

S.100 – An act relating to housing opportunities made for everyone

As Passed House

Office of Legislative Counsel

11 May 2023

Section	Summary
Municipal zoning	
Sec. 1 24 V.S.A. § 4414	<p>In residential districts served by sewer and water, a municipality can't require more than 1 parking space per dwelling unit. But may require 1.5 spaces for multiunit dwellings in areas without sewer and water if existing other parking isn't sufficient.</p>
Sec. 2 24 V.S.A. § 4412	<ul style="list-style-type: none"> • Municipalities must allow duplexes where single family units are allowed. Municipalities must permit multiunit dwellings with up to 4 units in areas of the town served by sewer and water, unless the town requires more units to be built • Changes to accessory dwelling unit (ADU) requirements-; requires towns to subject ADUs to same standards of review as single-family homes; prohibits towns from making the criteria for detached ADUs stricter than for single family homes • Municipalities cannot not prohibit hotels renting to those using housing assistance funds • In residential districts served by sewer and water, bylaws shall establish building and lot standards to allow 5 or more units per acre; no dimensional standard for multiunit dwellings can be more restrictive than those for single-family dwellings • In residential districts served by sewer and water, affordable housing may add additional units up to 40% of the density and may add an additional floor or not. • Municipalities may define what areas are “served by municipal sewer and water infrastructure”
Sec. 3 24 V.S.A. § 4413	<p>Limits what aspects a of an emergency shelter (homeless shelter) can be regulated in town zoning, including that bylaws cannot limit their daily and seasonal hours of operation.</p>

Sec. 4 24 V.S.A. § 4303	Adds definitions for “accessory dwelling unit,” “duplex,” “emergency shelter,” and “multiunit or multifamily dwelling,” and it moves the definition of “served by municipal sewer and water infrastructure” to this section with some changes
Sec. 5 24 V.S.A. § 4441	Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws, including uploading bylaws and zoning districts to the State database.
Sec. 6 24 V.S.A. § 4465	Under the provision that gives any 10 voters, residents, or property owners in a town the ability to appeal a zoning decision, prohibits the ability to appeal the character of the area for affordable housing development
Secs. 7-8 24 V.S.A. § 4463 24 V.S.A. § 4418	Allows towns to give their administrative officer authority to approve minor subdivisions and decide if a hearing is required for minor subdivisions.
Sec. 9 24 V.S.A. § 4471	Clarifies existing law that the character of the area cannot be appealed in decisions on certain types of housing. Other elements of the decision may be appealed.
Sec. 10 24 V.S.A. § 4464(b)	Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.
Sec. 11 24 V.S.A. § 4348a	Adds detail to the required housing element in a regional plan. The regional plan shall include an estimate of the total housing investments needed and specific actions to address housing.
Sec. 12 24 V.S.A. § 4382	Requires the town plan be consistent with the goals of Chapter 117. Also requires the housing element of the municipal plan to include specific actions needed to address housing. House version made few changes to this language.
Sec. 13 24 V.S.A. § 4442	Strikes the ability of rural towns to require changes to bylaws be adopted by Australian ballot. Any town may still choose to use Australian ballot.
Sec. 14 24 V.S.A. § 4306	Allows the Department of Housing and Community Development to use up to 20% of municipal planning funds to provide assistance to towns to meet the requirements of the neighborhood development area designation.

Sec. 15	Regional Planning Report- requires the Vermont Association of Planning and Development Agencies to study various issues related to improving and coordinating effectiveness between municipal, regional, and State planning.
Sec. 15a	Housing Resource Navigators Vermont Association of Planning and Development Agencies is directed to hire Housing Resource Navigators contingent upon an appropriation in FY 24 budget
Act 250	
Secs. 16-16a 10 V.S.A. § 6001	<ul style="list-style-type: none"> • Raises the Act 250 jurisdictional threshold (for a permit) for housing units from 10 units to 25 for downtowns, neighborhood development areas, new town centers, village centers with zoning and subdivision bylaws, and growth centers. This is a temporary provision that sunsets on July 1, 2026. • In a municipality with permanent zoning and subdivision bylaws, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units. • Removes the cap on the number of priority housing projects that are exempt from Act 250 for downtowns, neighborhood development areas, growth centers. This is a temporary provision that sunsets on July 1, 2026. • In order for someone to be exempt under the new temporary Act 250 exemptions, they need to request a jurisdictional opinion, stating they would be exempt by June 30, 2026. Construction of exempt housing projects would need to be substantially completed by June 30, 2029.
Sec. 17 10 V.S.A. § 6086b	Allows municipalities to apply for master plan permits under Act 250 for their designated downtown or neighborhood development area. With a master plan, future development in the downtown would only need an Act 250 permit amendment, not an individual permit.
Sec. 18 10 V.S.A. § 6083a	Clarifies that the Act 250 fees apply per application and the cap on fees applies per application, not per project.
Sec. 18a	Act 250 Municipal Delegation Report- VAPDA, in consultation with the NRB and stakeholders, shall propose framework needed to create a municipal delegation process for Act 250 permits; report due December 31, 2023
Sec. 19	Adds a new element to the report the Natural Resources Board is working on based on Act 182 of 2022. It requires a review of the housing jurisdictional trigger and whether it should be changed.

Sec. 19a	Designated Area Report- extends the deadline for the Designated Area Report required in Act 182 of 2022 from July 15, 2023 to December 31, 2023.
Secs. 19b, 19c, 19d	Exempts electric distribution utilities from Act 250 for replacing/moving existing distribution lines. Sunsets the exemption on January 1, 2026. Requires any utility that uses the exemption to report back to the relevant committees on the projects completed pursuant to the exemption.
Covenants	
Sec. 20 27 V.S.A. § 545	Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space in areas with sewer and water or 1.5 spaces in areas without sewer and water for multiunit dwellings if existing other parking isn't sufficient.
Road Disclosure	
Sec. 21 27 V.S.A. § 617	Requires sellers to disclose if a property is located on a class 4 highway or legal trail.
Building Energy Code Study Committee	
Secs. 22-23	Adds H.332 which would create a summer study committee to study how to increase compliance with the RBES and the CBES. Report due Dec. 1, 2023.
Rural Recovery Coordination Council	
Sec. 24	The Rural Recovery Coordination Council is created to study and make recommendations on how to strengthen coordination between agencies and stakeholders involved in rural community development. Report due Dec. 15, 2023. Duty to implement contingent upon an appropriation in FY 24 budget.
Water and Wastewater Connection Permits	
Sec. 25	Directs ANR to identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies. Report due Jan. 31, 2025.

Sec. 25a	Directs the Public Utility Commission to revise its rules concerning utility service disconnection at rental property to require a utility to provide notice of the disconnection to the property owner/landlord (even if the tenant is the ratepayer) and, more generally, to allow for remote disconnection. In addition, the PUC shall submit draft legislation to the General Assembly proposing similar disconnection requirements for utilities that are not subject to the PUC's jurisdiction (i.e., municipal and private water and wastewater companies).
ADU Jurisdiction	
Sec. 26. 20 V.S.A. § 2730	Includes ADUs that are rented overnight or long term in the definition of public building for purposes of the fire and building safety codes.
Fair Housing	
Sec. 27	Deleted. (In the budget creates a new FT litigator position at Human Rights Commission and appropriates funding for the position)
Sec. 28. 9 V.S.A. § 4507	Increases criminal fine for a violation of Fair Housing and Public Accommodations Act from \$1,000 to \$10,000
Building Safety Study	
Sec. 29	Directs Division of Fire Safety to study potential revisions to the fire and life safety codes that could facilitate creation of new housing units.
Housing Programs	
Sec. 30	Deleted. Replaced with Sec. 45; duty to implement is contingent on FY 24 funding
Sec. 31	Intent language to make an appropriation in FY 24 for \$200k GF to DHCD for funding to expand home-sharing opportunities throughout the State.
Sec. 32	Subsections(a)-(g) create a study and report on mobile homes and mobile home parks (H.213)

	Subsection (h) intent language to make an appropriation in FY 24 to DHCD to provide financial support for home repair, home improvement, housing transition, park infrastructure, legal assistance, and technical assistance and directs DHCD, with CVOEO, to report on needs, opportunities, and barriers for mobile homes.
Sec. 33	VHFA – modifies definition of “first-generation homebuyer” to mean a person whose parents have not owned a home, or have lost a home in foreclosure or similar legal process.
Sec. 34	Intent language to make an appropriation in FY 24for grants through the First Generation Homebuyer Program
Secs. 35-37	Sec. 35 repeals session law “Missing Middle-Income Homeownership Development Pilot Program” Sec. 36 replaces with codified “Middle-Income Homeownership Development Program,” a subsidy program administered by VHFA to help developers build middle-income housing with session law . Codified program is modified to expand the demographic and geographic reach of the Program and improve accessibility. Sec. 37 duty to implement contingent on an appropriation in FY 24to VHFA for the Program.
Secs. 38-39	Sec. 38 creates the Rental Housing Revolving Loan Program within VHFA to provide subsidized loans for rental housing developments that serve middle-income households. Sec. 39 duty to implement contingent on an appropriation in FY 24 to VHFA for the Program
Secs. 40-41	Sec. 40 amends the Vermont Rental Housing Improvement Program to expand the types of new units that may be created using Program grants or forgivable loans. Sec. 41 intent to make additional appropriation in FY 24to DHCD for the Program
Sec. 42	Intent to make additional appropriation in FY 24 to VHCB to create new housing across a variety of types and sectors
Sec. 43	Adds new section to create a Rental Housing Stabilization Services Program administered by CVOEO; duty to implement contingent on funding

Sec. 44	Adds new section to create two-year Tenant Representation Pilot Program administered by Vermont Legal Aid; duty to implement contingent on funding
Sec. 45	Adds new section to create Rent Arrears Assistance Fund administered by VSHA; intention to replace Sec. 30; duty to implement contingent on funding
Sec. 46	<p>Adds language on lead inspectors; financial responsibility:</p> <p>(a) The Commissioner shall require that a licensee or an applicant for a license under subsection 1752(e) of this chapter provide evidence of ability to indemnify properly a person who suffers damage from lead-based paint activities or RRPM activities such as proof of effective liability insurance coverage or a surety bond in an amount to be determined by the Commissioner, which shall not be less than \$300,000.00. This section shall not restrict or enlarge the liability of any person under any applicable law.</p> <p>(b) <u>Owners of rental target housing who personally perform all work under this chapter on properties in which they have an interest shall be exempt from subsection (a) of this section.</u></p>
Sec. 47	<p>Effective dates This act shall take effect on July 1, 2023, except that:</p> <p>(1) <u>Secs. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412) shall take effect on December 1, 2024, except for subdivision (1)(D) of Sec. 2, which shall take effect on July 1, 2023.</u></p> <p>(2) <u>Sec. 3 (24 V.S.A. § 4413) shall take effect on September 1, 2023.</u></p> <p>(3) <u>Sec. 46 (lead inspectors) shall take effect on passage.</u></p>