

'A nonsense situation': Canadians kept from Vermont home by ongoing land border closure

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For two summers, the COVID-19 pandemic has prevented Canadian citizens Penina Elbaz and David Schwartzman from visiting their home in Vermont, even despite its location just 15 minutes from the U.S.-Canada border.

The land border reopened Aug. 9 to vaccinated American citizens visiting Canada, but remains closed to Canadians who want to visit the U.S. In the meantime, Elbaz, 68, and Schwartzman, 73, have made the difficult decision to sell their home in North Hero, which they've owned for more than four decades.

The biggest problem? All of their paperwork for selling the house is in Vermont as they never predicted being in this type of situation, they said.

There are ways that the husband and wife can get across the border, such as flying — but all the options involve sacrifices of time, money, their health, or all three.

Elbaz and Schwartzman aren't the only ones facing this situation, which they say seems to not prioritize safety or common sense. There are about 1,400 to 1,500 properties in Vermont owned by Canadian citizens, but this number does not just include residential properties, according to Vermont Department of Taxes spokeswoman Kate Strousse.

"I have never encountered such a nonsense situation," Elbaz said. "This kind of forbidden freedom is terrible."

Lawyer Catherine Dingle of MSK Attorneys in Burlington said there's no good solution for people in Elbaz's and Schwartzman's situation as they have no legal recourse against the federal order keeping the border shut to Canadians. Dingle is a dual citizen of the U.S. and Canada and also works on matters of real estate law in both countries.

"This pandemic is not bad for rich people, it's bad for people who are on a budget," Dingle said. "That's what's so ridiculous about these restrictions, I think."

Not essential travel, but safer than alternatives

Schwartzman began spending his summers in North Hero when he was 25 years old, and he immediately fell in love with the Lake Champlain Islands area and Vermont. Back then, Schwartzman rented accommodations for the summer, but Elbaz knew that having a summer home in the state would make her husband happy.

Forty-five years later, Elbaz said that was a financial sacrifice she was willing to make.

"My husband adores people from Vermont," Elbaz said. "All of my nephews and nieces call him the uncle from Vermont."

The last time they saw their North Hero home was in October 2019 when they returned to Canada for the winter, they said. Then, the pandemic hit North America in March 2020, and country leaders in both the U.S. and Canada decided to close the land borders to all travel not deemed essential.

For two years, Elbaz and Schwartzman have continued to pay taxes to Vermont on a house they haven't been able to get to.

While they are sad to sell their home, Elbaz and Schwartzman say it makes sense at this point. They are both getting older, they said, and they do not

know how many more years they would be able to travel to Vermont. Plus, they're unsure how long the pandemic will last.

Because all their legal documents for the North Hero home are in Vermont, Elbaz and Schwartzman have tried multiple times to plead their case to U.S. Border Patrol agents, including once in person at the Champlain Port of Entry in New York. Their pleas have been refused each time, and they have been told their travel is not considered essential.

Driving through the land border, they said, would be the safest, most cost-effective, and most efficient way to get to their North Hero home, as they would plan to drive directly to the house in their own car and bring food and other necessities with them. This would take 1 hour and 15 minutes in the car, and would not expose them to any other members of the public.

Instead, they have the following options:

- Take a private plane from Montreal to Plattsburgh, New York, then rent a car to drive to North Hero. (They could also have their car driven to them across the border by a company, which is considered essential travel.) This would cost hundreds of dollars, and there will likely be other passengers who are strangers to them on the plane.
- Take a commercial airline from Montreal to Boston, then connect their flight from Boston to Burlington. They could then rent a car in Burlington, or have their car driven across the border to them. This would take upwards of 10 hours and would expose the couple to strangers at multiple airports.

Elbaz and Schwartzman have both been vaccinated and have avoided getting COVID-19 up to this point, but they fear their age would make them more vulnerable when traveling among strangers with questionable vaccination statuses.

"We want to protect ourselves," Elbaz said.

No good solutions

Attorney Dingle, a dual citizen who is originally from Montreal, said she has friends who have made the trip by plane to access their homes in Vermont, flying first to Boston and then driving the rest of the way in a rental car. Some have had services drive their cars from Montreal into Vermont, as well.

She has also seen a number of Canadians decide to sell their Vermont homes during the pandemic because of the border issues. It's been an especially great time for Canadians to sell homes because of the interest in Vermont among American buyers, Dingle said.

Other than that, there are no good ways to get from Montreal to Vermont, these days, if one wants to avoid airports, Dingle said. In that case, it might be best for someone in Elbaz's and Schwartzman's position to hire a real estate broker they can trust to send the keys to get into the house and pack it up for them. The broker would then need to send the home's legal documents to the couple's lawyer, she said.

"I don't think there's any reason why a broker couldn't be trusted with that on a vacation home," Dingle said. "But, if they don't trust anybody else, they are going to have to fly."

Elbaz and Schwartzman have hired a real estate broker, and most recently were hoping that showing proof of an appointment in the U.S. with the broker would help persuade U.S. Border Patrol agents to let them into the country. That was also unsuccessful. The couple hopes the U.S. government will change its policy soon.

In the meantime, the U.S. border is expected to remain closed to Canadian travelers until at least Sept. 21. At that point, the U.S. government will reconsider whether to reopen the border to Canadian travelers. However, the closure order could once again be extended as it has since the beginning of the pandemic.

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