

CITY OF BURLINGTON

ORDINANCE 8.24

Sponsor: Ordinance Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

First reading: _____

Referred to: _____

An Ordinance in Relation to

Rules suspended and placed in all stages of passage: _____

HOUSING and TAXES—

Second reading: 06/27/22

Short Term Rentals

Action: adopted as amended

BCO Ch. 18 & Sec. 21-31

Date: 06/27/22

Signed by Mayor: 07/01/22

Published: 07/13/22

Effective: 08/03/22

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 18, Housing, of the Code of Ordinances and Chapter 21, Offenses and Miscellaneous
2 Provisions, Article I. In General, and Section 31, Restaurant, hotel, amusements and admissions taxes, of the
3 City of Burlington be and hereby are amended to read as follows below.

4
5 That if a dwelling unit operated by a host as a noncompliant short term rental prior to the date in which this
6 ordinance amendment, Housing-Short Term Rentals, BCO chapter 18 & Sec. 21-31, comes into effect, the
7 host may continue to operate their short term rental until no later than May 31, 2023, provided that: 1) the
8 host registers their short term rental and pays any registration fee within thirty (30) days following the
9 effective date of this ordinance amendment; 2) the host demonstrates to the satisfaction of the Department of
10 Permitting and Inspections that future guest reservations were made for the short term rental prior to the date
11 in which the this ordinance amendment comes into effect; and 3) the host may not register more than one (1)
12 noncompliant short term rental.

ARTICLE I. IN GENERAL

14 18-1 Short title.

15 As written.

16 18-2 Definitions.

17 For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the
18 meanings given herein:

19 ***

20 Guest means a person who, in exchange for compensation, rents a short term rental.

22 ***

23 Host means a person who operates a short term rental (whole or partial unit). The host is the primary contact
24 for guests to make reservations and to contact during their stay. The host oversees compliance of the short
25 term rental with all applicable rules and regulations, receives guests' payment for short term rental stays, and
26 is responsible for remitting all taxes imposed on a guest's occupancy. The host may be the property owner
27 or tenant.

28
29 Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than
30 30 days) sleeping accommodations for compensation ~~consideration~~ and is subject to the Vermont rooms and
31 meals tax. Hotel or motel is defined as lodging in the Comprehensive Development Ordinance. Hotel or
32 motel does not include short term rental.

33 ***

34 Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

35 ***

36 Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for
37 compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion
38 of any such unit being occupied as a residence by the owner shall be considered a rental unit.

39 ***

40 Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which
41 space is let to three (3) or more persons for thirty (30) consecutive days or more.

42 Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be
43 used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short
44 term rental.

45 Short term rental (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30)
46 consecutive days and for more than 14 days during any rolling 12-month period, is subject to the Vermont
47 rooms and meals tax, and is either a:

48 (a) Partial Unit, meaning a room located within a host’s primary residence that is used primarily for
49 sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor
50 area; or

51
52 (b) Whole Unit, meaning an entire dwelling unit.

53 ***

54 *Target housing* means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any
55 dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons
56 with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that
57 dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including
58 condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

59 ***

60 **18-3 – 18-14 Reserved.**

61 **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

62 **DIVISION 1. GENERALLY**

63 **18-15 Registration required.**

64 (a) The owners of all rental units subject to inspection pursuant to Section 18-16 and the hosts of all short
65 term rentals shall be required to annually file a registration application and fee with the enforcement agency,
66 which shall be due-renewed annually on or before April 1.

67 (1) The All owners or hosts must complete a rental property information form to be provided by the
68 enforcement agency which contains the following information:

69 (+i) The address of the property.

70 (2ii) The number of dwelling units at that address.

71 (3iii) The number of rental units at that address.

72 (iv4) The maximum number of residents or guests in each rental unit.

73 (5iv) The number of sleeping rooms in each rental unit.

74 ~~(6) The number of families living in each rental unit.~~

75 ~~(7) The number of unrelated adults in each rental unit.~~

76 ~~(8vi)~~ The number of vehicles owned or used by residents ~~or~~ guests at the premises and the number
77 of parking spaces that are dedicated for the rental units at the property.

78 ~~(9vii)~~ The name, address, phone number, email address, date of birth, drivers license and state and
79 military status (active or not) of the property owner, and if the owner is a corporation, the registered
80 corporate agent and the president of the corporation and ~~their~~his/her name and address, and if the
81 owner is a partnership, the registered partnership agent, and the names and addresses of the general
82 partners.

83 ~~(10viii)~~ The name, address ~~and~~ phone number, and email address, of:

84 a. any local (within Chittenden County) managing agent. All owners or hosts who do not live within
85 Chittenden County are required to designate a managing agent located in Chittenden County who is
86 empowered to represent the owner or host in matters concerning compliance with this chapter.

87 ~~(11)b.~~ The name, address and phone number of an emergency contact for this property. All
88 properties must have an emergency contact within Chittenden County.

89 ~~(12)c.~~ a A designated person within the state for service of process for this property. All owners or
90 hosts who do not live within Chittenden County are required to designate a managing agent located in
91 Chittenden County for service of process. ~~The name, address, phone number, date of birth, drivers~~
92 ~~license number and state and military status (active or not) of the designated agent.~~

93 d. If any of the individuals designated pursuant to this subsection move out of Chittenden
94 County or leave Chittenden County for more than thirty (30) days during the rental unit's annual
95 registration period, the owner or host shall submit updated contact information to the enforcement
96 agency.

97 (2) All owners of rental units rented for thirty (30) days or more (i.e. other than short term rentals) must
98 also provide the following information:

99
100 (i) The number of families living in each rental unit.

102 (ii) The number of unrelated adults in each rental unit.

103

104 ~~(13iii)~~ State yes or no to the following question: If the number of unrelated adults ~~listed in~~
105 paragraph ~~(a)(7)~~ above is greater than four (4), do those adults purport to reside in the rental unit as a
106 "functional family" as that term is defined in the Burlington Zoning Ordinance?

107 (3) All hosts of short term rentals must also provide the following information:

108

109 (i) The number of whole unit or partial unit short term rentals within the building, or in the case of
110 multiple buildings on a parcel of land, on the entire lot.

111

112 (ii) For hosts who are tenants, the name, address, phone number, email address, date of birth, drivers
113 license and state and military status (active or not) of the host, and written permission from the owner
114 of the rental unit that the tenant may register it as a short term rental.

115

116 (iii) Written proof of the host's primary residence. For hosts who are owners of the short term rental,
117 this shall be proven by a declaration of homestead pursuant to 32 V.S.A. § 5410. For hosts who are
118 tenants, the enforcement agency may accept other written proof of permanent residency at its
119 discretion, relying on criteria such as the address listed on the host's drivers license, car or voter
120 registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

121

122 (b) Upon purchase or transfer of property containing a rental unit, or upon a change in the host of a short
123 term rental, the purchasers, transferees, or new host shall file a new registration application and a fifty dollars
124 (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new
125 owner or host on the same date.

126 (c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner
127 or host shall file an application for registration with the agency and pay the required fee which shall be the
128 pro rata portion of the fee due for that year based on the date of registration.

129 (d) It shall be a violation of the city minimum housing ordinance for an owner or host of any rental unit
130 within the city to fail to register a rental unit as required by this section.

131 (e) Property owners and hosts shall have a continuing obligation to notify the enforcement agency of any
132 changes in the information required under subsection (a) during the periods between the required filings of
133 the registration applications.

134 (f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals
135 shall be subject to the following standards:

136 (1) A host may register their primary residence as one (1) whole unit short term rental or the host may
137 register up to three (3) rooms within their primary residence as a partial unit short term rental.

138
139 (2) In buildings or lots with less than five (5) dwelling units, a host may register a dwelling unit within
140 the same building or lot as their primary residence as one (1) whole unit short term rental.

141
142 (3) A host may register a dwelling unit that is not within the same building or lot as their primary
143 residence as one (1) whole unit short term rental only if either:

144
145 i. the dwelling unit is indicated as a seasonal home by the Burlington Assessor; or

146
147 ii. the dwelling unit is within a building with two (2) or more dwelling units and the host
148 rents another dwelling unit within the same building or lot, in excess of any applicable
149 required Inclusionary Units, that meets the affordability criteria of Article 9, Inclusionary
150 Zoning, of the Comprehensive Development Ordinance or is rented to a tenant receiving
151 Federal or State rental assistance.

152
153 (4) A host may not register more than one (1) whole unit short term rental. If a host registers one (1)
154 whole unit short term rental that is not their primary residence, they may still rent a partial short term
155 rental in their primary residence. A host who is a tenant may only register a short term rental in their
156 primary residence. A host may not use multiple corporations or other entities to register more than one
157 (1) whole unit short term rental.

158
159 (g) The enforcement agency shall create and maintain a registry of all rental units that includes the
160 registration data required by Sec. 18-15(a). Upon request and at least annually, the enforcement agency shall

161 provide to the city council a summary of the registry, including the number of registered rental units, the
162 number of registered short term rental units, and any other requested data collected by the registry.

163 **18-16 Inspection required.**

164 The enforcement officer or ~~his/her~~ their delegate shall make inspections of rental units within the city,
165 including hotel and motel rooms which are regularly let to the same tenant(s) for a period ~~in excess of~~ thirty
166 (30) days or more, for the purpose of determining whether a violation of this chapter exists.

167 Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2)
168 rooms which are rented out for compensation and partial unit short term rentals. Also excluded from
169 inspection are university and college dormitories that conduct regular, comprehensive inspection programs
170 and annually certify compliance with the minimum housing standards ordinance to the enforcement agency.
171 Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of
172 hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in
173 this section, shall be made only upon complaint or upon request of the owner thereof.

174 All records, including inspection reports, records of complaints received and investigated, and plan for
175 inspections of rental units, shall be available for public inspection.

176 **18-17 – 18-29** As written.

177 **18-29a Termination of rental housing tenancy; rental housing rent increase.**

178 (a) - (c) As written.

179 (d) The provisions of this subsection do not apply to short term rentals, except that if a host terminates an
180 existing tenancy in a rental unit or refuses to renew a written rental agreement for the purpose of converting a
181 rental unit to a short term rental, the host shall be responsible for paying the costs of relocation for the
182 affected tenant, as defined by Sec. 18-28(c), within ten (10) days after the tenant vacates the rental unit, as
183 long as all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated.

184 **18-30 Fees.**

185 (a) *Registration fee.* Pursuant to Section 18-15, a registration fee shall be charged to the owner of every
186 rental unit in the city that is subject to periodic inspections and to the host of every short term rental. This fee
187 shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection
188 services, clerical, administrative and mediation support services for the housing board of review and

189 landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain
190 part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by
191 the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year
192 except for owner occupied dwellings with two (2) or less units and partial unit short term rentals, in which
193 case the fee shall be eighty dollars (\$80.00). For whole unit short term rentals, an additional registration fee
194 shall be charged in the amount of one hundred ten dollars (\$110.00) per unit per year.

195 ****Remainder of Sec. 18-30 as written.*

196 **18-31 – 18-69** As written.

197 **ARTICLE III. MINIMUM STANDARDS**

198 **DIVISION 1. GENERALLY**

199 **18-70 - 18-112** As written.
200

201 18-113 Short Term Rentals

202
203 The following additional minimum standards shall apply to short term rentals only:

204
205 (a) Hosts shall comply with all applicable State law and regulations regarding short term rentals.

206
207 (b) Short term rentals must be serviced and cleaned before each new guest.

208
209 (c) A host shall include the rental registration number clearly visible on all advertising for the short
210 term rental.

211
212 (d) Hosts shall provide guests written documentation with the following information:

213
214 i. the name, phone number, and email of the host and, if not the host individually, an
215 emergency contact within Chittenden County who is available at all times during a guest’s
216 rental.

217

218 ii. contact information for the enforcement agency, the State Department of Health, and the
219 State Department of Public Safety's Division of Fire Safety.

220

221 iii. written instructions on the location and use of fire extinguishers;

222

223 iv. written instructions on emergency shut-off of heating systems and fuel burnings
224 appliances.

225

226 v. a diagram identifying emergency egress routes.

227

228 vi. a copy of Burlington's Noise Control Ordinance.

229

230 18-114—18-129 Reserved.

231

232 DIVISION 7. MINIMUM ENERGY EFFICIENCY STANDARDS

233 **18-130 – 18-199** As written.

234 **ARTICLE IV. HOUSING DISCRIMINATION**

235 **18-200 – 18-299** As written.

236

237 **ARTICLE V. REGULATION OF CONVERSION OF RENTAL**
238 **HOUSING TO CONDOMINIUMS OR COOPERATIVES**

239

240 **18-300** Statement of Purpose.

241 As written.

242 **18-301** Authority and applicability.

243 As written.

244 **18-302** Exemptions.

245 (a) - (b) As written.

246 (c) This article shall not be applicable to short term rentals.

247 **18-303 – 18-399** As written.

248 **Article VI. Housing Trust Fund**

249 **18-400 – 18-499** As written.

250 **Article VII. RESERVED**

251 **18-500 – 18-512** Reserved.

252 ***

253 **21-31 Restaurant, hotel, amusements and admissions taxes.**

254

255 (I) *GENERAL PROVISIONS:*

256

257 (A) *Title:* This section may be cited as the "Restaurant, Hotels, Amusements and Admissions Taxes
258 Ordinance."

259

260 (B) *Purpose and Authority:* This section is enacted to raise revenue for municipal purposes pursuant to the
261 Charter of the City of Burlington, Act No. 298, Acts of 1949, Sections 48III and 48XXIV.

262

263 The city council originally adopted this tax on January 30, 1986. Included in that ordinance was subsection
264 "XVI Sunset." Subsequent to the adoption of the ordinance, the voters recommended and the Legislature
265 adopted a change to the City Charter (Acts of 1986, M-21) which established a system of tax classification in
266 Burlington.

267 That city council and each successor city council has construed the 1986 tax ordinance not to have sunset, to
268 have been in continuous effect, and each has adopted a city budget which collected and expended funds raised
269 by that 1986 ordinance.

270 On April 2, 1990, the Superior Court construed the intention of the 1986 enactment of this ordinance to trigger
271 a sunset of it effective June 30, 1987, and declared it no longer effective.

272 The city council hereby enacts this ordinance as both a prospective and retroactive curative adoption. The city
273 council views the Superior Court's construction of the intention of our predecessor 1986 city council to be

274 erroneous. Despite the fact that an appeal of that decision is pending at the time of this enactment, the city
275 council finds that prudence further necessitates that this curative action also be taken by us as the local
276 legislative body of the city.

277 It is therefore the express legislative purpose of this 1990 enactment of this ordinance to:

278 (1) Adopt the "Restaurant, Hotel, Amusements, and Admissions Taxes Ordinance," Code of
279 Ordinances, Section 21-31, without the sunset clause which appeared at subsection XVI of the 1986
280 enactment, and which gave rise to the Superior Court declaration of defect in the ordinance's continued
281 effectiveness after June 30, 1987; and

282 (2) Make this enactment, which has eliminated the former sunset clause altogether, retroactive to the
283 effective date of the original tax ordinance adopted January 30, 1986.

284 (II) *TAXES IMPOSED:*

285

286 (A) *Restaurant Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the
287 restaurant business of whatever name or character in the City of Burlington. The tax imposed shall be at the
288 rate of two (2) percent of the gross receipts from taxable business, as defined herein, done per monthly period
289 in accordance with the provisions of this section.

290

291 (B) *Hotel and Motel Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the
292 hotel or motel business of whatever name or character within the City of Burlington. The tax imposed shall be
293 at a rate of two (2) percent of gross receipts from taxable business, as herein defined, done per monthly period
294 in accordance with the provisions of this section.

295

296 (C) Short Term Rental Tax: There is hereby imposed a business occupation tax upon all persons engaged
297 in operating short term rentals within the City of Burlington. The tax imposed shall be at a rate of nine (9)
298 percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with
299 the provisions of this section and dedicated to the Housing Trust Fund.

300

301 (D) *Amusements Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the
302 business of operating places of amusement, including, but not limited to, pool halls, arcades, bowling alleys, or
303 operating any establishment making available use of amusement devices of whatever name or character within

304 the City of Burlington. The tax imposed shall be at the rate of two (2) percent of taxable business, as defined
305 herein, done per monthly period in accordance with the provisions of this section.

306

307 (~~DE~~) Admissions Tax: There is hereby imposed a tax on admissions to circuses, menageries, carnivals,
308 cinemas, shows of every kind, plays, athletic contests, exhibitions or entertainments for money of whatever
309 name or character except those of educational or nonprofit institutions or organizations or wholly for
310 charitable purposes. The tax imposed shall be at the rate of two (2) percent of the gross receipts from such
311 admissions, as defined herein, done per monthly period in accordance with the provisions of this section.

312

313 (~~EF~~) Compliance Required: It shall be unlawful for any person to transact or carry on any business,
314 occupation or activity subject to the provisions of this section without complying with all applicable provisions
315 herein.

316

317 (III) – (XV) As written.

318

319 * Material stricken out deleted.

320 ** Material underlined added.

321

322 tm/KS/Ordinances 2022/Housing and Taxes—Chapter 18 & Sec. 21-31, Short Term Rentals

AN ORDINANCE IN RELATION TO

HOUSING and TAXES--Short Term Rentals
BCO Ch. 18 & Sec. 21-31

Introduced by Colin Clark Ordinance Committee

Read in City Council first time _____, 20__.

Attest, _____, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

_____, 20__.

Attest, _____, Clerk.

Read in City Council second time
June 27 _____, 20__.

Attest, _____, Clerk.

Passed in City Council at meeting held
June 27 _____, 20__.

Attest, _____, Clerk.
Approved July 1 _____, 20__
[Signature], Mayor.

I, CAO Katherine Schad / CITY CLERK of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ Wednesday _____ day,

namely the _____ 13th _____ day of _____ July _____, 20__.

Adopted _____ 06/27/22 Published _____ 07/13/22 Effective _____ 08/03/22
[Signature] CAO Schad / [Signature] / [Signature] /

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on _____

Meagan Tuttle, Planning Director

Attest:

Lori Olberg
Licensing, Voting & records Coordinator

* * * * *

* * * * *