



HOUSING BOARD OF REVIEW

City of Burlington

149 Church Street Room 11
Burlington, Vermont 05401
(802) 865-7122

**HOUSING BOARD OF REVIEW
CITY OF BURLINGTON**

NOTICE OF DECISION

Enclosed is a copy of the "Findings of Fact, Conclusions of Law and Order" of the Burlington Housing Board of Review.

Please note that a person aggrieved by a decision of the Housing Board of Review is entitled to appeal to the Chittenden Superior Court. (See Housing Code Section 18-59 and Vermont Statutes Annotated, Title 24, Section 5006.) The court rules may require that such an appeal be commenced within thirty (30) days of the Board's Order.

Unless an appeal is taken, the Board's Order should be complied with before expiration of the thirty (30) day period.

DATED 10/10/19

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW

Josh O'Hara
Board Chair

cc: Chris Khamnei
William Ward
Kim Ianelli

**STATE OF VERMONT
CHITTENDEN COUNTY, SS.**

**In re: Request for Hearing of CHRIS KHAMNEI)
Regarding the Rental Property at 421) CITY OF BURLINGTON
Main Street) HOUSING BOARD OF REVIEW**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above-named hearing came before the Housing Board of Review on September 30, 2019. Board Chair Josh O'Hara presided. Board Members Patrick Kearney, Patrick Murphy, Olivia Pena and Betsy McGavisk were also present. Petitioner Chris Khamnei was present and testified. Also appearing and testifying were William Ward, Director of Permitting and Inspections, and Minimum Housing Inspectors Kim Ianelli and Matt Perry.

Upon consideration of the evidence and the applicable law, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Petitioner Chris Khamnei is the owner of a rental unit, 421 Main Street, in the City of Burlington which is the subject of these proceedings.
2. On December 21, 2018, Minimum Housing Inspector Kim Ianelli conducted a routine inspection of the property. Ms. Ianelli found 10 violations and issued an Order on December 24, 2018. A re-inspection was scheduled for January 31, 2019, but at petitioner's request, it was rescheduled for February 6, 2019.
3. At the first follow-up inspection on February 6, 2019, Inspector Ianelli found 10 continued violations. As the violations from the initial inspection were not repaired, petitioner was charged a reinspection fee. A second reinspection was scheduled for March 13, 2019.
4. At the second reinspection on March 13, 2019, Inspector Ianelli found 2 continued deficiencies with respect to the exterior of the building: peeling paint and rotting wood around the front bannister and windowsills. Petitioner was given until June 1, 2019 to correct the remaining violations.

Although there were still violations which had not been repaired, the Code Enforcement Office did not charge any reinspection fees because substantial progress had been made with respect to repairs at the property. William Ward noted that it is common for their office to waive inspection fees where notable progress has been made. A third follow up inspection was scheduled for June 3, 2019.

5. On May 28, 2019, petitioner requested an extension to September 30, 2019 to complete the repairs at the property. The Code Enforcement Office granted an extension to August 1, 2019. On July 25, 2019, petitioner appealed the denial of an extension to this Board.

6. Petitioner did not dispute the existence of the violations, but requested more time to make the repairs. Petitioner testified that 3 years ago he was involved in a very difficult probate matter which consumed his life and caused him to get behind. He also described his struggle financially and time-wise to make repairs on all his properties. Petitioner requested an additional 30 days to complete the work; he stated he would have the work completed by November 1, 2019. The Code Enforcement Office requested the repairs be made within 30 days of the Board's decision.

CONCLUSIONS OF LAW

7. The Board has the power to reverse or affirm, in whole or in part, any order or other action of the inspector and to make such order, requirement, decision or determination as ought to be made. Minimum Housing Code, Sec. 18-42(d).

8. At the hearing, the Board confirmed that petitioner's request is limited to an extension of time to complete the repairs at the property, not the existence of the violations. Under Sec. 18-25 of the Minimum Housing Code, an Order may require minimum housing code violations to be corrected within 60 days or less. Within 15 business days after the date on which required repairs are to be completed, but no later than 30 days after the order is posted or received, the Code Enforcement Office shall determine if the order has been complied with; if the order has not been complied with and a written extension has not been granted or an appeal to this Board taken, a report and order will be issued. Minimum Housing Code

Sec. 18-27. It is the practice of the Code Enforcement Office to grant extensions for no more than 30 days.

9. Petitioner has requested an extension to complete the repairs at the property. The 2 outstanding violations at the property were first cited after Inspector Ianelli's inspection on December 21, 2018 inspection. Petitioner has had several months to correct the violations and was granted an extension to August 1, 2019. The Board concludes petitioner has had more than enough time to complete the repairs. Petitioner described the difficulty of keeping up with all his properties. However, as the owner of rental property, petitioner has an obligation to comply with the minimum housing standards. Regardless of the number of properties petitioner has chosen to acquire, his responsibility remains the same. Petitioner testified that he can complete the repairs by November 1, 2019. Therefore, the Board will order that the repairs be completed by November 1, 2019.

10. With respect to the assessment of reinspection fees, Sec. 18-30 of the Minimum Housing Code allows for a first reinspection fee of \$75.00 per unit for a reinspection that is required due to the existence of violations. At the reinspection on February 6, 2019, there were continuing violations at the property so that petitioner was assessed \$120.00 in reinspection fees. The Board concludes the reinspection fees were properly assessed.

ORDER

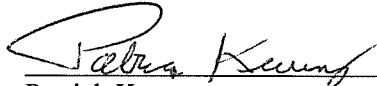
Accordingly, it is hereby ORDERED:

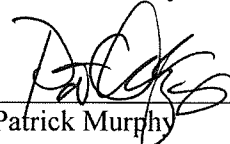
11. The Minimum Housing Order dated March 13, 2019 is AFFIRMED. Petitioner has until November 1, 2019 to make the repairs cited in the Order.

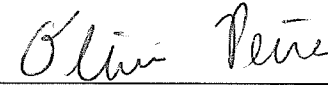
DATED at Burlington, Vermont this 10th day of October, 2019.

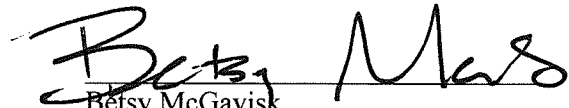
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Patrick Kearney


Patrick Murphy


Olivia Pena


Betsy McGavisk