Resolution Relating to

REFERRAL TO CHARTER CHANGE COMMITTEE
OF CHARTER CHANGE TO AUTHORIZE ORDINANCES
ON JUST CAUSE EVICTIONS

CITY OF BURLINGTON

In the year Two Thousand Twenty .................................................................

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, at its October 7, 2019 meeting, this Council adopted a comprehensive Resolution regarding Housing Policy Reforms, which included referring to the Community Development and Neighborhood Revitalization (CDNR) Committee “the review of recommendations regarding renter protections that will be delivered by CEDO and the Department of Permitting & Inspections in October, so that the Committee may develop any further changes;” and

WHEREAS, at the Council’s November 18, 2019, meeting, the City’s Community and Economic Development Office and Department of Permitting & Inspections presented the Council with a review and recommendations on tenant protections, and that document was referred to the CDNR Committee; and

WHEREAS, just cause eviction policies promote residential stability by limiting the grounds upon which a landlord may evict a tenant; typically, allowable grounds for eviction include nonpayment of rent, significant damage to the unit, or other material noncompliance with the terms of the lease before they may evict tenants, and such policies also create procedures that rental property owners must follow in order to establish “just cause” to evict; and

WHEREAS, just cause eviction policies have been adopted in many U.S. cities and states including but not limited to Boston, New York City, Seattle, New Jersey, District of Columbia, Chicago and San Francisco and such policies are part of state and local governments’ efforts to provide housing stability for renters in expensive housing markets with very low rental vacancy rates similar to Burlington; and

WHEREAS, a recent report by Vermont Legal Aid analyzing eviction data over the last five fiscal years found that there were an annual average of 368 evictions filed in Chittenden County and 20% of all filed eviction cases were for no cause at all since the existing “No cause” eviction law allows landlords to evict tenants even if the tenants have paid rent on time and have never broken their leases; and

WHEREAS, after several public meetings with public input, on August 5, 2020, the CDNR Committee voted unanimously to recommend that the below question on just cause evictions be referred to the Charter Change Committee for consideration for the November special election;
RESOLUTION RELATING TO

Adopted by the City Council

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NOW, THEREFORE, BE IT RESOLVED that the Council hereby refers to the Charter Change Committee consideration of the following amendment to the Burlington City Charter proposed by the CDNR Committee:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended by adopting and adding a new section 48(66) to read as follows: ‘To provide by ordinance protections for residential tenants from eviction without “just cause,” where just cause may include, but is not limited to (a) a material breach of a written rental agreement, (b) violation of state statutes regulating tenant obligations in residential rental agreements, (c) non-payment of rent while just cause may exclude (a) expiration of rental agreements (b) personal disagreements. The ordinance may also set a maximum rent increase with the purpose of preventing de facto evictions. The ordinance may also require that landlords provide notice of just cause and other legal requirements as part of the rental agreement;’?’ and

BE IT FURTHER RESOLVED that the Council directs the Charter Change Committee to report back to the City Council at its August 24, 2020 no later than its December 7, 2020 meeting so that the question can be considered in time to be warned for public hearing for the November special election for the March 2021 Annual Meeting.

Ilb/EBlackwood/Resolutions 2020/City Council – Referral to Charter Change Committee of Charter Change to Authorize Ordinances on Just Cause Evictions 8/6/2020 amended; adopted 081020 LO
RESOLUTION RELATING TO

Referral To Charter Change Committee Of Charter Change To Authorize Ordinances On Just Cause Evictions

Adopted by the City Council

August 10, 2020

Clerk

Approved August 10, 2020

Mayor

Attest

Lori Olberg

Licensing, Voting and Records Coordinator