

Tenant Protection Research Summary

- Mayor Weinberger directed CEDO and the Department of Permitting & Inspections to undertake a review of existing tenant protections in Burlington and Vermont, examine best practices from other communities and states, and identify where the City can improve its policies to better support tenants.
- This memo contains staff research on these topics in order to facilitate further discussion

Burlington specific ordinances

- Minimum Housing Standards, Rental Registration, Hsng Board of Review
- Retaliatory evictions
- Additional eviction notice
- Security and pet deposits
- Housing discrimination
- Tenant relocation due to code violation related construction
- Condo conversion
- 90 day notice for rent increase

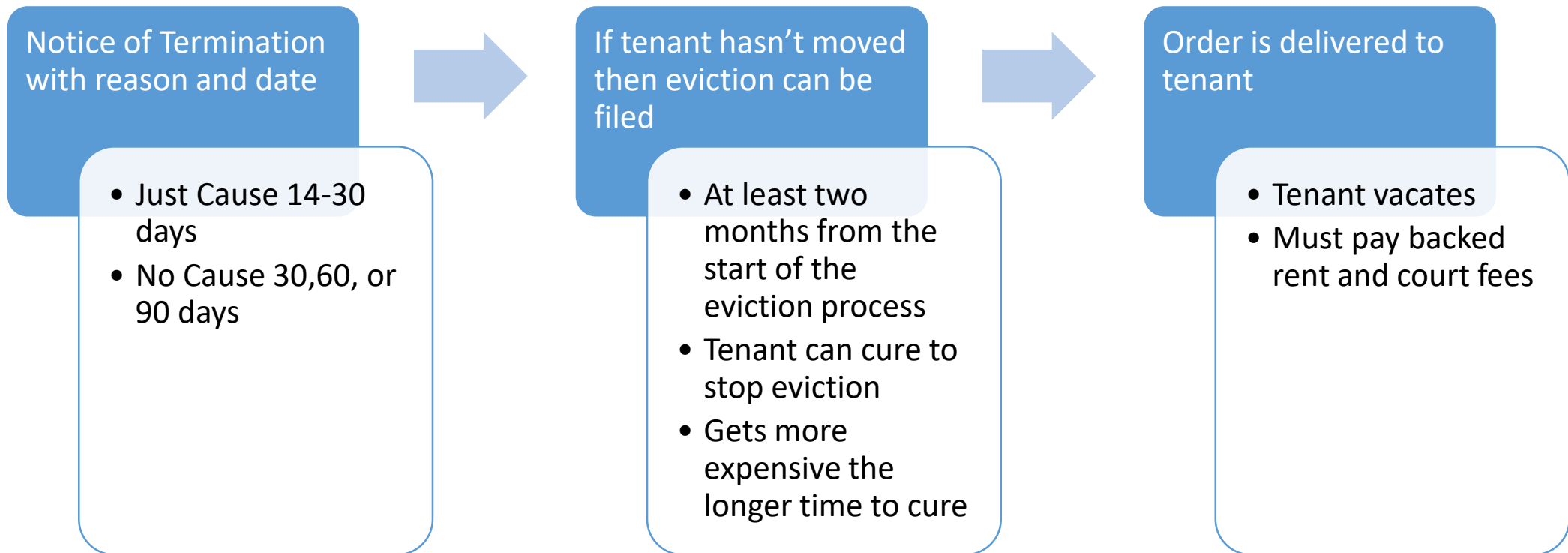
Existing Vermont & Burlington Tenant Protections

	Vermont	Burlington
Security Deposit Maximum	<i>None</i>	<i>1 months' rent (1/2 month pet deposit)</i>
Deadlines for returning security deposits	<i>Postmarked within 14 days</i>	
Rent increase notices	<i>Min. 60 days</i>	<i>3 rental periods</i>
Repair and deduct policies	<i>May deduct up to 1/2 rent amount</i>	
Withholding rent policies	<i>For failure to provide essential services</i>	
Landlord Access (non-emergency)	<i>48 hours</i>	
Tenant termination notice	<i>None</i>	<i>2 rental periods</i>
Eviction notice	<i>Requires notice for just cause³/no cause⁴ with written lease</i>	<i>Requires notice without written lease³</i>
Abandoned tenant property	<i>60 days from notice to retrieve</i>	
Application fees	<i>Prohibited</i>	
Retaliatory Conduct	<i>Prohibited</i>	<i>Retaliatory eviction protections</i>

Eviction Data

- In Burlington, roughly 60% of renter-occupied households are cost burdened
- 33% spend more than 50% of their income on rent
- 1,700 eviction cases are filed in Vermont every year, and in 70% of the cases studied, unpaid rent was the only issue raised
- Burlington data is not available publicly

Eviction Process: 3-6 months



Required Eviction Notice

- **Just Cause termination notice** - Nonpayment of rent & criminal activity (14 days) Breach of rental agreement & Sale of property (30 days)
- **No Cause termination notice (written lease)** - 30 (if weekly), 60 or 120 days depending on length of tenancy
- **No Cause termination notice (no lease)** - 21 (if weekly), 60, or 90 days depending on length of tenancy

Just Cause Eviction

- California and Oregon have adopted prohibitions against 'no cause' evictions after one year of tenancy.
- California applies this prohibition to all leases, whereas Oregon covers only month-to-month leases.
- Owner-occupied homes and duplexes are exempt

CALIFORNIA JUST CAUSE EVICTION REASONS SUMMARY

Reasons for 'Just Cause' Eviction:

- *Nonpayment of rent*
- *A breach of lease terms*
- *Nuisance violations*
- *Damaging the property*
- *Refusing to renew lease*
- *Criminal activity*
- *Subletting in violation of lease*
- *Refusing owner entry*
- *Illegal use of property*
- *Failure to vacate*

'No Fault Just Cause' Reasons:

(Requires 1 month rent relocation payment)

- *Occupancy by owner or immediate family if included in lease*
- *Withdrawal from rental market*
- *Legal order to vacate*
- *Intent to demolish or to substantially remodel*

Rent Control

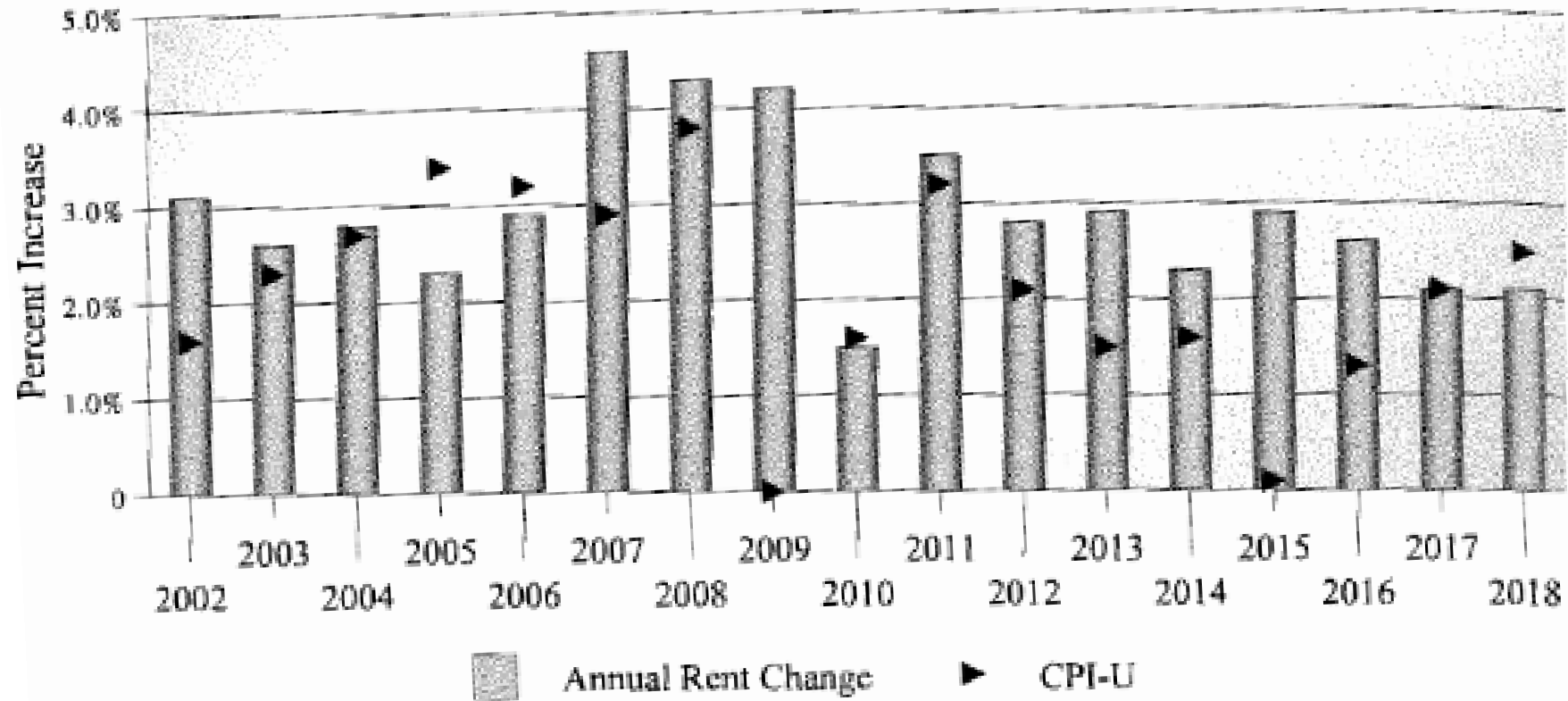
Controversial legacy, rent control 1.0 did not fare well politically, rent control 2.0 focuses on less restrictive rent caps:

- California prohibits more than 5% plus the percentage change in the cost of living, or 10% max.
- Oregon limits increases within any 12-month period to no more than 7% above average change in cost of living.
- Neither California nor Oregon has strict vacancy control, so rent can be reset after a tenant leaves.
 - (Oregon has vacancy control in the case of a 'no cause' eviction that takes place within the first year of tenancy).

Permanently Affordable Housing Stock

- CHT, Cathedral Square, and BHA, alone control approximately 22% of all of the rental housing in the city.
- IZ requires 15% - 25% of the units in market-rate housing development projects above a certain size are permanently affordable.

Annual Rent Inflation



Average Annual Percent Change: 2008-2017

Median Household Income	Average Household Income	Average Rent Inflation
1.3%	2.2%	2.9%

Recommendations

1. Improve accessibility of code enforcement data, including properties' CoC ratings and complaint history
2. Strengthen the City's minimum housing standards
3. Assess capacity of existing tenant advocacy resources to meet demand in Burlington; require distribution of educational materials to landlords and tenants

Recommendations

4. Consider an expanded role for Burlington's Housing Board of Review
5. Review 'just cause' eviction standards and consider tenant assistance for 'no cause' evictions
6. Track data on evictions, Housing Review Board decisions
7. Evaluate existing tenant support resources, and assess need for eviction support fund