

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Planning Commission,
Office of City Planning,
Department of Permitting and
Inspections
Public Hearing Dates: _____

In the Year Two Thousand Twenty-One

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

Chapter 18. Housing—
Short Term Rentals

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 18, Housing, of the Code of Ordinances of the City of Burlington be and hereby amended to
2 read as follows:

3

4 **Chapter 18. Housing**

5

ARTICLE I. IN GENERAL

6 **18-1 Short title.**

7 As written.

8 **18-2 Definitions.**

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

11

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

14 Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than
15 30 days) sleeping accommodations for compensation consideration and is subject to the Vermont rooms and
16 meals tax. Hotel or motel is defined as lodging in the Comprehensive Development Ordinance. Hotel or
17 motel does not include short term rental.

18

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

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

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

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

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

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

***All other definitions as written.

18-3 – 18-14 Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

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

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

- (1) The address of the property.
- (2) The number of dwelling units at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.
- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
- (10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.
- (11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.
- (12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden

County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

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

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

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

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

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

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

<u>Table 18-15-1 Short Term Rental Types, Limits, and Standards</u>		
<u>Whole Unit STRs</u>		
	<u>Building Type</u>	<u>STR Limit in Building</u>
<u>Dwelling unit that is not the host's primary residence but is located within the same building or property as the host's primary residence.</u>	<u>Single Detached Dwelling</u>	<u>1 Whole Unit</u>
	<u>Duplex</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings-Multi-Family (3-4 units)</u>	<u>1 Whole Unit</u>

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

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

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

- Number of whole unit short term rentals?

- Number of partial unit short term rentals?

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

(iii) What is the tax account number?

18-16 Inspection required.

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

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

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

18-17 – 18-29 As written.

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

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

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

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

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

124 **18-30 Fees.**

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

134 ****Remainder of Sec. 18-30 as written.*

135 **18-31 – 18-69** As written.

136 **ARTICLE III. MINIMUM STANDARDS¹**

137 **DIVISION 1. GENERALLY**

138 **18-70 Compliance with article required.**

139 No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse,
140 dwelling unit or rooming unit which does not comply with the minimum standards as provided by this
141 article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs,
142 maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of
143 these standards shall be performed and installed in a skilled manner and installed in accordance with the
144 manufacturer's installation instructions in order to allow the performance intended and anticipated by the
145 standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2. See
146 Division 7 for Minimum Standards applicable to short term rentals.

147 **18-71 – 18-120** As written.

148 **DIVISION 7. SHORT TERM RENTAL**

149 **18-121 Compliance with article required.**

150 No person shall establish, operate, or host guests in a short term rental which does not comply with the
151 minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim
152 certificate of compliance. All repairs, maintenance work, alterations or installations which are caused
153 directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled
154 manner and installed in accordance with the manufacturer's installation instructions in order to allow the

performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

18-122 Minimum Fire Safety Standards:

(a) Smoke and carbon monoxide alarms are provided per the following:

i.. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.

ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.

iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.

iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.

v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.

(b) GFI Outlets are provided in the following areas:

i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

(c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

(d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.

(e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart. Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

(a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.

(b) Guest rooms have been serviced and cleaned before each new guest.

(c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.

(d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.

(e) Sewage system and toilets function and are in good repair.

(f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.

- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.
- (h) Provision of fire extinguishers as required by NFPA and Burlington Fire Department.
- (i) Instructions for occupants regarding:
 - i. Location and use of fire extinguishers
 - ii. Emergency egress routes
 - iii. 24 hour/7 days per week emergency contact information
 - iv. Emergency shut-off of heating systems and fuel burning appliances.
- (j) Current rental registration certificate posted inside and clearly visible to occupants.

~~18-121—18-129 Reserved.~~

~~18-124—18-129 Reserved.~~

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

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

(4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;

(5) Dwellings which are owner-occupied duplexes;

(6) Short term rentals.

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

18-202 – 18-299 As written.

ARTICLE V. REGULATION OF CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR COOPERATIVES¹

18-300 Statement of Purpose.

As written.

18-301 Authority and applicability.

As written.

18-302 Exemptions.

(a) This article shall not be applicable to single-family homes and duplexes.

(b) This article shall not be applicable to properties that meet all of the following requirements:

(1) land tract with ten (10) or fewer housing units;

(2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and

(3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

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

18-303 – 18-399.

As written.

Article VI. Housing Trust Fund

As written.

Article VII. Minimum Energy Efficiency Standards Ordinance

18-500-18-501

As written.

18-502 Applicability.

(a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.

(b) The following properties shall be exempt from meeting the requirements of this article:

(1) Rental properties not rented between November 1 and March 31 of each year.

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

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

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

(5) Short term rentals.

18-503 – 18-512.

As written.

* Material stricken out deleted.

** Material underlined added.