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TO: Burlington City Council
Mayor Miro Weinberger
FROM: Scott Gustin, Principal Planner & Zoning Division Manager, DPI
Meagan Tuttle, Comprehensive Planner, Office of City Planning
DATE: August 2, 2021
RE: Proposed CDO Amendment ZA-20-05: Short Term Rentals & Ch. 18 Minimum Housing Code amendments

Overview & Background

This package of amendments has been referred to you by a Joint Committee of the City Council Ordinance Committee and the Planning Commission. This work resulted from the 2019 Mayor's Housing Summit, and the subsequent Council Resolution in October 2019, which directed the Joint Committee to create a regulatory framework for short-term rentals that created tiers and disincentivizes the most impactful uses in order to:

- Limit the number of housing units converted for short-term rental purposes;
- Ensure that conversions contribute to efforts to preserve and expand affordable housing;
- Provide some flexibility for homeowners to earn income; and
- Recognize that some supply of short-term rentals benefits the Burlington economy.

Defining Short Term Rentals

A short term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for less than 30 consecutive days for overnight stays. It may be an apartment, a house, or just a bedroom within a housing unit. AirBnB exemplifies short term rentals.

For several years prior to 2020, there was significant and growing demand for STR's internationally and locally. They benefit owners with a source of income that can help subsidize a cost of living that may otherwise be unaffordable and may also encourage improvements to property. They benefit Burlington's tourism economy and provide guests with a convenient, and often more affordable, place to stay when traveling. They also generate city and state tax revenue via the Rooms & Meals Tax (RMT). Short term rentals, however, do not come without impacts. Some have the effect of removing dwelling units for long-term occupancy, and they may contribute to rising rental rates and purchase prices. Given the high turn-over of guests, some short-term rentals may bring nuisance impacts such as traffic, noise, and trash to neighborhoods, though this is not a major factor in this policy discussion in Burlington.

The Joint Committee heard extensive testimony from many of the city's STR hosts, and we anticipate the Council will too. In general, hosts expressed that short-term rentals are uniquely flexible and come in a variety of forms—beyond the major distinction between whole unit and partial unit STR's used in this analysis. The same dwelling unit may alternate between long- and short-term rental uses within a relatively short period of time. A dwelling unit may serve as one's primary residence for most of the year, and serve as a short-term rental while the resident is away. A short-term rental may co-exist with a number of long-term rentals within a multi-family building. Hosts reiterated that this variability and flexibility needs to be considered within the context of the overarching policy objective: to protect Burlington's limited housing stock, while affording reasonable opportunity to host short-term rentals within the city.

Short Term Rentals in Burlington

Burlington has some 10,000+ rental housing units, representing 60% of all housing units. While the June 2019 Housing Summit reported hopeful trends—a slightly increasing vacancy rate and slightly slowing annual rent inflation—the city’s housing market remains tight with the long-time rental vacancy rate between 1% and 2%. Short-term rentals have replaced a growing number of dwelling units citywide in recent years. According to data provided by HostCompliance, the number of short term rentals within Burlington increased 26% between 2018 and 2019. The average monthly number of short term rentals within city limits between June and September 2020 was 403 listings, representing 357 unique rentals.

As of September 2020, 71% of STRs in Burlington are an entire dwelling unit, whereas 29% are partial dwelling units (i.e. bedrooms). This is a change from 67% and 33% respectively in 2019, likely due to COVID-19 concerns. In September 2020, 55% of the city’s STR’s were in single-family properties and 45% in multi-family properties. The COVID-19 pandemic has had wide-ranging impacts on the STR market globally and locally.

While the total number of unique properties and listings in Burlington changed little in 2020, the number of active listings varied over the last year due travel restrictions and hosts’ management decisions. Stories shared by STR hosts and data from other sites, such as AirDNA, suggest that many of listings were inactive, rented for a longer duration (such as for weeks or months) using hosting platforms, or were being used as temporary accommodations for people who have relocated due to the pandemic. It will be some time before the long-term impacts of COVID-19 on the local STR market are understood.

Joint Committee work on STR Proposal

The Joint Committee discussed STRs during meetings spanning more than a year. In response to public and Joint Committee comments, the regulatory framework originally presented by staff was been revised in four major ways:

- Revised STR limits within multi-unit buildings to be less than 50% of units, a prohibition on STRs in buildings with 5 or more units, and a related clarification that exceeding these limits results in a “lodging” (i.e. hotel) use.
- Allow some degree of off-site hosting for STR’s within multi-unit buildings, and for 1 and 2 unit buildings if the host has owned the property for 3 or more years.
- Enable hosts to short term rent their primary residence, no matter the residential building type.
- Rather than applying Housing Replacement fees, which are part of the Zoning ordinance, the Committee recommended consideration of an additional fee for STRs, such as one based on STR income, to support the City’s Housing Trust Fund. This additional fee will need to be determined by the City Council, and likely through a charter change.

The standard for when the host is required to live on or be the owner of the property hosting an STR(s) emerged as one of the most important policy levers in determining how many STRs would be possible within the city. The Committee deliberated this issue on many occasions, specifically with regard to how permissive the policy should be, and what recourse the City had for changing the policy or curtailing STR use if too many housing units became STRs.

As a result, staff provided a proposal for the Joint Committee’s consideration to shift much of the regulatory framework from the *Comprehensive Development Ordinance (CDO)* to *Chapter 18: Minimum Housing Standards (Ch.18)* of the City’s *Code of Ordinances*. This shift would preserve the ability to implement key policy objectives, but leaves a limited role for zoning regulation of STRs. Specifically, *Ch. 18* can regulate the number of STRs permitted on a property or in a building as well as host-occupancy requirements where applicable. *Ch.18* continues to be the tool to administer life safety standards and the annual rental registration process.

Moving STR standards out of the *CDO* has several benefits, such as avoiding the onerous process of

requiring new zoning permits each time a unit switches from long-term and short-term use. But most significantly, it addresses the Committee's feeling that the policy may need to be adjusted in the future, and eliminates the concern that non-conforming STRs would be exempt from such changes. Because standards in *Ch.18* apply at the time of each annual rental registration, any policy changes made since an STR's last permit renewal would be applicable.

Therefore, the limited role for regulating STR's through the *CDO* includes allowing STR's by-right where residential uses are permitted, and creating a definition that points to STR regulations in *Ch. 18*. This amendment also condenses the definitions for several lodging types into one use/definition, and clarifies that they do not include STRs.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed regulatory framework is aimed at minimizing the potential for adverse impacts to the city's housing stock, while balancing some flexibility for hosts to operate short term rentals. Together with amendments to Minimum Housing Standards in the City's Code of Ordinances, the proposed amendment is intended to allow the short term rental of bedrooms within a dwelling, and the use of a host's own dwelling occasionally as a short-term rental, with minimal burden to the host. Limits are applied to whole unit short term rentals operated by off-site hosts so as to limit their proliferation. In an effort to balance the benefits to hosts with the preservation of long-term housing stock, short term rentals would generally be allowed wherever residential uses are allowed; however, with some exception, hosts must be a resident of the property.

Proposed Amendments

CDO Amendments

With the shift of much of the regulatory framework to *Ch. 18*, only limited changes to the *Burlington Comprehensive Development Ordinance* are now proposed:

- 1. Amend Article 13 Definitions to define "short term rental", modify "lodging" definitions**
 Define short term rental as a type of dwelling unit and refer to standards in *Ch.18*. The STR definition reflects the state's definition of an STR with regard to length of rental and refers to the Vermont rooms and meals tax. Additionally, the definitions of Hotel/Motel and Hostel are streamlined to a more general "Lodging" definition to reduce redundancy and inconsistencies in how various traditional lodging uses are permitted.
- 2. Add STRs as a "special residential use" to Appendix A- Use Table and in Article 14- Downtown Code**
 This will establish that short term rentals are allowed anywhere that residential uses are allowed, and will refer to *Ch. 18* for specific standards.

Ch. 18 Minimum Housing Code Amendments

The attached documents detail the related amendments to *Ch. 18 Minimum Housing Standards*. While *Ch. 18* amendments are not normally the purview of the Planning Commission, they were discussed by the Joint Committee because they resulted from the Committee's charge to create a regulatory framework for STRs. These amendments include:

- 1. Establish standards for the number and type of STRs permitted in a building, and when the host is required to be the owner/occupant of the property.**

Sets limits for the number of bedrooms rented in a Partial Unit STR, and limits for the number of Whole Unit STRs permitted in a building based on the number of units in the building. Additionally, this requires host occupancy of the unit in which the STR is located except for in limited cases for STRs in multi-unit buildings of 3 or 4 units, and in 1 and 2 unit buildings when the host has owned the property for 3 or more years.

2. Establish minimum life safety standards for STRs, and requirements for annual rental registration.

Defines life safety standards for STRs and additional information to be provided on rental registration applications for housing units used as STRs.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

The STR proposal is intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals in recent years, largely at the expense of long-term housing stock. This increase puts additional pressure on the city’s available housing and degree of affordability. The proposed measures will establish parameters for allowing short-term rentals while limiting their adverse impacts on the city’s housing supply and affordability.

Impact on Safe & Affordable Housing

The proposal will have no impact on the intensity or density of future land use. It will; however, ensure that future short term rentals are compatible with the residential neighborhoods that so many of them occupy. Short term rentals will be allowed wherever residential uses are allowed. Limits by building will prevent wholesale conversion of residential units into short term rentals.

Planned Community Facilities

This amendment has no impact on any planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, Joint Cmte, based on City Council referral	Presentation to & discussion by Joint Committee 1/14, 1/28, 2/11, 2/19, 8/11, 9/23, 10/28, 11/24, 12/8, 1/12, 2/9, 3/9	Approved for Public Hearing 3/9/21	Public Hearing 4/13/21	Approved & forwarded to Council 4/13/21
City Council Process				
Council Work Session 7/12/21	Ordinance Committee discussion	Ordinance Cmte recommends to Council	Second Read & Public Hearing	Approval & Adoption
First Read & Referral to Ordinance Cmte 08/09/21				Rejected

1 **Excerpt of Burlington CDO Article 13: Definitions**

2 Note: Proposed additions are noted in red underlined text and deletions are ~~crossed out~~.

3
4 **ARTICLE 13: DEFINITIONS**

5 **Sec. 13.1.1 Miscellaneous** *As written.*

6 **Sec. 13.1.2 Definitions**

7 For the purpose of this ordinance certain terms and words are herein defined as follows:

8 Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as
9 amended, or defined otherwise in this section, definitions contained in the building code of the
10 City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating
11 the currently adopted edition of the American Insurance Association's "National Building Code"
12 and the National Fire Protection Association's "National Fire Code" shall prevail.

13 Additional definitions specifically pertaining to *Art. 14 planBTV: Downtown Code* can be found in *Sec.*
14 *14.8*, and shall take precedence without limitation over any duplicative or conflicting definitions of this
15 Article.

16 *All other definitions as written.*

17
18 ~~**Hostel:** A place where travelers may stay for a limited duration, as recognized by the International~~
19 ~~Hostel Association.~~

20 ~~**Hotel, Inn or Motel Lodging:** An establishment providing for a fee three or more temporary guest~~
21 ~~rooms and customary lodging services~~ (such as onsite staffing at all hours, lobby space, and room
22 service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner
23 occupied. Lodging does not include historic inns or short term rentals (except when per-building
24 short term rental limits noted in Chapter 18: Minimum Housing Standards of the City Code of
25 Ordinances are exceeded).

26 **Short term rental (STR):** A dwelling unit that is rented in whole or in part to guests for less than
27 thirty (30) consecutive days and for more than 14 days for overnight stays per calendar year and is
28 subject to the Vermont rooms and meals tax, pursuant to Chapter 18: Minimum Housing Standards
29 of the City Code of Ordinances.

30

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
As written															
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Residential Special Uses as written.															
Short Term Rental³³	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Non-Residential Uses as written.															
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel Lodging	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO - A	RCO - Agriculture
RCO - RG	RCO - Recreation/Greenspace
RCO - C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC - Riverside Corridor
NAC-CR	NAC - Cambrian Rise
E-AE	Enterprise - Agricultural Processing and Energy
E-LM	Enterprise - Light Manufacturing

Appendix A-Use Table – All Zoning Districts

25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
33. [Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.](#)

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- USE TYPE **FD6**

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec.14.6.6.e)	P
Convalescent /Nursing Home	P
Short Term Rental (See Ch.18: Minimum Housing)	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	P
Historic Inn (Sec.14.6.6.c)	P
Hotel	P
Lodging	P
Shelter	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (Sec.14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Open Air Markets	P
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KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

14.3.4-H- USE TYPE **FD6**

OFFICE & SERVICE

Animal Grooming	P
Auto/Boat/RV Service ³ (Sec.14.6.6.d)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

14.3.5-H- USE TYPES**FD5**

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P
Group Home	P
<i>Short Term Rental (See Ch. 18: Minimum Housing)</i>	<u>P</u>

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	<u>P</u>
Historic Inn (<i>Sec. 14.6.6.c</i>)	P
<u>Hotel</u>	<u>P</u>
<u>Lodging</u>	<u>P</u>
Shelter	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- USE TYPES**FD5****OFFICE & SERVICE**

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

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

Host means a person who operates a short term rental (whole or partial unit). The host may be the property owner or tenant.

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

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

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

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

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

Short term rental (STR) shall mean a dwelling unit that is rented in whole or in part to guests for less than thirty (30) consecutive days and for more than 14 days for overnight stays per calendar year and is subject to the Vermont rooms and meals tax. It may be a whole unit short term rental (the entire dwelling unit) or a partial unit short term rental (just bedrooms within the dwelling unit).

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

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. Additional requirements pertaining only to short term rentals are listed in subsection (f).

The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.

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

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

(10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.

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

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

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

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

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

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

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

(f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals subject to inspection pursuant to Sec. 18-16 shall be subject to the standards of Table 18-15-1 below:

<u>Table 18-15-1 Short Term Rental Types, Limits, and Standards</u>		
<u>Whole Unit STRs</u>		
	<u>Building Type</u>	<u>STR Limit in Building</u>
<u>Dwelling unit that is not the host's primary residence but is located within the same building or property as the host's primary residence.</u>	<u>Single Detached Dwelling</u>	<u>1 Whole Unit</u>
	<u>Duplex</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings- Multi-Family (3-4 units)</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings – Multi-Family (5 or more units)</u>	<u>No STRs allowed</u>
<u>Dwelling unit that is owned by a host whose primary residence is off-site.</u>	<u>Single Detached Dwelling</u>	<u>1 Whole Unit, if owner has owned property for 3 or more years</u>
	<u>Duplex</u>	<u>1 Whole Unit, if owner has owned property for 3 or more years</u>
	<u>Attached Dwellings – Multi-Family (3-4 units)</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings – Multi-Family (5 or more units)</u>	<u>No STRs allowed</u>
<u>A dwelling unit that is the host's primary residence (as defined in the CDO) may be used as a STR within any building type, and are not subject to the limits above.</u>		
<u>On lots containing 2 or more detached primary structures/buildings, the STR limits are applicable to each building, based on the number of dwelling units in each building.</u>		
<u>Buildings exceeding these limits are a Lodging use, and subject to applicable standards in the Comprehensive Development Ordinance.</u>		
<u>Partial Unit STRs</u>		
	<u>Bedroom Limit within STR</u>	
<u>Dwelling unit that is the host's primary residence.</u>	<u>5 rooms let individually as an STR</u>	
<u>Rooms let individually as an STR in a dwelling unit that is not the host's primary residence is not permitted.</u>		

(1) Additional information to be included in the rental property information form provided by the enforcement agency:

(i) How many short term rentals are there in the building?

- Number of whole unit short term rentals?
- Number of partial unit short term rentals?

(ii) Will the short term rental(s) be rented for more than 183 days per year?

(iii) What is the tax account number?

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

18-16 Inspection required.

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

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

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

(Ord. of 4-12-93; Ord. of 9-11-00)

18-17 – 18-29

As written.

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

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM STANDARDS¹

DIVISION 1. GENERALLY

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's

installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section [18-2](#). [See Division 7 for Minimum Standards applicable to short term rentals.](#)

18-71 – 18-120

As written.

DIVISION 7. SHORT TERM RENTAL

18-121 Compliance with article required.

No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

18-122 Minimum Fire Safety Standards:

- (a) Smoke and carbon monoxide alarms are provided per the following:
 - i. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
 - ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.
 - iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
 - iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.
 - v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.
- (b) GFI Outlets are provided in the following areas:
 - i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.
- (c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.
- (d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.
- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart. Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.
- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.
- (h) Provision of fire extinguishers as required by NFPA and Burlington Fire Department.
- (i) Instructions for occupants regarding:
 - i. Location and use of fire extinguishers
 - ii. Emergency egress routes
 - iii. 24 hour/7 days per week emergency contact information
 - iv. Emergency shut-off of heating systems and fuel burning appliances.
- (j) Current rental registration certificate posted inside and clearly visible to occupants.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
 - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
 - (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;

- (3) Housing provided for pious, charitable, or public purposes;
- (4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;
- (5) Dwellings which are owner-occupied duplexes-;

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 – 18-301

As written.

18-302 Exemptions.

- (a) This article shall not be applicable to single-family homes and duplexes.
- (b) This article shall not be applicable to properties that meet all of the following requirements:
 - (1) land tract with ten (10) or fewer housing units;
 - (2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and
 - (3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

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

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-303 – 18-501

As written.

18-502 Applicability.

- (a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.
- (b) The following properties shall be exempt from meeting the requirements of this article:
 - (1) Rental properties not rented between November 1 and March 31 of each year.

(2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)

(3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.

(4) Buildings or apartments where heating costs are paid by owners of the rental properties.

(5) Short term rentals.

(Ord. of 3-24-97)

18-503 – 18-511

As written.