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H.448

Introduced by Representatives Cina of Burlington, Bluemle of Burlington,
Colburn of Burlington, Colston of Winooski, Hooper of
Burlington, McCormack of Burlington, Mulvaney-Stanak of
Burlington, Ode of Burlington, Rachelson of Burlington, Small
of Winooski, and Stebbins of Burlington

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;
amendments

Statement of purpose of bill as introduced: This bill proposes to approve
amendments to the charter of the City of Burlington to:

- (1) establish a system of ranked choice voting for the election of City Councilors;
- (2) authorize the City Council to adopt an ordinance prohibiting the eviction of residential tenants without just cause;
- (3) authorize the City Council to adopt an ordinance regulating thermal energy systems in residential and commercial buildings; and
- (4) add one legal voter of the City of Winooski and an additional legal voter of the City of Burlington as members of the Board of Airport Commissioners of the City of Burlington.

1 An act relating to approval of amendments to the charter of the City of
2 Burlington

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. CHARTER AMENDMENT APPROVAL

5 The General Assembly approves the amendments to the charter of the City
6 of Burlington as set forth in this act. The voters approved the proposals of
7 amendment on March 2, 2021.

8 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

9 CHAPTER 3. CITY OF BURLINGTON

10 * * *

11 § 5. ELECTION TO BE BY BALLOT; METHOD OF ELECTION; RUNOFF

12 ELECTIONS

13 (a) The election of the Mayor ~~and all City councilors~~ and school
14 commissioners shall be by ballot, and the person or persons receiving a
15 plurality of all votes cast for any office aforesaid shall, except as hereinafter
16 provided, be declared elected thereto. However, if no person receives at least
17 40 percent of all votes cast for any office aforesaid, no one shall be declared
18 elected and a runoff election shall be held. The only candidates in the runoff
19 election shall be the two persons receiving the greater number of votes or, in
20 case of a tie, the persons receiving the greatest number of votes or the persons
21 receiving the second greatest number of votes. The Chief Administrative
22 Officer shall within seven days warn a runoff election to be held not less than

1 12 days nor more than 20 days after the date of the warning. The warning shall
2 be published in a newspaper of general circulation in the City and posted in a
3 public place. The person or persons receiving a plurality of all the votes cast in
4 a runoff election shall be declared elected.

5 (b) All elections of City Councilors shall be by ballot, using a system of
6 ranked choice voting without a separate runoff election. The Chief
7 Administrative Officer shall implement a ranked choice voting protocol
8 according to these guidelines:

9 (1) The ballot shall give voters the option of ranking candidates in order
10 of preference.

11 (2) If a candidate receives a majority (over 50 percent) of first
12 preferences, that candidate is elected.

13 (3) If no candidate receives a majority of first preferences, an instant
14 runoff tabulation shall be performed by the presiding election officer. The
15 instant runoff retabulation shall be conducted in rounds. In each round, each
16 voter's ballot shall count as a single vote for whichever continuing candidate
17 the voter has ranked highest. The candidate with the fewest votes after each
18 round shall be eliminated until only two candidates remain, with the candidate
19 then receiving the greatest number of votes being elected.

20 (4) The City Council may adopt additional regulations consistent with
21 this subsection to implement these standards.

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§ 48. ENUMERATED

The City Council shall have power:

(66)(A) To provide by ordinance protections for residential tenants, as defined in 9 V.S.A. chapter 137, from eviction without “just cause,” where just cause shall include:

- (i) a tenant’s material breach of a written rental agreement;
- (ii) a tenant’s violation of State statutes regulating tenant obligations in residential rental agreements;
- (iii) nonpayment of rent; and
- (iv) a tenant’s failure to accept written, reasonable, good faith renewal terms.

(B) The ordinance shall exclude from “just cause” the expiration of a rental agreement as the sole grounds for termination of tenancy. In addition to the exemptions in 9 V.S.A. chapter 137, the ordinance shall exempt from this provision, subject to mitigation provisions, sublets and in-unit rentals as well as the following properties, but not limited to:

- (i) owner-occupied duplexes and triplexes;

1 (ii) those being withdrawn from the rental market, including
2 properties to be occupied by the owner or an immediate family member as a
3 primary residence; and

4 (iii) those in need of substantial renovations that preclude
5 occupancy.

6 (C) The ordinance shall include provisions that:

7 (i) mitigate potential negative impacts on tenants and property
8 owners, including requirements of adequate notice and reasonable relocation
9 expenses;

10 (ii) provide for a reasonable probationary period after initial
11 occupancy; and

12 (iii) limit unreasonable rent increases to prevent de facto evictions
13 or nonrenewals, although this shall not be construed to limit rents beyond the
14 purpose of preventing individual evictions.

15 (D) The ordinance shall define what is “reasonable” and “adequate
16 notice” in defining “just cause” and shall require that landlords provide notice
17 of just cause and other legal requirements as part of the rental agreement.

18 (67) To regulate thermal energy systems in residential and commercial
19 buildings, including assessing carbon impact or alternative compliance
20 payments, for the purpose of reducing greenhouse gas emissions throughout
21 the City. No assessment of carbon impact or alternative compliance payment

1 shall be imposed unless previously authorized by a majority of the legal voters
2 of the City voting on the question at an annual or special City meeting duly
3 warned for that purpose.

4 * * *

5 § 120. ENUMERATED

6 There shall be maintained in said City a Board of Assessors consisting of
7 the City Assessor and two legal voters of said City; a Board of Tax Appeals
8 normally consisting of seven legal voters of said City; a Board of Public Works
9 Commissioners consisting of seven legal voters of said City; a Board of
10 Cemetery Commissioners, a Board of Light Commissioners, a Board of Fire
11 Commissioners, and a Board of Health, each consisting of five legal voters of
12 said City; a Board of Airport Commissioners consisting of ~~four~~ five legal
13 voters of the City of Burlington, ~~and~~ one legal voter of the City of South
14 Burlington, and one legal voter of the City of Winooski; a Board of Police
15 Commissioners, consisting of seven legal voters of said City; a Board of Park
16 and Recreation Commissioners, consisting of seven legal voters of said City; a
17 Board of Library Commissioners consisting of 10 members; a Board of
18 Planning Commissioners, the members of such boards to be appointed by the
19 City Council with Mayor presiding; a Board of School Commissioners
20 consisting of 12 legal voters of said City and of the respective wards in which

1 they are elected; and a Board of Finance to be constituted as hereinafter
2 provided.

3 * * *

4 § 276. COMPOSITION; TERMS; POWERS; AIRPORT MANAGEMENT

5 (a)(1)(A) The Board of Airport Commissioners of the City of Burlington
6 shall consist of ~~four~~ five legal voters of said City to be appointed by the City
7 Council with Mayor presiding to serve for three years and until their
8 successors are appointed and qualified.

9 (B) In addition, so long as the public aviation field and municipal
10 airport is located within the limits of the City of South Burlington, the Board
11 of Airport Commissioners shall likewise consist of one legal voter of said City
12 of South Burlington to be appointed by the governing body thereof to serve for
13 three years and until a successor is appointed and qualified.

14 (C) In addition, the Board of Airport Commissioners shall likewise
15 include one legal voter of the City of Winooski to be appointed by the
16 governing body to serve for three years and until a successor is appointed and
17 qualified.

18 * * *

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.