



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 3/14/22

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW

/s/ Josh O'Hara
Josh O'Hara
Board Chair

cc: Cherylyn Ramos
William Ward & Ita Meno, Dept. of Permitting & Inspections
Robert Meijers

**CITY OF BURLINGTON, VERMONT
HOUSING BOARD OF REVIEW**

In re: Request for Hearing of CHERLYN)
RAMOS Regarding Rental Property at) Appeal of Minimum Housing Order
239 South Union Street)

DECISION AND ORDER

The above-named hearing came before the Housing Board of Review on February 14, 2022. The meeting was conducted remotely via Zoom. Board Chair Josh O’Hara presided. Board Members Betsy McGavisk, Charlie Gliserman, Olivia Taylor and Evan Litwin were also present. Petitioner Cherylyn Ramos was present and testified. Also present were William Ward, Director of Permitting and Inspections; Patti Wehman, Division Manager for Housing and Code Enforcement; Ita Meno, Health and Housing Inspector; James Sarfaty; Adele Dienno and Robert Meijers.

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. Robert Meijers is the owner of a rental unit, 239 South Union Street, in the City of Burlington which is the subject of these proceedings.
2. On November 29, 2021, Inspector Ita Meno inspected the unit after receiving a complaint from petitioner about the exterior door and the storm door to the property not working properly. Petitioner lives in apartment 3. Petitioner complained that the door slammed extremely loudly causing vibrations in her apartment; in addition, the door slamming woke her up at night. Petitioner also complained that the door lock was broken.

3. At the inspection on November 29, 2021, Inspector Meno found that the exterior storm door knob was loose and missing screws so that it was difficult to open and close. In addition, Inspector Meno found that the exterior door slammed shut causing reverberations through the South Union Street side of the building where the door is located. Inspector Meno ordered that both doors be repaired or replaced so that they worked properly. Inspector Meno ordered compliance by January 3, 2022.

4. On January 10, 2022, petitioner requested a hearing before the Housing Board of Review because the doors had not been repaired.

5. At the hearing, petitioner confirmed the lock on the door was changed and there was a new plate over the lock. However, petitioner testified that the door was still slamming, causing items on the walls of her apartment to shift and waking her at night when other tenants came into the building. Petitioner testified the door was very old and needs to be replaced. Inspector Meno reported that the storm door was repaired on December 20, 2021 and was working properly. On January 25, 2022, Inspector Meno was at the property and inspected the exterior door; the door knob was repaired and additional weather stripping installed around the door. Inspector Meno testified it requires a lot of effort to slam the door. A video submitted by Inspector Meno confirms their assessment of the door. With respect to the age of the door, Inspector Meno confirmed the door was old, but it is weather tight and no longer slams so it meets the minimum housing standards.

Conclusions of Law

6. Section 18-42(d) of the Burlington Code of Ordinances (BCO) grants the Housing Board of Review 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.

7. BCO Section 18-73 requires every exterior door and frame to be fitted reasonably in its frame and to be weathertight. In addition, exterior doors must be fitted with door locks capable of tightly securing the door. Based on the evidence and testimony, the Board concludes the storm door and exterior door have been repaired so that they meet the minimum housing requirements. Therefore, no further action with respect to these doors is required.

Order

Accordingly, it is hereby ORDERED:

8. The exterior door and its storm door on the South Union Street side of the property meet the requirements of Burlington Code of Ordinances, Section 18-73.

DATED at Burlington, Vermont this 14th day of March, 2022.

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW

/s/ Josh O'Hara
Josh O'Hara

/s/ Betsy McGavisk
Betsy McGavisk

/s/ Charlie Gliserman
Charlie Gliserman

/s/ Evan Litwin
Evan Litwin

/s/ Olivia Taylor
Olivia Taylor