

DRAFT
Frequently Asked Questions about Just Cause Eviction

What are the policy objectives of Just Cause Eviction control measures?

Current Vermont law allows termination of tenancy for no cause. Just cause eviction policies are intended to promote residential stability by limiting the grounds upon which a landlord may evict a tenant; typically, allowable grounds for eviction include nonpayment of rent, significant damage to the unit, or other material noncompliance with the terms of the lease, including nuisance and tenant threats to safety, before they may evict tenants. Such policies create procedures that rental property owners must follow in order to establish “just cause” to evict. Renters abiding by their lease need assurance they can remain in their home; reaching the end of a lease term alone would not be cause for terminating a tenancy.

Does a Vermont municipality have the authority to adopt such a policy?

Not without seeking approval from the General Assembly. In this case, the City Council is seeking legislative enabling authorization or permission to develop a local Just Cause Eviction ordinance with certain features that are listed in the proposed Charter Change language that has been referred to the City Council Charter Change Committee for consideration on the March 2021 Town Meeting ballot. The details of what might be adopted in ordinance would be developed after permission is received and would follow all the city processes for public input and ultimate adoption by the City Council.

Has this policy been adopted in other places?

Yes, just cause eviction policies have been adopted in four states (California, New Jersey, Oregon, New Hampshire, and in a number of cities including Seattle and Washington D.C and is being considered in Boston, Chicago and New York. Over 3.25 million privately owned apartments that received federal housing tax credits operate under this provision. Though the measures are not considered a “silver bullet” to solving the housing instability of renters, such policies are part of state and local governments’ efforts to provide housing stability for renters in expensive housing markets with very low rental vacancy rates similar to Burlington.

Do any Burlington tenants have this type of protection now?

Yes, over 2,000 Burlington tenants living in the following types of rental housing currently enjoy the protection afforded by Just Cause Eviction policies:

- All conventional public housing units (i.e. BHA)
- All privately owned rental units receiving “project-based” rental assistance (i.e. Northgate Apartments)
- All privately owned rental units created through the federal low-income housing tax credit program (i.e. Champlain Housing Trust, Cathedral Square, eligible for-profit housing)

Why is this policy needed?

A recent report by Vermont Legal Aid analyzing eviction data over the last five fiscal years found that there were an annual average of 368 evictions filed in Chittenden County and 20% of all filed eviction cases were for no cause at all since the existing “No cause” eviction law allows landlords to evict tenants even if the tenants have paid rent on time and have never broken their leases. We also know that many no cause lease terminations never go to court. For an exhaustive discussion about the personal and societal costs of evictions, go to the Princeton University Eviction Lab at <https://evictionlab.org/>

Isn't this just a backdoor way to enacting Rent Control?

No, Just Cause Eviction policies are only invoked in cases where an owner would seek to evict a tenant or to terminate a rental agreement. Rent increases are allowed under these policies. However, since an egregious rent increase would have the same effect as an eviction for many tenants, an effective policy must close that potential loophole with a prohibition on excessive rent increases. The maximum allowable rent increase will be decided based upon research, market conditions and the public process of adopting a local ordinance. With most existing Just Cause Eviction policies, this kind of rent cap generally only applies to the current tenant.

Would this cover all properties? Are there exemptions?

Most Just Cause Eviction policies allow exemptions for certain types of properties including owner-occupied rental properties with 4 or fewer units. Other reasons may include landlord or their immediate family moving in, the property is to receive significant repair/renovations, or the property is being removed from the rental market.

If more restrictions are required of landlords won't the rental housing stock be reduced?

In review of US census data in a number of jurisdictions with Just Cause Eviction policies that has not been the case. In the last 8 years Burlington appears to have over 400 units of owner-occupied housing converted to rental housing, in addition to new rental housing.

Why not draft the ordinance now before getting a charter change?

As explained earlier, because of state law, for Burlington to adopt any of these types of ordinances we need both voter and legislative approval to proceed. The soonest that is likely to happen is spring of 2021. Just Cause Eviction ordinances are complex and will need to be well researched and tailored to Burlington. It is not advisable to include all the detail of an ordinance in the City charter as the only way to change anything would be to go back to the voters and the legislature. To reach consensus on all the detail, we will need robust public input, similar to what is done with zoning changes and most ordinances. This will take significant time and allow for flexibility. After input, all the final detail of the ordinance would go through an extensive public hearing process and be approved by the City Council.