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## COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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TO: City of Burlington City Council  
Inclusionary Zoning Working Group (“IZWG”)

FROM: Noelle MacKay  
Director, Community & Economic Development Office (“CEDO”)

DATE: October 23, 2017

RE: **Inclusionary Zoning (IZ) Ordinance  
Update and Overview Regarding Monitoring**

### Background

In a memo dated January 11, 2017, CEDO presented a summary of actions taken and a proposed “Policy and Procedures for Monitoring Inclusionary Zoning Units” document for the Community Development & Neighborhood Revitalization Committee meeting of January 31, 2017. Those documents addressed questions, comments, and recommendations about the monitoring of IZ units which were expressed found in the “Evaluation of the City of Burlington’s Inclusionary Zoning Ordinance” by czb LLC and dated January 2017 (“Report”). Per that memo, monitoring of IZ units has been a priority for this administration and CEDO staff have been working diligently for over a year to build systems which ensure that applicable projects are meeting the requirements of the IZ ordinance.

CEDO has:

- Mined and organized all known data sources into individual project files that included all information related to the IZ requirements for each property known to trigger IZ.
- Updated the “Inclusionary Zoning Unit Inventory” when new information becomes available (see attachment with the same title).
- Finalized monitoring forms, systems, and property owner letter templates.
- In the course of the “rubber-meets-the-road” work of designing IZ monitoring systems, we have had to confront many questions and ambiguities of the ordinance. Working closely with the City Attorney’s Office, past CEDO staff, and other partners, CEDO has revised the “Policies and Procedures for Monitoring Inclusionary Zoning Units” (see attachment with the same title).
- Convened the Housing Trust Fund Administrative Committee to revise IZ rents based on new income data from the U.S. Department of Housing and Urban Development. This will happen annually moving forward.

- Notified property owners of for-profit rental housing of the current IZ rents and the existence of the IZWG.

Next Steps:

The following are planned next steps for IZ monitoring:

- In the next couple of weeks, CEDO will be mailing monitoring letters to for-profit and non-profit owners of rental property to inform owners of the IZ requirements and collect information related to their property. Non-profits shall only be asked to report on units which are not already monitored by CEDO for compliance with HOME rent and income limits. Depending on the results of the monitoring of non-profit properties, CEDO may determine that future IZ monitoring is not necessary.
- Upon completion of this first monitoring, staff shall analyze the results regarding compliance and develop recommendations regarding improved processes.
- In the next six months, staff shall work with City Attorney's Office to develop a protocol for handling non-compliance.
- Although the ordinance does not appear to require ongoing marketing of IZ units, this does not prevent the City from notifying the public that these units exist and the contact information for these properties. Staff shall:
  - Work with owners to determine contact information specific properties so that a prospective tenant can get on an IZ waiting list.
  - Set up a webpage with addresses and contact information for for-profit IZ units
  - Investigate whether for-profit IZ units on VHFA's Vermont Directory of Affordable Rental Housing ([www.housingdata.org](http://www.housingdata.org).)

This work was made possible by realignment and coordination of staffing at CEDO as well as funding from the Housing Trust Fund. Continued funding at this level is necessary so the City can ensure that IZ ordinance income and affordability requirements are satisfied in the future.

Encl: Policies and Procedures for Monitoring Inclusionary Zoning Units  
Inclusionary Zoning Unit Inventory

cc: Marcy Esbjerg, CEDO  
Todd Rawlings, CEDO  
Gillian Nanton, CEDO



EQUAL HOUSING OPPORTUNITY