

Testimony to the Community Development and Neighborhood Revitalization Committee of the City of Burlington.

Stephen Marshall 10/21/2020

Every status - banker, landlord, tenant, advocate, lawyer, owner, renter, homeless - is a category we engineer into our laws, through decisions we make about how to allocate resources, whose rights to protect, which values to advance. Before this committee is a proposal to place on the city ballot an amendment to the city charter, to advance the right of renters to a secure and predictable abode. In apparent competition with this right is the sovereignty of the property owner to control who uses their property.

I propose to you that in the moral universe, when a person buys property and intends to rent it for profit, that person takes on the dignity and esteem of the people who will so rent, and a responsibility to the community in which it is. There will be a contract and terms, but the lives contained within the walls of that property have importance. They cannot be treated as a commodity. The gravity of that importance demands that a person cannot be told to leave for whimsical or slight needs of the landlord, such as "it's time to paint." The cost to the tenant of leaving cannot be multiples of the benefit to the property owner.

It is arguable that in some cases the property owner has a need and right to remove a tenant. But first we must show that the costs to the interests of property ownership are comparable to the costs to the tenant of packing up, finding a new place to live, moving, moving in, and building a new set of relationships in a new place. The question is, where is the balance point? This charter change asserts that the point of balance between the harm to property and the harm to the community and the tenant does not allow the property owner to terminate a lease, or fail to renew, without "just cause". This charter change merely allows the city to define "just cause", and does not harm the right of property owners to negotiate or choose their tenants.

Arguments are made that (some) landlords do the right things, it isn't necessary to change the charter. This argument is plainly inverted. The charter change is not intended to harm the landlords who act justly, it is intended to protect tenants from landlords who act unjustly. And yes, instances of unjust removal are frequent.

This charter change redresses an imbalance in the law. It gives the city the ability to locate and enforce the balance point. This charter change is just and we, the residents of Burlington, deserve an opportunity to vote on it.

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