



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 10/23/19

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW

Josh O'Hara
Board Chair

cc: Chris Khamnei
William Ward
Ita Meno

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

**In re: Request for Hearing of CHRIS KHAMNEI)
Regarding the Rental Property at 240) CITY OF BURLINGTON
Pine 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, 240 Pine Street, in the City of Burlington which is the subject of these proceedings.
2. On May 1, 2019, Minimum Housing Inspector Ita Meno conducted a partial inspection of the property. Ms. Meno found 9 violations and issued an Order dated May 6, 2019. A reinspection was scheduled for June 12, 2019; petitioner requested an extension which was granted to July 12, 2019. When the extension was granted, the Code Enforcement Office also noted that the Certificate of Compliance expired on Dec. 31, 2017 with the inspection open since January 5, 2018 and multiple extensions granted.
3. On July 12, 2019, Inspector Meno reinspected the property and found violations in 2 of the units; petitioner was not present. Inspector Meno issued an Order on July 26, 2019. As there were violations at the reinspection, petitioner was assessed \$150 in fees.
4. On July 25, 2019, petitioner appealed the denial of a longer extension to make repairs to the property and appealed the assessment of reinspection fees.

5. Petitioner did not dispute the violations, but requested an extension to complete the repairs. At the hearing, petitioner testified that items 1 through 6 and item 9 on the May 6 Order were complete and he did not need an extension for those items. The remaining repairs relate to the porch.

6. According to William Ward, the porch has been in disrepair going on 2 years. The May 6 Order required petitioner to repair the porch to make it safe and sound and to repair the roof over the porch which was leaking. In response, petitioner took the roof off the porch. Petitioner wants to take the entire porch off and rebuild it; he has a building permit for the work. The Code Office requested that the Board order petitioner to complete the repairs at the property within 60 days.

7. Again, 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 that he be given 1 year to make repairs to all of his properties.

CONCLUSIONS OF LAW

8. 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).

9. 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.

10. Petitioner has requested an extension to complete the repairs at the property. The 2 outstanding violations at the property relate to the porch. The items were cited in the Order dated May 6, 2019 order. Petitioner has had several months to correct the violations and was granted an extension to July 12, 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. Therefore, the Board will order that the repairs be completed 60 days from the issuance of this Order.

11. 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 July 12, 2019, there were continuing violations at the property so that petitioner was assessed \$150.00 in reinspection fees. The Board concludes the reinspection fees were properly assessed.

ORDER

Accordingly, it is hereby ORDERED:

12. The Minimum Housing Order dated May 6, 2019 is AFFIRMED. Petitioner has 60 days from the date of this Order to make the repairs cited in the May 6 Minimum Housing Order.

DATED at Burlington, Vermont this 23rd day of October, 2019.

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW


Josh O'Hara

Patrick Kearney / h.s.
Patrick Kearney

Patrick Murphy
Patrick Murphy

Olivia Pena
Olivia Pena

Betsy McGavisk
Betsy McGavisk