



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 Sarah Carpenter, Ward 4
Councilor Zoraya Hightower, Ward 1

Committee members: Chair Brian Pine (BP), Sarah Carpenter (SC), Zoraya Hightower (ZH)

City staff: Christine Curtis, CEDO; Eileen Blackwood, City Attorney

Other Attendees: Bruce Baker, planning commissioner, lawyer, and landlord; Caryn Long; Christie Delphia, Burlington Tenants Union; Tom Proctor; Angela Zaikowski, Director of the VT Landlords Association; Liam Mulroy; Erika Johnson, VT Legal Aid; Patrick Murphy, Burlington Police Department; Larry Miller; Devon Ayers, VT Legal Aid;

Monday, July 27th 2020

5:30 PM – 8:30 PM

Virtual Zoom Meeting

Draft Minutes

Meeting Started 5:30PM

1. Review Agenda

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

VOTING: unanimous; motion carries.

2. Public Forum

Public forum opened with comment from Bruce Baker, local planning commissioner, lawyer and landlord; he expressed concerns about the vague and open-ended language being used, and the lack of support from landlords if their questions aren't answered, such as, what will typical exemptions for landlords look like, and who will be required to follow.

Committee members reminded the forum that the argument at hand is whether they go to the state to get authority for the city to make changes to no cause eviction, or create an ordinance first.

Caryn Long commented that she finds ordinances no longer work as they are not enforced and that Burlington Police Department can't come due to defunding.

Christie Delphia, Burlington Tenants Union, commented that the discussion should focus on tenants, not general ordinance issues, and that Burlington Police Department has told tenants they can't enforce ordinances due to COVID-19.

Tom Proctor expressed support for bring just cause evictions to the voters. Also to remove no cause evictions, rather than changing what is covered under just cause, and making a change to the state charter to give the city authority.

Angela Zaikowski, director of the Vermont Landlords Association, discussed the length of the eviction process in Vermont versus the length of eviction processes in states that have removed no cause eviction, being that those states on average have much shorter timelines than Vermont, and believes that a longer timeline provides more protection for tenants.

Liam Mulroy presented support for moving forward on removing no cause evictions.

Tom Proctor entered another comment stating that the Vermont eviction process takes longer because landlords can file for any reason, and states with shorter processes see more compliant tenants and balance of power between landlords and tenants. Tom asked what percentage of evictions in Vermont are contested or non-compliant.

Gene Bergman commented that a longer eviction process gives tenants more time to find housing which is very difficult due to the housing crisis. Gene added he believes housing is a human right and removing no cause evictions goes against this idea and evictions leave marks on tenant's records.

Christie Delphia, Burlington Tenants Union, commented that eviction data is not always accurate due to the power imbalance between tenants and landlords, in that tenants don't have the protections and representation that landlords do and therefore don't fight their evictions in court. Christie also mentioned she was unable to get tenants to join this meeting due to fear of retaliation from landlords.

Angela Zaikowski, Vermont Landlords Association, suggested that clinics which assist renters be expanded, avenues for information on resources for tenants be increased, and finding ways to mediate disputes between landlords and tenants so that they don't go to court, which then goes on their record. Angela also said that landlords use no cause evictions because they require little evidence or convincing of the court.

Erika Johnson, Vermont Legal Aid, commented there are not a lot of defenses or representation for tenants facing no cause evictions and that the

consequence of losing in court or having it go on their record is too high for tenants to consider defending their case.

Christie Delphia, Burlington Tenants Union, added a comment that no cause eviction cases are largely not fought in court due to the power imbalance between tenants and landlords. Christie said increasing tenant education does not negate that housing is a human right and no cause evictions threaten tenants with homelessness at any time.

Patrick Murphy, Burlington Police Department, commented support for the city having more control over landlord/tenant relationships, but suggests making a general change which allows for flexibility for the city, as well as not trading the removal of no cause evictions for shorter evictions processes to gain landlord support.

Larry Miller had a question for Angela, if no cause evictions are removed, will leases be enforced as they are written? Angela described a few examples of landlords who had issues with evicting tenants that were in strong violation of their leases and expressed a lack of court support. Councilors Carpenter and Hightower agreed that the examples described would fall under just cause, and is a separate issue than the one at hand.

Christie Delphia commented that no cause evictions only protect landlords as they require no proof.

Councilor Pine asked if a lease ending qualifies as a no cause or just cause eviction. Devon Ayers, Vermont Legal Aid, answered that a lease ending is considered a no cause eviction, but in a lot of cases there is no written rental contract.

With no more public comments presented, public forum ended.

3. Just Cause Eviction Discussion continued

The committee continued their previous discussion of what language to include in the charter change and whether to put it on the November or March ballots for the voters. The committee discussed the testimony presented by Gene Bergman which included suggested language for the charter change, and whether the language should be specific or vague in order to gain voter support.

The committee agreed to move forward with getting the change on the November ballot, which requires committee to present City council with the resolution on August 24th, in order to follow the timeline presented by Gene Bergman, which includes public hearing and notice time.

4. Next Steps

Councilors agreed to provide Eileen Blackwood, city attorney with current resolution language and ask for legal input on the questions the committee still has, such as removing clause A. Councilors agreed on next meeting, Wednesday August 5th, at 5:30pm, virtually.

MOTION by Councilor Pine, **SECOND** by Councilor Carpenter, to adjourn the meeting at 8:30PM

VOTING: unanimous; motion carries.