

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
PUBLIC HEARING  
MINUTES OF MEETING  
FEBRUARY 2, 2023  
APPROVED MARCH 9, 2023**

**MEMBERS PRESENT:** Phil Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Scott McCormick; Elijah Massey.

**ADMINISTRATION:** Regina Mahony, City Manager.

**OTHERS PRESENT:** None.

**1. CALL TO ORDER**

Phil Batalion called the meeting to order at 6:36 PM.

**2. AGENDA ADDITIONS/CHANGES**

The order of the agenda was changed so that Business Item #5b was covered first, as the speakers from the Housing Commission were not available at the start of the meeting.

**3. PUBLIC TO BE HEARD**

- a. Comments from Public on Items Not on Agenda  
None.

**4. MINUTES**

- a. **January 19, 2023**

**MOTION by SCOTT McCORMICK, SECOND by PATRICK SCHELD, to approve the minutes of January 19, 2023 as presented (with minor technical corrections for spelling). VOTING: unanimous (5-0); motion carries.**

**5. BUSINESS ITEMS**

- a. **Rental Registry & Inspection Program Next Steps**

City Manager Mahony noted that she, Mr. Scheld, and Ms. Clemens attended the last Housing Commission meeting. Mr. Scheld noted that many other communities are in the same place in terms of trying to address the housing shortage, such as implementing inclusionary zoning. City Manager Mahony spoke about the Building Homes Together Campaign that the Chittenden County Regional Planning Commission (CCRPC) is working on with municipalities in the county.

Ms. Mahony spoke about Burlington's rental registry program and housing division. She spoke about the software that they are using for their rental registry (OpenGov), which costs around \$113,000 to install and then \$44,000 per year for licensing fees (increasing to \$54,000 after two years). Chair Batalion spoke about non-compliance rates in Burlington, noted that certain properties in Burlington would rather remain non-compliant with certain requirements and pay fees during inspection than become compliant. He said that cumulatively, this has added up to around \$1.1 million in rental registration fees and \$182,000 in inspection fees.

Chair Batalion asked if there are any legal barriers to have a regional inspection program and rental registry. Mr. Scheld noted potential State legislation around a statewide registry and inspection processes that would be managed at the State level. Mr. McCormick said that this may take several years to stand up and that local registries may still be needed in the interim. Ms. Mahony provided further detail on a potential statewide system. She said that a number of municipalities have taken on the role of the State fire marshal for the inspection of public buildings, which mean that the municipality is entitled to any revenues received through that inspection process. She said that new construction, rehabilitation, and inspections required for a certificate of occupancy fall under this purview. She said that the tenant complaint-based inspection system falls under the purview of the municipality's health officer, rather than the fire marshal. She said that a rental registry and inspection program is different but could be expanded to accommodate the first two systems. Mr. McCormack said that there seem to be inconsistencies in what is necessary for each kind of certificate, such as what is required and who is responsible for enforcement.

The Planning Commission continued to discuss registry options for the City. Ms. Clemens asked if they want a registry in order to take inventory of housing stock or if they want to get further into it and use a registry for inspection and complaint tracking. Chair Batalion said that options seem to be having the fire marshals have a significant role, having the health officer be more active, or creating a separate division and staff for inspections. City Manager Mahony noted that the first option is not one that the City has control over, and that the State may not have capacity to do more than an annual rental inspection. She said that the most viable option may be to have a full-time staff role for these activities and incorporate the health officer role into that. She said that options should reflect the level of review and inspection that the City wants to do at a local level. Mr. McCormack asked if there is training that needs to be taken by someone in this role.

Mr. Scheld asked how they would incentivize landlords to sign up for a registry system like this. Chair Batalion noted that in this rental market, there is no incentive to voluntarily comply with this kind of enforcement, since the rental market is so tight. Mr. Scheld suggested that an incentive could be eligibility for a housing trust fund to help landlords come up to code and address safety issues if they are unable to pay for them out-of-pocket. City Manager Mahony said that she wasn't envisioning this being a voluntary program (since it would be enacted through ordinance, but said that these are good questions in terms of how to roll out of a registry like this.

The Planning Commission further discussed how a registry could be rolled out. Mr. Massey asked if the Housing Commission had discussed what a roll-out could look like. City Manager Mahony replied that they have explored the topic and could fill the Planning Commission in on some of the information they have. She added that the City is asking a University of Vermont graduate program class to look into some of these questions and conduct research as well, and report their findings to the Planning Commission. She noted that the Chittenden County Regional Planning Commission (CCRPC) has also started to look at what every zoning district in the county had for allowable uses, which would be helpful for some of this discussion. Chair Batalion asked whether this data could be collected from renters as a starting point to obtaining the data.

City Manager Mahony spoke about a final detail from the housing convening she attended, which was that in terms of Burlington's system, Bill Ward noted that a complaint-based inspection system is a poor way to ensure that tenants are protected from substandard conditions. She said that as they speak to other

communities with registries in place, like Winooski, St. Albans, and Barre, she would be curious to find out what the tipping point was in terms of their decision to put those systems in place. She said that the City does not currently have good data about the complaints it receives via the health officer, but that she hopes that they will have good data in future.

Chair Batalion noted that in terms of rental registry ordinances, he preferred Winooski's language. Ms. Clemens said that Winooski's language was straightforward and relatively free of jargon, which is what she thinks is important. Mr. Massey said that he also preferred the Winooski version of the ordinance. Mr. McCormack said that Barre's ordinance seemed too complex. The Planning Commission agreed to use the Winooski ordinance as a starting place for the City's own ordinance.

The Planning Commission discussed next steps. City Manager Mahony suggested that it might be useful to discuss rental registries with St. Albans, Winooski, and Barre. She said she would look into whether the UVM class could help with gathering that information, or whether commissioners should reach out to individual staff members in each community for information.

**b. Housing – Conversation with Katie Ballard & Ned Daly from the Housing Commission**

**i. Inclusionary Zoning**

Katie Ballard and Ned Daly were not present for discussion.

Mr. Scheld asked about some of the slides related to inclusionary zoning, and asked how they are defining low and moderate income individuals and how they developed the ceiling for rental costs and income. City Manager Mahony replied that it is difficult in inclusionary zoning to reduce an income target or increase the ceiling without subsidies, especially in difficult markets where construction is costly (such as now).

ii. **Housing Trust Fund** – no discussion at this time.

iii. **Rental Registry & Inspection Program** – no discussion at this time.

**6. READING FILE** – None.

**7. MEMBER UPDATES** – None.

**8. STAFF UPDATES** – None.

**9. ADJOURNMENT**

**MOTION by DIANE CLEMENS, SECOND by SCOTT McCORMACK, to adjourn the meeting.  
VOTING: unanimous (5-0); motion carries.**

The meeting was adjourned at 8:32 P.M.

*RScty: AACoonrad*