

**Chip Sawyer Testimony on Omnibus Housing Bill DR 23-0091, Draft 6.1
For Senate Committee on Economic Development, Housing and General Affairs
Version February 1, 2023 - Revised**

Senator Ram Hinsdale and members of Committee, thank you for the opportunity to testify on Draft 6.1 of the omnibus housing bill. I am the Director of Planning & Development for the City of St. Albans. Our municipality has permitted more than 220 dwelling units throughout our community in the past decade. Another multi-dwelling project of more than 70 units has been approved by our DRB and will be filing for its building permits shortly. In addition, our City administration has a stated goal of ensuring that another 200 dwelling units are built in the next several years; an endeavor that will likely require the municipality's direct involvement in order to come to fruition.

The challenges that our historic urban center has had to overcome for housing development would not be solved with broad preemptions of the building blocks of local land use regulation. In fact, I have substantial concerns with many of the local zoning changes proposed in the current draft of the omnibus housing bill. Time and time again, we have found that the biggest impediments to housing development in our community are market failure and regulatory redundancy, and the City has had to step into a development partner role to secure financing, remediate environmental issues, engage in site preparation and take on other risks. In light of our experience, I have the following comments and suggestions for Draft 6.1 of the omnibus housing bill:

Sec. 1.

- Please do not limit our ability to require off-street parking to only 1 space per dwelling unit. Furthermore, the proposed parking language here could be construed to preclude any local regulation that requires parking spaces per bedroom, rather than per dwelling unit.
- I would suggest the following change to language for this section: However, a municipality that requires parking spaces per dwelling unit shall not require more than two parking spaces per dwelling unit or accessory dwelling unit for any property with less than 20 dwelling units and no more than 1.5 spaces per dwelling unit for any property with 20 or more dwelling units. Municipalities that require parking per bedroom may not require more than two parking spaces for studio dwellings or one-bedroom dwellings or more than 1 parking space per bedroom for dwelling units with two or more bedrooms.

Franklin County is a car-centric housing market, driven by economic realities and inadequate regional public transit. Households typically have more than 1 car. Even many one-bedroom apartments house two-earner households, both of whom must commute to work. Our local bylaws must be allowed to reflect these current conditions. That fact is we often see the lack of parking capacity hindering our low-to-moderate income households who have little choice in housing options and end up having to settle for properties that can't accommodate the cars they own. They end up paying more in parking tickets and fees as they are forced to look for parking locations, especially in light of winter parking bans.

In our experience with housing projects, the large developers of 20 or more units are always looking to make sure that there is adequate parking for their target market. But these concerns are not always exhibited by the developers of smaller “missing middle” housing projects. We need to be able to ensure that missing middle housing in our community is adequately designed for the households that will be living there.

Sec. 2:

- Existing proposed language: In any district that allows residential development, duplexes and accessory dwelling units shall be an allowed use. In any district that is served by municipal sewer and water service that allows residential development, multiunit dwellings with four or fewer units shall be an allowed use.

I can support this language, provided that the term remains as “allowed use,” the parking language is revised as I have suggested above, and the density preemptions further below in the draft remain at the target of five units per acre.

- Please consider this revision for proposed language: (12) In any district served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building density standards that allow five or more dwelling units per acre for allowed residential uses in new structures, and no setback or lot coverage rules for multiunit dwellings in new structures shall be more restrictive than those required for single-family dwellings.
- Please remove the term “dimensional standards” from this proposed language. That is a catch-all term that could be misconstrued to include a wide variety of zoning rules that are important to communities and neighborhoods, and the change as currently drafted could have unintended consequences.
- Please also consider this revision to proposed language: (13) In any district served by municipal sewer and water infrastructure that allows residential development, any mixed use developments and affordable housing developments, as defined in section 4303(2) of this title, may exceed building height limitations by one additional habitable floor beyond the maximum height and using that additional floor may exceed density limitations for residential developments by an additional 25 percent, provided that the structure complies with the Vermont Fire and Building Safety Code. However such development may be subject to floor step-back conditions where they would block existing window access of neighboring properties or create snow loading hazards.

Sec. 4.

- Please consider removing the following proposed language from the bill: (38) “Duplex” means a residential building that has two dwelling units in the same building. For purposes of subdivision 4412(E) of this title, in areas of a municipality served by municipal sewer and water infrastructure, each unit of a duplex shall constitute a single-family dwelling unit.

As written, the language would have the unintended consequence of allowing any two-unit dwelling to include two ADUs and thus in practice become a four-unit dwelling by right. This would be excessive abuse of the current enabling statute for ADUs.

- Overall, the use of the word “duplex” should be removed from the bill and replaced with the term “two-unit dwelling.” Having more than one word for the same term is problematic in the construction of regulations.
- Residential uses should be limited to the following terms consistently throughout the bill:
 - Dwelling Unit.
 - Single-Unit Dwelling. (Which can also contain one ADU under enabling statute.)
 - Two-Unit Dwelling.
 - Multi-Unit Dwelling.

Sec. 18.

- I enthusiastically support this section and the opportunity that it represents to reduce some of the redundant local-State regulations required for development.

For the sections of the bill concerning funding and loan programs, I support any additional financing options for the development of housing in our communities, and I would suggest the Committee consider the following suggestions:

1. Ensure that there is funding available for workforce housing projects at 80-120% of median income.
2. Whenever possible, please allow municipalities to be eligible grantees and recipients of funds. I would be happy to elaborate on the ways in which our municipality has been able to make new housing a reality by taking on the role of developer and partner.

Overall, I stand in support of the comments that will be delivered by the **Vermont Planners Association**, especially their recommendations to take time for more stakeholder solutions on many sections of the bill. The drafting of the language of this bill with the current lack of stakeholder input from the local planning community is a regrettable oversight and a mistake. And I would enthusiastically support any opportunity for greater local, regional and municipal involvement in the drafting of such language before it gets to the legislative committee level.

Thank you.