



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 7/25/22

CITY OF BURLINGTON  
HOUSING BOARD OF REVIEW

/s/ Betsy McGavisk  
Betsy McGavisk  
Vice Board Chair  
Vice

cc: Rick Sharp via email  
Patti Wehman, via email  
William Ward, via email

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

**In re: Request for Hearing of Rick Sharp            )**  
**Regarding the Rental Property at            ) Appeal of Minimum Housing Order**  
**24 Orchard Terrace                                )**

**DECISION AND ORDER**

The above-named hearing came before the Housing Board of Review on July 11, 2022; the hearing was held virtually via Zoom. Board Vice Chair Betsy McGavisk presided. Board Members Evan Litwin and Josh Wronski were also present. Petitioner Rick Sharp was present and testified. Appearing for the Department of Permitting and Inspections were William Ward, Patti Wehman, and Tim Ahonen. Also present were Ryan Parker and Mary Parker.

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 Rick Sharp is the owner of a rental unit, 24 Orchard Terrace, in the City of Burlington which is the subject of these proceedings.
2. On June 23, 2022, Housing Inspector Tim Ahonen conducted an inspection of the property in response to a complaint received by Ryan Parker (a tenant in the unit) and Mary Parker (the tenant’s mother) about the property.
3. In his Order dated June 23, 2022, Inspector Ahonen noted violations at the property, including several problems with the electrical facilities. Inspector Ahonen found: “...exposed wiring, loose lighting fixtures, a dismantled bath fan/light unit, outlets without covers, a damaged electric stove, a refrigerator fitted with an adapter plug for an ungrounded outlet...” As a result of his findings with respect to the electrical facilities, Inspector Ahonen posted the unit as unfit for habitation as many of the electrical problems posed shock hazards to the tenant.

Petitioner was ordered to make repairs by July 11, 2022 and a reinspection of the unit was scheduled for July 11.

4. Section 18-85 of the Minimum Housing Code requires all electrical equipment, wiring and appliance to be installed and maintained in a safe manner. When the electrical system in a rental unit constitutes a hazard to the occupants or the structure due to insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects must be corrected to eliminate the hazard. Minimum Housing Code Section 18-85(d). When the violations constitute a serious danger to the health, welfare and safety of the occupants the Minimum Housing Order may find that the unit is unfit for habitation and direct the unit to be vacated until it is repaired so that the unit meets the minimum housing standards. Minimum Housing Code Section 18-25.

5. On June 25, 2022, petitioner appealed that part of the order finding that the apartment was unfit for habitation. The basis of petitioner's appeal is that most of the electrical problems were caused by the tenant's mother. In addition, petitioner believed the problems were minor and could have been repaired within a few days without declaring the unit as unfit for habitation.

6. Petitioner and his mother acknowledged removing some outlet covers and switch plates, removing the broken lights in the bathroom vanity, removing the bathroom fan cover and putting new drip pans provided by respondent in the oven. Mary Parker removed some outlet covers and switch plates to paint. Ms. Parker also removed the fan cover to try to clean it. The new drip pans were put in the oven to keep them clean while work was occurring in the unit.

7. At the reinspection on July 11, 2022, Inspector Ahonen found the necessary electrical repairs had been completed, and the electrical inspector had closed out the electrical permit. Consequently, the order that the unit was unfit for habitation was lifted.

### **Conclusions of Law**

8. 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.

9. Section 18-49 of the BCO requires an appeal of a Minimum Housing Order to be made in writing within 30 days of the Order. The written request must specify the ground of the appeal and the relief being sought. The only issue before the Board is whether or not the unit was unfit for habitation. Petitioner argued that Inspector Ahonen was wrong to make that determination because a lot of the issues were caused by the tenant and his mother. In addition, petitioner maintains that the repairs could have been completed in days without posting the unit as unfit for habitation.

10. Given the multitude of problems related to the electrical facilities, the Board concludes that Inspector Ahonen's order posting the unit unfit for habitation was proper. While the tenant and his mother acknowledged removing some (but not all) outlet and switch plate covers, the fan cover and the stove drip pans, there were still electrical facilities that did not meet the minimum requirements and posed a hazard: light fixtures dangling from the ceiling, the adapter plug for the refrigerator and exposed wiring.

### **Order**

Accordingly, it is hereby ORDERED:

11. The Minimum Housing Order dated June 23, 2022 is AFFIRMED.

Dated at Burlington, Vermont this 25<sup>th</sup> day of July, 2022.

CITY OF BURLINGTON  
HOUSING BOARD OF REVIEW

/s/ Betsy McGavisk  
Betsy McGavisk

/s/ Evan Litwin  
Evan Litwin

/s/ Josh Wronski  
Josh Wronski