



**MAYOR'S
AFFORDABLE HOUSING TASK
FORCE**

REPORT & RECOMMENDATIONS

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Prepared by Brian Pine
Community & Economic Development Office
802.865.7232 • bpine@ci.burlington.vt.us

TABLE OF CONTENTS

INTRODUCTION	5
CURRENT AND PROJECTED MARKET CONDITIONS	5
HISTORY OF MUNICIPAL RESPONSE TO HOUSING CRISIS	6
PLAN FOR 2001-2002 AFFORDABLE HOUSING TASK FORCE.....	7
RECOMMENDATIONS	9
1. PRESERVATION OF EXISTING HOUSING.....	9
<i>LOCAL</i>	9
1.1. Adopt a flexible rehabilitation sub-code.....	9
1.2. Evaluate Housing Preservation and Replacement ordinance	9
1.3. Increase the use of tax sales of delinquent properties.....	9
1.4. Secure voluntary affordability preservation agreements	10
1.5. Enact Time of Sale Minimum Housing Compliance ordinance	10
1.6. Promote use of the federal Rehabilitation Investment Tax Credit.....	10
1.7. Maintain and augment rental rehabilitation program	11
<i>REGIONAL</i>	11
1.8. Promote housing rehab programs to other municipalities	11
<i>STATE</i>	11
1.9. Investigate escalating insurance costs.....	11
1.10. Support a statewide rental housing inspection program	12
<i>FEDERAL</i>	12
1.11. Preserve the affordability of privately-owned, federally-assisted units	12
2. PRODUCTION OF NEW HOUSING	13
<i>LOCAL</i>	13
2.1. Remove barriers to housing production.....	13
2.2. Gather housing development barriers from home builders/developers.....	13
2.3. Implement the outstanding recommendations of the 1990 task force	13
2.4. Examine the impact of City fees on affordability of new housing	14
2.5. Provide training for members of the regulatory review boards	14
2.6. Conduct “on-the-record” review.....	14
2.7. Explore local “anti-snob” zoning ordinance.....	15
2.8. Insist that UVM create 400 beds by Fall 2003	15
2.9. Create and maintain a database of sites for housing development	16
2.10. City-owned land should be identified for affordable housing	16
2.11. Evaluate the impact of the Inclusionary Zoning ordinance	16
2.12. Develop method for payments in lieu of creating Inclusionary units.....	17
<i>REGIONAL</i>	17
2.13. CCRPC should deny municipal development plans weak on housing.....	17
2.14. CCRPC should facilitate a voluntary “core compact” of communities.....	17
2.15. Municipalities should cooperate on issues of infrastructure capacity	18
2.16. CCRPC should provide technical assistance with zoning updates	18
<i>STATE</i>	18
2.17. Continue and expand State funding for housing production	18

2.18.	Prioritize infrastructure funding for mixed-income housing	19
2.19.	State-owned land should be made available for affordable housing	19
2.20.	Remove State barriers to housing production.....	20
2.21.	State should discourage construction phasing	20
2.22.	State should review municipal plans and bylaws for housing element	20
2.23.	The State should undertake a comprehensive revision of Chapter 117.....	21
2.24.	Change State law to raise the standard required to appeal a permit	21
<i>FEDERAL</i>		22
2.25.	Congress should continue and expand funding for existing programs	22
2.26.	Congress should establish a new rental housing production program.....	22
3.	PROTECTION OF VULNERABLE RESIDENTS.....	23
<i>LOCAL</i>		23
3.1.	Enact a No Cause Eviction Control measure.....	23
3.2.	Landlords should be allowed to charge a pet deposit	23
3.3.	Require that landlords give tenants a disclosure form.....	24
3.4.	Target Code Enforcement Resources for Rental Housing.....	24
3.5.	Increase number of periodic inspections	25
3.6.	Assess the impact of enforcing the Life Safety Code on existing units	25
3.7.	Notify tenants of Minimum Housing code violations	25
3.8.	Improve public access to inspection records	26
3.9.	Explore exempting all federally-assisted housing from registration fees.....	26
<i>REGIONAL</i>		26
3.10.	A fair housing analysis is needed for Chittenden County	26
<i>STATE</i>		27
3.11.	Expand funding for the homeless and other vulnerable populations.....	27
3.12.	Landlords should be limited to reasonable third party charges	27
3.13.	Use welfare funds to provide housing assistance	27
3.14.	Increase transitional housing and affordable assisted living	28
3.15.	State should provide funding to help tenants retain their housing.....	28
<i>FEDERAL</i>		28
3.16.	Enhance the utilization of Section 8 vouchers.....	28
3.17.	Increase funding for the homeless and other vulnerable populations.....	29
3.18.	Provide federal funding to support tenant retention	29
4.	PROMOTION OF AFFORDABLE HOMEOWNERSHIP.....	30
<i>LOCAL</i>		30
	The Housing Trust Fund revenue should be raised to support homeownership.....	30
	Encourage owner-occupancy of small apartment buildings.....	30
	Encourage accessory apartments in single-family homes and barns/garages.....	30
	Continue operating support for BCLT’s HomeOwnership Center.....	31
	Support for Section 8 homeownership	31
	City employees should be encouraged to buy homes in Burlington.....	31
<i>REGIONAL</i>		31
	Promote housing trust funds to other municipalities	32
<i>STATE</i>		32
	State funding for homeownership should be maintained.....	32
	Raise VHFA program limits to encourage homeownership in Burlington	32

Reduce the reliance on property taxes to fund education	33
<i>FEDERAL</i>	33
Federal incentives to encourage affordable homeownership production	33
ACTION PLAN	34
MINORITY REPORTS	39
TASK FORCE MEMBERSHIP	42
PROCESS USED FOR TASK FORCE MEETINGS	45
MEETINGS/AGENDAS/NOTICES/MINUTES	46

INTRODUCTION

In spite of the significant housing accomplishments that the City and its nonprofit and for-profit partners have made over the past two decades, the current housing market is clearly not meeting the need for affordable housing. In response to the current affordable housing crisis, in November of 2001 Mayor Peter Clavelle appointed the Mayor's Affordable Housing Task Force.

CURRENT AND PROJECTED MARKET CONDITIONS

With the notable exception of the last quarter of 2001 and the first half of 2002, the greater Burlington area has enjoyed unprecedented economic prosperity since the late 1990s.

- During the decade of the 1990s, Chittenden County's total employment increased by 17,736 jobs (23%).¹
- The County unemployment rate has hovered at slightly above 2.5%.²
- The regional economy is expected to add an estimated 44,250 jobs over the 2000-2010 period.³

Against the backdrop of this booming economy is a persistent housing affordability and availability crisis affecting nearly every segment of the population.

- According to a 2000 study of housing availability, "The Northwest region currently has an estimated need for 7,400 additional housing units, ... roughly 5,300 units owner housing and 2,100 units of renter housing are needed in the region to help assure a more rational functioning housing market even before considering the housing requirements associated with the projected economic and population growth over the next decade."⁴
- The rental vacancy rate for Chittenden County has been at or below one percent since 1996, with the combined urban/suburban rate in June of 2002 being 0.9%.⁵
- Apartment rents rose faster than the inflation rate for the second year in a row, rising between 5 percent and 9 percent in 2001.⁶
- Average monthly rents, without utilities, range from \$508 for an efficiency, \$600 for 1 bedroom, \$749 for 2 bedrooms, and \$1,039 for 3 bedrooms.
- Average rents in Chittenden County are 28 percent to 40 percent higher than average rents in all other parts of Vermont.⁷

¹ University of Vermont Community Outreach Partnership Center, Elaine McCrate, *Spatial Mismatch: The Location of Low-Wage Jobs and Affordable Housing in Chittenden County* – October 2001

² Economic & Policy Resources, Inc. and Thomas E. Kavet Consulting, *Housing in Northwest Vermont: A Review of Demand and Supply of Housing in the Six County Region*.

³ Ibid

⁴ Ibid

⁵ Allen & Cable Report, June 2001

⁶ Allen & Cable Report – Chittenden County Apartment Market – September 2001

⁷ Allen & Cable Report, October 1999

- A recent national study found that Burlington area renters need to earn \$15.67 per hour to afford a two-bedroom apartment – an increase of 15.4% over last year, while area median income only increased by 6.6% during the same period.⁸

HISTORY OF MUNICIPAL RESPONSE TO HOUSING CRISIS

On two separate occasions during the 1980s, the City turned to housing task forces to develop solutions to address pressing housing challenges. In 1980, then Mayor Gordon Paquette formed the Mayor's Housing Task Force to "take the most comprehensive look at the city's housing problems that has ever been taken".⁹ The Mayor created the task force in response to PACT (People Acting for Change Together), an organized group of renters and other community members that were urging the formation of such a group "to plan and implement ways to solve the housing crisis that is inflicting severe hardship on the city's low income residents." Among things, PACT was organizing around the issue of rent control to protect low-income tenants. After 9 months of work, representing 30 meetings and testimony from 25 representatives, the Task Force made the following recommendations:

- Create a Fair Housing Commission with adequate eviction controls
- The University of Vermont should attempt to house 55% of its student body by 1985 and 60% by 1990, in contrast to the present 49%
- Revise City's master plan with citizen input, with special emphasis on a comprehensive housing plan
- Review and adopt a new building code
- Expand minimum housing inspection staff and provide for stricter enforcement of violations
- Conduct complete review of the Burlington Housing Authority
- Develop an internal system for property reappraisal.

At the urging of the administration of Mayor Bernie Sanders, in June of 1985 the Burlington Board of Alderman (now called City Council) created a 10-member Affordable Housing Task Force to develop a program for affordable housing. The impetus for creating the 1985 Task Force was a series of public debates regarding the adoption of an Inclusionary Zoning ordinance. "While testimony on this proposed ordinance was deeply divided, there was broad general agreement that Burlington has a tight and expensive housing market that limits housing opportunities for all its citizens, but especially for low and moderate income families and renters".¹⁰ The Task Force met bi-weekly through the fall of 1985 and concluded their deliberations over the winter of 1985-1986. On July 26, 1986, this task force made the following 25 recommendations designed to both create more affordable housing and to preserve the existing stock of affordable units:

- Streamline the Planning & Review process
- Formalize the Technical Review Committee
- Establish a Housing Trust Fund
- Enact Density Bonuses

⁸ National Low Income Housing Coalition, *Out of Reach*, September 2001

⁹ Final Report to the Mayor's Housing Task Force, December 29, 1980

¹⁰ Affordable Housing Task Force Report and Recommendations, 1985-1986

- Amend zoning ordinance to permit accessory apartments
- Encourage residential conversion of vacant upper story retail space
- Make City-owned land available for affordable housing
- Advocate state enabling legislation to encourage housing cooperatives
- Advocate implementation of a Regional Housing Strategy through CCRPC
- Adopt an ordinance which links major commercial development to affordable housing through the levying of an impact fee
- Adopt an Inclusionary Zoning ordinance that requires 30% of new units be affordable or allows developers to pay in lieu of affordable units
- Restrict office and commercial uses in residential districts
- Adopt Housing Replacement ordinance
- Develop program to retain existing federally-subsidized apartments
- Adopt Condo Conversion ordinance
- Mandatory time of sale inspection of rental units
- Require apartment registration
- Establish landlord/tenant mediation board
- Provide security of tenure/just cause eviction protection
- Increase the housing supply for UVM and Champlain College students
- Enact energy conservation measures/programs
- Pursue alternatives to the property tax
- Enact a real estate speculation tax
- Enact an impact fee ordinance that exempts affordable units
- Provide moral and financial support to ending homelessness

Many of the recommendations that resulted from the work of these two previous task forces have been implemented over the past 20 years; yet many housing needs remain unmet today. As the federal government devotes an increasing share of resources to pressing international affairs, Burlington must develop innovative local solutions to mitigate the harmful effects of a persistent housing crisis on the lives of low and moderate-income residents. While we continue to advocate for a greater regional distribution of affordable housing throughout the County, Burlington will persist to be a national leader in responding to the affordable crisis.

PLAN FOR 2001-2002 AFFORDABLE HOUSING TASK FORCE

The charge of the Task Force was to develop a set of recommendations to the Mayor and City Council that further the following broad housing goals:

1. Produce new affordable housing
2. Preserve the existing affordable housing
3. Protect vulnerable populations
4. Promote affordable homeownership

The Task Force assessed Burlington's current housing conditions, both market rate housing and publicly-assisted housing units. This also included a review of the regulatory and administrative impediments to creating more affordable housing. Although the Task Force

was charged with focusing their attention on improvements to Burlington's policies and programs as they impact affordable housing, there was time devoted to changes needed at the regional, state and federal level to encourage more affordable housing development and preservation throughout the region. The work of this task force was carried out in tandem with the efforts of the Chittenden County Housing Task Force, which was convened by the Chittenden County Regional Planning Commission.

RECOMMENDATIONS

1. PRESERVATION OF EXISTING HOUSING

LOCAL

1.1. Adopt a flexible rehabilitation sub-code

Adopt a flexible rehab sub-code that provides clear guidelines for each category of rehabilitation, increases the predictability for property owners and reduces the cost of rehabilitation. **(Unanimous)**

Discussion: Vermont has the second oldest housing stock in the nation, which means that rehabilitation and conversions are a critical aspect of efforts to expand the supply of affordable housing. Existing buildings that were built to comply with an earlier building code or with no code at all are often still safe and sound. Cities across the country are discovering that it is no longer logical that a building which can remain unimproved must be upgraded in numerous respects, many of which provide minimal safety improvement, simply because the owner chooses to improve the building. This approach often discourages owners from making any improvements. The building code, which is designed for new construction, can add unnecessarily to the time and expense of rehabilitating existing buildings because it was not written with existing buildings in mind. For new construction, complying with the building code is a straightforward process, but it is difficult to apply the code rationally and predictably to existing buildings. This is the reason for Burlington to develop provisions for existing buildings that are rational and predictable and that facilitate safe and sound rehabilitated structures.

1.2. Evaluate Housing Preservation and Replacement ordinance

Evaluate Housing Preservation and Replacement ordinance to determine if it impedes new housing development or housing rehabilitation. **(Unanimous)**

Discussion: In response to a trend of conversions of residential buildings to commercial uses and several high profile demolitions of residential structures, the City Council adopted Article 15 of the zoning code in 1988. Among other things, this provision requires “that an owner shall replace any housing units that are demolished or converted to a nonresidential use”.

1.3. Increase the use of tax sales of delinquent properties

Increase the use of tax sales of delinquent properties for fairness to other taxpayers and to create housing rehabilitation opportunities. **(Unanimous)**

Discussion: Historically, the City of Burlington has allowed delinquent property tax payers a lengthy period of time before initiating a tax sale. This

practice has the unintended effect of accelerating property deterioration and places an unfair burden on property tax payers that are current on their taxes. More timely enforcement of the tax sale provision in State law would send a clear message that delinquent property taxes and the resultant property deterioration that typically accompanies tax delinquencies will not be tolerated by the City of Burlington.

1.4. Secure voluntary affordability preservation agreements

The VHFA should be encouraged and supported in an effort to secure voluntary affordability preservation agreements for those privately owned Section 8 and Low Income Housing Tax Credit (LIHTC) developments without such protections. **(Unanimous)**

Discussion: There are between 75-100 privately owned apartments in Burlington that were rehabilitated in the early 1980s and received “project-based” Section 8 certificates or federal Low Income Housing Tax Credits. In order to prevent the conversion of those units to market rate housing when their contracts expire over the next 5-10 years, agreements need to be reached with each property owner that preserve the future affordability.

1.5. Enact Time of Sale Minimum Housing Compliance ordinance

The City should enact an ordinance that requires every rental property placed on the market for sale to be inspected for Minimum Housing Code compliance prior to sale. **(Unanimous)**

Discussion: This proposal should parallel the City’s Time of Sale Energy Ordinance. The seller or buyer could assume responsibility for achieving code compliance, but in either case, Burlington’s rental properties would see an incremental gain in compliance at an appropriate time for the cost of compliance to be weighed into the sale price. Obviously, properties that have been routinely maintained are unlikely to see any surprises in the time of sale inspection and compliance process. This ordinance should have an anti-speculation effect in the sale of rental properties. This proposal was included in both the Affordable Housing Task Report of 1986 and the Rental Housing and Safety Standards Report that was completed for the VT Department of Housing and Community Affairs in 1999.

1.6. Promote use of the federal Rehabilitation Investment Tax Credit

This federal tax credit is for 20% of the costs of renovations to an income producing building that is historic. The City should promote the use of this program among Burlington property owners. **(Unanimous)**

Discussion: With the nation’s second oldest housing stock, Vermont is one of the states that utilize the RITC the most. However, the vast majority of income-producing rental property owners that undertake substantial rehabilitation are unaware of this federal tax incentive. Increased familiarity

with the RITC among City code, planning and development officials will result in greater awareness and use of this significant federal incentive for rehabilitation.

1.7. *Maintain and augment rental rehabilitation program*

The City should continue to operate and augment the resources for a rehabilitation program for privately owned rental housing. **(Unanimous)**

Discussion: The Community and Economic Development Office operates a program that provides loans and technical assistance to private, for-profit owners of rental properties. With increased enforcement of minimum housing standards, this type of resource becomes especially critical to improving the condition of rental properties. The Task Force found that many resources exist for owner-occupied rehabilitation and the nonprofit housing organizations have access to an array of public funding sources. This program is the state's only rehabilitation program specifically created for private sector landlords.

REGIONAL

1.8. *Promote housing rehab programs to other municipalities*

Other municipalities should be urged to create housing rehabilitation programs for maintaining their stock of older rental housing. **(Unanimous)**

Discussion: Through the Vermont Community Development Program (VCDP), a consortium of municipalities (Burlington is ineligible) could apply for funding to operate a regional rental rehabilitation loan program. Using a combination of VCDP and private loan capital, these resources could be leveraged to provide significant assistance to rental property owners throughout the region.

STATE

1.9. *Investigate escalating insurance costs*

Ask the Vermont Commissioner of Banking, Insurance and Health Care Access to investigate rapidly escalating insurance costs for multi-family rental property and housing designed for people with special needs or to explore more affordable alternatives to private-sector insurance. **(Unanimous)**

Discussion: For many years owners of affordable rental properties have faced increased insurance premiums or fewer options among insurance carriers. This problem was exacerbated by the events of September 11, and the situation has reached crisis proportions that justify an investigation by state regulators. Some communities are developing more affordable alternatives to private sector insurance to save on premiums.

1.10. Support a statewide rental housing inspection program

Urge Burlington's legislative delegation and Chittenden County senators to support a statewide rental housing inspection program for communities that do not already have a local inspection program. Such a program should be designed so as to address any potential loss of housing through the provision of relocation benefits for tenants by enforcement actions, and financial resources to help property owners bring their units up to code or to build replacement units. **(Unanimous)**

Discussion: A bill was introduced during the last legislative session to create a statewide rental housing inspection program. As with item 1.5 above, this proposal was included in the Rental Housing and Safety Standards Report that was completed for the VT Department of Housing and Community Affairs in 1999. Vermont is one of the only states in the nation that does not have a program that provides routine inspection of rental properties. Both tenants and property owners adjacent to rental properties would benefit from such a program.

FEDERAL

1.11. Preserve the affordability of privately-owned, federally-assisted units

Urge Vermont's Congressional delegation to support a preservation tax incentive that would provide exit tax relief in order to encourage private-sector owners of assisted housing to transfer properties to "preservation entities" committed to preserving the stock as affordable housing. Congress should also establish federal funding for low-income housing preservation as proposed in S. 1365, co-sponsored by Senator Jeffords. Preservation should be included as an eligible activity under any National Housing Trust Fund proposal passed by Congress. **(Unanimous)**

Discussion: Included as one of the recommendations of the Millennial Housing Commission in May 2002, this proposal is necessary to preserving privately owned, federally assisted units. Most of the owners of these properties face such considerable capital tax liabilities that they will likely sell to the highest bidder and displace the tenants. Capital gains tax changes will encourage the sale of Section 8 New Construction/Substantial Rehabilitation projects and Low Income Housing Tax Credit projects to nonprofits in order to ensure long-term affordability.

2. PRODUCTION OF NEW HOUSING

LOCAL

2.1. *Remove barriers to housing production*

The City should address the following housing production barriers that were identified by the Task Force **(Unanimous)**:

- a. Allowable density does not reflect actual capacity to build;
- b. Lack of resources for updating zoning code;
- c. Zoning and subdivision ordinances are outdated;
- d. Lack of predictable permit process;
- e. De novo permit hearings.

Discussion: During both the task force meetings and the public hearings, considerable time was spent discussing the barriers to new development that are under the City's control. The above list represents the consensus of the Task Force about the top five barriers to new housing development over which the City has the greatest degree of control.

2.2. *Gather housing development barriers from home builders/developers*

The City should convene annually a focus group of homebuilders, rental property owners and developers to gather feedback on local barriers to housing development. **(Unanimous)**

Discussion: It has been many years since these stakeholders were invited by the City to provide their feedback on local barriers to development. The leadership of the various trade groups that represent these constituencies has already agreed to assist with organizing such discussions.

2.3. *Implement the outstanding recommendations of the 1990 task force*

The City should implement the following recommendations of the Regulatory Review Task Force report of 1990 **(Unanimous)**:

- a. Zoning code should be re-written to make it consistent with current planning objectives;
- b. Zero lot line zoning, performance-based zoning and Floor Area Ratio zoning should be evaluated for feasibility in Burlington;
- c. The State should allow Burlington to use "Mini-Act 250" in lieu of another review by the District #4 Environmental Commission;
- d. Design Advisory Board should be trained not to attempt re-designing projects;
- e. Development Review Board should adopt more clear and narrow guidelines for when members must recuse themselves for conflicts of interest;
- f. DRB should support alternatives to the Fire Marshal's requirements for extra turn-around space or paved lanes around buildings;

- g. DPW and the Fire Marshal's Office (FMO) sign-off on initial plans should indicate that substantive issues have been resolved. Final say over differing interpretations should reside with the City Engineer or DPW Director.
- h. If a developer installs sprinklers when not required by code to do so, then the Fire impact fee should be reduced.

Discussion: In 1990, the City Council created a Regulatory Review Task Force, which was co-chaired by City Councilors Allen Gear and Erhard Mahnke, to recommend ways to remove barriers to housing development and rehabilitation. Out of the 61 recommendations of that group, only 8 remain unrealized. After considering the research on which recommendations have been implemented, the Affordable Housing Task Force voted to recommend that the above recommendations still had merit and deserve to be implemented.

2.4. *Examine the impact of City fees on affordability of new housing*

The City should examine City-imposed fees for such purposes as excavation and sewer connection to determine whether waivers for affordable housing will help encourage more new development of affordable owner-occupied units. **(Unanimous)**

Discussion: During both public hearings, we heard from Green Mountain Habitat for Humanity that certain City fees added considerable costs to their very low-income homebuyers. Currently the only City fees that can be waived are impact fees.

2.5. *Provide training for members of the regulatory review boards*

The City should provide annual training to the Development Review, Design Advisory and Conservation Boards to ensure that members fully understand their roles, proper meeting protocols, the rights of all parties and to ensure impartial project review on the part of board members. **(Unanimous)**

Discussion: The Task Force heard testimony that the citizen volunteers that serve on the City's various regulatory review boards are insufficiently trained in their statutory roles. The special committee set up by the legislature to improve the local permitting process also recommended this need.

2.6. *Conduct "on-the-record" review*

The City should conduct on the record development review hearings for projects that meet the requirements for Major Impact Review. **(Unanimous)**

Discussion: To date, very few Vermont communities have adopted on the record development review hearings. When a permit is appealed, the case goes to Environmental Court as a de novo hearing – a new hearing in which

the judgment of the first hearing (DRB) is suspended and the case proceeds as if it had originated in Environmental Court. This means that when a party appeals a local permit (or an Act 250 permit), the permit application starts over. The information that was filed, the expert testimony offered, the public comments made, and the written record – all of this is ignored and the process begins anew. The additional time, costs and formalities associated with the use of the Municipal Administrative Procedures Act (MAPA) are the main concerns about adopting on the record review, but the Task Force believed that the benefits of on the record review outweigh these concerns. In order to address this problem at the local level, the City should allocate sufficient resources necessary to conduct zoning permit hearings on the record.

2.7. *Explore local “anti-snob” zoning ordinance*

The City should explore establishing a local anti-snob zoning ordinance similar to the Massachusetts law (Chapter 774). In 1969, the Legislature adopted “anti-snob zoning” legislation to make it easier to develop affordable housing throughout the state, especially in communities with little low- and moderate-income housing. This law allows the State to override local zoning restrictions in such communities if needed to allow for the development of low- and moderate-income housing. **(Unanimous)**

Discussion: The Task Force was intrigued by this concept and was not willing to reject it simply because the Massachusetts law covers the entire state. It is not clear how one community could adopt and enforce a similar law for the local permitting process – additional research is needed to determine if this policy is applicable in Burlington.

2.8. *Insist that UVM create 400 beds by Fall 2003*

UVM's housing plan (as amended in February 2002) does not meet the spirit of the 2000 Agreement for under-graduate housing. The City should insist that UVM fulfill its obligation by creating new, on-campus housing that will appeal to third and fourth year students ready for occupancy by the fall of 2003. **(Unanimous)**

Discussion: Many members of the Task Force believe that UVM's revised housing plans are not in compliance with the 2000 agreement between UVM and the City. At issue is UVM's change of plans to construct 400 beds on Redstone Campus – the revised plan involves building 214 new beds on Redstone Campus, create 100 new beds at the Living and Learning complex through renovation, and lease another 120 beds on Trinity Campus. Although the total number of new beds under the revised plan is greater than 400, many Task Force members believe that UVM should have to meet their obligation through new construction on campus – the 2000 agreement is silent on the question of location for the 400 new beds.

2.9. Create and maintain a database of sites for housing development

CEDO should identify properties for development and redevelopment opportunities and regularly maintain such a list for public use. In addition, the City should engage the owners of these properties in an effort to bring about mutually beneficial housing development. **(Unanimous)**

Discussion: Parties seeking to develop housing in Burlington often contact CEDO asking for a list or map of potential development sites. Rather than endorse the notion of the City creating such a list and passively waiting around for developers to ask for it, the notion here is for the City to identify the properties where housing development makes sense and to proactively engage the owners in a dialogue about the market for housing and the features of their property that make residential development a favorable option.

2.10. City-owned land should be identified for affordable housing

The City should identify property owned by the City where housing would make sense and promote such development with nonprofit and for-profit housing developers. For example, the City-owned parking lots located on Elmwood Avenue and Browns Court should be redeveloped for housing affordable to a range of incomes. **(Unanimous)**

Discussion: The Task Force recommends that the City inventory its land and assess the suitability of such land for housing development. If any such sites are identified, the City should make them available for affordable housing development through an open competition. CEDO and Planning should coordinate this inventory of lands, and all departments should cooperate in this process. Through long-term leases, resale restrictions, and limited equity provisions, the City should use this land subsidy to create perpetually affordable housing.

2.11. Evaluate the impact of the Inclusionary Zoning ordinance

The City should evaluate the impact of the Inclusionary Zoning ordinance on housing production and report to the Council. As required by Article 14 (Inclusionary Zoning), the Housing Trust should perform this function every two years. **(Unanimous)**

Discussion: While the Task Force unanimously approved this recommendation, there was not unanimity about whether Inclusionary Zoning discourages new private sector housing development. The question demands further research to determine what impact, if any, this ordinance has on the rate of housing production.

2.12. Develop method for payments in lieu of creating Inclusionary units

The Inclusionary Zoning ordinance should have a clear formula for determining the payment in lieu of building affordable units. **(Unanimous)**

Discussion: Under the Inclusionary Zoning ordinance, “the development review board at its sole discretion may allow any developer of a covered project that is not located within a waterfront zoning district to comply with the requirements of Sec. 14.1.8 and 14.1.9 (affordability requirements) by constructing inclusionary units on a site other than that on which the covered project is located, subject to the following conditions:

The number of inclusionary units to be provided by the developer or by the developer’s designee through off-site development shall be no fewer than 1.25 times the number otherwise required by this article...” In the case of only one previous housing development project, the DRB (formerly the Planning Commission) allowed the developer to meet their Inclusionary Zoning requirements by providing a payment in lieu to the City’s Housing Trust Fund. The ordinance as currently drafted does not provide a methodology to be used for calculating such payments. The Task Force did not debate the merits of allowing for the “off-site option”, but rather recommended that if the City allows for this option, the methodology for calculating payments be clear and transparent.

REGIONAL

2.13. CCRPC should deny municipal development plans weak on housing

CCRPC should be urged to deny any municipal development plan that fails to include an affordable housing provision with specific production goals and every municipality should be urged to conduct a build-out analysis for future housing development. **(Unanimous)**

Discussion: Current State planning law allows regional planning commissions, or the Commissioner of DHCA, to deny any municipal development plan that fails to include an affordable housing component. However, neither the CCRPC nor the DHCA Commissioner has ever rejected a municipal development plan because of a weak housing element.

2.14. CCRPC should facilitate a voluntary “core compact” of communities

Each member community would agree to take certain threshold measures, e.g.. create a housing trust fund, increase zoning density, waive impact fees, or reserve infrastructure capacity to encourage affordable housing development. Communities that enact residential phasing would not be eligible for membership in such a core compact. **(Unanimous)**

Discussion: Among the key research findings of the University of Vermont’s Community Outreach Partnership Center is “that in other states,

regional housing coordination has been mandated by both state officials and supreme courts, in some cases over the strenuous objection of impacted municipalities... However, a voluntary fair share compact between the region's municipalities offers some distinct advantages over the more rigid top-down approaches attempted in other states. Most importantly, it allows towns to design an equitable long-term policy solution that achieves incremental progress without causing unnecessary divisiveness and political backlash."

2.15. Municipalities should cooperate on issues of infrastructure capacity

CCRPC should facilitate regional cooperation on issues of water and sewer as a means of developing more affordable housing in communities without adequate infrastructure capacity. **(Unanimous)**

Discussion: When municipal officials discuss regional distribution of affordable housing, the conversation inevitably leads to the issue of infrastructure – primarily water and sewer capacity. Given that infrastructure capacity is uneven among municipalities, and there is a purported desire and willingness to achieve a more balanced regional distribution of affordable housing, the conditions are ideal for CCRPC to broker inter-municipal agreements to “share” water and sewer capacity.

2.16. CCRPC should provide technical assistance with zoning updates

CCRPC should assist all 18-member communities with identifying land appropriate for new housing development and suggesting zoning changes that encourage the development of more affordable housing. **(Unanimous)**

Discussion: Many towns in Chittenden County lack adequate staff to develop zoning changes to encourage more affordable housing. CCRPC has professional planners that should develop a set of model zoning bylaws to provide towns with the tools to revise their own zoning to encourage affordable housing.

STATE

2.17. Continue and expand State funding for housing production

The State should at a minimum maintain current funding levels for the Vermont Housing and Conservation Board and the State Low Income Housing Tax Credit. Increased funding should be sought wherever possible. **(Unanimous)**

Discussion: Since 1987, the Vermont Housing and Conservation Board has invested \$92 million of state funds in affordable housing. This has helped to generate over \$320 million in construction activity, created approximately 10,000 jobs in Vermont, and created or preserved over 6,000 units of housing – these benefits reach deep into our community. But the

need for affordable housing far exceeds what the resources can deliver. To exacerbate an already bad situation, federal support for housing has plummeted since the mid-1980s. According to the recent report, *Between a Rock and a Hard Place: Housing and Wages in Vermont*, the Section 8 new construction/substantial rehabilitation program alone funded the construction/rehabilitation of 4,100 affordable apartments in Vermont between 1976 and 1985 (when the program was abolished). Over the next twelve years, only 2,384 units were built in Vermont with every remaining form of federal assistance combined.”

2.18. *Prioritize infrastructure funding for mixed-income housing*

The State should give priority for all capital funding to municipalities that are taking steps to create housing in their communities that meets the needs of households with a range of incomes, including units that are permanently affordable. **(Unanimous)**

Discussion: Certain states have offered preferential treatment to encourage municipalities to adopt policies that promote affordable housing. In its 1999 report, the Joint Housing Committee of the Vermont Legislature recommended that the State “provide incentives, such as the authority to levy local option taxes, prioritizing towns for discretionary funds such as CDBG grants, pollution control, water supply, municipal planning funds, loans from the State infrastructure bank and transportation money for public transportation expansion and development, to municipalities to motivate them to adopt local policies such as cluster housing, denser development, inclusionary zoning, and sewer and water capacity set-asides for affordable housing projects that promote affordable housing development.” Implementing this recommendation would stimulate substantive changes in municipal planning and development policies throughout our region.

2.19. *State-owned land should be made available for affordable housing*

The State of Vermont owns land in Burlington that is appropriate for housing development. An inventory of State-owned land should be created and requests for proposals should be solicited from affordable housing developers for appropriate sites. **(Unanimous)**

Discussion: During the 2001 Legislative session, the Vermont General Assembly passed H.483, “AN ACT TO STIMULATE THE DEVELOPMENT OF AFFORDABLE HOUSING.” Among several other provisions, the Act directed the Secretary of the Agency of Commerce and Community Development (ACCD) to address the link between jobs and housing. One of the recommendations of the ACCD Secretary was to “direct the Vermont Housing Council and the ACCD Secretary to explore possible non-student uses of institutional lands owned by the University of Vermont and ... explore the possible use of other state lands for housing development.” The

Task Force strongly urges that this analysis be completed and that the results be disseminated to the public.

2.20. Remove State barriers to housing production

The State should address the following housing production barriers that were identified by the Task Force **(Unanimous)**:

- a. Cost and time of appeal;
- b. Lack of predictable permit process;
- c. Permit appeal criteria overly broad and inclusive;
- d. Redundancy in the local permit process and Act 250

Discussion: There are numerous relevant recommendations included in the *Report of the Municipal Planning Review Commission to the Vermont General Assembly (January 2002)*. Although the Task Force decided not to endorse every one of these recommendations, they did recommend a comprehensive revision to the section of the Vermont Statutes governing the local permit process and how it interacts with Act 250.

2.21. State should discourage construction phasing

Communities that enact construction phasing should not be allowed to levy impact fees nor should they be eligible for discretionary state funding programs. **(Unanimous)**

Discussion: At least one Chittenden County municipality has enacted “phasing” of residential construction – a planning tool that limits the number of permits issued to construct new units. Williston’s phasing policy limits the number of new units to 80 per year, but allows this limit to be increased for affordable units. If however, Williston issues permits for more than 80 units in any given year, the maximum number of units that can be permitted the following year is reduced by the corresponding amount. This practice has the effect of forcing other communities in the same housing market to absorb an increased share of new residential growth, and limits the ability of the housing development community to respond to changing housing needs.

2.22. State should review municipal plans and bylaws for housing element

The Commissioner of the Vermont Department of Housing and Community Affairs (DHCA) should review municipal development plans and zoning bylaws for consistency with state housing goals and reject any plans or bylaws that are found to be inconsistent with such goals. **(Unanimous)**

Discussion: The Commissioner of the Department of Housing and Community Affairs has the statutory responsibility to review municipal plans that have not been submitted for regional approval, specifically for compliance with state affordable housing goals. Such review should take place and, in cases where zoning bylaws are found to be in violation, the

Commissioner should have the authority to suspend the municipality's ability to levy impact fees and its eligibility for discretionary state funding programs until the violation is corrected.

2.23. The State should undertake a comprehensive revision of Chapter 117

The Task Force endorses many of the recommendations of the Municipal Planning Review Commission (a.k.a. Chapter 117 Committee) and urges the State to place high priority on revising the act to make the development review process more efficient, predictable and fair to developers.

(Unanimous)

Discussion: In 2001, the Vermont General Assembly passed Act 62, which created the Municipal Planning Review Commission (MPRC). Commonly referred to as the "Chapter 117 Committee", the MPRC was created to review 24 VSA Chapter 117, the regulatory component of the Planning and Development Act, and to recommend changes designed to encourage and promote responsible development of affordable housing throughout Vermont. While the Task Force was not prepared to debate all 38 recommendation of the MPRC, they did agree that most of the recommended changes to Chapter 117 will promote more affordable housing by reducing the amount of time and the potential costs of the local permitting process.

2.24. Change State law to raise the standard required to appeal a permit

The City should advocate for legislative changes governing the rules for appealing zoning and Act 250 permits that: 1) revise the definition of "interested person" as recommended by the Chapter 117 Committee; 2) codify the steps that must be taken prior to filing an appeal; 3) require appellants to participate materially in the development review process, as recommended by the Chapter 117 Committee. **(Unanimous)**

Discussion: The process required of adopting zoning bylaws and municipal development plans is an open and democratic process. Citizens have influence over the adoption of zoning bylaws and municipal development plans through their local elected and appointed officials. For the development review process, public funds are spent identifying interested parties and providing adequate notice for hearings. Filing an appeal of a permit serves an injunction to prevent the developer from continuing their project. As such, the State must raise the burden for appeals. There should be a higher burden of proof that there was a failure of due process and that the appellant was denied their rights under law. These measures would help discourage frivolous permit appeals that are intended to stop development or to compel the developer to modify their project outside of the development review process.

FEDERAL

2.25. Congress should continue and expand funding for existing programs

Congress should, at a minimum, maintain current funding levels for CDBG and HOME and should seek to increase funding levels wherever possible. In particular, the Vermont Congressional Delegation is urged to keep pushing for an increase in the small state minimum under the HOME program, as well as the amount allocated to states without Participating Jurisdictions. **(Unanimous)**

Discussion: Burlington currently receives slightly over \$1 million of Community Development Block Grant (CDBG) funds and \$500,000 of HOME Investment Partnership funds. The City uses roughly one-third of the CDBG funds and all of the HOME funds in support of affordable housing. The amount of funding that the City receives under both programs has remained relatively unchanged over the past decade. Any increase to either program will allow the City to assist more low and moderate-income households with their housing needs.

2.26. Congress should establish a new rental housing production program

Congress should establish a new rental housing production program that provides capital grants, such as the proposed National Housing Trust Fund that would build and preserve 1.5 million units of rental housing for the lowest income families over the next 10 years. **(Unanimous)**

Discussion: As noted under item 2.17, federal support for housing has plummeted since the mid-1980s. Other than the HOME program, which was created by Congress in 1992, there have been no new federal programs designed to stimulate new rental housing production for the past 15 years. The federal Low Income Housing Tax Credit is the only program specifically for new production, and applications for tax credits far exceed the amount available. For example in the semi-annual application round of August 2002, the total credits requested are approximately \$2.7 million and the credit available is approximately \$650,000.

3. PROTECTION OF VULNERABLE RESIDENTS

LOCAL

3.1. *Enact a No Cause Eviction Control measure*

Current State law provides inadequate eviction protection for tenants that are abiding by their leases. A No Cause Eviction Control Measure would lengthen the notice period required for no-cause evictions for tenants in good standing, with graduated notice periods based on length of tenure. **(Majority; 10-2)**

Discussion: Under Vermont law, a landlord may terminate a tenancy for no cause. The majority of Task Force members felt that lease-abiding tenants should be afforded some additional security of tenure by extending the notice period for no cause evictions. Currently, tenants without written rental agreements (leases) may be evicted provided that the landlord gives them 60-day written notice if renting monthly, 21 days if renting weekly, and 90-day written notice if the tenant has resided in the premises continuously for over two years and rents monthly. Under a written rental agreement, a tenant can be evicted under whatever time period the parties agree on, but no less than 30 days if renting monthly, and no less than 7 days if renting weekly. A tenant with a written lease who has resided in the premises continuously for over two years is entitled to no less than 60 days notice for a no cause eviction. The concept of a graduated notice period is that the longer that a tenant has resided continuously in an apartment, the longer notice period to which they are entitled.

3.2. *Landlords should be allowed to charge a pet deposit*

Burlington's Security deposit ordinance should be changed to allow the charging of a pet deposit – this would open up more apartments to pet owners while giving landlords greater protection against pet damages. Pet deposits should be set at an amount to be determined by the landlord, but shall not exceed one month's rent. **(Unanimous)**

Discussion: The City of Burlington has a separate ordinance regulating security deposits. This law limits the total amount of deposit a landlord can charge to no more than one month's rent, regardless of whether it is called a security deposit, a damage deposit or pet deposit. Advocates for both landlords and tenants spoke in favor of amending the ordinance to allow for landlords to charge an additional amount for tenants who wish to have a pet living in their apartment – this measure has the potential of freeing up more apartments for pet-owners by providing landlords with added protection against incurring the cost of repairs that may result from damage caused by pets.

3.3. *Require that landlords give tenants a disclosure form*

All landlords should be required to distribute a “housing disclosure form” that outlines the rights and responsibilities of both landlords and tenants. Consideration should be given to requiring certain lease provisions in all leases. **(Unanimous)**

Discussion: Both landlords and tenants often turn to *Renting in Vermont*, a booklet produced by Vermont Tenants, Inc. to answer basic questions about their rights and responsibilities. It summarizes Vermont’s landlord/tenant law as well as some municipal laws, state regulations and Vermont Supreme Court decisions that also govern the landlord/tenant relationship. However, the Task Force found that in Burlington, both parties would benefit by distributing a Burlington-specific handout that includes the basics of local laws and norms of behavior that are expected of tenants, i.e. noise, trash, recycling, and housing codes. Landlords should be required to distribute such a document to all tenants.

3.4. *Target Code Enforcement Resources for Rental Housing*

The City Code Enforcement Office should utilize rental registration fees solely for the purposes stated in the Minimum Housing Ordinance, target its inspection program to units not inspected by housing authorities and other public third parties, and issue Interim Certificates/Certificates of Compliance for posting in apartment buildings. Posting a replacement Certificate shall cure unauthorized removal of the Certificate, and the Landlord should not be cited with a violation if the cure is made. **(Unanimous)**

Discussion: There was discussion about a coordinated inspection program between Code Enforcement (CE) and the Burlington Housing Authority (BHA). Such a system would require Code Enforcement to prioritize inspection resources on those units which are not subject to routine annual inspections by a third party. This would avoid CE conducting inspections on units that are already subject to routine annual inspection by BHA or another third party.

The Task Force expressed support for broader Code Enforcement efforts on “quality of life” issues such as parking, trash, zoning enforcement and nuisance abatement on owner-occupied, vacant buildings and commercial properties. However, the Task Force was concerned that tenants may be paying the \$50 annual fee to fund code enforcement that extends beyond the scope of the Minimum Housing Code. Section 18-30 of the Code of Ordinances states that “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.” There was also concern that landlords are not posting Certificates of Compliance in their units (as required in the code) and that CE is not enforcing this requirement.

This makes it harder for a tenant to know how their apartment stands in terms of code compliance.

3.5. *Increase number of periodic inspections*

Code Enforcement should conduct periodic inspections at the frequency required in the minimum housing ordinance. **(Unanimous)**

Discussion: Current ordinance requires that every rental unit in Burlington receive a Minimum Housing Inspection every three years. Routine inspections are considered to be a better way to ensure safe and decent housing than relying primarily on tenant complaints. According to some tenant advocates, an inspection upon-complaint system results in a low level of compliance, discourages tenants from making formal complaints and increases tenants' fear or landlord retaliation. According to the Code Enforcement Office, current staffing levels and workloads put inspections on a six-year cycle. With over 9,000 rental units in Burlington, the City should inspect 3,000 units per year.

3.6. *Assess the impact of enforcing the Life Safety Code on existing units*

Code Enforcement should not enforce the Life Safety Code as part of minimum housing inspections on existing apartments unless and until the City Council conducts an analysis on the impact of such enforcement on housing affordability and approves such a policy change. **(Unanimous)**

Discussion: The Life Safety code was created to improve the safety of all buildings, with many exceptions and equivalencies allowed for existing buildings. Fire safety officials often argue that most existing buildings can be modified to comply with the Life Safety code without undue financial burden, while owners of rental property and some tenant advocates caution that applying the Life Safety code to existing rental buildings will further increase rents and displace low-income tenants.

3.7. *Notify tenants of Minimum Housing code violations*

Code Enforcement should routinely send tenants notices of violations found during either periodic or complaint-based inspections. This practice would inform tenants of the violations and the order to correct, so that they are able to assist the inspectors in following up with enforcing compliance. **(Unanimous)**

Discussion: Under current practice, tenants are not routinely informed when Code Enforcement has issued a notice of code violation. Most tenants lack the expertise to understand what conditions are legal and what are not, or what the proper remedies may be under local and state law. Unless they know that a landlord has been ordered to make a repair, they cannot assist the inspectors with enforcing compliance. Tenant advocates argued further that tenants need a permanent written record of code

violations to support a defense of rent withholding under state law, because without it they are vulnerable to eviction when they exercise their right to withhold rent for habitability violations.

3.8. *Improve public access to inspection records*

The City should provide certification of such records to citizens to facilitate the use of the records as evidence in court. All minimum housing inspection compliance orders and Interim Certificates/Certificates of Compliance should be available online. **(Unanimous)**

Discussion: Minimum housing inspection records are subject to the Public Records Act and must be made available for inspection and copying by any citizen who asks for them. There was praise for recent developments in the record keeping practices of the Code Enforcement Office, but those who rely on the records for legal purposes suggested that there is still room for improvement.

3.9. *Explore exempting all federally-assisted housing from registration fees*

The City should explore amending Chapter 18 to make all federally assisted rental housing units (including Section 8 and Low Income Housing Tax Credit units) eligible for exemption from registration fees, if a rational basis exists for this exemption. **(Majority; 11-1)**

Discussion: Ordinance should be amended to recognize that the ownership structure required under federal affordable housing programs makes many affordable housing units ineligible for the exemption of registration fees. To address this, the ordinance could be changed by changing the wording of Section 18-30, (a)(2) to read, "That unit meets both of the following two tests:" and removing subsection (a)(2)(c).

REGIONAL

3.10. *A fair housing analysis is needed for Chittenden County*

CCRPC should conduct an analysis of the potential legal implications of zoning and permitting laws and procedures in Chittenden County, especially with regard to possible disparate impacts on protected classes under state and federal fair housing law. In addition a Chittenden County focused fair housing audit of business practices should be conducted to determine the degree and extent of fair housing law violations perpetrated against individuals in several key protected classes. **(Majority;11-1)**

Discussion: There are landmark Supreme Court decisions in other states that found the exclusive zoning and permitting laws and procedures of certain municipalities served to perpetuate discrimination against and segregation of people of color and people with low incomes. Because low-income people are found in greater proportions among people with

disabilities and people of color, land use policies that prevent the construction of affordable housing have been deemed to have a disparate impact on protected classes under federal and state fair housing law and have been overturned or corrected through court-mandated measures. In addition to a disparate impact analysis, CCRPC should conduct fair housing audits to quantify the degree of housing discrimination in the County.

STATE

3.11. *Expand funding for the homeless and other vulnerable populations*

The State should at a minimum maintain current funding levels for Homeless Shelters and Services funded through the State Office of Economic Opportunity, as well as the “Back Rent” Program, Temporary Housing Assistance and Assistive Community Care Services funded through PATH. It should increase funding levels wherever possible.

(Unanimous)

Discussion: These programs provide a critical safety net that prevents many Vermonters from becoming homeless. Investment in such programs prevents the high personal and social costs of homelessness.

3.12. *Landlords should be limited to reasonable third party charges*

The legislature should clarify landlords can only recoup third party charges commensurate with the cost of obtaining credit reports, and other charges incurred with third parties that are reasonably related to qualifying the applicant for the rental of a unit. **(Unanimous)**

Discussion: With legislative leadership from the City of Burlington, the 2000 Vermont General Assembly passed a law prohibiting landlords from charging prospective tenants a fee to apply for renting an apartment. Such fees created an added financial obstacle to working people searching for an apartment. Under current practice, it is reported that landlords are charging fees for credit reports that exceed the cost of obtaining such reports.

3.13. *Use welfare funds to provide housing assistance*

Vermont should explore using untapped TANF reserve funds, without reducing benefit levels, to provide housing subsidies to families that are (or recently were) on welfare. **(Unanimous)**

Discussion: The 1996 welfare reform law gave states substantial flexibility to use federal and state funds to design programs that help families move from welfare to self-sufficiency. An increasing number of states and county governments are recognizing that housing assistance is critical to the success of welfare reform. Using federal welfare funds and state matching funds, these states are providing housing subsidies to families that are (or recently were) on welfare. Assistance ranges from tenant-based and

project-based rental assistance to homeownership assistance for families that are making the transition from welfare to work. In Vermont, the main concern about this approach among low-income advocates is that current welfare benefit levels not be reduced in order to provide funds for housing subsidies.

3.14. *Increase transitional housing and affordable assisted living*

The State should create a demonstration project to encourage the development of more transitional housing for formerly homeless families and affordable assisted living for low-income seniors. **(Unanimous)**

Discussion: The largest increase in the homeless population throughout Vermont over the past three years has been among families – many of whom have at least one full-time wage earner. As long as a livable wage job remains out of reach for some Vermonters, public subsidies will always be needed to help families obtain and retain their housing. For low-income seniors, there is only one assisted living facility – currently under construction, with City financial support, at 3 Cathedral Square in Burlington. Until similar facilities are developed in every region of Vermont, low-income seniors will be faced with few options other than entering a nursing home – again, at considerable personal and social cost.

3.15. *State should provide funding to help tenants retain their housing*

The Vermont Agency of Human Services should be encouraged to redirect resources to support housing retention/eviction prevention programs that are more cost-effective than emergency housing. **(Unanimous)**

Discussion: In Burlington, an innovative partnership between the Burlington Housing Authority and the Committee on Temporary Shelter has been developed under the name of the Rental Opportunity Center (ROC). The ROC provides a range of services to tenants and landlords designed to help tenants find apartments using the Section 8 program and to enable tenants to successfully maintain their housing.

FEDERAL

3.16. *Enhance the utilization of Section 8 vouchers*

Urge the Vermont Congressional Delegation to seek reforms to the Section 8 Program, including creation of a “Voucher Success Program,” designed to enhance the usefulness of vouchers in tight rental markets like Burlington’s. **(Unanimous)**

Discussion: Only about a third of voucher recipients in Burlington are successful in finding an apartment because of our low vacancy rate and escalating rents. Housing Authorities need more flexibility in program

operation in order to tailor the voucher program to local market conditions and to be able to provide more support in the housing search

3.17. Increase funding for the homeless and other vulnerable populations

The federal government should dramatically increase funding levels for the McKinney Homeless Assistance Program and Section 8 Vouchers.

(Unanimous)

Discussion: Nationally, the Section 8 voucher program (rental assistance) serves only about a quarter of the families eligible for assistance. The Burlington Housing Authority, which serves all of Burlington and any dwelling unit located within a six-mile radius of Burlington, has increased the number of Section 8 vouchers from about 500 in 1995 to over 1,500 in 2002. Even with this significant increase in available subsidies, there is still a considerable waiting period for eligible applicants.

Discussion: The shortage of affordable housing in Vermont and nationally has led to a dramatic increase in the number of homeless families and disabled individuals. Emergency shelters are strained beyond capacity to meet this escalating need. Federal resources to fund homeless services are meager at best. Given the imminent convergence of welfare time limits with a downturn in the economy, it is highly likely that even greater pressure will be placed on local shelters. McKinney funding must be increased to accommodate the growing number of families and individuals who are simply unable to pay the high cost of housing in their communities.

3.18. Provide federal funding to support tenant retention

Federal funds should be available to assist public and nonprofit organizations and private sector housing providers to provide supportive services that help tenants retain their housing. **(Unanimous)**

Discussion: Too many assisted households fail to successfully maintain their housing. Providing supportive services to families to help them address issues that jeopardize their housing is far more cost-effective and humane than emergency shelters. Unfortunately, there are currently no federal programs that address this aspect of housing.

4. PROMOTION OF AFFORDABLE HOMEOWNERSHIP

LOCAL

4.1 *Increase Housing Trust Fund revenue to support homeownership*

The City Council should seek voter approval for increasing the Housing Trust Fund tax rate by one cent or by developing a new, alternate funding source for the purpose of supporting homeownership in areas of the city with low rates of homeownership. **(Unanimous)**

Discussion: The greatest challenge facing Burlington in our efforts to increase the rate of homeownership is a lack of grant funds available for rehabilitation to make older homes in central city neighborhoods competitive with surrounding newer homes. Most of the older homes do not appraise at a level high enough to finance the rehabilitation needed to bring the properties up to modern codes and livability standards. Capital grants for rehabilitation along with financial assistance for down-payments and closing costs and homeownership training, are among the most significant ways that the City can support increased homeownership in Burlington.

4.2 *Encourage owner-occupancy of small apartment buildings*

The City's Condominium Conversion ordinance should be amended to exempt the conversion of all rental buildings containing six or fewer apartments. The City should explore increasing the exemption further. **(Unanimous)**

Discussion: The City ordinance covers any rental property of more than 2 units. There are many properties that have been converted into multiple rental units that would be appropriate for conversion to owner-occupied condominiums. It may encourage homeownership in areas with low homeownership rates if the ordinance is amended to encourage the conversion to condominiums of 3-6 unit rental buildings. State law that governs condo conversion would still apply.

4.3 *Encourage accessory apartments in single-family homes and barns/garages*

Allow accessory apartments (not exceeding 25% of total square feet of a building) under the condition that the owner (person whose name is on the deed) lives in the home. An approved accessory apartment would be disallowed if and when the property ceases to be owner-occupied. This use would be subject to all applicable regulations. **(Unanimous)**

Discussion: A similar recommendation was included in the Affordable Housing Task Force report of 1986. This concept was suggested to the Task Force by a neighborhood activist in hopes that such a change would encourage the sale of larger single-family homes in the center city that are

currently being rented as group quarters and conversion to owner-occupied homes. Very often, the fair market value of these properties operating as rentals is inflated beyond the price that is attractive for owner-occupants. By allowing the creation of an accessory apartment, the economics of the real estate transaction are more favorable for conversion to owner-occupancy.

4.4 Continue operating support for BCLT's HomeOwnership Center

The City should continue providing grants to the Burlington Community Land Trust to support the operations of the HomeOwnership Center. **(Unanimous)**

Discussion: With financial support from the City, the Burlington Community Land Trust operates the NeighborWorks HomeOwnership Center (HOC) of Vermont. The HOC provides training and counseling for homebuyers of all incomes and financial assistance to low and moderate income homebuyers.

4.5 Support for Section 8 homeownership

The City should explore ways in which it can directly support the growth of the Burlington Housing Authority's homeownership option program. **(Unanimous)**

Discussion: Burlington Housing Authority (BHA) operates one of the nation's most successful Section 8 homeownership demonstration projects. This program is a very effective way to extend the benefits of homeownership to very low-income families. The Task Force concluded that the City ought to find ways to provide direct financial support for the growth of BHA's Section 8 homeownership program.

4.6 City employees should be encouraged to buy homes in Burlington

The City should create an Employer Assisted Housing benefit to encourage City employees to buy homes in neighborhoods with low rates of homeownership. **(Unanimous)**

Discussion: FannieMae has developed an Employer-Assisted Housing initiative to help police, firefighters, and teachers purchase homes in the communities they serve. Such programs not only improve municipalities' ability to recruit and retain valuable employees, but they contribute enormously to the stability and security of neighborhoods. In Burlington, we will be working with FannieMae, the HomeOwnership Center of Chittenden County, and the Vermont Development Credit Union to design such a program. We will also urge our two largest employers, the University of Vermont and Fletcher Allen Health Care, to join us in this effort and create companion programs for their employees.

REGIONAL

4.7 Promote housing trust funds to other municipalities

CCRPC and the University of Vermont's Community Outreach Partnership Center (COPC) should promote the concept of municipal housing trust funds as a way to raise funds for low and moderate-income homeownership.

(Unanimous)

Discussion: There are currently 275 housing trust funds in cities, counties and states throughout the United States. They are providing at least \$750 million each and every year to support critical housing needs. In Burlington, the only municipality in Vermont with its own housing trust fund, the voter-approved tax (one cent on every \$100 of property value) will generate \$185,000 for fiscal year 2003. If the six largest municipalities in Chittenden County created housing trust funds, it would generate more than \$1 million for affordable housing. In the fall of 2002, the COPC will hold a regional housing conference and actively promote the concept of municipalities creating their own local housing trust funds.

STATE

4.8 State funding for homeownership should be maintained

Vermont Housing and Conservation Board (VHCB) funding for the HomeOwnership Centers and the Homeland Program should be maintained.

(Unanimous)

Discussion: Under the VHCB HOMELAND Program, lower-income households can receive financial assistance to purchase their own home from offerings on the private market. Depending on income level, need and other factors, grants of up to \$20,000 are available through the Burlington Community Land Trust to reduce the purchase price. Homebuyer education and preparedness is provided through BCLT's HomeOwnership Center. State funding for both of these programs is often the key to unlocking the door to homeownership for low-income families.

4.9 Raise VHFA program limits to encourage homeownership in Burlington

Vermont Housing Finance Agency income limits and purchase price limits should be increased in every Census tract in Burlington as a way to make urban home buying more attractive. **(Unanimous)**

Discussion: At the City's request, the Board of Commissioners of the Vermont Housing Finance Agency recently increased VHFA's income and purchase price limits for two of Burlington's census tracts (4 and 10). Federal rules prohibit VHFA from making this change for census tracts with poverty rates below a set level. This change will expand purchase options to first-time homebuyers, but the limits need to be increased for other neighborhoods in order to extend this incentive to more buyers.

4.10 Reduce the reliance on property taxes to fund education

The State must reduce its reliance on the property tax as the primary means of funding education **(Unanimous)**

Discussion: Low-income households continue to experience significant property tax burdens even with Act 60. After monthly mortgage payments, property taxes are the single largest housing expense for homeowners – a cost that prevents many households from making the move from renting to owning.

FEDERAL

4.11 Federal incentives to encourage affordable homeownership production

Congress should establish tax credits and other incentives to encourage the production of owner-occupied housing affordable to low and moderate-income households and increase funding for homeownership counseling. **(Unanimous)**

Discussion: Administered through state housing finance agencies, the tax credit could be used to offset the developer's total development cost (in areas where the cost to build or rehabilitate a home is greater than the appraised value) or as a credit to lenders who provide lower-cost mortgages to qualified buyers. This concept is included in the Millennial Housing Commission Report, which was presented to Congress in May 2002.

ACTION PLAN

Preserve housing	Action Steps	Responsible Person/Organization	Target Date
1.1	Adopt a flexible rehabilitation sub-code	CEDO, DPW, Attorney, Ordinance Committee	Winter 2003
1.2	Evaluate Housing Preservation & Replacement Ordinance	Planning, CEDO, Attorney	2003
1.3	Increase use of tax sales of delinquent properties	Attorney, Clerk/Treasurer	2003
1.4	Secure affordability preservation agreements	CEDO, BHA, VHFA	Winter 2003
1.5	Enact Time of Sale Rental Housing Code Compliance ordinance	Ordinance Committee, CEDO, Code Enforcement, Attorney	2003-2004
1.6	Increase use of Rehabilitation Investment Tax Credit	CEDO, Planning, Preservation Burlington	Ongoing
1.7	Maintain rental rehab program	CEDO, Chittenden Bank	Ongoing
1.8	Promote housing rehab programs to other municipalities	CEDO, CCRPC, COPC	Fall 2002
1.9	Seek investigation of escalating insurance costs	CEDO, Commissioner of Banking & Insurance	2002-2003
1.10	Support statewide rental housing inspection program	Vermont Tenants, Inc., Code Enforcement, Legislature	2003 legislative session
1.11	Encourage sale of Section 8 projects to nonprofits	CEDO, VHFA, BHA, Congressional delegation	2003 session of Congress

Produce housing	Action Steps	Responsible Person/Organization	Target Date
2.1	Remove local barriers to housing production	Planning Commission, Attorney Planning, City Council	2003-2004
2.2	Gather feedback from home builders and developers	CEDO, Homebuilders & Remodelers of Northern VT	Fall-Winter 2002
2.3	Implement remaining recommendations of 1990 Regulatory Review Task Force	Planning, DPW, Attorney	Winter-Spring 2003
2.4	Examine impact of City fees	CEDO, DPW, Planning, Treasurer	Winter 2003
2.5	Train regulatory review boards	Attorney, Planning	2002-2003
2.6	Conduct "on-the-record" hearings	Attorney, Planning	Fall-Winter 2002
2.7	Explore "anti-snob" zoning	Attorney, Planning, CEDO	Fall 2002
2.8	Insist that UVM create 400 beds by fall 2003	Mayor, Attorney, CEDO, City Council	2003
2.9	Create database of housing development sites	CEDO, Planning	Fall 2002
2.10	Identify City-owned land for affordable housing	CEDO, City Council	Fall-Winter 2002
2.11	Evaluate Inclusionary Zoning ordinance	CEDO, Planning, Housing Trust Fund Committee	2003
2.12	Develop payment in lieu of creating Inclusionary units	CEDO, Planning	Fall 2002
2.13	CCRPC should deny plans lacking affordable housing component	CCRPC, DHCA	Ongoing
2.14	CCRPC should facilitate voluntary "core compact"	CCRPC, DHCA	Fall-Winter 2002
2.15	Inter-municipal cooperation on infrastructure capacity	CCRPC, Local Elected Officials Group	Ongoing
2.16	CCRPC should help update zoning codes	CCRPC, Municipalities, DHCA	Ongoing
2.17	Continue and expand State funding for housing production	Governor's Office, Legislature	Ongoing

Produce housing	Action Steps	Responsible Person/Organization	Target Date
2.18	State prioritize capital funds for mixed-income housing	Governor's Office, Legislature	Spring 2003
2.19	Identify State land for affordable housing	DHCA, Commissioner of Buildings	Spring 2003
2.20	Remove State barriers to housing production	DHCA, State Courts, Legislature	2003 legislative session
2.21	State should discourage phasing	DHCA, Legislature	2003 legislative session
2.22	State should review housing element of municipal development plans	DHCA	Fall 2002
2.23	State should revise Chapter 117	DHCA, Legislature	2003 legislative session
2.24	Raise the standard for permit appeals	Attorney, Legislature	2003 legislative session
2.25	Congress should continue and expand funding for existing programs	Congressional delegation	Ongoing
2.26	New rental housing production program	Congressional delegation	2003 session of Congress
2.27	Federal incentives for homeownership	Congressional delegation	2003 session of Congress

Protect vulnerable	Action Steps	Responsible Person/Organization	Target Date
3.1	Enact No Cause Eviction Control measure	Attorney, CEDO, Charter Change Committee	Winter 2003
3.2	Allow charging of pet deposits	Ordinance, Attorney, City Council	Fall 2002
3.3	Require rental disclosure form	Ordinance, Attorney, Code Enforcement, CEDO	Fall-Winter 2002
3.4	Target code enforcement resources	Attorney, Code Enforcement	Summer 2002
3.5	Increase periodic inspections	Code Enforcement	Fall 2002
3.6	Analyze Life Safety code for existing rental units	Ordinance, CEDO, Attorney, DPW, Code Enforcement	Winter 2002-2003
3.7	Send notice of violations to tenants	Code Enforcement	Fall 2002
3.8	Improve public access to inspection records	Code Enforcement	Fall 2002
3.9	Explore exempting all assisted units from registration fees	Ordinance, Attorney, Code Enforcement, CEDO	2003
3.10	Conduct fair housing analysis	CCRPC	2003
3.11	Continue and expand state funding for the homeless	State Economic Opportunity Office, AHS, Legislature	Ongoing
3.12	Limit fees to third party charges	Attorney, Legislature	2003 session
3.13	Explore using TANF for housing subsidies	AHS, VT Affordable Housing Coalition, BHA	Fall 2002
3.14	Increase transitional housing & affordable assisted living	AHS, VHCB, DHCA	Ongoing
3.15	State funds for housing retention	AHS, COTS, BHA	Fall-Winter 2002
3.16	Enhance utilization of Section 8	BHA, Congressional delegation	Winter 2003
3.17	Continue and expand federal funding for homeless	Affordable Housing Coalition, Congressional delegation,	Ongoing
3.18	Federal funds for housing retention	COTS, BHA, Congressional delegation	Fall 2002

Promote ownership	Action Steps	Responsible Person/Organization	Target Date
4.1	Increase funding for the Housing Trust Fund for homeownership	Mayor, CEDO, City Council	2003
4.2	Encourage owner-occupancy of small apartment buildings	Ordinance, CEDO, City Attorney, Planning,	Spring 2003
4.3	Encourage accessory apartments	Ordinance, Planning, CEDO, City Attorney	Winter 2002-2003
4.4	Continue financial support to BCLT and HomeOwnership Center	CEDO, Mayor, City Council	Ongoing
4.5	Support for Section 8 homeownership	CEDO, BHA, Mayor	Fall 2002
4.6	Develop an Employer Assisted Housing program for City employees	Vermont Development Credit Union, CEDO, Fannie Mae, VHFA	Fall-Winter 2002
4.7	Promote the housing trust fund concept among neighboring communities	Community Outreach Partnership Center and Chittenden County Regional Planning Commission	Fall 2002
4.8	Maintain State funding for homeownership	VT Housing & Conservation Board	Ongoing
4.9	Raise VHFA limits for home-buying in Burlington	VT Housing Finance Agency (VHFA)	Spring 2002
4.10	Reduce reliance on property tax	State legislature, VLCT	Winter 2003
4.11	Expand federal homeownership incentives	Congressional delegation, VHFA	Fall-Winter 2002

MINORITY REPORTS

July 4, 2002

Michael Monte, Chairman
Mayor's Affordable Housing Task Force

Re: Mayor's Affordable Housing Task Force Recommendations

Dear Michael:

The following is my minority report, with respect to certain aspects of the Task Force Recommendations. I will address the Recommendations by the section numbers contained in Draft 3.1.

3. Protection of Vulnerable Residents

I object to the use of the term "vulnerable" in the context of the report. I believe it is an emotionally charged term that could easily be applied to landlords or tenants depending on the perspective of the individual looking at the issue. In the end I believe a more balanced approach would be to remove the term from the report.

LOCAL

3.1. The City should enact a No Cause Eviction Control measure

As you know, Vermont statutes address this issue. There is no evidence that Burlington tenants should be treated any differently than tenants in the rest of the state.

This will simply add to Burlington's general unfavorable reputation with landlords. It will have the unintended consequence of limiting the risks that a landlord will take on prospective tenants since the landlord has less control of the duration of the tenancy.

Moreover, the notion that a tenant should get longer notice to quit depending on the length of their tenancy is driven by emotion rather than facts. Length of tenancy is not necessarily a measure of good tenant behavior. For example, both the landlord and the tenant could have been tolerating each other for some time; the landlord is not perfect, but neither is the tenant. Where is the reward for the landlord's tolerance? The tenant clearly gets a reward for remaining a tenant, regardless of the circumstances. Keep in mind that the no cause eviction is typically the only way landlords can get their property back from misbehaving tenants. This is because it is virtually impossible to prove criminal behavior or the nuances of personal unpleasantness which drives out good tenants.

3.7 Tenants should receive written notice of Minimum Housing code violations

We have no problem with public access to this type of information. However, landlords should have notice of inspections so that the landlord can be present at the time of the inspection. We understand the tenant advocates allege that this intimidates the tenants, thereby reducing tenant based complaints. We do not feel this is a valid assumption, since the landlord is going to know that the tenant complained. In the end it is helpful if the owner of the property is present at the time of the inspection so that they can clearly understand the complaint, contribute to the inspector's analysis of the cause of the problem, and make a prompt cure.

REGIONAL

3.10 A fair housing analysis is needed for Chittenden County

This is an endorsement of testing. As you know, testing is a program in which individuals pretend to be tenants. They apply for an apartment. In the course of the application they let the landlord know that they fall into a protected class or category of individuals. If the landlord's reaction is not in compliance with Fair Housing laws, the landlord can be reported to the Human Rights Commission, or sued. We understand that testing is legal at both the state and federal level, however, it does not make it morally acceptable to landlords.

RENT CONTROL

At the Public Hearing you stated that the Commission discussed the issue of rent control, and that the Commission did not recommend pursuing rent control in Burlington. I endorse the conclusion, and recommend that the Commission include that finding in its Recommendations.

I have enjoyed participating in the Commission. I think there has been a consistent, fair and broad analysis of the issues. Moreover, the individual members of the Commission were of the highest caliber, both personally and professionally.

Very truly yours,

Stuart M. Bennett

CHAMPLAIN VALLEY OFFICE OF ECONOMIC OPPORTUNITY

To: Michael Monte
From: Ted Wimpey
CC: Brian Pine
Date: 8/13/2002
Re: A Minority Opinion Regarding Proposal to Include Receipt of Section 8 Housing Subsidy as A Specifically Protected Category In Burlington's Anti-discrimination Law

Receipt of Section 8 (or other publicly funded housing subsidies) Should Be Explicitly Protected From Unfair Discriminatory Practices Under Burlington's Laws

The majority of Mayor's Affordable Housing Task Force rejected this proposal. I would like to officially state for the record why I (along with at least two other taskforce members who voted with me on this item) support it.

1) I believe State law already covers it and Burlington's fair housing protections should be at least as strong as the State law. The State laws read as follows:

"Vermont Statutes: TITLE 9 Commerce and Trade: PART 7 Landlord and Tenant :
CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS; RENTAL AND
SALE OF REAL ESTATE

§ 4501. Definitions. ... (6) "Public assistance" includes any assistance provided by federal, state or local government, including medical and housing assistance.

...

§ 4503. Unfair housing practices (a) It shall be unlawful for any person: (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of ... or because a person is a recipient of public assistance. " (*Emphasis added*)

Burlington's existing law: "Sec. 18-202. Adverse housing action" section (d) – prohibits discrimination based on a person's receipt of public assistance but it does not elaborate a definition of "public assistance."

2) If housing assistance were explicitly added as a protected category in Burlington's laws, the City Attorney's Office would have a clear and unambiguous legal mandate to participate in enforcement activities.

TASK FORCE MEMBERSHIP

Stuart Bennett: Stuart is a landlord, attorney and President of Vermont Apartment Owners Association, Inc. He has worked on behalf of private landlords for over 20 years on legislative and legal issues.

Bill Bissonette: A native of Burlington's Old North End, Bill owns over 100 apartments, many of which are rented to households in the Section 8 program. Along with his brother Lee, Bill is the owner of Al's French Fries. He has served on the Mayor's North Street Task Force.

Sarah Carpenter: Sarah has served as the Executive Director of the Vermont Housing Finance Agency since 1998. A life-long Burlington resident, Sarah was the Executive Director of Cathedral Square Corporation from 1983 until 1998, where she was involved in housing development, management and service delivery for seniors and people with disabilities.

Paul Dettman: Paul has served as the Executive Director of the Burlington Housing Authority since 1995. Prior to joining BHA, he served with the Vermont State Housing Authority, Vermont Housing and Conservation Board and Lake Champlain Housing Development Corporation, where he worked on new housing development, mobile home park acquisition, lead paint hazard reduction and the Section 8 program.

Kevin Dorn: Kevin has served as the Executive Director of the Home Builders and Remodelers Association of Northern Vermont since 1992. Previously, he was the Government Affairs Director of the Vermont Association of Realtors and a lobbyist for the aerospace industry in Congress.

Mark Eldridge: Mark has served as the City's Director of Planning and Zoning since 1984. Previously he was Redevelopment Coordinator and Assistant Planning Director for Brookline, Massachusetts. Mark served as a member of the 1985-1986 Affordable Housing Task Force.

Eric Farrell: Eric has been in the real estate business since graduating from St. Michael's College in 1969. Throughout his 32-year career, he has worked extensively in residential and commercial development, permit acquisition and brokerage. A life-long resident of Burlington, Eric is an associate with Redstone Commercial Group of Burlington.

Ellie Kenworthy: Ellie was a home mortgage lender for 10 years, most recently with Spruce Mortgage and previously with the former Bank of Vermont. A Burlington native who lives in the New North End, Ellie has been on the Zoning Board of Adjustment and currently serves on the City's Development Review Board.

Brian Knight: Brian is Executive Director of Preservation Burlington and Assistant Director for Donor Relations at Saint Michael's College. A graduate of the University

of Vermont Historic Preservation Program, Brian has held a variety of positions with preservation organizations and with local governments in Vermont.

Karen Lafayette: A Burlington native, Karen served as a State Representative from Burlington's South End in the Vermont State Legislature from 1993 to 2000. During her legislative tenure, she was on the Ways & Means Committee and Chair of the Joint House and Senate Legislative Committee on Affordable Housing. In June of 2001, Karen was appointed by Governor Howard Dean to serve on the Board of Directors of the Vermont Housing Finance Agency.

Rita Markley: Rita has served as the Executive Director of the Committee on Temporary Shelter since 1996. She serves on the board of directors for several organizations: Housing Vermont and the National Coalition for the Homeless. Rita was a founding member of the Vermont Alliance of Nonprofit Organizations and the Vermont Coalition to End Homelessness.

Mike McNamara: Mike serves at the State Coordinator for the Vermont Office of the U.S. Department of Housing and Urban Development. Before joining HUD, he served as deputy Director of the Vermont Housing Finance Agency and as Executive Director of the Alexandria (VA) Redevelopment and Housing Authority. From 1985 to 1995, Mike served as the Executive Director of the Burlington Housing Authority.

Michael Monte: Michael is the Director of the City's Community and Economic Development Office (CEDO), a position that he held from 1989-1993 and again from 1999-present. He served as CEDO's Assistant Director for Community Development from 1984-1989. Michael represented Burlington's South End (Ward 5) from 1994-1996 on the City Council.

Kenn Sassorossi: Kenn is currently the Vice President for Program Development at Housing Vermont. From 1988 until 2000, Kenn was the Executive Director of Lake Champlain Housing Development Corporation. A native of Barre, Kenn was Executive Director of the Winooski Housing Authority from 1978 to 1988.

Brenda Torpy: Brenda has served as the Executive Director of the Burlington Community Land Trust since 1991. Previously, Brenda led the successful tenant buy-out of the Northgate Apartments and served in the multi-family department of the Vermont Housing Finance Agency. From 1984 until 1987, Brenda was the City of Burlington's Assistant Director for Housing.

Ted Wimpey: Ted has been program director with Vermont Tenants, Inc. (VTI) for 11 years. VTI is a program of the Champlain Valley Office of Economic Opportunity (CVOEO). Ted has been a resident of Burlington's Old North End for 13 years and is currently a member of Burlington's Board of Police Commissioners.

Staff:

Brian Pine, Assistant Director for Housing for the City of Burlington

Technical personnel:

John E. Davis, Housing and Community Development Consultant

Erhard Mahnke, Housing Policy Consultant

PROCESS USED FOR TASK FORCE MEETINGS

The meetings included presentations about the listed topics followed by discussion of best practices and policy implications. All meetings took place from during daytime work hours in City Hall, and both public hearings were held at 7:00 PM in Contois Auditorium. Notices for public hearings were widely distributed and listed in the Burlington Free Press. Members of the public were given opportunities to speak directly to the Task Force at meetings, except when votes were being taken on the recommendations. Public comments were also received via email and regular mail.

Any Task Force member or member of the public could suggest ideas for inclusion in the recommendations. After collecting ideas for possible inclusion in the report, the Task Force took a first cut and developed a list of recommendations to which there was no opposition. The next step involved debating and voting on those items that generated further discussion. Many of those items were approved unanimously, some were approved by a "super-majority" and still others were rejected after getting due consideration. The few items that generated the most disagreement appear in the section of this report entitled "Minority Reports" (pages 42-44).

MEETINGS/AGENDAS/NOTICES/MINUTES

1. **November 6** – Discuss Task Force mission with the Mayor and plan series of meetings and public hearings.
2. **November 19 – Existing conditions:** Review existing housing conditions and plan Public Hearing for December 10.
3. **December 10 – Public Hearing** on housing problems, solutions and barriers to solutions.
4. **December 17 – Barriers:** Identify barriers to Production, Preservation, Protection and Promotion (homeownership). Examine the implementation of the final recommendations of the 1991 Regulatory Review Task Force.
5. **January 7 – Production:** Review land availability, height and density limits, parking requirements, impact fees, inclusionary zoning, current and future development “pipeline” permitting, financing, fire codes, stormwater and sewer capacity.
6. **January 28 – Preservation:** Review minimum housing inspection program, code requirements, time-of-sale energy efficiency, housing preservation and replacement, historic preservation, at-risk subsidized units, real estate speculation.
7. **February 13 – Promotion (Homeownership):** Review VHFA, CEDO and Homeownership Center products and services, condo conversion, employer-assisted housing, energy efficiency, property taxes, predatory lending.
8. **February 25 – Protection:** Review security deposit ordinance, anti-discrimination, rental application fees, just cause eviction, utility shut-off protections, landlord registry, mandatory model lease, accessibility modifications.
9. **March 25 – Regional Fair Share/State Policies:** UVM housing, COPC Fair Share Project, Act 250, fair share compacts. Best practices, i.e. Chapter 40B “anti-snob zoning, Mass. Executive Order 418, etc.
10. **April 1 – Unfinished business:** Just Cause Eviction, Chapter 117 Committee report and discuss process for considering recommendations.
11. **April 15 – Draft recommendations:** review and consider new recommendations.
12. **April 30** – Review draft recommendations and plan public hearing

13. May 22 – Final vote on recommendations for public hearing

14. June 17 – Public hearing

15. June 25 – Vote on changes to recommendations for final report

Minutes for November 6, 2001

Present: Bennett, Bissonette, Dettman, Dorn, Eldridge, Farrell, Kenworthy, Knight, Lafayette, Markley, McNamara, Monte, Sassorossi, Torpy, Wimpey

Absent: Carpenter

Mayor Clavelle thanked members for serving and gave the Task Force its charge:

- Focus on all four Ps of our housing agenda: Protection, Preservation, Production, Promotion
- Don't spend time debating the level of the crisis or the level of income that needs to be served – be inclusive of all income groups
- Re-examine what's in place today and whether it's working.
- What changes are needed to make things work better in Burlington
- Burlington's aging housing stock is unique in our region – pay special attention to that.
- Feel free to be bold and think outside the box
- The Mayor pledged that his administration would implement the recommendations of the Task Force and not just file the report.

The Task Force set up a tentative meeting schedule and work plan, but asked staff to present a more detailed one at the next meeting on November 19.

Minutes for November 19, 2001

Present: Bennett, Bissonette, Carpenter, Dettman, Dorn, Eldridge, Farrell, Kenworthy, Knight, Lafayette, Markley, McNamara, Monte, Sassorossi, Torpy, Wimpey

Staff presented handouts explaining existing conditions with regard to trends in the housing market. Since there is a considerable volume of information and preparing a written summary would not be an effective use of staff time, the following list of documents represents the handouts that were distributed. This information can be obtained by contacting Brian Pine at 865-7232.

HUD Fair Market Rents; VHFA purchase price and income limits; BHA payment standards; Allen & Cable Rent and Vacancy Rate survey; 2000 Consolidated Plan; Champlain Initiative Sprawl Study; Out of Reach (National Low Income Housing Coalition); COPC Spatial Mismatch report; 2000 Census data; COTS homeless data; BHA data on Section 8 program; Housing programs of CEDO and BCLT; Mayor's Housing Agenda 2001-2002; COPC Housing study; CCRPC Housing Task Force; Vermont Housing Awareness Campaign; Downtown RH Density ordinance; Rental Opportunity Center; City's plan for Build-out analysis and zoning re-write.

Minutes for April 30, May 22 and June 25 meetings:

Because the Task Force focused exclusively on the draft recommendations, and since the draft was modified based on the deliberations of the group, staff did not take formal minutes.

Minutes for December 10, 2001 Public Hearing

David Mullin – Executive Director, Green Mountain Habitat for Humanity

- Building fees and trade inspection requirements higher in Burlington than surrounding communities.
- Burying utilities for new construction adds significant costs - \$3,300 for single-family house at 23 Allen St. (Underground utilities mandated for new construction.)
- Habitat is seeing more single mothers with kids looking to find affordable ownership
- Habitat sticks to single family homes rather than duplexes – some exceptions
- Habitat serves households with less than 50% of median income for Chittenden County (about \$27,000/year for a family of 4)

Bill Bryant – 61 Ferguson Ave.

- Help protect regulations and/or rulings that keep people and buildings safe. Do timely inspections, and take proper care with amending zoning.
- Have services be user friendly, and utilize the variety of city resources available, profit vs. non-profit.
- New buildings are frequently held up due to appeals.

Bruce Nunziata – S. Prospect St.

- Concerned about influx of people decreasing quality of life – likes small city aspect.
- Church St. development detrimental, may lead to traffic and parking issues.
- Adverse development effects: Real estate tax could go higher, harder to buy a home.
- Agrees that emergency shelters may be needed, but don't develop new housing simply to bring people into town.
- Recommendations-

Some needs are immediate, but don't build to attract more people.
Be aware of economic reality, and keep growth to a minimum.
Moderation and careful planning is the key to Burlington's future

Rita Markley (Task Force member) replies:

- Many people, who are employed, cannot find housing. Structural imbalance, need to create housing near jobs.
- Who is going to pay the bill for the infrastructure of a growing city? Not only a roof over people's heads, but services available to people.
- VT Tenants, Inc. representative on Task Force (Ted Wimpey) reminded speaker that new owners are property tax payers.

Sandy Wynne - 73 N. Willard, Realtor and resident

- Student housing has taken over family neighborhoods. Put students back on campus, and increase owner occupied homes.
- Crime up - This may increase with more people.

- Infrastructure costs increase: more police, roads, and schools.
- All parts of housing market need to be expanded – work to increase the number of homes available for middle-income families, too. This will help broaden the scope of housing.
- Work towards responsible growth.
- Would like to see results of past housing studies.
- Encourage private sector participation.
- Enforce new zoning on group quarters, clean up houses in violation of housing codes.
- With a lack of homeowners, there is lack of motivation to maintain homes.

Richard Kemp - Flynn Ave., City Councilor, Ward 5

- Housing costs are too high!
- Community needs to come together and set up a fund to help with housing problems.
- Find money to help build affordable housing.
- He lives at the Flynn Ave. Housing Cooperative where residents are having success at budgeting and maintaining their homes.
- He feels cooperatives are a successful idea: low turnover with residents but not enough cooperatives to address the housing issue.
- Flynn Avenue Housing: Twenty-four, 1-2 bedroom units on <2 acres
- Housing Co-ops should be larger to have a stronger pool of buyers.
- More units without income caps.
- Co-ops are community based.

Joan Shannon – Lakeside neighborhood

- Create zoning regulations to include more housing.
- Where developing- develop for residential.
- Do not increase demand for housing by seeking new businesses and jobs.
- Need to deal with supply issue first.
- Supports the development of vacant upper stories on Church St.
- Create a wide variety of housing, and all housing may free up and people can find what they need.
- City should have a tax for vacant properties, so landlords will be encouraged to get tenants back in house

Gary Daly – 187 Church St. (Homeless Shelter)

- So many issues surrounding affordable housing, such as mental health, substance abuse, etc
- Affordable housing is not always in a livable state.
- This country has lost its sense of humanity to help people in ways unrelated to housing.
- Need to remember that even the people that clean your buildings, flip your burgers and fix your cars need a place to live and should be able to live in Burlington

Doug Dunbebin – City Councilor, Ward 3

- \$200 a month increase in rent, increase in income does not match this.
- Lack of maintenance, landlords not forced to take care of properties. Need to hold them accountable and responsible.
- Some rental tenants tearing apart high quality of life.
- People rights should be included in the lease.
- Move away from the stigma that comes with the phrase “affordable” housing

Wayne Senville - past member of Burlington Planning Commission, Ward 1 resident

- Housing is a controversial issue, which leads projects to drag on. Difficult to be timely.
- Land use mediation?
- Appeal process can lead project back to square one.
- Discussed Development Review Boards – housing vs. environmental
- Planning and zoning commissions have to deal with issues that should have been taken care of earlier.
- Ordinance criteria too broad, does not always help in decision-making process.
- Why are some of these projects un-raveling? Might be helpful if a past project was looked into.

Steve Norman - New North End resident, Vermont Legal Aid

- Preserve current housing, as well as build new.
- Legislative work on ordinances.
- Enforcement of quality housing.
- George St.: example of inspection upon complaint – City’s routine inspection program is not working
- Tenants need proof that inspection has taken place.
- Quality of tenancy is low grade – no controlled rent. Rents being doubled.
- People transient due to high housing costs.
- Better filing of code enforcement (record keeping on properties) Section 8 homeownership should grow
- Tenant organizing – strong voice and political presence considering the city demographics
- Inspection records online
- Appoint a receiver for property

Lenora Dodge - Project Home

- \$20,000 a year is saved by having seniors stay home as opposed to an assisted care type facility.
- Seniors can “home share” and open up homes to helpers.

- The City cut Project Home's budget - might be due to Burlington numbers going down. They focus on all of Chittenden County – by finding homes in outlying communities they help to reduce the pressure in Burlington.
- By sharing a household, number of members in home goes up and effects prebate of educational property tax.
- Many need a doctor's note to avoid the above issue, but still cause a barrier in possible home shares.
- Give incentives to have people share their homes, and tax deferral for older people. Should consider the idea of reverse equity for seniors to stay in their homes and pay property taxes using their equity

Minutes for December 17, 2001

Present: Task Force members: Stuart Bennett, Brenda Torpy, Brian Knight, Paul Dettman, Ted Wimpey, Bill Bissonette, Ellie Kenworthy, Mike McNamara, Kenn Sassorossi, Mark Eldridge, Michael Monte, Karen Lafayette, Sarah Carpenter. Staff: Brian Pine

1. Public Hearing Follow Up

- Consider allowing residential development in the industrial zone – Maltex/General Dynamics properties are examples of where it could work
- Rent stabilization – has it been explored by Burlington recently?
- Pros and cons of rent control – CEDO should gather research on the subject for Task Force consideration at the meeting on “protection”.
- Need to get clarity on fire requirements and review all city-imposed requirements that add costs to new development
- Conflict of interest needs to be made narrower for Development Review Board (DRB)
- Analyze the 4th tax rate option that will be discussed in the Chapter 117 report

2. Production Barriers

- Very few developers build to actual zoning
- Predictability of the permit process is key
- Density doesn't reflect actual ability to build
- On the record hearings are needed at local level
- Minimum density zoning
- Limiting appeals by requiring posting of bonds
- Time-certain for appeals
- Environmental court needs to be revamped
- Redundancy in the local process and Act 250
- Need a forum for neighbors at front end that may avoid some appeals
- Who can appeal and under what circumstances
- Look at Massachusetts 'anti-snob' zoning law
- Litigation and fear of litigation is a barrier
- Lack of team work – adversarial forum – look at Karl Kehde's model

- Housing endorsement criteria – DHCA working on this
- Linkage fee to offset impact of commercial development on housing
- Inclusionary Zoning – square feet too big, should allow the cash contribution, especially on the waterfront
- Lack of resources for updating zoning code

3. Preservation Barriers

- Explore more rehab-oriented code that is used in New Jersey and elsewhere
- More flexible building code is needed
- Need to preserve existing project-based Section 8 properties
- Tax changes to encourage sale of project-based Section 8 to non-profits
- Historic homeownership tax credit

4. Protection Barriers

- Low wages, financial literacy
- Lack of available units is one of the main reasons why tenants are vulnerable

5. Homeownership

- Lack of stock for ownership makes central city less desirable
- Downpayment and closing costs are still the main barrier for low and moderate income buyers

Minutes for January 7, 2002

Present: Task Force members: Brian Knight, Paul Dettman, Bill Bissonette, Mike McNamara, Michael Monte, Sarah Carpenter, Eric Farrell, Kevin Dorn, Rita Markley. Staff: Brian Pine

Downtown Task Force has recommendations about exempting certain projects from Act 250 – should get a copy of the report for review by the Task Force

Changes to environmental court – AHTF should support this, check with people that are staffing the Chapter 117 review committee for a copy of Judge Alden Bryan's report

Design control criteria needs to be evaluated with an eye toward making the review process less subjective – DAB should not be designing projects.

Identify top ten properties for development – CEDO and Planning should get this list together and maintain it for public use

Lack of new units at \$150,000 price range is a real gap that needs to be filled

Housing Replacement Requirement (Sec. 15.1.6, Zoning Ordinance) should not require new units to be affordable unless the units being removed were affordable. Inclusionary Zoning (Article 14, Zoning Ordinance) should have a clear formula for determining the payment in lieu of building affordable units (Sec. 19.1.7, Zoning Ordinance)

The City should analyze the impact of the Inclusionary Zoning and Housing Replacement ordinances

Timing of adoption of the Building Official and Code Administrators (BOCA) National Building Code is an issue. Staffing/enforcement- coordination of the Burlington Fire Department (BFD) and the Department of Public Works (DPW)

Proposed Task Force Recommendations (to-date):

1. Look at Downtown Redevelopment report, Chapter 117 report, Judge Bryan's Environmental Court report, Chittenden County Regional Planning Commission Housing Task Force
2. Create Inventory of developable sites – both a list and a map
3. Develop capacity at Planning and Zoning (P&Z) for maintaining map
4. Evaluate inclusionary zoning and housing replacement – ask City staff to identify top five barriers to production and rehab
5. Coordination between BFD and DPW; Inspection Services Department (ISD) should have final authority
6. Support on-the-record Development Review Board (DRB) hearings
7. Advocate that “loser” pays for permit appeals

Minutes for January 28, 2002

Present: Task Force members: Fred Roen (for Mike McNamara), Stuart Bennett, Brenda Torpy, Paul Dettman, Ted Wimpey, Bill Bissonette, Kenn Sassorossi, Mark Eldridge, Michael Monte, Sarah Carpenter, Eric Farrell. Staff: Brian Pine.

Absent: Rita Markley, Karen Lafayette, Ellie Kenworthy, Brian Knight, Kevin Dorn

- 1. Follow-up from previous meetings:** Minutes from all the past meetings and the public hearing were distributed. Sarah Carpenter discussed the report prepared by Judge Alden Bryan, which recommends the creation of three (3) Environmental Court judges to rotate the state. H.589 has been introduced to implement the recommendations of Judge Bryan's report. It was suggested that staff send a note to Jessica Oski, the City's legislative lobbyist to watch this bill carefully. There was a brief discussion about the pros and cons of replacing one Environmental Court Judge with three rotating judges. Staff will try to get an electronic copy of Judge Bryan's report out to AHTF members.
- 2. Housing Preservation factors:** The concept of a "Flexible Rehab code was discussed – New Jersey developed such a code in 1998, and some newer models are available elsewhere. Ray O'Connor, City Code Enforcement Office, discussed the benefits of New Jersey's rehab sub-code: clear guidelines for each category of rehab; more predictable; reduces cost of rehab

AHTF supports the City adopting a flexible rehab code – **Follow-up task:** staff should ask Gene Bergman, City Attorney; for road map on how to get there. A staff opinion will be presented at the next meeting.

Burlington is the only municipality in VT with a Minimum Rental Housing Energy Efficiency Standards Ordinance (Sec.18.500 – 18.511 Burlington Code of Ordinances). **Follow-up task:** Staff should research with Burlington Electric Dept. on response time and how the ordinance may be improved.

Finding: Owners of rental housing have much fewer public resources available for rehab than do homeowners.

Recommendation: Urge Congressional Delegation to support capital gains tax changes to encourage the sale of Section 8 Substantial Rehab projects to nonprofits

Eric Farrell expressed concern about the impact of Housing Replacement (Sec.15.1.6, Zoning Ordinance) – making all replacement units affordable is too rigid a requirement. The replacement unit should be of comparable affordability of the unit being replaced. Is this a barrier to more housing rehab projects?

Recommendation: Staff should analyze Housing Replacement (Article 15) and Inclusionary Zoning (Article 14, Zoning Ordinance) to determine if these policies have a negative impact on housing construction or rehab.

Recommendation: The City of Burlington should more aggressively pursue tax sales for fairness to other taxpayers and to create housing rehab opportunities.

Follow-up task: Devote time (30 minutes) at the next meeting to discussion of the Minimum Housing Program (MHP)

Minutes for February 13, 2002

Present: Mike McNamara, HUD; Colin Bloch for Brenda Torpy, Burlington Community Land Trust (BCLT); Ted Wimpey, Vermont Tenants, Inc.; Kenn Sassorossi, Housing Vermont; Mark Eldridge, City of Burlington Planning & Zoning Dept.; Sarah Carpenter, Vermont Housing Finance Agency; Rita Markley, COTS; Brian Knight, Preservation Burlington

Ray O: Discussed Minimum Housing Program (MHP) – was given authority for MHP two years ago. There is a five-year plan to restructure and have five inspectors in field and one administrative staff person. 1,000 inspections/year. Goal = 1,500 year. Database of 10,000 properties.

Scope has a wide range: housing, zoning, parking, and nuisance properties

Increase in fire fatalities, fire damage – new smoke detector ordinance was crafted in response to this trend.

Ted W.: Concerned that few routine inspections being done – hard to get accurate and timely records on inspections – tenants need this information. Inspection records should be on City's web site.

City should allocate sufficient resources to make MHP database accessible to general public via City's web site and this should not be delayed as the City develops an Information Technology (IT) system.

Current inspection cycle is six years. The goal of the City is a three-year cycle.

New measures for MHP: Ticketing for violations and place chronic violators under receivership.

The City should allocate \$10,000 per year to cover relocation of tenants displaced by code enforcement actions.

Encourage mortgage lenders to take an active interest in troubled properties.

Duplex program: need more resources to return many properties back to owner-occupancy.

Colin presented BCLT data and will follow up with written material. He suggested that people interested in inclusionary zoning and other public policies to improve neighborhoods without displacing long-term residents should visit: www.policylink.org .

Minutes for February 25, 2002

Present: Michael Monte, Ted Wimpey, Sarah Carpenter, Rita Markley, Paul Dettman, Fred Roen; Stuart Bennett

Absent: Mark Eldridge, Brian Knight, Karen Lafayette, Brenda Torpy, Eric Farrell, Bill Bissonette, Kevin Dorn, Ellie Kenworthy, Kenn Sassorossi

1. UVM's student housing project: Does the scaled back project violate the agreement with the City? City Attorney Joe McNeil believes this does not violate the agreement. UVM agreed to house 400 more students than were housed on-campus as of a certain date by any means they deem appropriate. The changes to the project size do not alter that commitment. The next Task Force meeting will include discussion of UVM housing, staff will send out copies of the City/UVM agreement and a letter from Tom Gustafson about UVM's plans.
2. Minutes from February 13th meeting: Add Mike McNamara's comment about use of Apartment Registration fees for activities outside the minimum housing code.
3. Security deposit ordinance:
Ordinance should be changed to allow for charging pet deposits – this would help tenants who own pets and landlords who are willing to rent to pet owners, but want greater protection from damages.
4. Anti-discrimination:
It was suggested that receipt of Section 8 should be added to the City's housing discrimination ordinance as a protected class. Ted feels that this is not necessary in order to enforce the state law, but feels that it should be added so that the City Attorney can enforce. BHA believes that HUD intends for the Section 8 program to be voluntary, and that property owners may just increase rents as a means to avoid having to participate in the Section 8 program.
5. Minimum Housing Program:
Staff should ask Code Enforcement to account for staff time spent on non-rental housing inspections i.e. parking, trash, zoning enforcement and nuisance abatement on owner-occupied, vacant buildings, commercial properties. The Task Force is concerned that tenants may be paying the \$50 annual fee to fund code enforcement that extends beyond the scope of the Minimum Housing Code. Section 18-30 of the Code of Ordinances states that "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." Legal Aid is further concerned that landlords are not posting Certificates of Compliance in their units (as required in the code) and that CE is not enforcing this requirement. This makes it harder for a tenant to know how their apartment stands in terms of code compliance.

6. Apartment registration:

Ordinance should be amended to recognize that the ownership structure required under federal affordable housing programs makes many affordable housing units ineligible for the exemption of registration fees. To address this, the ordinance could be changed by changing the wording of Section 18-30, (a)(2) to read, "That unit meets both of the following two tests:" and removing subsection (a)(2)(c).

Task force should recommend a coordinated inspection program between Code Enforcement (CE) and the Burlington Housing Authority (BHA). Such a system would require Code Enforcement to prioritize inspection resources on those units which are not subject to routine annual inspections by a third party. This would avoid CE conducting inspections on units that are already subject to routine annual inspection by BHA or another third party.

7. Condominium Conversion:

Ordinance covers any rental property of more than 2 units. Staff should ask Assessor for the number and location of buildings with 3-10 units. It may encourage homeownership in areas with low homeownership rates if the ordinance is amended to encourage the conversion to condominiums of 3-10 unit rental buildings. State law that governs condo conversion would still apply.

8. Rental Application Fees:

Ted will present some information on credit checks and the charging of application fees. It was the intent of the legislature to eliminate all charges other than credit checks for prospective tenants seeking an apartment.

9. Model Lease:

The City should consider requiring a "housing disclosure form" be distributed to all tenants that clarify current rights and responsibilities for both tenants and landlords. Consideration should be given to requiring certain lease provisions in all leases.

10. Task Force meeting schedule:

- Add another meeting for discussing Just Cause Eviction and attending to other unfinished business in April or early May.
- Re-schedule public hearing for late May or early June, with final report ready for Mayor and City Council by July 1, 2002.

Minutes for March 25, 2002

Present: Michael Monte, Ted Wimpey, Sarah Carpenter, Paul Dettman, Stuart Bennett, Eric Farrell, Mike McNamara, Brian Knight, Bill Bissonette, Mark Eldridge, Kenn Sassorossi, Kevin Dorn

Absent: Rita Markley, Karen Lafayette, Brenda Torpy, and Ellie Kenworthy

Public: Sharon Bushor, Justin Dextrateur, Rep. JoAnna Donovan, and Jim Fingar

Carpenter: If UVM builds any new beds, they will need to create new parking spaces- so cost of parking should not be used as a justification for downsizing project. UVM chose not to build due to neighborhood opposition - they need to approach this project with resolve.

Sarah offered to draft language about UVM housing for possible inclusion in the Task Force recommendations.

Monte: The City has a legally binding agreement with UVM regarding housing. This doesn't mean that the AHTF shouldn't take a position on this issue. If a majority of members of the Task Force believe that the City should take a different position on how UVM meets the 400-bed requirement, then the report should reflect that sentiment.

Monte: Task force should make a suggestion to CCRPC to deny any municipal plan that fails to include an affordable housing component with specific production goals and to urge CCRPC to require each member community to conduct a build-out analysis for future housing development.

Sassorossi: Three key factors are needed to create affordable housing: predictable permitting climate, capacity to produce, resources to produce. A self-assembled group of towns is needed to create state policies that reward towns/cities.

Dextrateur: Inter-municipal cooperation around sewer capacity and storm water discharge is needed to encourage affordable housing. Discussion ensued of a "core compact" among Burlington, S. Burlington, Colchester, Winooski and Essex. This group could establish threshold criteria that each member community strives to meet, i.e. create a local housing trust fund, enact density bonuses and inclusionary zoning and impact fee waivers, etc. Once the group has made some individual and collective accomplishments, they could seek priority status for state infrastructure funding.

Farrell: Concerned about AHTF report "gathering more dust than fingerprints" - final report needs to be grounded in reality and achievable in the near term. Could also include some long-term goals that are desirable, but not imminent.

The report should include a bibliography of innovative measures happening in other communities to demonstrate the range of possibilities.

Minutes for April 1, 2002

PRESENT: Mike McNamara, Eric Farrell, Stuart Bennett, Paul Dettman, Bill Bissonette, Mark Eldridge, Kenn Sassorossi, Sarah Carpenter, Michael Monte, Brenda Torpy, and Ted Wimpey. Staff: Brian Pine

ABSENT: Brian Knight, Kevin Dorn, Karen Lafayette, Rita Markley, and Ellie Kenworthy

1. Just Cause Eviction Controls

Wimpey: Need a modified form of 'Just Cause Eviction Clause' (JCEC) – graduated notice period based on length of tenancy and other household characteristics, i.e. elderly, disabled, etc.

Torpy: BCLT follows a JCEC practice - tenants deserve same protection as someone who buys a car or home – if you are making your payments and abiding by your lease then you deserve protections.

Farrell: If the landlord and tenant have lifestyle disputes, would landlord be able to evict tenant under JCEC?

Bennett: Dislikes JCEC because a lease is a contract between 2 parties, landlord owns the building and deserves full rights to get the property back whenever they want. JCEC creates a perpetual tenancy – judges can't determine "unconscious-able" rent increases. No-cause evictions are usually behavior-related.

Carpenter: How serious a problem is this? Fair housing laws should protect tenants from abuse.

Wimpey: Other cities and states have adopted JCEC. Would support extending notice provision in cases where tenants have lived in a building for a period of time.

Torpy: Big difference for tenants vs. any other commodity – because housing is one of the most basic needs, tenants need some security of tenure. Would not support allowing evictions for making unit available for family members.

Sassorossi: Advocate increased notice provision is more realistic than perpetual tenancy.

Wimpey: JCEC is a good place where a lease addendum or model lease would be useful.

Bennett: If AHTF seeks to encourage investment in housing, JCEC will be another barrier. JCEC makes month-to-month tenancy obsolete. Developers would have even less incentive to invest in rental property if JCEC were in effect.

Torpy: Under JCEC, tenants gain some negotiating power with landlords that want their unit back.

McNamara: Have heard that landlords are using no-cause evictions as a faster way to evict a tenant. This is a loophole that circumvents the intentions of the law.

Monte: Under current market conditions, good tenants deserve some protection – if market changes, JCEC could change.

Carpenter: Would rather emphasize code enforcement and provide adequate eviction notice over full-scale JCEC.

AHTF should further consider recommending Just Cause Eviction Control “lite” – increased notice requirement for tenants based on length of tenancy and based on status as elderly or disabled or low-income.

2. Dealing with challenging tenants

Bissonette: Some portion of tenants is very difficult for other tenants and landlords to deal with. Can the City help deal with social and personal problems?

Can the City be a resource for intervention with difficult tenants?

Bill would support adding a \$5 surcharge on the apartment registration fee to fund tenant services.

Dettman: State of Vermont needs to provide adequate funding to deal with tenant retention/intervention.

Wimpey: Should add dealing with challenging tenants to the list for AHTF.

3. Chapter 117 Review Committee Report

Re-write Chapter 117 – legislature needs to provide adequate funding to DHCA for a comprehensive re-writing of 24 VSA Chapter 117, subchapters six through nine (the regulatory component of the Planning and Development Act).

AHTF should endorse on-the-record review at Development Review Board hearings.

AHTF endorses the recommendations of Chapter 117 Review Committee and urges the State to undertake a comprehensive re-write of Chapter 117.

City should uphold it's own zoning ordinance with regards to “interested parties”.

The City should explore a local anti-snob zoning ordinance.

Minutes for April 15, 2002

PRESENT: Eric Farrell, Brian Knight, Bill Bissonette, Fred Roen, Kenn Sassorossi, Sarah Carpenter, Michael Monte, Ted Wimpey

ABSENT: Mike McNamara, Kevin Dorn, Karen Lafayette, Rita Markley, Stuart Bennett, Paul Dettman, Mark Eldridge, Brenda Torpy, and Ellie Kenworthy

STAFF: Brian Pine, CEDO; **PUBLIC:** Jim Fingar

4. Tenants' Focus Group

Ted and Brian will discuss whether to convene a group of tenants to review the recommendations.

5. Draft Recommendations

Identify issues for further clarification, page numbers and number each item. Identify who takes action and timeframe.

→ Action Responsible Party Timeline

Discussion of each item in narrative format.

Add proactive role by City to facilitate sales of property for housing development.

Offer density bonus to encourage conversion of office buildings to residential uses.

Amend minimum lot size to allow duplexes in more areas of the City.

City should reiterate that it desires to promote the development of housing.

City Council should adopt a statement in support of housing.

Task force should identify barriers and ask for solutions.

List unrealized recommendations from 1990 Regulatory Review that should be pursued.

Encourage developers to meet with neighbors early in the development process.

City should provide annual training to DRB/DAB members – City Attorney's office.

DAB should only cover properties where historic preservation is an issue.

Add glossary of terms to report.

Add water and sewer as a means of achieving regional cooperation.

City could mail out disclosure form to landlords with the annual registration fee.

Minutes for June 17, 2002 Public Hearing (42 people attended)

1. What is no – cause eviction?
2. 3.11 lack of clarity on this item
3. Rent Control – was it discussed?
4. Anti – Snob zoning – how does it work?
5. Sharon Bushor – item 2.12: add language that states towns must encourage housing for all types of households not just elderly housing
6. Vicki Harris – item 3.11: landlord should not be allowed to charge for credit reports – many low-income people can't afford reports.
7. John Orlando – rental market is increasing; vacancy rate will increase on its own; more people investing in real estate; Burlington is a very hostile place for landlords. He is an owner-occupant of a multi-family building on Intervale Ave. BHA inspection staff personally told him that they wouldn't own rental property in Burlington because the City makes it so hard for landlords
 - Eliminate group quarters zoning
 - For lease renewals – don't impose longer eviction notice requirements
8. John Owen – Task Force should list recommendations in priority order and begin with those that will have the most impact. Item 2.2: the barriers still are numerous and this process will be valuable – invite Habitat to tell their stories.
9. Barb Prine – Vermont Legal Aid –Disability Law Project - appellant paying will make appeals an option only for the rich – worried about fees for reports (3.11) slippery slope. In her work with people w/ disabilities, No-cause evictions often start as discrimination – due to lengthy process of a “cause eviction”, most landlords then change these evictions to no-cause to avoid all the hassles. TF should focus more on accessible housing – especially the need to create more accessible family units. Target and improve units for accessibility
 - Burlington should keep registry of accessible apartments to match people in need with available units
10. Richard Kemp
Affordable co-op housing is key - 10 units no turnover; no unit turned over more than 5 times. Ownership and mix of incomes are the main reasons for this stability
11. Sharon Bushor
Local issues – appellant paying not fair; believes current process results in good projects; Keep the new UVM units on campus. Concerned about inclusionary buy – out option – TF should reconsider this as it flies against one of the main premises of the ordinance – all developments should be economically integrated. Item 4.3 has a loophole – parents of college students buy the duplexes, and they become student housing.
12. Mr. Masi – VP of Concerned Residents of Northgate
Preserving Section 8 is too narrow – make it include all federally assisted units. Item 2.7: need to keep the heat on UVM
Supports using city-owned land for mixed income housing

13. Don Schramm – think of housing in a broader context; mixed income should be a priority
 - 2.2: include Co-housing when convening developers – Planning and Zoning could reduce car requirement to encourage a better mix
 - 2.9: city-owned land should be for mixed income
 - 4.2: condo conversion is a barrier to increasing ownership

14. Janet Green:
 - 3.13 & 3.14 – excellent – help tenants keep their housing
 - 3.11 – concerned that it is too open and may complicate the situation

15. Dave Barber:
 - 2.8 databases of sites for development - City could send letters to owners asking them to consider housing on their properties and then follow up w/ phone calls. CEDO should invite owners to add 2nd floors where appropriate. Possible sites for housing:
 - Pine St. between Locust & Birchcliff - all one story buildings that could support housing.
 - VFW, Champlain Farms, Bard
 - Acme glass
 - Champlain Transmission
 - King & S. Champlain
 - Kerry's Kwik Stop
 - Rite Aid
 - Lakeside Area – St. John's Club could add a floor
 - Blodgett is one story

16. Sandy Wynne:
 - Police & Fire should be a priority for new homebuyers
 - UVM is key – students say the on-campus units need to be affordable & they don't want on-campus rules to apply.

17. George Stokes:
 - Here for his mother – concerned about cost of hard-wired smokes and impact on historic buildings.

18. Justin Dextrader:
 - COPC work with UVM
 - 2.13 – add reserve infrastructure capacity as a local measure that would demonstrate municipal support for affordable housing.
 - Residential phasing – accelerate for affordable housing or discourage this practice

19. Erhard Mahnke:
 - Here as a citizen, not representing Affordable Housing Coalition
 - Highlights – federal policy changes –

Continued funding for VHCB & fed. Initiatives

Make no assumptions about maintenance of existing efforts – need to be explicit

20. Bob Kiss:
Time of sale rental code compliance – has the affect of chilling speculation and improving condition of rental units
21. John Powell:
Create graphics to show people how good affordable development can look
22. Vicki Harris:
How can landlords get away with such huge rent increases?
23. John Orlando: The Rental Opportunity Center is wonderful
Clarify that we are talking about preserving project-based units; Increased funding of Section 8 should be in report
24. Erhard Mahnke: highlights – should add sec. 8 discrimination to ordinance.
Increasing insurance premiums ask commissioner to investigate the increases

Exclude CDBG & VHCB from priorities for state grants
Cautions against appellant paying for appeals
25. Sandy W. has ideas for how to avoid the owner-occupied portion of buildings with accessory apartments from becoming rentals.



Housing Issues in Burlington

Monday December 10 at 7:00 PM
In Contois Auditorium, City Hall

The Mayor's Affordable Housing Task Force wants to hear about housing problems and solutions.

This information is available in alternative formats for people with disabilities. Individuals with disabilities who require assistance or special arrangements are encouraged to contact CEDO at least 72 hours in advance. For more information, call Brian Pine at 865-7232 or 865-7142 TTY

Public Hearing on Housing in Burlington



Monday, June 17th at 7:00 PM
In Contois Auditorium, City Hall

The Mayor's Affordable Housing Task Force
is seeking public comments on over 50 draft
recommendations

This information is available in alternative formats for people with disabilities. Individuals with disabilities who require assistance are encouraged to contact CEDO at least 72 hours in advance. For copies of the recommendations, call CEDO at 865-7144 or 865-7142 TTY, or go to: www.cedoburlington.org