



Permitting and Inspections Department

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

To: Housing Board of Review
From: William M. Ward *W.M.W.*
Date: November 30, 2022
Subject: Possible change to Chapter 18

Summary

During the previous two years our inspection staff has seen an increase in the number of housing inspections that take 3 or more re-inspections before all deficiencies are corrected and the property comes into compliance. The additional inspections reflect increased time that tenants live in rental units with deficiencies and the repeated inspections reduce the efficiency of the Housing Division staff. In searching for creative solutions other communities are using to address problem properties I found the City of Orlando Florida uses their compliance Board to address non-compliant properties. I would like the Burlington's Housing Board of Review to provide their feedback on a proposal to implement a similar ordinance in Burlington.

Timeline of typical inspection

Burlington's Code Enforcement Inspectors in the Housing Division complete routine and complaint inspections of rental properties. A typical initial inspection can find one or more violations that the inspector notes in a written order requiring any deficiencies to be remedied by a comply-by date in 30 days in most cases. A first follow up inspection occurs approximately 30 to 40 days after the initial inspection. If needed, a second follow up inspection would be another 30-60 days after that depending on extension requests by the property owner. Extensions are often granted on request of a property owner who hires a contractor with a repair schedule that is later than the scheduled inspection date.

If a third re-inspection occurs it can add another 30 to 60 day delay in verifying compliance with the original deficiencies. A third re-inspection only occurs in about 1 percent of all the properties inspected but the total time taken from the initial inspection date is 120 days or more for these cases.

Current penalties

When a rental property is inspected and any deficiencies are corrected on the first re-inspection there are no fees. If the deficiencies are not corrected on the date of the first re-inspection there is a \$75 per unit fee for non-compliance. If the deficiencies are not corrected by the second re-inspection date there is a \$150 per unit fee for non-compliance. If the deficiencies are not corrected by the third re-inspection date there is a \$300 per unit fee for non-compliance for this or any subsequent inspection.

Inspectors can also issue \$100 municipal tickets for each deficiency found on re-inspection and \$200 for a second offense. Tickets provide the property owner 21 days to respond and appeals can take months to resolve without immediate relief for the tenant.



Permitting and Inspections Department

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

The housing ordinance includes provisions for criminal charges for violations but the courts are already overwhelmed which makes them less likely to hear a case and provide relief for tenants as quickly as the Housing Board of Review.

Orlando Ordinance

The City of Orlando, Florida ordinance notes that minor violations shall not exceed one hundred twenty (120) days, and the time given to comply with major violations as defined in their code shall not exceed forty-five (45) days. It further states that any violation not corrected in the time and manner specified in the notice pursuant to this Section may be referred to the Code Enforcement Board.

The relevant provision of ordinance is below:

Sec. 5.04. - Enforcement Procedure

(5) Should the violation continue beyond the time specified for correction, the Code Officer shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to said violator as provided in Sec. 5.09. If notice by personal service or by mail is not feasible, the City Attorney's Office may opt to serve notice by publication as provided in Sec. 5.09. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the Code Officer, the case may be presented to the Code Enforcement Board even if the violation has been corrected prior to the Board's hearing, and the notice shall so state.

Orlando Code Enforcement reported being very successful in getting compliance with this method. Their Board agenda has approximately 80 units a month scheduled to appear. Approximately 1/3 of those cases come into compliance before the hearing. Burlington's per capita rental units could be as high as 6 scheduled per month based on Orlando's scale. Our actual experience suggests that only 1 or 2 Burlington rental properties per month would need to be presented to the Board for a hearing.

Recommendation

I am considering a request to City Council that Burlington amend Chapter 18 to provide for a public hearing to be set automatically upon the code inspector's finding that a property was not brought into compliance by conclusion of the third scheduled re-inspection. The primary function of the board in such a hearing would be to uphold the inspector's findings and require prompt compliance or find in favor of the property owner and grant the additional time they request. I look forward to meeting with you and answering any questions you may have.