

## **Burlington H.474 Just Cause Charter Change Introduction** **Rep. Emma Mulvaney-Stanak, Chittenden 17**

### **Burlington Vote Background**

- Passed by voters on March 2, 2021
- High turnout election - 14016 total votes, 8829 in favor, 5187 against
- The vote passed with a 63.9% majority, each of the 8 Wards
- Went through rigorous committee process and vetting, passing three committees by majority vote
- Put on the ballot with a 10-2 bipartisan + independent vote (6 P, 3 D, 1 I)

### **THE WHY**

- Current VT law allows termination of tenancy for no cause. Allows, for example, the simple ending of a lease to be reason for termination of a tenant even if they fully paid their rent and/or never violated the lease. This creates significant instability in our housing system for tenants.
- There is also no shield that protects tenants from problematic or unlawful landlord behavior, including issues of discrimination.
  - When a tenant asserts their fair housing rights it is virtually impossible to prove because there we currently have a no cause eviction process where a tenant has a very hard time proving eviction was due to retaliation/discrimination.
  - When a tenant complains about safety or habitability issues, there is no protection for tenants from the landlord evicting them rather than making the units livable
- Of course not all landlords are problematic.
- JCE creates a fair and transparent process for both tenants and landlords. It creates clearer rules.
- In this difficult housing crisis, JCE also creates much needed stability for tenants.
  - Burlington (and VT) are experiencing unprecedented LOW rental vacancy - last year was 0.4%...6% is considered a healthy vacancy rate.
  - Systemic loss of housing entrenches issues poverty and inequality. Families who are evicted regularly lose their possessions, lose their jobs and experience high rates of depression.
    - STORY FROM FRONT STREET
  - Impacts of children - worse outcomes in their education, health and future earnings
  - Evictions disproportionately impact low income women of color.
- Between 2016-2020 VT Legal Aid noted 550 eviction cases in Chittenden County. Legal Aid estimated 20% of all eviction cases are for no cause, even if rent was paid on time. Around 30% are for reasons other than non-payment. Many more people are evicted and do not contest the eviction in court.
- JCE also creates a better balance of power between the tenant and landlord. The power dynamics between tenants and landlords are exacerbated by our low vacancy rates, high rents and desperation of tenants to find housing.

- In 75% of eviction cases, the landlord has an attorney and the tenant does not (according to a Legal Aid 2021 Report).

## **MORE BACKGROUND**

- JCE exists in 4 states: NJ (since 1974), CA, OR and NH and also Seattle and Washington DC

## **BILL SUMMARY**

### **Voter language:**

#### **Section A) Just Cause Includes:**

- (1) a tenant's material breach of a written rental agreement,**
- (2) a tenant's violation of state statutes regulating tenant obligations in residential rental agreements,**
- (3) non-payment of rent, and**
- (4) a tenant's failure to accept written, reasonable, good faith renewal terms.**

Added by Legislature

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

(6) 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

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

### **Voter language:**

#### **Section B)**

- (1) Ordinance would exclude from "just cause" definition the expiration of a rental agreement as the sole grounds for termination**
- (2) Also exempt sublets and in-unit rentals and also owner occupied duplexes and triplexes, units being withdrawn from the rental market to be used by the owner and/or an immediate family member, and units needing substantial renovations that preclude occupancy**

### **Voter Language**

#### **Section C) Ordinance shall include:**

- (1) mitigate potential negative impacts on tenants and property owners, including but not limited to requirements of adequate notice and reasonable relocation expenses**
- (2) A reasonable probationary period for initial occupancy**
- (3) Limit unreasonable rent increases to prevent de facto evictions or non-renewals (specifically related to evictions and nothing more, aka rent control)**

**Added by Statehouse**

[...reasonable relocation expenses] that shall not exceed the value of one month's rent or another amount negotiated by the landlord and tenant;

(iv) mitigate potential impacts on small landlords.

**Voter Language**

**Section D) Ordinance shall include:**

**(1) Ordinance would define reasonable and adequate notice as it relates to just cause.**