

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: Office of City Planning,  
Department of Permitting and  
Inspections, Ordinance Committee,  
Councilor Shannon  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Two

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 is amended to  
2 read as follows:

ARTICLE I. IN GENERAL

4 **18-1 Short title.**

5 As written.

6 **18-2 Definitions.**

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

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10 Host means a person who operates a short term rental (whole or partial unit). The host is the primary contact  
11 for guests to make reservations and to contact during their stay. The host oversees compliance of the short  
12 term rental with all applicable rules and regulations and receives guests' payment for short term rental stays.  
13 The host may be the property 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.

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

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

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

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

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

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

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41 **18-3 – 18-14 Reserved.**

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## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

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### DIVISION 1. GENERALLY

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18-15 Registration required.

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

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

50 (1) The address of the property.

51 (2) The number of dwelling units at that address.

52 (3) The number of rental units at that address.

53 (4) The maximum number of residents in each rental unit.

54 (5) The number of sleeping rooms in each rental unit.

55 (6) The number of families living in each rental unit.

56 (7) The number of unrelated adults in each rental unit.

57 (8) The number of vehicles owned or used by residents of the premises and the number of parking  
58 spaces that are dedicated for the rental units at the property.

59 (9) The name, address, phone number, date of birth, drivers license and state and military status  
60 (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent  
61 and the president of the corporation and his/her name and address, and if the owner is a partnership, the  
62 registered partnership agent, and the names and addresses of the general partners.

63 (10) The name, address and phone number of any local (within Chittenden County) managing agent.  
64 All owners who do not live within Chittenden County are required to designate a managing agent  
65 located in Chittenden County who is empowered to represent the owner in matters concerning  
66 compliance with this chapter.

67 (11) The name, address and phone number of an emergency contact for this property. All properties  
68 must have an emergency contact within Chittenden County.

69 (12) A designated person within the state for service of process for this property. All owners who do  
70 not live within Chittenden County are required to designate a managing agent located in Chittenden  
71 County for service of process. The name, address, phone number, date of birth, drivers license number  
72 and state and military status (active or not) of the designated agent.

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

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

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

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

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

87 (f) In addition to registration requirements for all rental units noted in (a) – (e), all short term rentals subject  
88 to inspection pursuant to Sec. 18-16 shall be subject to the following requirements:

89 (1) A short term rental shall be the primary residence of the host except as noted below:

90 i. Dwelling units indicated as seasonal homes by the Burlington Assessor and owned by the  
91 host.

92 ii. One whole unit short term rental is permitted only if the STR is located within a two-family  
93 dwelling (duplex) or multifamily dwelling owned by the host that contains at least one  
94 dwelling unit, in excess of any required Inclusionary Units, that is rented to occupants  
95 receiving Section 8 vouchers.

96 (2) For partial unit short term rentals, no more than 3 rooms may be let individually as an STR.

97 (3) A short term rental registration shall include the tax account number.

98 **18-16 Inspection required.**

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

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

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

112 **18-17 – 18-29** As written.

113 **18-29a Termination of rental housing tenancy; rental housing rent increase.**

114 (a) - (c) As written.

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

116 **18-30 Fees.**

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

126 \*\*\**Remainder of Sec. 18-30 as written.*

127 **18-31 – 18-69** As written.

128 **ARTICLE III. MINIMUM STANDARDS**

129 **DIVISION 1. GENERALLY**

130 **18-70 Compliance with article required.**

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

139 **18-71 – 18-120** As written.  
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141 **DIVISION 7. SHORT TERM RENTAL**

142 **18-121 Compliance with article required.**

143 No person shall establish, operate, or host guests in a short term rental which does not comply with the  
144 minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim  
145 certificate of compliance. All repairs, maintenance work, alterations or installations which are caused  
146 directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled  
147 manner and installed in accordance with the manufacturer's installation instructions in order to allow the  
148 performance intended and anticipated by the standards to be achieved and must meet the criteria of the  
149 definition of "skilled manner" in Section 18-2.

150 **18-122 Minimum Fire Safety Standards:**

- 151 (a) Smoke and carbon monoxide alarms are provided per the following:  
152 i. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside  
153 each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms  
154 must be hard wired into the buildings electrical system.  
155 ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year  
156 photoelectric lithium powered tamper resistant type.

- 157 iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall  
158 be installed in each sleeping room that contains a fuel- burning appliance.
- 159 iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly  
160 wired to the building electrical service and have a battery backup.
- 161 v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in  
162 style alarm with battery backup or battery power or may be hardwired.
- 163 (b) GFI Outlets are provided in the following areas:
- 164 i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not  
165 intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished  
166 portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are  
167 installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft  
168 from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where  
169 receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry  
170 areas.
- 171 (c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting  
172 rescue and ventilation requirements can satisfy the secondary means of escape.
- 173 (d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel  
174 service technician.
- 175 (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with  
176 guards and intermediate rails spaced no more than four (4) inches apart.  
177 Stairs must be provided with graspable handrails.

### **18-123 Minimum General Standards:**

- 180 (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- 181 (b) Guest rooms have been serviced and cleaned before each new guest.
- 182 (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- 183 (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- 184 (e) Sewage system and toilets function and are in good repair.
- 185 (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's  
186 directions.
- 187 (g) Guest rooms are free of any evidence of insects, rodents, and other pests.
- 188 (h) Provision of fire extinguishers as required by NFPA and Burlington Fire Department.
- 189 (i) Instructions for occupants regarding:
- 190 i. Location and use of fire extinguishers
- 191 ii. Emergency egress routes
- 192 iii. 24 hour/7 days per week emergency contact information
- 193 iv. Emergency shut-off of heating systems and fuel burning appliances.
- 194 (j) Current rental registration certificate posted inside and clearly visible to occupants.
- 195

196 ~~18-121—18-129 Reserved.~~

197 ~~18-124—18-129 Reserved.~~

198 DIVISION ~~78~~. MINIMUM ENERGY EFFICIENCY STANDARDS

199 **18-130 – 18-199** As written.

200 **ARTICLE IV. HOUSING DISCRIMINATION**

201 **18-200 Purpose.**

202 As written.

203 **18-201 Definitions.**

204 (a) As written.

205 (b) For the purpose of this article, "rental unit" shall not include:

206 (1) Dormitories or other housing provided by an educational institution including fraternities and  
207 sororities;

208 (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public  
209 monies for the purpose of making housing available for a particular group or classification of persons;

210 (3) Housing provided for pious, charitable, or public purposes;

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

213 (5) Dwellings which are owner-occupied duplexes. ;

214 ~~(6) Short term rentals.~~

215 (c) As written.

216 **18-202 – 18-299** As written.

217

218 **ARTICLE V. REGULATION OF CONVERSION OF RENTAL**  
219 **HOUSING TO CONDOMINIUMS OR COOPERATIVES**

220

221 **18-300 Statement of Purpose.**



222 As written.

223 **18-301 Authority and applicability.**

224 As written.

225 **18-302 Exemptions.**

226 (a) - (b) As written.

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

228 **18-303 – 18-399** As written.

229 **Article VI. Housing Trust Fund**

230 **18-400 – 18-499** As written.

231 **Article VII. Minimum Energy Efficiency Standards Ordinance**

232 **18-500-18-501** As written.

233 **18-502 Applicability.**

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

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

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

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

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

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

243 (5) Short term rentals.

244 **18-503 – 18-512** As written.

245

246 \* Material stricken out deleted.

247 \*\* Material underlined added.

248

249 tm/KS/Ordinances 2021/Chapter 18. Housing, Short Term Rentals

250 2-2-22