST CAUSE EVICTION REASONS SUMMARY

Reasons for ‘Just Cause’ Eviction:

- *Nonpayment of rent*
- *A breach of lease terms*
- *Nuisance violations*
- *Damaging the property*
- *Refusing to renew lease*
- *Criminal activity*
- *Subletting in violation of lease*
- *Refusing owner entry*
- *Illegal use of property*
- *Failure to vacate*

‘No Fault Just Cause’ Reasons:

(Requires 1 month rent relocation payment)

- *Occupancy by owner or immediate family if included in lease*
- *Withdrawal from rental market*
- *Legal order to vacate*
- *Intent to demolish or to substantially remodel*

⁹ (“Relocation Assistance”) in the amount that follows: \$2,900 for a studio or single room occupancy (“SRO”) Dwelling Unit, \$3,300 for a one-bedroom Dwelling Unit, \$4,200 for a two-bedroom Dwelling Unit and \$4,500 for a three-bedroom or larger Dwelling Unit.

become a member of a tenant union.¹⁰ Burlington additionally prohibits retaliatory evictions,¹¹ in order to deter a property owner from issuing a notice to vacate to a tenant who has made a complaint to the Code Enforcement division or as part of a public statement to any governmental body. This is achieved by presuming that any notice to vacate issued within 90 days of the tenant's complaint or statement is presumed to be in violation of this section, with the burden of proof being on the property owner to establish otherwise.

Limits on Security Deposits and Deposit Withholdings

Burlington has a very comprehensive security deposit ordinance¹² that is consistent with best practices elsewhere. New York's state-wide reform is only just now limiting a security deposit to one-month's rent as Burlington does. Among other security deposit regulations, Burlington's ordinance also limits pet deposits to a half-month of rent. Vermont requires a property owner to return a security deposit within 14 days from when the tenant vacates or provide a notice of intent to withhold the deposit. In Burlington, the property owner must include a notice to the tenant of their right to object to a withholding by requesting a hearing before the City's Housing Board of Review.

Rental Registration, Minimum Housing Standards, and Licensing

The City of Burlington has robust rental registration and minimum housing standards that require property owners to register a rental unit and undergo regular inspections in order to receive a Certificate of Compliance. Tenants may file a complaint for any violations of the minimum housing standards, and the City's Department of Permitting and Inspections (DPI) will investigate the complaint. Property owners may appeal any findings upheld by the City's investigation to the Housing Board of Review.

In line with best practices, DPI began implementing a tiered Certificate of Compliance system in 2012. The initial round of inspections under this new system was completed last year, with all rental properties in the city now having a rating relating to a 1 through 5 year Certificate of Compliance re inspection timeline. This has the benefit of making inspections more efficient, enabling the City to target its inspection resources at those properties that consistently have violations, and incentivizing property owners to meet and exceed the minimum housing standards. The rating also allows for tenants seeking housing to see how a property fared in its past inspections, indicated by its CoC rating.

Some communities are considering a licensing system, which takes rental registration a step further. By issuing a license, the municipality has the power to revoke a property owner's ability to conduct business within the municipality. Under the City's current system, property owners can accumulate multiple violations for a specific property. While the City can take them to court for redress, it is specific to a single building or unit, they cannot suspend or revoke their ability to do business in the city generally.

¹⁰ 9 V.S.A. § 4465

¹¹ Burlington Code of Ordinances Ch. 18 - 29

¹² Burlington Code of Ordinances Ch. 18 - 120

There is limited research or cases available where a licensing process has been implemented, but the idea is emerging as a topic of consideration around the country.¹³ While licensing may have the effect of prohibiting property owners who are chronic offenders of local housing ordinances, it can also have the effect of removing units from the housing stock temporarily or for longer periods of time.

Rent Control

There are both benefits and costs to rent control, which are the subject of much debate; this report does not attempt to determine the merits of the policy, nor is it a comprehensive literature review of the research on the topic. While rent control policies are appealing due to the scale of their impact, they have not proven to be a panacea. Due to some well-documented, negative, long-term impacts of rent control on housing affordability, it is a strategy that should only be utilized after, or at least in conjunction with, other policy tools that more broadly address housing production and preservation.

The following is a brief review of recent reforms that include a form of rent control, as well information about Burlington's housing market.

National Context

There is a long history of rent control in cities around the country. Many policies faced a strong backlash that resulted in the rolling back and outlawing of rent control. Despite this trend, the issue has continued to be debated and widely-researched, and it is having a resurgence in the national dialogue due to a growing affordable housing crisis in U.S. cities.

Rent control can take many forms, from setting a limit on how much can be charged for rent, to limiting the year-over-year increases in rent, or even limiting the frequency of when rent can be increased. These are often paired with restrictions on evictions as discussed in previous sections. The recent bills in California and Oregon are aimed at preventing egregious rent increases, while the recent New York City law is focused on preserving the remaining rent-controlled

"WHILE A RENT CAP COULD HELP TO LIMIT STEEP RENT HIKES, GUARDING AGAINST EXCESSIVE RENT INCREASES ALONE IS NOT ENOUGH TO ADDRESS CALIFORNIA'S HOUSING CRISIS...A BROADER SET OF POLICIES THAT TARGET PRODUCTION AND PRESERVATION—FROM STREAMLINING THE PERMITTING AND APPROVAL PROCESS FOR NEW CONSTRUCTION TO CURBING CONSTRUCTION COSTS TO IMPROVING AND EXPANDING FINANCING MECHANISMS—ARE ALSO CRITICAL TO ENSURE THAT THE CRISIS DOESN'T CONTINUE TO WORSEN."

[Curbing Runaway Rents: Assessing the Impact of a Rent Cap in California](#)

COMPONENTS OF RENT CONTROL

- 'JUST CAUSE' EVICTION LAWS: *restrictions on evictions*
- RENT CAP: *cap on rent increases within the duration of a tenancy*
- VACANCY CONTROL: *Rent cap beyond the duration of a tenancy*

¹³ <https://www.sfexaminer.com/opinion/time-for-landlord-licensing-in-san-francisco/>

units in the City through vacancy control (which extends the rent cap a unit is subjected to even after a tenant moves out).

- **California** prohibits a property owner from increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, or 10% max.
- **Oregon** limits residential rent increases within any 12-month period to no more than 7% above average change in cost of living.
- **Neither California nor Oregon** has strict vacancy control, so rent can be reset after a tenant leaves. (Oregon has vacancy control in the case of a 'no cause' eviction that takes place within the first year of tenancy).

New research on past rent control efforts has been undertaken as these new measures are being considered. Generally, these studies have shown that rent control helps current tenants stay in place in the short term, reducing the many negative effects of displacement for people with low incomes.¹⁴ However, the long term effects of past rent control efforts, such as Cambridge, Mass., and San Francisco, Calif., have often been the opposite of what is intended—a depressing effect on housing production, reduced incentive to invest in existing housing, and higher-income tenants continuing to occupy rent-controlled units which makes them unavailable to lower-income tenants.¹⁵

Burlington

When considering the merits of rent control in the Burlington context, it is important to consider a few key characteristics about Burlington's housing market. While Burlington has struggled with a chronically low housing vacancy rate, and rising costs of housing, recent data indicate that Burlington is not experiencing a rate of rent increase as acute as other major cities that have enacted emergency rent caps.

Allen, Brooks & Minor, a local real estate advisory and appraisal firm, conducts a yearly survey and analysis of the real estate market. The most recent report determined that the average rent inflation, or annual percent change in rent, for Chittenden County had decreased in the last four years from an annual rate of 2.9% to

2.1%. At the same time, the general rate of inflation rose from 2.4% to 2.5%. The report's authors noted that this data suggests "that landlords have been unable to increase rents in conjunction with rising operating expenses." While we don't have fine-grain data on rent increases in Burlington, the City did commission a vacancy study to evaluate vacancy trends in Burlington separate from the County.

Vacancy is not a proxy for affordability, but it does influence the rate of rent increase. The housing vacancy rate has long hovered around 1% until the last five years when it has ranged between 1.1% and 2.8%. The Burlington study found "a general upward trend in vacancy between 2012 and 2017" that is



BETWEEN 2015 AND 2017, "VACANCY RATES WERE PERSISTENTLY HIGHER THAN THE LONG TERM AVERAGE, WHICH LIMITED LANDLORD'S ABILITY TO INCREASE RENTS, AND IS REFLECTED IN A DECLINE IN ANNUAL RENT APPRECIATION OVER THE SAME TIME FRAME".

Allen, Brooks & Minor Report, December 2018

¹⁴ https://www.policylink.org/sites/default/files/OurHomesOurFuture_Web_08-02-19.pdf

¹⁵ <https://www.brookings.edu/research/what-does-economic-evidence-tell-us-about-the-effects-of-rent-control/>

the result of considerable growth in Chittenden County and Burlington. In fact, this report found that the average vacancy rate between 2006-2011 has doubled to 1.5% from 2012-2018. While this number is still far too low, it indicates the early successes that efforts to address availability and affordability of housing have had, and underscores the need for more housing supply for the indefinite future to maintain the trend.¹⁶

Additionally, Burlington has a substantial number of housing units that are permanently affordable. This means that rents are tied to the area median income, and are adjusted for the size and income of a household occupying the unit. Further, Champlain Housing Trust, Cathedral Square Corporation, and Burlington Housing Authority, which utilize income-based affordability standards for rents, alone control approximately 22% of all of the rental housing in the city. In addition, the City's inclusionary zoning ordinance continues to ensure that 15% - 25% of the units in market-rate housing development projects above a certain size are permanently affordable. Finally, while Burlington does not currently limit the amount of annual rent increase, it does require 90-days advance written notice to a tenant before an increase in rent can occur.

Recommendations

The following recommendations are informed by the research summarized on the specific topics in this report, as well as initial ideas put forth and conversations with various tenant & property owner stakeholder groups and other City reports. This report is intended to be a starting point for a further discussion with the community that will be conducted by the Community Development and Neighborhood Revitalization Committee, in order to consider tenant protection measures, determine priorities, and refer any recommended policy changes to the appropriate bodies.

Improve accessibility of code enforcement data, including properties' CoC ratings and complaint history

DPI (i.e., the Code Enforcement Office) worked for several years inspecting and rating properties under the City's new COC ratings system, an effort that was completed in 2018. All properties have now been given a rating from 1 to 5, which reflects the number of years for which the CoC is valid. A CoC is based on the level of deficiencies found, with the lowest rated properties requiring a 1 year re-inspection timeline, and the best requiring re-inspection only every 5 years.

While this system is considered to be a valuable tool for renters to better understand a property's history of compliance with the minimum housing code requirements, the method for making this information available should be improved. CoC ratings, as well as a history of housing code complaints, are available in the City's property database, but they are not easy to discern as they are scattered amongst the permit history. In the short term, this data should be made available in a format that is easier to obtain to improve its usefulness to current and prospective tenants of a property. This could include a search function or report on the City's website, or other methods identified (such as an app). In addition to making this data easier to access, information about how to obtain a full inspection report should be made more transparent as well. Currently, inspection reports are available upon request by property address, and are not posted online.

¹⁶ Allen, Brooks, and Minor, "Apartment Market Vacancy Study for the City of Burlington," July 25 2019

Strengthen the City's minimum housing standards

This review is underway as part of the work happening to implement recommendations from [The Neighborhood Project](#) as part of Action Item #1:

Clarify, simplify, and communicate the City's existing quality of life tools; and review "fair warning" policies

Create a city team to review Burlington's Minimum Housing Standards Ordinance and make recommendations for strengthening same. Review standards for the issuance of certificates and permits and terms of inspection on the 1-5 scale.

Assess capacity of existing tenant advocacy resources to meet demand in Burlington; require distribution of educational materials to landlords and tenants

While Vermont and Burlington have a robust set of tenant protections and a local minimum housing code, it is a complicated system for many people to navigate. Numerous stakeholders have expressed that making resources available for tenants that clearly outline their rights is a high priority. The City should create a landing page for tenants' rights resources, including code enforcement data.

There are great examples of these resources that already exist, such as the CVOEO and VT Apartment Owners Association's booklet *Finding Common Ground: The Definitive Guide to Renting in Vermont*. The City should consider how to make this or another similar resource more widely available. For example, Seattle has a law requiring distribution of tenant education materials to inform tenants of their rights (See Appendix D). Portland, Me., also requires landlords to provide materials regarding tenants' rights.¹⁷

An additional recommendation by DPI staff is to provide information on the retaliatory eviction rules to a tenant when a complaint is filed and/or resolved. This would explain the presumption of guilt for a property owner if an eviction notice is issued within the 90 days following the filing of a complaint.

Consider an expanded role for Burlington's Housing Board of Review

The Burlington Housing Board of Review (HBR) hears disputes regarding security deposits and appeals of minimum housing orders for rental properties in Burlington. The HBR also hears requests for variances from the minimum housing code. While there is not regular data available on the HBR workload or the outcome of decisions, some data was gathered from the HBR for the purpose of this report. Data on the number and type of cases heard by the HBR from 2015-2019 demonstrates that the board is providing a critical role in processing security deposit claims, as well as in some code-related appeals.

The role of the HBR as described in the Municipal Code is broad: "to hear and rule on requests for hearings".¹⁸ As such, the role of the HBR should be considered to determine if additional aspects of tenant/landlord law reviewed in this report could be handled by this board.

¹⁷ <https://www.portlandmaine.gov/DocumentCenter/View/15192/Rental-Housing-Rights-Document>

¹⁸ Burlington Code of Ordinances Ch. 18-42

Year	Sec. Deposit Cases	Min. Hsng. Code Cases	Total Cases
2019 (as of 9/1)	25	0	25
2018	32	1	33
2017	35	4	39
2016	31	9	40
2015	34	6	40

Review ‘just cause’ eviction standards and consider tenant assistance for ‘no cause’ evictions

Currently Vermont and Burlington allow ‘no cause’ evictions but require advanced notice based on how long the tenant has occupied the property. California and Oregon have prohibited ‘no cause’ evictions after one year of tenancy, which requires stipulating a more robust set of definitions for ‘just cause’ eviction reasons, including ‘no fault’ reasons where a tenant relocation assistance payment is required.

Burlington currently requires an owner to cover relocation costs in the event that a tenant is displaced due to an enforcement action, or the suspension or revocation of a Certificate of Compliance.¹⁹ The City could require a tenant relocation assistance payment of one month’s rent (or a waiver one month’s rent) in cases of ‘no cause’ eviction after one year of occupancy by the tenant. The City may consider an exemption for small landlords from this payment as Oregon and California do. The feasibility of making this type of change, and if and how it would affect state law, need to be further researched and discussed.

Track data on evictions, Housing Review Board decisions

VT Legal Aid’s *Eviction in Vermont* report notes that there is no comprehensive eviction data available in the State of Vermont. This is also true of Chittenden County and Burlington. Moving forward, the City should determine the feasibility of tracking eviction data for Burlington, including the reason, the filing rate, the eviction rate, and the costs associated. Further, the City should work with the Housing Board of Review to collect data on its ongoing caseload, relative to the number of cases, the outcome of its decisions, and data on any additional or new types of hearings before the board. This data should be used to inform additional educational materials needed, discuss further changes to laws, or develop other programs for tenant protections.

Evaluate existing tenant support resources, and assess need for eviction support fund

Along with understanding the extent of evictions in the city, a needs assessment in collaboration with tenant support organizations should be conducted to evaluate existing resources for eviction support, and to identify what additional resources may be necessary to help prevent evictions.

¹⁹ Burlington Code of Ordinances Ch. 18-28

APPENDICES

A. New York State Housing Stability and Tenant Protection act of 2019 (S6458)

Effective Date: June 14 2019

- Creates transformational protections for all residential tenants throughout the state.
- Bans the use of so-called "tenant blacklists" which protects tenants who enforce their rights.
- Limits security deposits to one month's rent and provides required procedures to ensure the landlord promptly returns the security deposit.
- Includes a wide variety of protections for tenants during the eviction process, including strengthening protections against retaliatory evictions.
- Creates the crime of unlawful eviction, where a landlord illegally locks out or uses force to evict a tenant, as a Class A Misdemeanor and also punishable by a civil penalty of between \$1,000 and \$10,000 per violation.
- Requires landlords to provide notice to tenants if they intend to increase the rent more than five percent or do not intend to renew the tenants' lease.
- Provides tenants more time in eviction proceedings to get a lawyer, fix violations of the lease, or pay rent owed.
- Expands the ability of the court to stay an eviction for up to one year if the tenant cannot find a similar suitable dwelling in the same neighborhood after due and reasonable efforts or the eviction would cause extreme hardship.

<https://nyassembly.gov/Press/files/20190611a.php> (summary)

<https://www.nysenate.gov/legislation/bills/2019/s6458> (Legislation)

[https://www.rebny.com/content/rebny/en/newsroom/in-the-news/2019/Housing Stability Tenant Protection Act 2019.html/](https://www.rebny.com/content/rebny/en/newsroom/in-the-news/2019/Housing%20Stability%20Tenant%20Protection%20Act%202019.html/)

B. Oregon State Tenant Protections Legislation Summary (SB 608)

Effective Date: February 28 2019

WHAT THE MEASURE DOES: Prohibits termination of month-to-month tenancies without cause after one year of occupancy. Requires the conversion of fixed-term tenancies to month-to-month after a year of occupancy, unless a new fixed term is agreed on, or the landlord has warned the tenant contemporaneously in writing of three separate violations of agreement within the preceding 12 months, as specified, and provided 90 days written notice. Exempts owner-occupied tenancies (no more than two dwellings, in the same building or on the same property as a landlord's primary residence). Allows landlords to terminate tenancies in order to demolish or repurpose the dwelling within a reasonable time; to renovate or repair premises that are or will be unsafe or unfit for occupancy within a reasonable time; or to occupy the premises as a primary residence for self or immediate family when no comparable unit is available at the same location at the same time; or when the landlord has notified the tenant within 120 days of accepting a buyer's offer to purchase the dwelling as a primary residence. Requires notice to specify reason, date, and supporting facts. Requires landlord to pay tenant one month's rent for such terminations unless there are four or fewer dwelling units. Provides tenant defense against action for possession and three months' rent plus actual damages for violations when tenant brings action within one year. Limits residential rent increases within any 12-month period to no more than seven percent above average change in consumer price index, as defined, except when the dwelling has been certified for occupancy less than 15 years, or when rent is reduced pursuant to a government assistance or subsidy program. Provides for actual damages plus three months' rent for violations. Directs the Department of Administrative Services to publish maximum annual rent increase and maintain other information for the public online. Declares emergency, effective on passage

Landlords may evict tenants for a variety of reasons, including for nonpayment of rent and other violations of rental agreements. Oregon law also generally allows both landlords and tenants to terminate month-to-month tenancies without cause, with 30 days' notice (although some localities, like Portland, have different notice requirements).

Fixed-term tenancies can also be terminated without cause by either landlords or tenants at any time during the tenancy with 30 days' notice prior to the end of the term, or with 60 days' notice after the end of the term.

Current law prohibits rent increases in the first year of a month-to-month tenancy and requires 90 days' notice of same. There are no other restrictions on the number or amount of rent increases that may be imposed on a month-to-month tenancy.

Senate Bill 608 prohibits evictions without cause after the first year of occupancy and adds the following circumstances to the existing list of reasons that a landlord may evict for-cause:

- When the premises are sold to a buyer as a primary residence;
- When the premises will be occupied by the landlord or an immediate family member;
- or when the premises are being renovated, or demolished, or removed from residential use. If a landlord uses one of the new reasons to evict, they must provide 90 days' notice and one

month's rent to assist the tenant with relocation (except two-unit or less, owner-occupied properties, and landlords with four or fewer dwelling units).

Senate Bill 608 also provides for fixed-term tenancies to convert to month-to-month unless the parties agree to a new term or a tenant has received at least three written, contemporaneous warnings about violations in the preceding 12 months.

Finally, Senate Bill 608 limits rent increases to no more than seven percent plus the average change in the consumer price index, no more than once in any 12-month period, unless: the premises are considered new construction, or the landlord is resetting rent for a new tenant after a compliant tenant vacated voluntarily, or the rent is subsidized

<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB608>

C. California Tenant Protection Act of 2019 (AB 1482)

Effective Date: October 8, 2019

The Legislature finds and declares that the unique circumstances of the current housing crisis require a statewide response to address rent gouging by establishing statewide limitations on gross rental rate increases.

This bill would, with certain exceptions, prohibit an owner, as defined, of residential real property from terminating a tenancy without just cause, as defined, which the bill would require to be stated in the written notice to terminate tenancy when the tenant has continuously and lawfully occupied the residential real property for 12 months, except as provided. The bill would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. The bill, if the violation is not cured within the time period set forth in the notice, would authorize a 3-day notice to quit without an opportunity to cure to be served to terminate the tenancy. The bill would require, for no-fault just cause terminations, as specified, that the owner, at the owner's option, either assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified, or waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due. The bill would require the actual amount of relocation assistance or rent waiver provided to a tenant that fails to vacate after the expiration of the notice to terminate the tenancy to be recoverable as damages in an action to recover possession. The bill would provide that if the owner does not provide relocation assistance, the notice of termination is void.

Prohibit an owner of residential real property from, over the course of any 12-month period, increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. The bill would prohibit an owner of a unit of residential real property from increasing the gross rental rate for the unit in more than 2 increments over a 12-month period, after the tenant remains in occupancy of the unit over a 12-month period. The bill would exempt certain properties from these provisions. The bill would require the Legislative Analyst's Office to submit a report, on or before January 1, 2030, to the Legislature regarding the effectiveness of these provisions. The bill would provide that these provisions apply to all rent increases occurring on or after March 15, 2019. The bill would provide that in the event that an owner increased the rent by more than the amount specified above between March 15, 2019, and January 1, 2020, the applicable rent on January 1, 2020, shall be the rent as of March 15, 2019, plus the maximum permissible increase, and the owner shall not be liable to the tenant for any corresponding rent overpayment. The bill would authorize an owner who increased the rent by less than the amount specified above between March 15, 2019, and January 1, 2020, to increase the rent twice within 12 months of March 15, 2019, but not by more than the amount specified above. The bill would void any waiver of the rights under these provisions.

The Legislature finds and declares that the unique circumstances of the current housing crisis require a statewide response to address rent gouging by establishing statewide limitations on gross rental rate increases. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482

D. Seattle Summary of Landlord and Tenant Rights Requirement

A landlord must distribute a summary of state landlord tenant law and City of Seattle rental housing codes describing the rights, obligations, and remedies of landlords and tenants under these laws. This requirement can be met by distributing the current version of the Seattle Department of Construction and Inspections Publication Information for Tenants. This document must be given to each prospective tenant, to a tenant at the time a rental agreement is offered, and when a rental agreement is renewed. Month-to month tenants must receive the most current version of this document at least once a year. When a rental agreement is renewed, Information for Tenants maybe be distributed electronically. The current version of Information for Tenants can be accessed at:

https://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd016420.pdf

If a landlord fails to distribute the summary in accordance with these requirements, a tenant may terminate the rental agreement by written notice. In addition, the tenant may recover, in a civil action against the landlord, actual damages, attorney fees, and a penalty of up to \$500. If a court determines that the landlord deliberately failed to comply with this requirement, the penalty may be up to \$1,000.

E. “Eviction in Vermont: A Closer Look” Report by VT Legal Aid Executive Summary

In Vermont, approximately 1,700 eviction cases are filed every year. The number one cause of eviction is falling behind on rent. In most cases, families lose their housing, leading to increased rates of homelessness, unemployment, mental and physical illness, and financial and housing instability.

On January 16, 2019, Vermont Legal Aid released a report, [Eviction in Vermont: A Closer Look](#), examining the problem and calling for policy solutions to reduce evictions and the deepening poverty caused by them.

This report marks the most comprehensive attempt to date to study evictions in Vermont. Its key findings are as follows:

1. One in 44 (2.25%) renting households had an eviction filed against them in 2016.
2. In 70% of the cases, unpaid rent was the *only* issue (as opposed to violating the lease or evicting “without cause”).
3. In cases where unpaid rent caused the eviction, the median amount of rent due was \$2,000.
4. In three-quarters of the cases, the plaintiff (landlord) had a lawyer, and the defendant (tenant) did not.
5. Three-quarters of households that had an eviction filed against them were evicted.

In the report, the voices of tenants explain how eviction is a kind of accelerant for poverty: it comes out of poverty, and it creates even more. Research has shown that even a year after eviction, parents and children are more likely to suffer from depression, stress, and negative health outcomes than their non-evicted peers. Eviction can significantly damage a tenant’s subsequent employment, housing and credit prospects.

For landlords, evictions reflect a loss in rental income, lost time in court, and a financial cost for court and attorney fees. Evictions also cost Vermont taxpayers resources through additional burden on the court system and, when an eviction leads to homelessness, through funds needed for emergency housing and shelters. Taking a more proactive approach to prevent evictions would save money for landlords and taxpayers.

The report recommends the following policy changes to address this issue:

1. When a tenant falls behind on rent, provide adequate financial supports to help tenants who can maintain the tenancy long-term come current and avoid eviction. We estimate that an annual amount of \$800,000 strategically invested in back rent support could cut Vermont’s eviction rate by over 50%.
2. Once a case is filed, increase legal representation of defendants in eviction cases or make it easier for defendants to capably represent themselves.
3. Expand and develop programs to help tenants manage their rental payments.
4. Reduce the number of tenants who fall behind on rent by addressing the broader housing affordability crisis.



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 Brian Pine, Chair, Ward 3

Councilor Karen Paul, Ward 6

Councilor Ali Dieng, Ward 7

Thursday, January 16th, 2020

5:30 – 7:00 PM

City Hall – Conference Room 12

Draft Agenda

1. Review Agenda (5 minutes)
2. Approve Minutes (5 minutes) 12.10.19
3. Public Forum (10 minutes)
4. Old North End Arts & Business Network update (ONEABN) (20 minutes)
5. City Equity Report Update - Brian Lowe, Chief Innovation Officer (15 minutes)
6. Tenant Protections – Review of City research and findings - Ian Jakus, CEDO; Patti Wehman, Code Enforcement (30 min)
7. Next Steps (5 min)



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Councilor Brian Pine, Chair, Ward 3

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Councilor Ali Dieng, Ward 7

Committee members: Chair Brian Pine (BP), Karen Paul (KP), Ali Dieng (AD)

City staff: Ian Jakus (IJ), CEDO; Patti Wehman (PW), PID; Brian Lowe (BL), IT; Caroline Felix (CF), IT; Belan Antesaye (BA), CEDO

Other Attendees: Dave Hartnett, Sandy Wynne, Jonathan Chapple-Sokol, William Daniel, Charles Winkleman, Christie Delphia, Matt Gardner

Thursday, January 16th, 2020

5:30 – 7:00 PM

City Hall – Conference Room 12

Draft Agenda

Meeting started at 5:33

1. Review Agenda (5 minutes)

Councilor Ali Dieng made a motion to approve agenda, seconded by Chair Pine, unanimous approval.

2. Public Forum (10 minutes)

Dave Hartnett said that he is still waiting for an update on Brookfield. Thinking about how we got here with the hole in the ground and the police chief. Since the Burlington Telecom sale it's a matter of being honest to the people of Burlington. When I think about the police department, if we had been honest we would still have a police chief, if Sinex came to us, this could have been different. People of Burlington like honesty. There are councilors who have not been honest. 5 years with a hole in the ground, lost jobs, court cases, we have a chance to start again.

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 Gillian Nanton at Gnanton@burlingtonvt.gov

Matt Gardner said there is a lack of trust in the council and the government. Tonight we have tenant protections on the agenda, do we have tenants on the council? We are getting a lack of engagement by our public officials.

Charles Winkleman said that he has read the review of research and findings. The Tenants Union was not made a part of the BTV Housing Summit, and 20 pages of review, and no tenants have been involved in this process. With Chair Pine being a landlord it is difficult to avoid a conflict of interest. It is difficult to believe this will be a fair process. We are here to listen and see how we will be ignored again.

Sandy Wynne said that she thinks that we are a small city and we have a few people that volunteer to be city councilors. I wouldn't want to be a city councilor. Having worked on affordable housing task forces, just because you aren't part of a particular group, doesn't mean that you can't make change. It shouldn't come down to whether you are a part of one specific group doesn't mean that you don't care.

Approve Minutes (5 minutes) 12.10.19

Chair Brian Pine made a motion to approve the minutes, Councilor Karen Paul seconded, unanimous approval.

3. Old North End Arts & Business Network update (ONEABN) (20 minutes)

BP said the Network approached for City funding and received \$7,000 of funding for a coordinator to survey the businesses, and see what their needs are and how to collaborate with these individuals. The funding goes through a nonprofit called Vermont Performing Arts League and they used to manage North End Studio. What they're working on now is a door to door survey. Like the Old North End version of SEABA.

AD asked if it is a fee based organization, and how many members are there.

BP responded that he didn't know if dues are required to be a member. Businesses and artists.

AD asked where the survey will be available.

BP said that he will follow up regarding the survey.

4. City Equity Report Update - Brian Lowe, Chief Innovation Officer (15 minutes)

BL said that Councilor Dieng asked for clear equity indicators that show citywide metrics, versus the city specific projects.

CF said they are putting more rigor to the metrics this year and partnered with the City of the University of New York and their Equality Indicators project. They've tested these metrics and revised the methodology. They have been in close contact with them as we put together these metrics.

BP asked about the difference between equality and equity.

CF said there are different definitions, the way the indicator framework is set up is that it can be applied through an equity lens.

CF said there are two platforms that will be open to the public. There is a company called ODS that will be a city repository for data, that will be available for download. There will also be the BTV Stat dashboard, to communicate the performance metrics coming out of the BTV Stat program. The Equity indicators we want to highlight in both of these forums, it won't be a static report.

BL said that Burlington does not meet the criteria for requiring Language Access Services by the federal government, but the Mayor wanted to pursue this, and determine how this can be done for the many languages spoken in Burlington.

BP said that other city's are looking at how library fines and fees are disproportionately affecting minorities and low income. Are we tracking that.

BL said right now they have not examined that data in detail. Next year will look more at procurement policy, city wellness.

AD said that he didn't see anything about ageing, or senior populations, or sexual orientation, and most importantly, religion.

BA said the categories are not limited to the six we identified, there are subsets of demographics.

5. Tenant Protections – Review of City research and findings - Ian Jakus, CEDO; Patti Wehman, Code Enforcement (30 min)

There was general discussion about the availability of eviction data that it is not available at the City level, that the records to get that data are kept at the courthouse possibly on paper. That the City will look into the possibility of getting this data. Patti spoke to Vermont Legal Aid and determined that the data is very difficult to get, and is labor intensive. AD suggested checking if the Sheriff's Office has records on evictions.

BP asked if these recommendations are from Code Enforcement and CEDO?

PW talked with many stakeholders outside of the City including tenants and legal aid, CVOEO, property owners. These recommendations are what came out of it.

IJ said there was a working group with the Mayor's Office, CEDO and DPI.

BP asked if there are action items coming out of these recommendations.

PW said that the Certificate of Compliance ratings are available on the City's Property Database, as well as specific code violations. Looking to develop a legend on what the CoC actually means

and what the criteria is. This information will be available as part of the City's Open Data efforts as well.

KP said that you want to be able to do it by property and there are 153 with a one rating, and it is very difficult for a person to get that data. Most landlords are done with LLC and don't have their name on the property.

PW said that the Open Data system will be a lot more user friendly. We are acknowledging that no one had looked through the data for quality control.

CF clarified that the Open Data will be linked into the AMANDA system.

Unknown said that some of the old paper records are still being entered into the system.

PW responded that the only data available is from since electronic records were started.

Sandy Wynne said that you cannot connect an LLC to the owners name.

KP said often the agent of the LLC is an attorney that is listed.

BP said to quickly go through these recommendations because this is the start of the process.

PW said that as far as Minimum Housing Standards versus adopting the international standards, it's going to be a lot easier to enhance what we have. These standards have been difficult to enforce because we have to go back many times for a few people. Bill looked at the two codes side by side and are in the process of making recommendations and strengthen what the Housing Board of Review can do, and add some more responsibilities.

BP said that the HBR is appealable to the courts.

PW said that tenant advocacy resources could draft some language that educates tenants, such as the CVOEO handbook, and Patti is working with UVM to educate students.

IJ said that Seattle has a legal requirement to distribute tenant rights information with the lease.

BP requested that we ask the City Attorney if the City can change to a just cause eviction law because in the past he looked into this and had to go through the state legislature.

William Daniel asked why we didn't examine San Francisco's 40 year old rent control program. Go to the rent board's website. As it is one of the longest, and was shocked we didn't even examine it.

IJ responded that given time and capacity restraints the goal wasn't to dive deeply into rent control policy specifically because there is so much different research available on the topic.

Sandy Wynne asked about landlord licensing.

PW said that the existing minimum housing code is able to address many of the concerns that licensing would address.

AD asked how licensing would play out.

PW said that she would talk offline about the full process of rental registration and how that system can provide many of the protections that a licensing system would.

Christie Delphia said that the issue of landlords abusing the system by prettying up their properties is an issue. Also that the code requirements do no bring the buildings up to current code and they let many bad properties continue to exist.

PW confirmed that it is required that old buildings are brought up to current code, they are preexisting non-conforming.

7. Next Steps (5 min)

Next meeting tentatively scheduled for February 12th

Motion to adjourn by Councilor Dieng at 7:12PM. Unanimous approval

An aerial night photograph of Burlington, Vermont. The city is illuminated with warm streetlights and building lights. A large, brightly lit tree stands prominently in the center of the frame. The text 'EQUITY REPORT' and 'OVERVIEW' is overlaid in large, white, sans-serif capital letters.

EQUITY REPORT OVERVIEW

Burlington, Vermont

Using BTVStat to review and highlight diversity,
equity and inclusion efforts across City Departments

Photos by: Matt Benedetto, Vermont Aerial Photo

What gets measured, Gets done.

*How is our community changing,
how are we serving the community,
and what gaps exist?*

*The Equity Report is a resource to
help inform discussion, evaluation,
and policy decisions that the City
can employ to address the equity
challenges we face as a
community.*



EQUITY REPORT

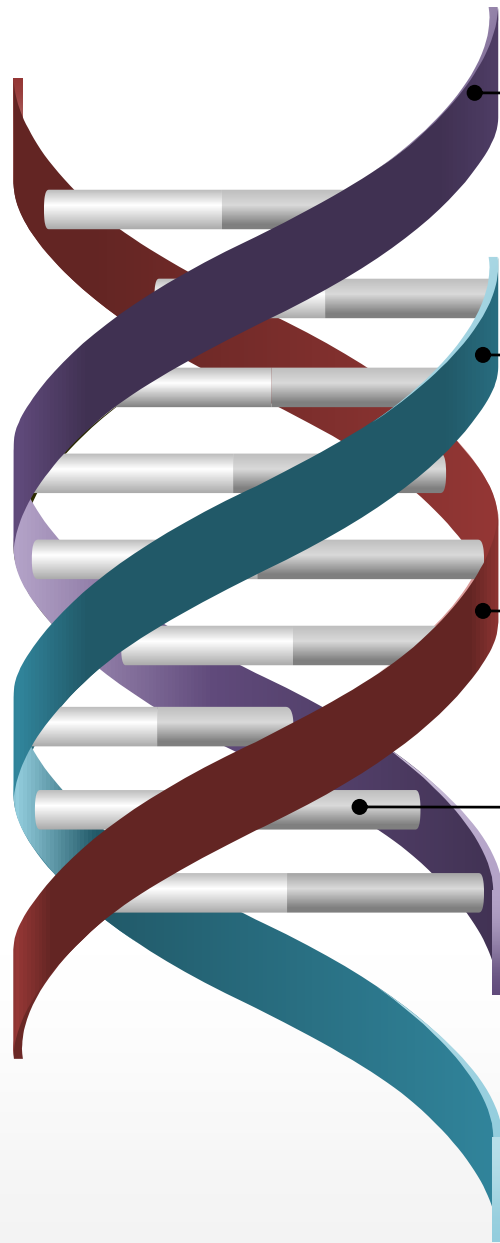


THE **CITY**
OF **BURLINGTON**

Mayor's State of the City commitment

"To ensure that our City government is properly oriented toward achieving progress for all members of our community, in the year ahead we will be focusing BTVStat on equity."

- Mayor Miro Weinberger, State of the City Address (2018)



- Domain: "Economy"

- Equity Indicators

- City Priority Projects

- City "Narrative"

Across different domains...

- What in the community changes over time
- How the City is responding
- Gaps that are emerging



**Arts and Recreation Program
Utilization**

&

Race

CULTURE



**Affordable vs Market Rate
Construction**

&

Geography

HOUSING



Median Earnings

&

Gender

ECONOMY



**Percentage of Youth Referred
to the CJC from the BPD**

&

Race

JUSTICE



Academic Proficiency

&

Income

EDUCATION



**Free and Reduced Lunch
Utilization**

&

Race

PUBLIC HEALTH

City Narratives

What is one thing you would change to make Burlington more equitable?

“Housing is a huge struggle in Burlington right now. There needs to be a balance between accessibility and affordability and there’s just not.”

-- Jay Tandan, Digital Marketing Manager, Ben & Jerry's

“...The problem is people don't have enough information which restricts the opportunities for them. The community needs to promote the information to everyone...”

-Son Do, Resident

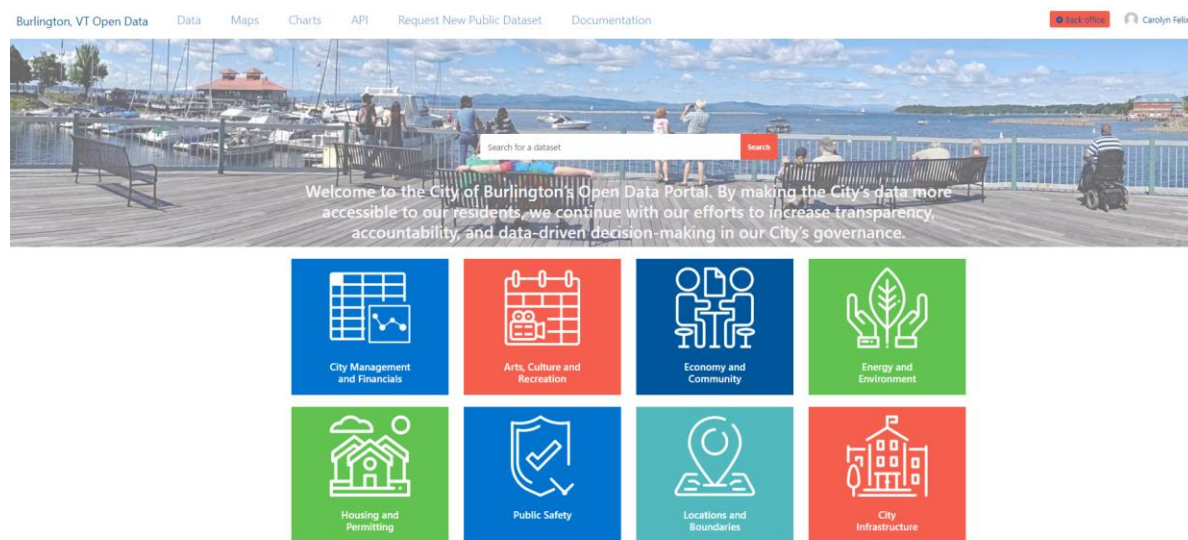
Methodology and Collaboration with City University of New York (CUNY)



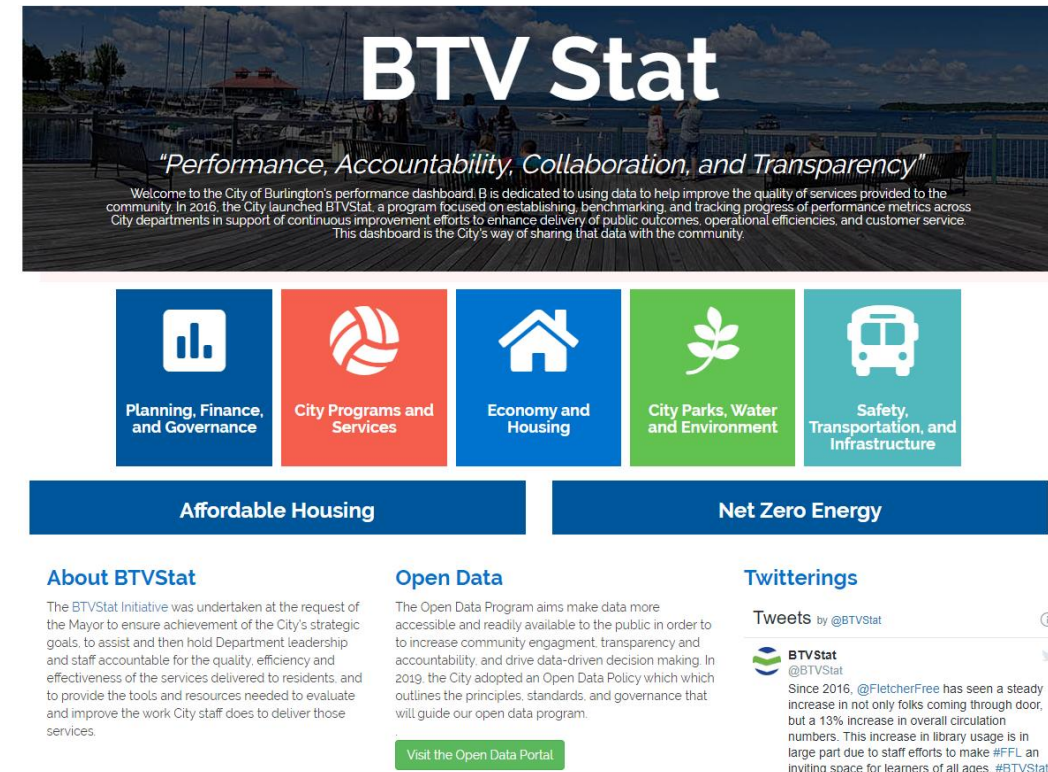
The 2019 Equity Report Framework has been adapted to model the Equality Indicators developed by the **CUNY Institute for State and Local Governance (ISLG)**.

CUNY's Equality Indicators is a comprehensive tool that helps cities understand and measure equality in their city. This tool works across multiple areas and measures the disparities faced by disadvantaged groups (those most vulnerable to inequality, such as racial and ethnic minorities, immigrants, or individuals living in poverty) across various domains.

Equity data also to be reported through updated online platforms



[New Open Data Portal \(ODS\)](#)



[Updated BTVStat Dashboard](#)

2018 Recommendations



YOUTH PROGRAM
ACCESS



MAYORS OFFICE &
POLICE LIAISONS



LANGUAGE
ACCESS PLAN



PROCUREMENT
PRACTICES



ANALYSIS OF CITY
WORKFORCE



LIBRARY
AMNESTY



HOUSING
REFORMS



Thank you



Data & Metrics Slide

- Equity Indicator Level: Gender and Median Wage
- City Priority: Demographic and pay equity data for City employees
 - What else matters beyond pay data? OT, type, promotion
- Narrative: ??
- Recommendation: Identified gaps or needs

Data Collection

Carolyn to update

City Narratives

What is one thing you would change to make Burlington more equitable?

"If our community strives to be inclusive, then transportation has to be part of the equation. Transportation is CRUCIAL to an equitable system. It's hard to change, it's hard to talk about but we need to."

-- Deena Murphy, Education Director, King Street Youth Center

"I want to see more inclusive opportunities for the New Americans living in Burlington."

-- Lal Pradhan, Multi-Lingual Liaison, Burlington School Department

2018 Recommendations

Better Coordinate City's Youth Programming Goals and Outreach Strategies

1. Resources for scholarships were significantly increased
2. More targeted outreach for youth programming is coordinated at multiple well-attended City events each year like Kids Day.
3. Expansion of My Brother's Keeper Initiative to include My Sister's Keeper chapter((In close coordination with BSD)
4. Expansion of City youth programming into the first two weeks of summer via PAL Camp. (BCA, BPRW, FFL)

2018 Recommendations

Conduct Further Analysis of City Workforce

1. Working with City's HR Department to add additional fields needed to New World for improving reporting.
2. OTHER? Need advice on what appropriate here.

Establish Community Liaisons and Reporting Structure

1. LGBTQ+ Liaison has been established
2. BPD Liaison has been established

Need to measure strength of relationship and integration of liaisons.

City's Accessibility Committee?

2018 Recommendations

Expand Library Amnesty Programming	1. Volunteer Away Your Fines program for adults 2. Read Away Your Fines program for youth
---	---

Finalize Language Access Plan and Streamline Transition Services	Final draft of the Language Access Plan will be issued by executive order by Mayor Weinbergerer in January 2020. OR ...will be before the City's Council for review before a Council vote expected in Spring of 2020.
---	--

2018 Recommendations

Finalize Language Access Plan and Streamline Transition Services	Final draft of the Language Access Plan will be issued by executive order by Mayor Weinbergerer in January 2020. OR ...will be before the City's Council for review before a Council vote expected in Spring of 2020.
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Conduct Review of Procurement Practices	
--	--

Domain

Each Domain will be broken down into three Topics or subcategories that represent areas of focus within the Domain.

Topic

Topic

Topic

2 - 3 Equity Indicators will measure equity within each Topic.

Measured year-over-year.

Indicator

Indicator

Indicator

Indicator

Indicator

Indicator

Priority Initiatives provide context on some of the City's most prevalent inequities and highlight efforts being made at the municipal level to address them.

Vary from year to year.

Priority Initiatives

Each Domain will include Recommendations of actions for the City to take in 2020 to address key underlying causes of inequity across Burlington.

Recommendations

KEY METRICS (Population Level Indicators)

- Population/demographics, % change from previous year
- Median Household Income, % change from previous year
- Poverty Rate, % change from previous year
- Number of employees/Unemployment Rate, % change from previous year
- Number of refugees resettled, % change over previous year,
- Human Rights Commission Municipal Equity Index (MEI) score over time



Demographics

CITY MEASURES

- Number of people in Burlington who were identified homeless in 2017 (% change over time) [CEDO]
- City workforce demographics, Pay equity [HR]

**Focus on specific sub-populations –
despite data limitations**

Next Steps

- “Institutionalized” into Annual Report
- First year – gathering data, now collecting / refining with eye to future
- Data limitations
- More outreach
- Curious about feedback from community and adjustments for next year

Community Input

- ✓ **Advisory Committee on Accessibility**
- ✓ **Association of Africans Living in Vermont**
- ✓ **Burlington School District**
- ✓ **City-Lake Semester Class**
- ✓ **Change the Story**
- ✓ **Champlain Housing Trust**
- ✓ **Outright Vermont**
- ✓ **VCIL**



EDUCATION AND WORKFORCE DEVELOPMENT

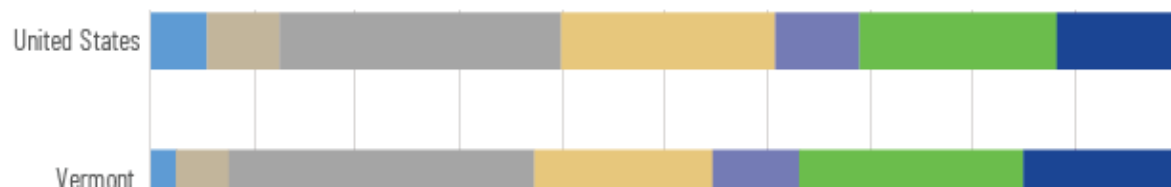
ACCESS TO THE BENEFITS OF LIFELONG LEARNING FOR ALL COMMUNITY MEMBERS

Burlington is fortunate to have an outstanding school district as well as excellent centers of higher education in the University of Vermont and Champlain College. However, the 2018 Burlington School District Equity and Inclusion Data Report identified an achievement gap among some of our most vulnerable students, and that inequity can continue after graduation.

City programs and services can help address that challenge and promote lifelong learning opportunities. In recent years, the City has complemented its scholarship programs for Burlington City Arts (BCA) and BPRW programming with a new initiative to increase the capacity of Burlington-based child care

providers and to make that care more accessible through a scholarship program slated to begin in the spring of 2019 (creating 62 new infant-toddler spots in high-quality centers over the next two years). The City has also begun a workforce development program in the construction trade intended to meet local labor demands and connect some of the City's more vulnerable residents to higher-paying technical jobs; expanded its internship program to provide skills and experience for local students; and implemented a new grant program in collaboration with the nationally recognized Kauffman Foundation to support local entrepreneurs with a focus on supporting women entrepreneurs in particular.

POPULATION-LEVEL METRICS



EDUCATION ATTAINMENT

U.S. CENSUS BUREAU, ACS 5-YEAR ESTIMATE

According to the 2018 Equity and Inclusion Data Report from BSD, the achievement gap in the United States refers to the observed

CREATING EQUITY



\$1
IN SCHOLARSHIPS
awarded from 2018



15
INTERNSHIPS
from City



\$1
IN FUNDING FOR
DEVELOPMENTAL
ENTREPRENEURSHIP
in part



10
PLACEMENTS
WORKING
20 part-time
(with a

DEMOGRAPHICS

BURLINGTON GENERAL DEMOGRAPHICS



27

MEDIAN AGE

12.7% of the total population is under the age of 18.
The Vermont state median age is 42.8 years.



30%

HAVE BACHELOR'S DEGREE+

Educational attainment by race varies.



80

MEI INDEX SCORE

Compared to the national average of 58 out of 100. The 2018 Human Rights Commission's Municipal Equality Index (MEI) examines how inclusive municipal laws, policies, and services are for the LGBTQ community.



24%

LIVE BELOW POVERTY

Nearly double the national average of 12.3%. When the high number of students enrolled in college and graduate school are taken into account, the non-college student

42,453

TOTAL POPULATION LARGELY UNCHANGED SINCE 1970

12.9% of the population is foreign born; 14.7% speak a language other than English at home*

85%

WHITE

6%

ASIAN

6%

BLACK/AFRICAN
AMERICAN

3%

HISPANIC/
LATINO

0.3%

AMERICAN
INDIAN

10%

LIVING WITH A
DISABILITY

4%

VETERANS

CITY WORKERS

~1,000

EMPLOYEES

While positions are paid on the City's "..."

7% OF CITY
ARE PERMANENT

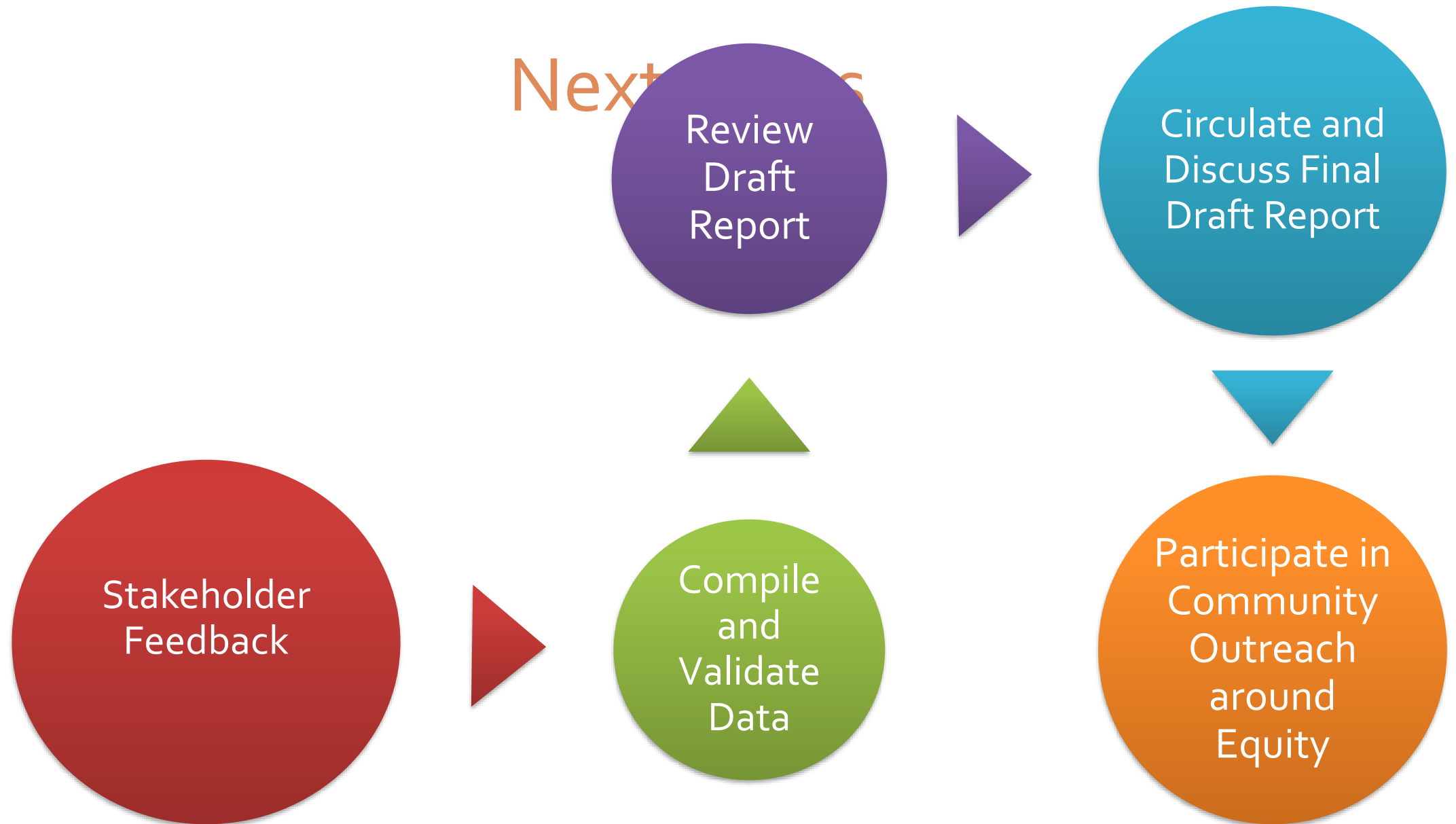
Compared to 15% of
45% of employees
or temporary



Profile of Burlington
on a variety of City-
wide, population-
level indicators.

Connect the work of
individual City
departments with
these broader
indicators.

Identify measureable
steps the City can
take to address the
challenges we face in
the community.



KEY METRICS (Population Level Indicators)

- Job creation numbers
- Per Capita Income by Race / Ethnicity (mapped over time)
- Cost of Living (measured by gap between income and consumption - Consumer Price Index and Median Family Income or another measure)
- Inflation rate
- Wage growth by race/sex
- Living wage calculation (Monthly Expenses by family size)

CITY MEASURES

- Tax burden (municipal, education) over time relative to income changes [C/T]
- Total investment over time and then look at where investment goes [P&Z]
- Rate of compliance with Livable Wage Ordinance [Attorney's Office]
- Amount (in USD) Distributed to DBE's for good and services (BTV and BED)
- Continuous Improvement \$\$ saved (reduce cost burden) [I&T]
- Capital infrastructure investment by total over time & geographic area (income level, race) [DPW]



Economic Stability

KEY METRICS (Population Level Indicators)

- Housing units created over time mapped against vacancy rate
- Median property value indexed to median household income
- Distribution of home prices (% of market share over time)
- Rental vacancy rates (compared to state) over time
- Housing cost burden: Percentage of income to rent and to mortgage
- Median value cost for new home construction vs. median value of existing housing stock
- Home ownership (by race or income level)
- Home loan rejection (by race or income level)

CITY MEASURES

- Number housing units built in downtown, 2002 – 2013 (18 total) set alongside increasing housing prices [P&Z]
- Current Distribution of Housing Units by Type over time [CEDO]
- Rental housing inventory by affordability (% income) [CEDO]
- Permitted home improvements happening by neighborhood [P&Z]
- Measures of Property Value Equity, COD and CLA Rates [Assessor's]
- Enforcing minimum housing standards by issuing certificates of compliance to landlords (rate of 1 – 5 year CoCs) [CODE]

Affordable Housing

KEY METRICS (Population Level Indicators)

- Educational attainment across groups based on race, ethnicity, immigration status, or socioeconomic origins (local and State)
- BSD Achievement Gap compared to VT and US data (breakdown by race)
- English Language Proficiency Rates
- Affordable access to early childhood education
- Job turnover
- Labor force participation
- DBE business ownership (and by subgroup)

CITY MEASURES

- Early Learning Initiative [I&T]
- My Brother's Keeper Intern Program / Americorps [CEDO]
- Kauffman Grants [CEDO]
- Workforce Development Programming [CEDO]
- Scholarships [PRW, BCA, others?]
- Community use of library services and spaces [FFL]
- Cultural and literacy learning opportunities provided to the community ... such as ELL (Number and type of cultural and literacy learning programs by target group: EL/Youth, Teens, Adults) [FFL]

Education and Workforce Development

KEY METRICS (Population Level Indicators)

- Access to primary health care (by ethnicity)
- Uninsured adults (by gender and ethnicity)
- Rate of opioid related deaths by age (compared to state, US rates)
- Crime and violence rates over time (compared to other cities/US)
- Food insecurity (SNAP participation)
- Drinking Water Quality

CITY MEASURES

- Nutrition programming [DPW]
- Response time to complains [CODE]
- LEAD program outreach /homes remediated [CEDO]
- Response times to various City locations (demo/income) [BFD]
- Incident Volume Over Time [BPD]
- Quality of life crimes [BPD]
- Response times to various City locations (demo/income) [BPD]
- Traffic Stop Data and BPD recruitment measures [BPD]
- Opioid Use measure [Chittenden County Opioid Alliance]



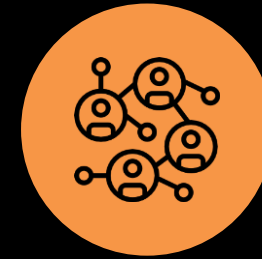
Public Safety and Community Health

KEY METRICS (Population Level Indicators)

- Voter turnout (connection to government)
- % registered voters
- Rate of volunteerism (connection to community)
- Digital Accessibility (Home computer / internet access)
- Diversity of Leadership (City Council, Commission Chairs, DHs)

CITY MEASURES

- Election worker demographics [C/T]
- Amount (in USD) of in-kind donations to support non-profit organizations [BTV, CSM]
- Transportation access - to bus, bike/ped access, to multi-modal [PWD]
- Multi-lingual rules and regulations signage at all of our public beaches, City Hall Park, and Roosevelt Park [PRW]
- Bike/pedestrian pathways [DPW]
- Percentage of businesses that are ADA accessible [CSM]
- Regressive zoning (eg. DT parking minimums) [P&Z]
- Accessibility at North Beach, community gardens, Oakledge playground [Parks]
- Number of public meetings? Access to City calendar?



Civic
Engagement
and
Community
Accessibility

KEY METRICS (Population Level Indicators)

- Environmental costs – city v. suburban dweller (Glaeser, Ch 8, Triumph of City)
- Air quality (local, state, national)
- Utilities burden (percentage income)
- Water Availability and Consumption
- Renewable Energy Generation
- Recycling and solid waste
- Access to parks and open space

CITY MEASURES

- Access to parks, Proximity analysis (10m walk) [Parks]
- Keeping rates low [BED]
- Water Utility Burden [PRW]
- Community gardens [DPW]
- Conservation efforts [PRW, BED, DPW]
- Free seasonal parking pass for residents with limited incomes [PRW]
- ADA accessibility of parks [Parks, CSM]
- Water quality tests [DPW]



Parks and Natural Environment

Tenant Protection Research Summary

- Mayor Weinberger directed CEDO and the Department of Permitting & Inspections to undertake a review of existing tenant protections in Burlington and Vermont, examine best practices from other communities and states, and identify where the City can improve its policies to better support tenants.
- This memo contains staff research on these topics in order to facilitate further discussion

Burlington specific ordinances

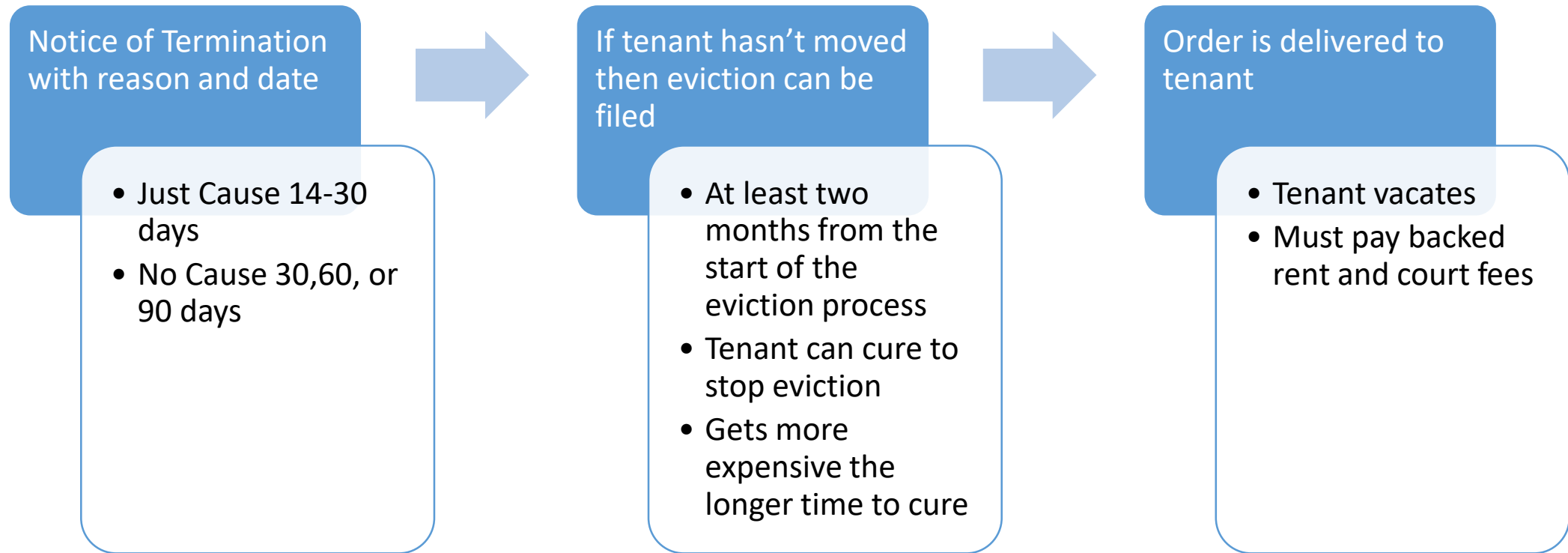
- Minimum Housing Standards, Rental Registration, Hsng Board of Review
- Retaliatory evictions
- Additional eviction notice
- Security and pet deposits
- Housing discrimination
- Tenant relocation due to code violation related construction
- Condo conversion
- 90 day notice for rent increase

Existing Vermont & Burlington Tenant Protections		
	Vermont	Burlington
Security Deposit Maximum	<i>None</i>	<i>1 months' rent (1/2 month pet deposit)</i>
Deadlines for returning security deposits	<i>Postmarked within 14 days</i>	
Rent increase notices	<i>Min. 60 days</i>	<i>3 rental periods</i>
Repair and deduct policies	<i>May deduct up to 1/2 rent amount</i>	
Withholding rent policies	<i>For failure to provide essential services</i>	
Landlord Access (non-emergency)	<i>48 hours</i>	
Tenant termination notice	<i>None</i>	<i>2 rental periods</i>
Eviction notice	<i>Requires notice for just cause³/no cause⁴ with written lease</i>	<i>Requires notice without written lease³</i>
Abandoned tenant property	<i>60 days from notice to retrieve</i>	
Application fees	<i>Prohibited</i>	
Retaliatory Conduct	<i>Prohibited</i>	<i>Retaliatory eviction protections</i>

Eviction Data

- In Burlington, roughly 60% of renter-occupied households are cost burdened
- 33% spend more than 50% of their income on rent
- 1,700 eviction cases are filed in Vermont every year, and in 70% of the cases studied, unpaid rent was the only issue raised
- Burlington data is not available publicly

Eviction Process: 3-6 months



Required Eviction Notice

- **Just Cause termination notice** - Nonpayment of rent & criminal activity (14 days) Breach of rental agreement & Sale of property (30 days)
- **No Cause termination notice (written lease)** - 30 (if weekly), 60 or 120 days depending on length of tenancy
- **No Cause termination notice (no lease)** - 21 (if weekly), 60, or 90 days depending on length of tenancy

Just Cause Eviction

- California and Oregon have adopted prohibitions against 'no cause' evictions after one year of tenancy.
- California applies this prohibition to all leases, whereas Oregon covers only month-to-month leases.
- Owner-occupied homes and duplexes are exempt

CALIFORNIA JUST CAUSE EVICTION REASONS SUMMARY

Reasons for 'Just Cause' Eviction:

- *Nonpayment of rent*
- *A breach of lease terms*
- *Nuisance violations*
- *Damaging the property*
- *Refusing to renew lease*
- *Criminal activity*
- *Subletting in violation of lease*
- *Refusing owner entry*
- *Illegal use of property*
- *Failure to vacate*

'No Fault Just Cause' Reasons:

(Requires 1 month rent relocation payment)

- *Occupancy by owner or immediate family if included in lease*
- *Withdrawal from rental market*
- *Legal order to vacate*
- *Intent to demolish or to substantially remodel*

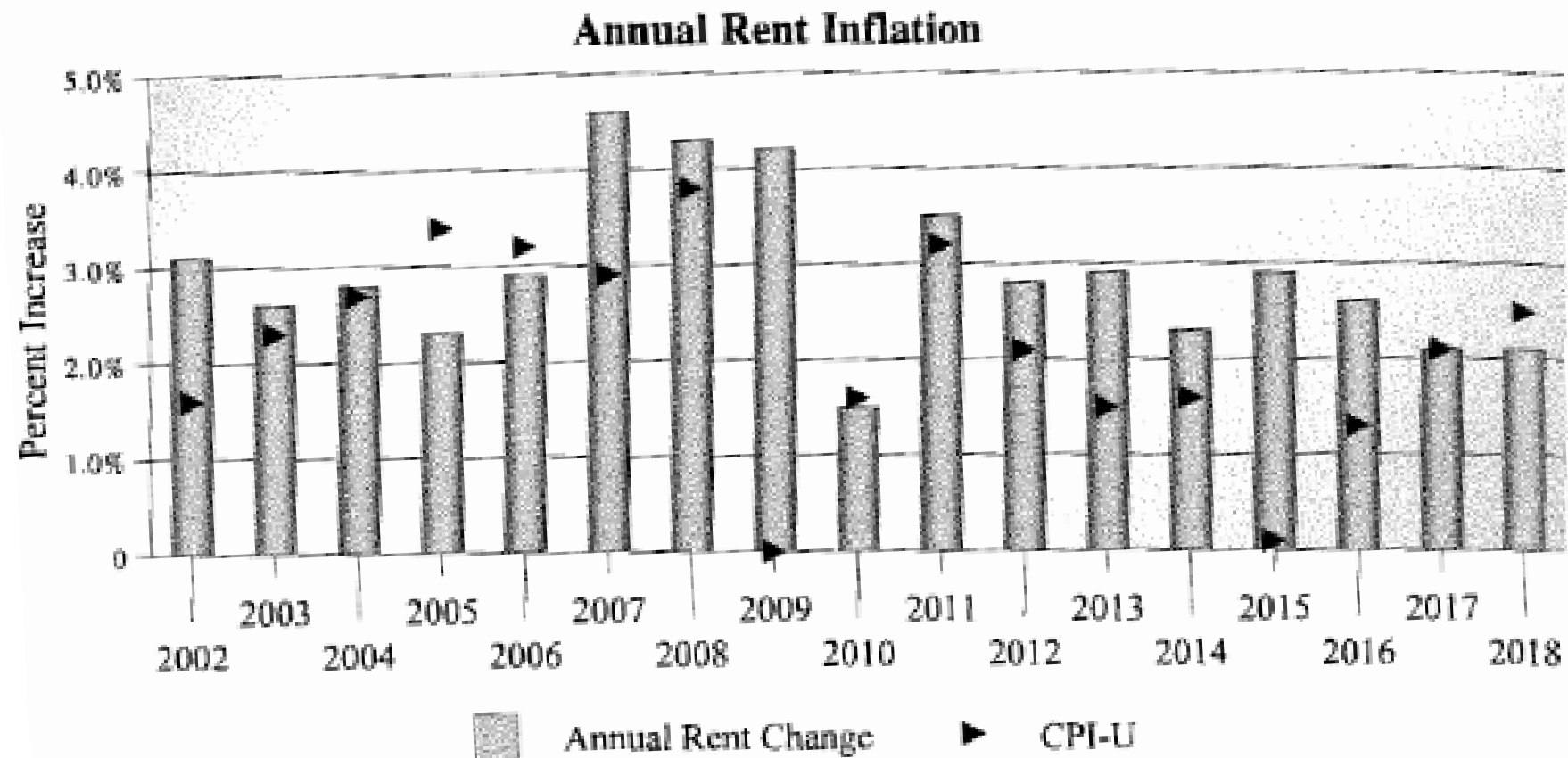
Rent Control

Controversial legacy, rent control 1.0 did not fare well politically, rent control 2.0 focuses on less restrictive rent caps:

- California prohibits more than 5% plus the percentage change in the cost of living, or 10% max.
- Oregon limits increases within any 12-month period to no more than 7% above average change in cost of living.
- Neither California nor Oregon has strict vacancy control, so rent can be reset after a tenant leaves.
 - (Oregon has vacancy control in the case of a 'no cause' eviction that takes place within the first year of tenancy).

Permanently Affordable Housing Stock

- CHT, Cathedral Square, and BHA, alone control approximately 22% of all of the rental housing in the city.
- IZ requires 15% - 25% of the units in market-rate housing development projects above a certain size are permanently affordable.



Average Annual Percent Change: 2008-2017		
Median Household Income	Average Household Income	Average Rent Inflation
1.3%	2.2%	2.9%

Recommendations

1. Improve accessibility of code enforcement data, including properties' CoC ratings and complaint history
2. Strengthen the City's minimum housing standards
3. Assess capacity of existing tenant advocacy resources to meet demand in Burlington; require distribution of educational materials to landlords and tenants

Recommendations

4. Consider an expanded role for Burlington's Housing Board of Review
5. Review 'just cause' eviction standards and consider tenant assistance for 'no cause' evictions
6. Track data on evictions, Housing Review Board decisions
7. Evaluate existing tenant support resources, and assess need for eviction support fund