



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](http://www.burlingtonvt.gov/cedo)

---

**Councilor Brian Pine, Chair, Ward 3**

**Councilor Karen Paul, Ward 6**

**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; Bill Ward (BW), Director PID; Todd Rawlings, CEDO  
Other Attendees: Caryn Long; Sandy Wynne; William Daniel, BTU; Charles Winkleman, BTU; Christie Delphia, BTU; Nathan Lantieri; Renee Hamblin; Erika Johnson, VT Legal Aid; Stephen Marshall; Corrine Yonce, CVOEO

Wednesday, February 12th, 2020

6:00 – 7:30 PM

City Hall – Conference Room 12

**Draft Minutes**

1. Review Agenda (5 minutes)

KP made a motion to approve, unanimous.

2. Approve Minutes (5 minutes) 1.16.20

Minutes were tabled for review, Ian to send minutes ahead of time.

3. Public Forum (10 minutes)

Caryn Long submitted a comment ([see attached](#))

Sandy Wynne said that she wants to thank city staff for the report on tenants' rights but it was missing a few key points. One is that the 4 unrelated ordinance should be enforced to hit landlords where it hurts, in their cash flow. The other point is that UVM should build more student housing. She said that 1,000 units would make an enormous difference in the cost of housing.

William Daniel said that UVM's effects on the housing market are detrimental and they are getting a free ride.

Stephen Marshall said that his understanding is that major landowners can control the market through their pricing, including the institutions. Thus these large landlords should be taxed at a higher rate for the privilege of being so profitable.

Christie Delphia said that code enforcement is not doing their job, that they are not properly enforcing code.

**6. Tenant Protections – (Continued) Discussion of [city research](#) and recommendations - Patti Wehman, Code Enforcement; Ian Jakus, CEDO (60 min)**

Started to work through an implementation plan for the 7 recommendations from the report ([attached](#))

***Recommendation 1: Improve accessibility of code enforcement data, including properties' Certificate of Compliance (CoC) ratings and complaint history***

Reviewed the new [open data portal for the CoC Ratings data](#).

Bill Ward said that the CoC data is telling which properties are in compliance. Landlords are supposed to be notifying tenants of this information, and it is supposed to be posted.

Brian Pine asked if the open data reflects complaints or CoC ratings.

Charles Winkleman said that if his landlord turns off his heat and then doesn't fix it right, and it has to be reported again, that should be reflected in the CoC Rating.

Bill Ward and Patti Wehman explained that the CoC stays the same unless the unit is found unfit for habitation. They said that it may not be good for individual complaints to effect the rating. Sometimes complaints are one off and are quickly resolved, and a landlord should not be penalized, while some are more severe.

Bill Ward proposed that the inspector can provide an information card for to leave when they investigate a complaint that explains what to expect about the process, retaliation protection and contact information.

BP asked what the current period of time is for retaliatory evictions.

BW responded that its 90 days from the complaint, and that the burden of proof is on the landlord. He also pointed out that the courts would likely consider motive even if over 90 days.

William Daniel said that the retaliatory protection timeline should start at the resolution of the complaint. He said that the CoC ratings should be affected by complaints.

Stephen Marshall said that many people don't even know how to file a complaint with code enforcement.

BW said that on average it takes 2.2 days to investigate a complaint.

William Daniel said that leases should be required to include information on tenants' rights. He asked when the CoC Ratings system was developed.

BW responded that the system was adapted from a restaurant ratings system they used as an examples that the intention is really to allow for a longer compliance time for the landlords who are consistently in compliance. It also provides an incentive to do better.

BP asked if there are penalties for violations.

PW responded that there are per unit re inspection fees that escalate.

AD asked how the CoC data reflects buildings with multiple units.

BW responded that for example if a duplex has one unit with 10 violations and the other unit has none, the whole property gets 10 violations.

KP said that it was 2012 when the resolution to set up a ratings system was passed. All properties had to be rated before the ratings could become public. The hope is to incentivize landlords to be better.

Corinne Yonce asked what is the incentive to be a 5 star landlord and if Section 8 renters are afraid of making complaints. And that city minimum housing standards should be the same as HUD Section 8 standards or be cross referenced.

Christie Delphia said that HUD has better housing codes and they're supposed to be working with the City.

BP said that BHA currently cannot find enough units in the City and had to give some vouchers back. He said that Gene Berman did a comparison between the city standards and HUD standards in the past. He also said that even if the standards are the same landlords can still set their rent higher than the section 8 standards.

### ***Recommendation 2: Strengthen the City's minimum housing standards***

The overall recommendation is to reduce the amount of allowable deficiencies for the CoC ratings, and ensure that the standards for the top violations are strengthened.

- **5 Year COC** - No Violations/deficiencies
- **4 Year COC** - 3 deficiencies
- **3 Year COC** - 4 - 6 deficiencies
- **2 year COC\*** - ~~Up to 10~~ Up to 7 – All corrected but not within time set for compliance -  
\*From the date of initial inspection
- **1 year COC** - 8 or More deficiencies corrected within the time set for compliance (Also subject to 1 year COC if it contains one of the 8 Major violations cited in city ordinance)
- **6 month COC** - 8 or More deficiencies– Not corrected in time set for compliance (Also subject to 6 Month COC if it contains one of the 8 violations cited in city ordinance)

### ***Lead Paint***

PW explained that often landlords only file their EMP the year of the inspection. The proposal is to require an EMP filing each year and upon CoC inspection to review retroactively, counting each year without a filing as a deficiency.

### ***Heat Tag***

Heating systems must be certified every two years. The CoC score should retroactively examine the tag and if the heat tag expired at any time prior to the next scheduled housing inspection, a certificate of compliance shall be issued for a period of no longer than 2 years.

### ***Smoke/CO Detection***

Rental properties found to have more than one rental unit with outdated or inoperable systems this shall be considered to have a major violation and when corrected shall only be eligible for a 2 year Certificate of compliance.

### ***Re-inspection Approval***

If more than 3 follow-up inspections are needed or the time to come into compliance exceeds 12 months, the Housing Board of Review should determine if additional time shall be granted.

### **Adding NFPA1 exceptions for egress requirements**

Charles Winkleman said that fines and fees should be increased so that landlords cannot simply buy their way out.

William Daniel said that NYC has an option where the City will make repairs on a property and puts a lien on the property.

BW responded that it is possible, but the challenge of that model is liability due to repairs and how we choose a contractor.

### ***Recommendation 3: Assess capacity of existing tenant advocacy resources to meet demand in Burlington; require distribution of educational materials to landlords and tenants***

BW said that code enforcement provides funding for the CVOEO Hotline. We refer tenants for answers to issues.

Corinne Yonce said that CVOEO does not give legal advice and refers clients to VT Legal Aid.

AD asked who is CVOEO serving with their hotline, and that we should look into this.

Erika Johnson said that VT Legal Aid provides legal information through their hotline, even when they cannot provide representation. Also there is an online portal. She believe that many tenants are familiar with the possibility of withholding rent.

Charles Winkleman said that he has heard that VT legal aid's income requirements make it hard to access. He said that CVOEO also works with landlords and thus may not fully advocate for tenants.

Corinne Yonce said that CVOEO Fair Housing does not typically assist landlords.

PW said that she has been told that CVOEO will not assist landlords except to share the information of the guide.

BP asked if a universal lease would be helpful in coordinating this information.

Charles Winkleman responded that he did not believe it would be helpful because tenants don't read their lease. He said there needs to be a more proactive approach for the most vulnerable.

KP said that using UVM as an example is problematic because there is no requirement for the students to participate. She said we should require information included in the lease.

Corinne Yonce said there isn't enough resources to translate all the documents. In regards to section 8 clients they often need assistance in dealing with issues as they come up, and likely will not figure out the rules ahead of time.

William Daniel said that this is why they created the Burlington Tenants Union, to be a clearinghouse for tenant information.

Stephen Marshall distributed a proposal by the Burlington Tenants Union and requested they make a presentation at the next meeting. [See Attached](#)

BP agreed to talk about this at the next meeting.

## **7. Next Steps (5 min)**

The next meeting is tentatively scheduled for 2/27/20 @ 5:30PM in City Hall Conference Room 12