

H.708

An act relating to the approval of an amendment to the charter of the City of Burlington

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

Sec. 1. CHARTER AMENDMENT APPROVAL

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

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

CHAPTER 3. CITY OF BURLINGTON

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§ 48. ENUMERATED

The City Council shall have power:

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(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;

(iv) a tenant's failure to accept written, reasonable, good faith renewal terms;

(v) substantial damage to the property by the tenant, members of the tenant's household, or guests;

(vi) behavior of the tenant, members of the tenant's household, or guests that adversely affects the health and safety of the other tenants, the landlord, or the landlord's representative; and

(vii) criminal activity on the premises of the rental property or any criminal threat against the landlord or the landlord's representative.

(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;

(ii) those being withdrawn from the rental market, including properties to be occupied by the owner or an immediate family member as a primary residence or properties being sold for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

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

(C) The ordinance shall include provisions that:

(i) mitigate potential negative impacts on tenants and property owners, including requirements of adequate notice and reasonable relocation expenses that shall not exceed the value of one month's rent or another amount negotiated by the landlord and tenant;

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

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

(iv) mitigate potential impacts on small landlords.

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

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.