

1 Introduced by Senate Committee on Economic Development and Housing and

2 General Affairs

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; housing; Act 250

6 Statement of purpose of bill as introduced: This bill proposes to make multiple

7 changes related to housing, including land use planning, Act 250, municipal

8 zoning, taxes, and housing incentives and programs.

9 An act relating to bringing everyone home

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. SHORT TITLE

12 This act shall be known and may be cited as the “Be Home Act.”

13 \* \* \* Act 250 \* \* \*

14 Sec. 6. 10 V.S.A. § 6001 is amended to read:

15 § 6001. DEFINITIONS

16 As used in this chapter:

17 \* \* \*

18 (3)(A) “Development” means each of the following:

19 \* \* \*

1           (iv)(I) The construction of housing projects such as cooperatives,  
2           condominiums, or dwellings, or construction or maintenance of mobile homes  
3           or mobile home parks, with ~~40~~ 30 or more units, constructed or maintained on  
4           a tract or tracts of land, in areas feasibly served by municipal sewer and water  
5           infrastructure as defined by 24 V.S.A. § 4303, not located within a designated  
6           center, and owned or controlled by a person, ~~within a radius of five miles of~~  
7           ~~any point on any involved land and~~ within any continuous period of ~~five~~ two  
8           years. ~~However:~~

9                       ~~(I) A priority housing project shall constitute a development~~  
10           ~~under this subdivision (iv) only if the number of housing units in the project is:~~

11                       ~~(aa) [Repealed.]~~

12                       ~~(bb) [Repealed.]~~

13                       ~~(cc) 75 or more, in a municipality with a population of 6,000~~  
14           ~~or more but less than 10,000.~~

15                       ~~(dd) 50 or more, in a municipality with a population of less~~  
16           ~~than 6,000.~~

17                       ~~(ee) [Repealed.]~~

18                       ~~(ff) Notwithstanding subdivisions (cc) through (ee) of this~~  
19           ~~subdivision (3)(A)(iv)(I), 10 or more if the construction involves the~~  
20           ~~demolition of one or more buildings that are listed on or eligible to be listed on~~  
21           ~~the State or National Register of Historic Places. However, demolition shall~~

1 ~~not be considered to create jurisdiction under this subdivision (ff) if the~~  
2 ~~Division for Historic Preservation has determined that the proposed demolition~~  
3 ~~will have no adverse effect, will have no adverse effect if specified conditions~~  
4 ~~are met, or will have an adverse effect that will be adequately mitigated. Any~~  
5 ~~imposed conditions shall be enforceable through a grant condition, deed~~  
6 ~~covenant, or other legally binding document.~~

7 (II) ~~The determination of jurisdiction over a priority housing~~  
8 ~~project shall count only the housing units included in that discrete project. The~~  
9 ~~construction of housing projects such as cooperatives, condominiums, or~~  
10 ~~dwellings, or construction or maintenance of mobile homes or mobile home~~  
11 ~~parks, with 10 or more units, constructed or maintained on a tract or tracts of~~  
12 ~~land owned or controlled by a person, within a radius of five miles of any point~~  
13 ~~on any involved land and within any continuous period of two years.~~

14 (III) ~~Housing units in a priority housing project shall not count~~  
15 ~~toward determining jurisdiction over any other project.~~

16 \* \* \*

17 (xi) Notwithstanding any other provision of law to the contrary, ~~until~~  
18 ~~July 1, 2026,~~ the construction of housing projects such as cooperatives,  
19 condominiums, dwellings, or mobile homes, with 25 or more units, constructed  
20 or maintained on a tract or tracts of land, located entirely within a designated  
21 downtown development district, a designated neighborhood development area,

1 a designated village center with permanent zoning and subdivision bylaws, or a  
2 designated growth center, owned or controlled by a person, within a radius of  
3 five miles of any point on any involved land and within any continuous period  
4 of five years. For purposes of this subsection, the construction of four units or  
5 fewer of housing in an existing structure shall only count as one unit towards  
6 the total number of units.

7 \* \* \*

8 (D) The word “development” does not include:

9 \* \* \*

10 (iii) The construction of housing projects such as cooperatives,  
11 condominiums, or dwellings, or construction or maintenance of mobile homes  
12 or mobile home parks, constructed or maintained on a tract or tracts of land,  
13 owned or controlled by a person, within a designated center and within a radius  
14 of one-half mile of the boundary of a designated center.

15 \* \* \*

16 (viii)(I) The construction of a priority housing project in a  
17 municipality with a population of 10,000 or more.

18 (II) If the construction of a priority housing project in this  
19 subdivision (3)(D)(viii) involves demolition of one or more buildings that are  
20 listed or eligible to be listed on the State or National Register of Historic  
21 Places, this exemption shall not apply unless the Division for Historic

1 Preservation has made the determination described in subdivision (A)(iv)(I)(ff)  
2 of this subdivision (3) and any imposed conditions are enforceable in the  
3 manner set forth in that subdivision.

4 (III) Notwithstanding any other provision of law to the  
5 contrary, ~~until July 1, 2026~~, the construction of a priority housing project  
6 located entirely within a designated downtown development district,  
7 designated neighborhood development area, or a designated growth center.

8 (ix) Hotels and motels converted to permanently affordable  
9 housing developments as defined in 24 V.S.A. § 4303(2).

10 \* \* \*

11 (35) ~~“Priority housing project” means a discrete project located on a~~  
12 ~~single tract or multiple contiguous tracts of land that consists exclusively of~~  
13 ~~mixed income housing or mixed use, or any combination thereof, and is~~  
14 ~~located entirely within a designated downtown development district,~~  
15 ~~designated new town center, designated growth center, or designated~~  
16 ~~neighborhood development area under 24 V.S.A. chapter 76A. [Repealed.]~~

17 \* \* \*

18 Sec. 7. 10 V.S.A. § 6086(d) is amended to read:

19 (d) Other State and municipal permits.

20 (1) The District Commission shall not delay issuing a permit under this  
21 chapter on the grounds that the development or subdivision has not received

1 one or more other required State permits or approvals; however, it may include  
2 a condition that construction may not commence until such other required  
3 permits or approvals are received.

4 (2) The Natural Resources Board ~~may by rule~~ shall allow the acceptance  
5 of a permit or permits or approval of any State agency with respect to  
6 subdivisions (a)(1) through (5) of this section or a permit or permits of a  
7 specified municipal government with respect to subdivisions (a)(1) through (7)  
8 and (9) and (10) of this section, or a combination of such permits or approvals,  
9 in lieu of evidence by the applicant. A District Commission, ~~in accordance~~  
10 ~~with rules adopted by the Board,~~ shall accept determinations issued by a  
11 development review board under the provisions of 24 V.S.A. § 4420, with  
12 respect to local Act 250 review of municipal impacts. The acceptance of such  
13 approval, positive determinations, permit, or permits shall ~~create a presumption~~  
14 shall constitute conclusive evidence that the application is not detrimental to  
15 the public health and welfare with respect to the specific requirement for which  
16 it is accepted. In the case of approvals and permits issued by the Agency of  
17 Natural Resources, technical determinations of the Agency shall be accorded  
18 substantial deference by the Commissions.

19 (3) The acceptance of negative determinations issued by a development  
20 review board under the provisions of 24 V.S.A. § 4420, with respect to local  
21 Act 250 review of municipal impacts, shall create a presumption that the

1 application is detrimental to the public health and welfare with respect to the  
2 specific requirement for which it is accepted. Any determinations, positive or  
3 negative, under the provisions of 24 V.S.A. § 4420 shall create presumptions  
4 only to the extent that the impacts under the criteria are limited to the  
5 municipality issuing the decision. ~~Such a rule may be revoked or amended  
6 pursuant to the procedures set forth in 3 V.S.A. chapter 25, the Vermont  
7 Administrative Procedure Act. The rules adopted by the Board shall not  
8 approve the acceptance of a permit or approval of such an agency or a permit  
9 of a municipal government unless it satisfies the appropriate requirements of  
10 subsection (a) of this section.~~

11 Sec. 8. REPEALS

12 (a) 10 V.S.A. § 6081(o) and (p) are repealed.

13 (b) 30 V.S.A. § 55 (priority housing projects; stretch code) is repealed.

14 (c) 2023 Acts and Resolves No. 47, Sec. 16 (10 V.S.A. § 6001) is repealed.

15 (d) 2023 Acts and Resolves No. 47, Sec. 16a (Act 250 exemption  
16 requirements) is repealed.

17 (e) 2023 Acts and Resolves No. 47, Secs. 19c (exemption repeal) and 19d  
18 (electric distribution utility project report) are repealed.

19 Sec. 9. 10 V.S.A. § 6093 is amended to read:

20 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

1 (a) Mitigation for loss of primary agricultural soils. Suitable mitigation for  
2 the conversion of primary agricultural soils necessary to satisfy subdivision  
3 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

4 (1) Project located in certain designated areas. This subdivision applies  
5 to projects located in the following areas designated under 24 V.S.A. chapter  
6 76A: a downtown development district, a growth center, a new town center  
7 ~~designated on or before January 1, 2014~~, and a neighborhood development area  
8 ~~associated with a designated downtown development district~~. If the project  
9 tract is located in one of these designated areas, an applicant who complies  
10 with subdivision 6086(a)(9)(B)(iv) of this title shall deposit an offsite  
11 mitigation fee into the Vermont Housing and Conservation Trust Fund  
12 established under section 312 of this title for the purpose of preserving primary  
13 agricultural soils of equal or greater value with the highest priority given to  
14 preserving prime agricultural soils as defined by the U.S. Department of  
15 Agriculture. Any required offsite mitigation fee shall be derived by:

16 (A) Determining the number of acres of primary agricultural soils  
17 affected by the proposed development or subdivision.

18 (B) Multiplying the number of affected acres of primary agricultural  
19 soils by a factor resulting in a ratio established as follows:

20 (i) For development or subdivision within a designated area  
21 described in this subdivision (a)(1), the ratio shall be 1:1.



1                   (ii) For residential construction that has a density of at least eight  
 2 units of housing per acre, of which at least eight units per acre or at least  
 3 40 percent of the units, on average, in the entire development or subdivision,  
 4 whichever is greater, meets the definition of affordable housing established in  
 5 this chapter, no mitigation shall be required, regardless of location in or outside  
 6 a designated area described in this subdivision (a)(1). However, all affordable  
 7 housing units shall be subject to housing subsidy covenants, as defined in  
 8 27 V.S.A. § 610, that preserve their affordability for a period of 99 years or  
 9 longer. As used in this section, housing that is rented shall be considered  
 10 affordable housing when its inhabitants have a gross annual household income  
 11 that does not exceed 60 percent of the county median income or 60 percent of  
 12 the standard metropolitan statistical area income if the municipality is located  
 13 in such an area.

14                   (iii) For an alternative or community wastewater system that will  
 15 serve development within a designated area, no mitigation shall be required.

\* \* \*

17 Sec. 10. 10 V.S.A. § 6090 is amended to read: - CHOICE

18 § 6090. RECORDING; DURATION AND REVOCATION OF PERMITS

\* \* \*

20                   (c) Change to nonjurisdictional use; release from permit.

1           (1) On an application signed by each permittee, the District Commission  
2           may release land subject to a permit under this chapter from the obligations of  
3           that permit and the obligation to obtain amendments to the permit and from  
4           jurisdiction under this chapter on finding that the use of the land as of the date  
5           of the application was for a commercial purpose and use of the land as of the  
6           date of the application is for housing and would not require a permit or permit  
7           amendment but for the fact that the land is already subject to a permit under  
8           this chapter.

9           (2) It shall be a condition of each affirmative decision under this  
10           subsection that a subsequent proposal of a development or subdivision on the  
11           land to which the decision applies shall be subject to this chapter as if the land  
12           had never previously received a permit under the chapter.

13           (3) An application for a decision under this subsection shall be made on  
14           a form prescribed by the Board. The form shall require evidence  
15           demonstrating that the application complies with subdivisions (1)(A) through  
16           (C) of this subsection. The application shall be processed in the manner  
17           described in section 6084 of this title and may be treated as a minor application  
18           under that section. In addition to those required to be notified under section  
19           6084, the District Commission shall send notice at the same time to all other  
20           parties to the permit and to all current adjacent landowners.

21           **OR**

1 **Sec. 10. 10 V.S.A. § 6081 is amended to read:**

2 **§ 6081. PERMITS REQUIRED; EXEMPTIONS**

3 \* \* \*

4 **(aa) No permit amendment is required for the construction of**  
5 **improvements for converting a structure used for a commercial purpose to 29**  
6 **or fewer housing units.**

7 **Sec. 11. 10 V.S.A. § 6081 is amended to read:**

8 **§ 6081. PERMITS REQUIRED; EXEMPTIONS**

9 \* \* \*

10 **(t) No permit or permit amendment is required for the construction of**  
11 **improvements for an accessory dwelling unit as defined in 24 V.S.A. § 4302.**

12 \* \* \*

13 \* \* \* Municipal Zoning \* \* \*

14 **Sec. 12. 24 V.S.A. § 4465 is amended to read:**

15 **§ 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER**

16 \* \* \*

17 (b) As used in this chapter, an “interested person” means any one of the  
18 following:

19 \* \* \*

20 (4) Any ~~40~~ persons equal to a minimum of 10 percent of the most recent  
21 U.S. Census Bureau population estimate of the municipality who may be any

1 combination of voters, residents, or real property owners within a municipality  
2 listed in subdivision (2) of this subsection who, by signed petition to the  
3 appropriate municipal panel of a municipality, the plan or a bylaw of which is  
4 at issue in any appeal brought under this title, allege that any relief requested  
5 by a person under this title, if granted, will not be in accord with the policies,  
6 purposes, or terms of the plan or bylaw of that municipality. This petition to  
7 the appropriate municipal panel must designate one person to serve as the  
8 representative of the petitioners regarding all matters related to the appeal. For  
9 purposes of this subdivision, an appeal shall not include the character of the  
10 area affected if the project has a residential component that includes affordable  
11 housing.

12 \* \* \*

13 (d) For the purposes of this section, an appeal shall not include the  
14 following:

15 (1) Any residential and mixed-use development containing up to 25  
16 dwelling units within areas served by municipal sewer and water infrastructure.

17 (2) Any permitted residential and mixed-use development that does not  
18 require conditional use review. Development requiring conditional use review  
19 may be appealed.

20 (3) Any housing or mixed-use development located within a designated  
21 center in a zoning district that allows residential development.

1 Sec. 13. 10 V.S.A. § 8507 is added to read:

2 § 8507. APPEAL; BOND

3 (a) If an aggrieved person elects to appeal the judgment of the appropriate  
4 municipal panel on an application for a housing project to the court under this  
5 chapter, the court shall require that person give security by posting a bond to  
6 the State, in a sufficient sum, as the court directs, to compensate the permit  
7 applicant for:

8 (1) At least half of reasonable associated costs incurred by the permit  
9 applicant as a direct result of the appeal if the appeal is denied but found to be  
10 nonfrivolous. As used in this subdivision, a “frivolous appeal” means an  
11 appeal that would not have a reasonable chance of success, such as an appeal  
12 that is unsupported.

13 (2) All reasonable associated costs incurred by the permit applicant as a  
14 direct result of the appeal as well as additional injury if the appeal is denied  
15 and found to be frivolous, or returned to the appealing party if the appeal is  
16 successful.

17 (b) A motion to waive the appeal bond will be allowed if the party is  
18 indigent and has nonfrivolous grounds for appeal.

19 (c) As used in this section, “denied” means that the court’s decision  
20 affirmed the appropriate municipal panel’s decision.

1 Sec. 14. 24 V.S.A. § 4428 is added to read:

2 § 4428. PARKING BYLAWS

3 (a) Parking regulation. Consistent with section 4414 of this title and with  
4 this section, a municipality may regulate parking.

5 (b) Tandem parking. Tandem parking shall count toward residential  
6 parking space requirements. As used in this subsection, “tandem parking”  
7 means a narrow parking space that can accommodate two or more vehicles  
8 parked in a single-file line.

9 (c) Parking space size standards. For the purpose of residential parking, a  
10 municipality shall define a parking space as not larger than eight feet by  
11 16 feet.

12 (d) Existing nonconforming parking. A municipality shall allow an  
13 existing nonconforming parking space to count toward the parking requirement  
14 of an existing residential building if new residential units are added to the  
15 building.

16 (e) Adjacent lots. A municipality shall allow excess parking spaces in an  
17 adjacent lot to count toward the parking requirement of a residential building.

18 **Sec. 15. 2023 Acts and Resolves No. 47, Sec. 1 is amended to read:**

19 **Sec. 1. 24 V.S.A. § 4414 is amended to read:**

20 **§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS**

21 **\* \* \***

1 (4) Parking and loading facilities. A municipality may adopt provisions  
2 setting forth standards for permitted and required facilities for off-street  
3 parking and loading, which may vary by district and by uses within each  
4 district. In any district that is served by municipal sewer and water  
5 infrastructure that allows residential uses, a municipality shall not require more  
6 than one parking space per dwelling unit. However, a municipality may  
7 require 1.5 parking spaces for duplexes and multiunit dwellings in areas not  
8 served by sewer and water, and in areas that are located more than one-quarter  
9 mile away from public parking. The number of parking spaces shall be  
10 rounded up to the nearest whole number when calculating the total number of  
11 spaces. These bylaws may also include provisions covering the location, size,  
12 design, access, landscaping, and screening of those facilities. In determining  
13 the number of parking spaces for nonresidential uses and size of parking  
14 spaces required under these regulations, the appropriate municipal panel may  
15 take into account the existence or availability of employer “transit pass” and  
16 rideshare programs, public transit routes, and public parking spaces in the  
17 vicinity of the development.

18 \* \* \*

19 \* \* \* Parking effective date \* \* \*

20 Sec. 3. 2023 Acts and Resolves No. 81, Sec. 10 is amended to read:

21 Sec. 10. 2023 Acts and Resolves No. 47, Sec. 47 is amended to read:





1 § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY

2 TOOLS; AMENDMENT OR REPEAL

3 \* \* \*

4 (c) Routine adoption. A bylaw, bylaw amendment, or bylaw repeal shall  
5 be adopted by a majority of the members of the legislative body at a meeting  
6 that is held after the final public hearing and shall be effective 21 days after  
7 adoption ~~unless, by action of the legislative body, the bylaw, bylaw~~  
8 ~~amendment, or bylaw repeal is warned for adoption by the municipality by~~  
9 ~~Australian ballot at a special or regular meeting of the municipality.~~

10 \* \* \*

11 Sec. 18. APPROPRIATION

12 The sum of \$250,000.00 is appropriated from the General Fund to the  
13 municipal portion of the Municipal and Regional Planning Fund established in  
14 24 V.S.A. § 4306 to assist municipalities in adjusting their zoning bylaws to  
15 align with 2023 Acts and Resolves No. 47, updates to the State Designation  
16 Program under 24 V.S.A. chapter 76A, and Act 250 reform.

17 Sec. 19. 24 V.S.A. § 4412 is amended to read:

18 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

19 Notwithstanding any existing bylaw, the following land development  
20 provisions shall apply in every municipality:

1 (1) Equal treatment of housing and required provisions for affordable  
2 housing.

3 \* \* \*

4 (D) Bylaws shall designate appropriate districts and reasonable  
5 regulations for multiunit or multifamily dwellings. No bylaw shall have the  
6 effect of excluding these multiunit or multifamily dwellings from the  
7 municipality. **In any district that allows year-round residential development,**  
8 **duplexes shall be ~~an allowed~~ a permitted use with ~~the same~~ dimensional**  
9 **standards as that are no more restrictive than is required for a single-unit**  
10 **dwelling, including no additional land or lot area than would be required for a**  
11 **single-unit dwelling.**

12 **CHOICES**

13 In any district that is served by municipal sewer and water  
14 infrastructure that allows residential development, multiunit dwellings with  
15 four or fewer units shall be:

16 (i) a permitted use, unless that district specifically requires  
17 multiunit structures to have more than four dwelling units; and

18 (ii) a permitted use on a lot that is least one-fifth of an acre in size.

19 **OR**

20 **In any district that is served by municipal sewer and water**  
21 **infrastructure that allows residential development, multiunit dwellings with**

1 four or fewer units shall be a permitted use requiring no additional land or lot  
2 area than would be required for a single-unit dwelling, unless that district  
3 specifically requires multiunit structures to have more than four dwelling units.

4  
5 \* \* \*

6 (12) In any area served by municipal sewer and water infrastructure that  
7 allows residential development, bylaws shall establish lot and building  
8 dimensional standards that allow five or more dwelling units per acre for each  
9 allowed residential use, ~~and density~~. Any lot that is smaller than one acre but  
10 granted a variance of not more than 10 percent shall be treated as one acre for  
11 the purposes of this subsection. Density and minimum lot size standards for  
12 multiunit dwellings shall not be more restrictive than those required for single-  
13 family dwellings.

14 **OR**

15 (12) In any area served by municipal sewer and water infrastructure that  
16 allows residential development, bylaws shall establish lot and building  
17 dimensional standards that allow five or more dwelling units per acre for each  
18 allowed residential use, ~~and density~~ a minimum lot size of one fifth of an acre.  
19 Density and minimum lot size standards for duplexes and multiunit dwellings  
20 shall not be more restrictive than those required for single-family dwellings.

21

1 (13) In any area served by municipal sewer and water infrastructure that  
2 allows residential development, bylaws shall permit any affordable housing  
3 development, as defined in subdivision 4303(2) of this title, including mixed-  
4 use development, to exceed density limitations for residential developments by  
5 an additional 40 percent, rounded up to the nearest whole unit, which shall  
6 include exceeding maximum height limitations by one floor, provided that the  
7 structure complies with the Vermont Fire and Building Safety Code.

8 (14) Any permanently affordable housing development located on land  
9 owned by a religious non-profit shall be a permitted use.

10 (15) No zoning or subdivision bylaw shall have the effect of prohibiting  
11 unrelated occupants from residing in the same dwelling unit.

12 Sec. 20. 24 V.S.A. § 4413 is amended to read:

13 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

14 (a)(1) The following uses may be regulated only with respect to location,  
15 size, height, building bulk, yards, courts, setbacks, density of buildings, off-  
16 street parking, loading facilities, traffic, noise, lighting, landscaping, and  
17 screening requirements, and only to the extent that regulations do not have the  
18 effect of interfering with the intended functional use:

19 (A) State- or community-owned, ~~and~~ -operated, or -funded  
20 institutions ~~and~~ or facilities, or institutions or facilities that may be privately  
21 held, but serve a public function;

1 (B) public and private schools and other educational institutions  
2 certified by the Agency of Education;

3 (C) churches and other places of worship, convents, and parish  
4 houses;

5 (D) public and private hospitals;

6 (E) regional solid waste management facilities certified under  
7 10 V.S.A. chapter 159;

8 (F) hazardous waste management facilities for which a notice of  
9 intent to construct has been received under 10 V.S.A. § 6606a; ~~and~~

10 (G) emergency shelters; and

11 (H) hotels and motels converted to permanently affordable housing  
12 developments.

13 \* \* \*

14 Sec. 23. 24 V.S.A. § 4429 is added to read:

15 § 4429. LOT COVERAGE BYLAWS

16 (a) A municipality shall allow for lot coverage of at least 50 percent in  
17 areas served by municipal water and sewer infrastructure.

18 (b) A municipality shall allow for a lot coverage bonus of 20 percent on  
19 lots that allow access to new or subdivided lots without road frontage.



1 shall issue a decision on a case regarding appeals of an appropriate municipal  
2 panel under 24 V.S.A. chapter 117 within 90 days following the close of the  
3 hearing on the case.

4 \* \* \*

5 Sec. 23. 10 V.S.A. § 8504 is amended to read:

6 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

7 \* \* \*

8 (b) Planning and zoning chapter appeals.

9 (1) Within 30 days of the date of the act or decision, an interested  
10 person, as defined in 24 V.S.A. § 4465, who has participated as defined in  
11 24 V.S.A. § 4471 in the municipal regulatory proceeding under that chapter  
12 and who alleges an injury-in-fact may appeal to the Environmental Division an  
13 act or decision made under that chapter by a board of adjustment, a planning  
14 commission, or a development review board; provided, however, that decisions  
15 of a development review board under 24 V.S.A. § 4420 with respect to local  
16 Act 250 review of municipal impacts are not subject to appeal but shall serve  
17 as presumptions under chapter 151 of this title.

18 (2) Notwithstanding subdivision (1) of this subsection, an interested  
19 person may appeal an act or decision under 24 V.S.A. chapter 117 if the  
20 Environmental judge determines that:

1 (A) there was a procedural defect that prevented the person from  
2 obtaining interested person status or participating in the proceeding;

3 (B) the decision being appealed is the grant or denial of interested  
4 person status; or

5 (C) some other condition exists that would result in manifest injustice  
6 if the person’s right to appeal was disallowed.

7 \* \* \*

8 Sec. 24. SUPERIOR COURT; POSITION; APPROPRIATION

9 (a) There is established one permanent judge in the Superior Court in fiscal  
10 year 2025.

11 (b) In fiscal year 2025, the sum of \$168,000.00 from the General Fund is  
12 appropriated to the Superior Court for the new judge created in subsection (a).

13 \* \* \* Downtown Tax Credits \* \* \*

14 Sec. 25. 32 V.S.A. § 5930ee is amended to read:

15 § 5930ee. LIMITATIONS

16 Beginning in fiscal year 2010 and thereafter, the State Board may award tax  
17 credits to all qualified applicants under this subchapter, provided that:

18 (1) the total amount of tax credits awarded annually, together with sales  
19 tax reallocated under section 9819 of this title, does not exceed **\$3,000,000.00**  
20 **\$5,000,000.00**;

21 \* \* \*



\* \* \* New Act 250 Tiers \* \* \*

Sec. 26. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

\* \* \*

(3)(A) “Development” means each of the following:

\* \* \*

(vi) The construction of improvements for commercial, industrial, or residential use at or above the elevation of 2,500 feet or in or within a Tier 3 area.

\* \* \*

(xii) The construction of a road, roads, driveway, or driveways, which in combination is greater than 2,000 feet, to provide access to or within a tract or tracts of land of more than one acre owned or controlled by a person.

(I) For the purposes of determining jurisdiction under this subdivision (x), any tract or tracts of land that will be provided access by the road or driveway is involved land.

(II) As used in this subdivision (x), “road” shall include any new road or upgrade of a Class 4 highway by a person other than a municipality, including a road that will be transferred to or maintained by a municipality after its construction or upgrade. For the purposes of this

1 subdivision (II), routine maintenance of a Class 4 highway or stormwater  
2 improvement required pursuant to section 1264 of this title shall not constitute  
3 an “upgrade.”

4 (aa) Routine maintenance shall include replacing a culvert  
5 or ditch, applying new stone, grading, or making repairs after adverse weather.

6 (bb) Routine maintenance shall not include changing the  
7 size of the road, changing the location or layout of the road, or adding  
8 pavement.

9 (III) For the purpose of determining the length under this  
10 subdivision, the length of all roads and driveways within the tract or tracts of  
11 land constructed within any continuous period of 10 years after October 1,  
12 2024 shall be included.

13 (IV) This subdivision (x) shall not apply to

14 (aa) a road constructed for a municipal, county, or State  
15 purpose; a utility corridor of an electric transmission or distribution company;  
16 or a road located entirely within in a designated downtown or neighborhood  
17 development area.

18 (bb) a road used primarily for farming or forestry purposes  
19 unless used for residential purpose.

20 \* \* \*

1           (50) “Tier 1A” means an area as defined by the Board and mapped by  
2           the regional land use maps.

3           (51) “Tier 1B” means an area as defined by the Board and mapped by  
4           the regional land use maps.

5           (52) “Tier 2” means an area that is not in Tier 1A, 1B, or 3.

6           (53) “Tier 3” means an area as defined by the Board and mapped by the  
7           regional land use maps, that contains ecologically important natural resources.  
8           The definition may include features such as river corridors, significant  
9           wetlands as defined under section 902 of this title, land at or above 2,000 feet,  
10           land characterized by slopes greater than 15 percent and shallow depth to  
11           bedrock, and areas with any amount of prime agricultural soil.

12           Sec. 27. 10 V.S.A. § 6032 is added to read:

13           § 6032. DESIGNATION OF TIERS 1A, 1B, AND 3

14           (a) On or before October 1, 2025, the Board shall adopt rules establishing  
15           the process for designating Tier 1A and Tier 1B areas. The rules shall at a  
16           minimum include provisions for the following:

17           (1) Municipalities develop the application for designation under either  
18           Tier and submit it to the Regional Planning Commission for comment and  
19           approval. The Regional Planning Commission shall then review the proposal  
20           to ensure it is consistent with the regional plan, and provide additional  
21           technical input and advice as needed to improve the application.

1           (2) If the Regional Planning Commission concurs with the  
2           municipality’s application, the municipality would submit the application to  
3           the Board for approval. During this review, the Regional Planning  
4           Commission’s concurrence would create a presumption that the application is  
5           consistent with the regional plan

6           (3) If the Regional Planning Commission raises objections to the  
7           municipality’s application, the municipality may choose to rework the  
8           application and resubmit it to the Regional Planning Commission or go ahead  
9           and submit the application for review by the Board without Regional Planning  
10          Commission approval. In the later instance, the municipality would have to  
11          demonstrate to the Board that the application is consistent with the regional  
12          plan and explain why it chose not to re-work its application.

13          (4) The Board would oversee a public review process, provide  
14          opportunities for comment, and then issue a determination on the application.

15          (5) There shall be a process for challenging and appealing designation  
16          decisions at the time of the certification or re- certification.

17          (6) Municipalities that apply for Tier 1 designated areas, but do not  
18          succeed, may subsequently re-apply.

19          (7) Municipalities that have designated areas approved for Tier 1B  
20          status can later apply for designating the areas Tier 1A. Municipalities can  
21          modify their approved plans and re-apply.

1           (8) Tier 1A or 1B area designation must be reviewed and re-certified  
2           every 8 years.

3           (b) The Board’s rules shall establish qualifications for Tier 1A and Tier 1B,  
4           which shall at a minimum include:

5           (1) A municipal plan that is approved in accordance with 24 V.S.A.  
6           § 4350.

7           (2) Municipal flood hazard planning, applicable to the entire  
8           municipality, in accordance with 24 V.S.A. V.S.A. § 4382(12) and the  
9           guidelines issued by the Department pursuant to 24 V.S.A. § 2792(d).

10           (3) Flood hazard and river corridor bylaws, applicable to the entire  
11           municipality, that are consistent with the standards established pursuant to  
12           subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this  
13           title (river corridor).

14           (4) Permanent zoning and subdivision bylaws that do not include broad  
15           exemptions that exclude significant private or public land development from  
16           requiring a municipal land use permit.

17           (5) Permitted water and wastewater systems with the capacity to support  
18           additional development within the planned growth area. The municipality  
19           shall have adopted consistent policies, by municipal plan and ordinance, on the  
20           allocation, connection, and extension of water and wastewater lines that  
21           include a defined service area to support the planned growth area.

1           (6) Municipal staff adequate to support coordinated comprehensive and  
2           capital planning, development review, and zoning administration in the  
3           planned growth area.

4           (7) The applicable regional plan has been approved by the Board.

5           (8) Tier 1A shall additional requirements.

6           (c) On or before October 1, 2025, the Board shall adopt rules establishing  
7           the process for designating Tier 3 areas. The rules shall at a minimum include  
8           provisions for the following:

9           (1) Each respective Regional Planning Commission would recommend a  
10           mapping process for identifying Tier 3 areas. This shall include a process for  
11           reviewing existing maps, such as Vermont Conservation Design and other  
12           available science-based resources, a process for public comment, and  
13           authorization of a statewide board to review and approve Tier 3 designations.

14           (2) Each Regional Planning Commission would be primarily responsible  
15           for conducting the mapping, in consultation with municipalities, based on  
16           consistent and robust standards, and with additional resources and technical  
17           support from the state. The Regional Planning Commissions would submit  
18           their maps to the Board for approval through a public process, with  
19           opportunities for public comment and appeal. Municipalities shall have an  
20           opportunity to oppose or appeal the Regional Planning Commission’s

1 proposed maps if they disagree with the Regional Planning Commission’s  
2 determinations.

3 Sec. 28. 24 V.S.A. § 4382 is amended to read:

4 § 4382. THE PLAN FOR A MUNICIPALITY

5 (a) A plan for a municipality shall be consistent with the goals established  
6 in section 4302 of this title and compatible with approved plans of other  
7 municipalities in the region and with the regional plan and shall include the  
8 following:

9 \* \* \*

10 (2) A land use plan, which shall consist of a map and statement of  
11 present and prospective land uses, that:

12 \* \* \*

13 (C) Identifies those areas, if any, proposed for designation under  
14 chapter 76A of this title or 10 V.S.A. § 6032, together with, for each area  
15 proposed for designation, an explanation of how the designation would further  
16 the plan’s goals and the goals of section 4302 of this title; and how the area  
17 meets the requirements for the type of designation to be sought.

18 \* \* \*

19 Sec. 29. 10 V.S.A. § 6081 is amended to read:

20 § 6081. PERMITS REQUIRED; EXEMPTIONS

21 \* \* \*

1        (z) Tier exemptions.

2             (1) Notwithstanding any other provision of this chapter to the contrary,  
3 no permit or permit amendment is required for any subdivision, development,  
4 or change to an existing project that is located entirely within a Tier 1A area  
5 designated under section 6032 of this chapter.

6             (2) Notwithstanding any other provision of this chapter to the contrary,  
7 no permit or permit amendment is required for 50 units or fewer of housing  
8 located entirely within a Tier 1B area designated under section 6032 of this  
9 chapter.

10            (3) No permit or permit amendment is required for a development or  
11 subdivision located within a transportation corridor.

12            (4) Upon receiving notice and a copy of the permit issued by an  
13 appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a previously  
14 issued permit for a development or subdivision located in a planned growth  
15 area shall remain attached to the property. However, neither the Board nor the  
16 Agency of Natural Resources shall enforce the permit or assert amendment  
17 jurisdiction on the tract or tracts of land unless the designation is revoked or  
18 the municipality has not taken any action to enforce the conditions of the  
19 permit.

20    \* \* \* Taxes \* \* \*

21        Sec. 30. 32 V.S.A. § 3800(q) is added to read:



1       (q) The statutory purpose of the exemption under 32 V.S.A. chapter 125,  
2       subchapter 3 for new construction or rehabilitation is to lower the cost of new  
3       construction or rehabilitation of residential properties in this State.

4       Sec. 31. 32 V.S.A. chapter 125, subchapter 3 is added to read:

5               Subchapter 3. New Construction or Rehabilitation Exemption

6       § 3870. DEFINITIONS

7               As used in this subchapter:

8               (1) “Agency” means the Agency of Commerce and Community  
9       Development as established under 3 V.S.A. § 2402.

10              (2) “Appraisal value” has the same meaning as in subdivision  
11       3481(1)(A) of this title.

12              (3) “Exemption period” has the same meaning as in subsection 3871(d)  
13       of this subchapter.

14              (4) “New construction” means the building of new dwellings.

15              (5) “Principal residence” means the dwelling occupied by a resident  
16       individual as the individual’s domicile during the taxable year and for a  
17       property owner, owned, or for a renter, rented under a rental agreement other  
18       than a short-term rental as defined under 18 V.S.A. § 4301(a)(14).

19              (6)(A) “Qualifying improvement” means new construction or a physical  
20       change to an existing dwelling or other structure beyond normal and ordinary  
21       maintenance, painting, repairs, or replacements, provided the change:

1           (i) results in new or rehabilitated dwellings that are designed to be  
2           occupied as principal residences and not as short-term rentals as defined under  
3           18 V.S.A. § 4301(a)(14); and

4           (ii) occurred through new construction, rehabilitation, or both  
5           during the 12 months immediately preceding or immediately following  
6           submission of an exemption application under this subchapter.

7           (B) “Qualifying improvement” does not mean new construction or a  
8           physical change to any portion of a mixed-use building as defined under  
9           10 V.S.A. § 6001(28) that is not used as a principal residence.

10           (7)(A) “Qualifying property” means a structure that is:

11           (i) located within a designated downtown district, village center,  
12           or neighborhood development area determined pursuant to 24 V.S.A. chapter  
13           76A or a new market tax credit area determined pursuant to 26 U.S.C. § 45D,  
14           or both;

15           (ii) composed of one or more dwellings designed to be occupied  
16           as principal residences, provided:

17           (I) none of the dwellings shall be occupied as short-term rentals  
18           as defined under 18 V.S.A. § 4301(a)(14) before the exemption period ends;  
19           and

1                    (II) a structure with more than one dwelling shall only qualify  
2 if it meets the definition of mixed-income housing under 10 V.S.A.

3 § 6001(27);

4                    (iii) undergoing, has undergone, or will undergo qualifying  
5 improvements; and

6                    (iv) in compliance with all relevant permitting requirements.

7                    (B) “Qualifying property” may have a mixed use as defined under  
8 10 V.S.A. § 6001(28).

9                    (C) “Qualifying property” does not mean property located within a  
10 tax increment financing district established under 24 V.S.A. chapter 53,  
11 subchapter 5.

12                    (8) “Rehabilitation” means extensive repair, reconstruction, or  
13 renovation of an existing dwelling or other structure, with or without  
14 demolition, new construction, or enlargement, provided the repair,  
15 reconstruction, or renovation:

16                    (A) is for the purpose of eliminating substandard structural, housing,  
17 or unsanitary conditions or stopping significant deterioration of the existing  
18 structure; and

19                    (B) equals or exceeds a total cost of 15 percent of the grand list value  
20 prior to repair, reconstruction, or renovation or \$75,000.00, whichever is less.

1           (9) “Taxable value” means the value of qualifying property that is taxed  
2           during the exemption period.

3           § 3871. EXEMPTION

4           (a) Value increase exemption. An increase in the appraisal value of a  
5           qualifying property due to qualifying improvements shall be exempted from  
6           property taxation pursuant to this subchapter by fixing and maintaining the  
7           taxable value of the qualifying property at the property’s grand list value in the  
8           year immediately preceding any qualifying improvements. A decrease in  
9           appraisal value of a qualifying property due to damage or destruction from fire  
10           or act of nature may reduce the qualifying property’s taxable value below the  
11           value fixed under this subsection.

12           (b) State education property tax exemption. The appraisal value of  
13           qualifying improvements to qualifying property shall be exempt from the State  
14           education property tax imposed under chapter 135 of this title as provided  
15           under this subchapter. The appraisal value exempt under this subsection shall  
16           not be exempt from municipal property taxation unless the qualifying property  
17           is located in a municipality that has voted to approve an exemption under  
18           subsection (c) of this section.

19           (c) Municipal property tax exemption. If the legislative body of a  
20           municipality by a majority vote recommends, the voters of a municipality may,  
21           at an annual or special meeting warned for that purpose, adopt by a majority

1 vote of those present and voting an exemption from municipal property tax for  
2 the value of qualifying improvements to qualifying property exempt from State  
3 property taxation under subsection (b) of this section. The municipal  
4 exemption shall remain in effect until rescinded in the same manner the  
5 exemption was adopted. Not later than 30 days after the adjournment of a  
6 meeting at which a municipal exemption is adopted or rescinded under this  
7 subsection, the town clerk shall report to the Director of Property Valuation  
8 and Review and the Agency the date on which the exemption was adopted or  
9 rescinded.

10 (d) Exemption period.

11 (1) An exemption under this subchapter shall start in the first property  
12 tax year immediately following the year in which an application for exemption  
13 under section 3872 of this title is approved and one of the following occurs:

14 (A) issuance of a certificate of occupancy by the municipal governing  
15 body for the qualifying property; or

16 (B) the property owner’s declaration of ownership of the qualifying  
17 property as a homestead pursuant to section 5410 of this title.

18 (2) An exemption under this subchapter shall remain in effect for five  
19 years, provided the property continues to comply with the requirements of this  
20 subchapter. When the exemption period ends, the property shall be taxed at its  
21 most recently appraised grand list value.

1           (3) The municipal exemption period for a qualifying property shall start  
2           and end at the same time as the State exemption period; provided that, if a  
3           municipality first votes to approve a municipal exemption after the State  
4           exemption period has already started for a qualifying property, the municipal  
5           exemption shall only apply after the vote and notice requirements have been  
6           met under subsection (c) of this section and shall only continue until the State  
7           exemption period ends.

8           § 3872. ADMINISTRATION AND CERTIFICATION

9           (a) To be eligible for exemption under this subchapter, a property owner  
10           shall:

11           (1) submit an application to the Agency of Commerce and Community  
12           Development in the form and manner determined by the Agency, including  
13           certification by the property owner that the property and improvements qualify  
14           for exemption at the time of application and annually thereafter until the  
15           exemption period ends; and

16           (2) the certification shall include an attestation under the pains and  
17           penalties of perjury that the property will be used in the manner provided under  
18           this subchapter during the exemption period, including occupancy of dwellings  
19           as principal residences and not as short-term rentals as defined under 18 V.S.A.  
20           § 4301(a)(14), and that the property owner will either provide alternative  
21           housing for tenants at the same rent or that the property has been unoccupied

1 either by a tenant’s choice or for 60 days prior to the application. A

2 certification by the property owner granted under this subdivision shall:

3 (A) be coextensive with the exemption period;

4 (B) require notice to the Agency of the transfer or assignment of the  
5 property prior to transfer, which shall include the transferee’s or assignee’s full  
6 names, phone numbers, and e-mail and mailing addresses;

7 (C) require notice to any prospective transferees or assignees of the  
8 property of the requirements of the exemption under this subchapter; and

9 (D) require a new certification to be signed by the transferees or  
10 assignees of the property.

11 (b) The Agency shall establish and make available application forms and  
12 procedures necessary to verify initial and ongoing eligibility for exemption  
13 under this subchapter. Not later than 60 days after receipt of a completed  
14 application, the Agency shall determine whether the property and any proposed  
15 improvements qualify for exemption and shall issue a written decision  
16 approving or denying the exemption. The Agency shall notify the property  
17 owner, the municipality where the property is located, and the Commissioner  
18 of Taxes of its decision.

19 (c) If the property owner fails to use the property according to the terms of  
20 the certification, the Agency shall, after notifying the property owner,  
21 determine whether to revoke the exemption. If the exemption is revoked, the

1 Agency shall notify the property owner, the municipality where the property is  
2 located, and the Commissioner of Taxes. Upon notification of revocation, the  
3 Commissioner shall assess to the property owner:

4 (1) all State and municipal property taxes as though no exemption had  
5 been approved, including for any exemption period that had already begun;  
6 and

7 (2) interest pursuant to section 3202 of this title on previously exempt  
8 taxes.

9 (d) No new applications for exemption shall be approved pursuant to this  
10 subchapter after December 31, 2027.

11 Sec. 32. 32 V.S.A. § 4152(a) is amended to read:

12 (a) When completed, the grand list of a town shall be in such form as the  
13 Director prescribes and shall contain such information as the Director  
14 prescribes, including:

15 \* \* \*

16 (6) For those parcels that are exempt, the insurance replacement value  
17 reported to the local assessing officials by the owner under section 3802a of  
18 this title or what the full listed value of the property would be absent the  
19 exemption and the statutory authority for granting such exemption and, for  
20 properties exempt pursuant to a vote, the year in which the exemption became  
21 effective and the year in which the exemption ends; provided that, for parcels



1 exempt under chapter 125, subchapter 3 of this title, the insurance replacement  
2 value shall not be substituted for the full listed value of the property absent the  
3 exemption and the grand list shall indicate whether the exemption applies to  
4 the State property tax or both the State and municipal property taxes.

5 \* \* \*

6 Sec. 33. REPEALS; NEW CONSTRUCTION OR REHABILITATION  
7 EXEMPTION

8 The following are repealed on July 1, 2037:

9 (1) 32 V.S.A. § 3800(q) (statutory purpose); and

10 (2) 32 V.S.A. chapter 125, subchapter 3 (new construction or  
11 rehabilitation exemption).

12 Sec. 34. 32 V.S.A. § 4152(a) is amended to read:

13 (a) When completed, the grand list of a town shall be in such form as the  
14 Director prescribes and shall contain such information as the Director  
15 prescribes, including:

16 \* \* \*

17 (6) For those parcels that are exempt, the insurance replacement value  
18 reported to the local assessing officials by the owner under section 3802a of  
19 this title or what the full listed value of the property would be absent the  
20 exemption and the statutory authority for granting such exemption and, for  
21 properties exempt pursuant to a vote, the year in which the exemption became

1 effective and the year in which the exemption ends; ~~provided that, for parcels~~  
2 ~~exempt under chapter 125, subchapter 3 of this title, the insurance replacement~~  
3 ~~value shall not be substituted for the full listed value of the property absent the~~  
4 ~~exemption and the grand list shall indicate whether the exemption applies to~~  
5 ~~the State property tax or both the State and municipal property taxes.~~

6 Sec. 35. 32 V.S.A. § 9603 is amended to read:

7 § 9603. EXEMPTIONS

8 The following transfers are exempt from the tax imposed by this chapter:

9 \* \* \*

10 (27)(A) Transfers of blighted dwellings that the transferee certifies will  
11 be rehabilitated for occupancy as principal residences and not as short-term  
12 rentals as defined under 18 V.S.A. § 4301(a)(14), provided the rehabilitation is  
13 completed and occupied not later than three years after the date of the transfer.  
14 If, three years after the date of transfer, the rehabilitation has not been  
15 completed and occupied, then the tax imposed by this chapter shall become  
16 due.

17 (B) As used in this subdivision (27):

18 (i) “Blighted” means substandard structural or housing conditions,  
19 including unsanitary and unsafe dwellings and deterioration sufficient to  
20 constitute a threat to human health, safety, and public welfare.



1 ~~made to a continuing care retirement community regulated under 8 V.S.A.~~  
2 ~~chapter 151, which exceeds the deductibility limits for premiums paid during~~  
3 ~~the taxable year on qualified long term care insurance contracts under 26~~  
4 ~~U.S.C. 213(d)(10)(A).~~

5 \* \* \* Vermont Rental Housing Improvement Program \* \* \*

6 Sec. 37. 10 V.S.A. § 699 is amended to read:

7 § 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

8 (a) Creation of Program.

9 (1) The Department of Housing and Community Development shall  
10 design and implement the Vermont Rental Housing Improvement Program,  
11 through which the Department shall award funding to statewide or regional  
12 nonprofit housing organizations, or both, to provide ~~competitive grants and~~  
13 forgivable loans to private landlords for the rehabilitation, including  
14 weatherization and accessibility improvements, of eligible rental housing units.

15 (2) The Department shall develop statewide standards for the Program,  
16 including factors that partner organizations shall use to evaluate applications  
17 and award ~~grants and~~ forgivable loans.

18 (3) A landlord shall not offer a unit created through the Program as a  
19 short-term rental, as defined in 18 V.S.A. § 4301, for the period a grant or loan  
20 agreement is in effect.



1 (e) Program requirements applicable to grants and five-year forgivable  
2 loans. For a grant awarded through the Program, the following requirements  
3 apply for a minimum period of five years:

4 \* \* \*

5 (4)(A) A landlord may convert a grant to a forgivable loan upon  
6 approval of the Department and the housing organization that approved the  
7 grant.

8 (B) A landlord who converts a grant to a forgivable loan shall receive  
9 a ~~10-percent~~ prorated credit for loan forgiveness for each year in which the  
10 landlord participates in the ~~grant~~ program.

11 (f) Requirements applicable to 10-year forgivable loans. For a 10-year  
12 forgivable loan awarded through the Program, the following requirements  
13 apply for a minimum period of 10 years:

14 \* \* \*

15 Sec. 38. VERMONT RENTAL HOUSING IMPROVEMENT

16 APPROPRIATION

17 The sum of \$5,000,000.00 is appropriated from the General Fund to the  
18 Department of Housing and Community Development in fiscal year 2025 for  
19 the Vermont Housing Improvement Program established in 10 V.S.A. § 699.



1 the Manufactured Home Improvement and Repair Program established by  
2 2022 Acts and Resolves No. 182, Sec. 3, and amended from time to time.

3 \* \* \* Healthy Homes Initiative \* \* \*

4 Sec. 41. HEALTHY HOMES INITIATIVE APPROPRIATION

5 The sum of \$1,000,000.00 is appropriated from the General Fund to the  
6 Department of Environmental Conservation in fiscal year 2025 for the Healthy  
7 Homes Initiative.

8 \* \* \* Middle-Income Homeownership \* \* \*

9 Sec. 42. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

10 MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT PROGRAM

11 \* \* \*

12 (d) The total amount of subsidies for a project shall not exceed 35 percent  
13 of eligible development costs, as determined by the Agency, ~~which the~~ at the  
14 time of approval of the project, unless the Agency later determines that the  
15 project will not result in affordable owner-occupied housing for income-  
16 eligible homebuyers without additional subsidy, in which case the Agency may  
17 reasonably exceed this limitation and only to the extent required to achieve  
18 affordable owner-occupied housing. The Agency ~~may~~ shall allocate subsidies  
19 consistent with the following:



1           (1) Developer subsidy. The Agency may provide a direct subsidy to the  
2 developer, which shall not exceed the difference between the cost of  
3 development and the market value of the home as completed.

4           (2) Affordability subsidy. Of any remaining amounts available for the  
5 project after the developer subsidy, the Agency may provide a subsidy for the  
6 benefit of the homebuyer to reduce the cost of purchasing the home, provided  
7 that:

8                   (A) the Agency includes conditions in the subsidy, agreement or uses  
9 another legal mechanism, to ensure that, ~~to the extent the home value has risen,~~  
10 ~~the amount of the subsidy~~ upon sale of the home, to the extent proceeds are  
11 available, the amount of the affordability subsidy either:

12                           (i) remains with the home to offset the cost to future homebuyers;  
13 or

14                           (ii) is recaptured by the Agency upon sale of the home for use in a  
15 similar program to support affordable homeownership development; or

16                   (B) the subsidy is subject to a housing subsidy covenant, as defined  
17 in 27 V.S.A. § 610, that preserves the affordability of the home for a period of  
18 99 years or longer.

19           (3) The Agency shall allocate not less than 33 percent of the funds  
20 available through the Program to projects that include a housing subsidy  
21 covenant consistent with subdivision (2)(B) of this subsection.

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\* \* \*

(f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;

(ii) community size;

(iii) community economic need; and

(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

~~(3) The Agency shall use its best efforts to ensure:~~

~~(A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and~~



1 contains the following information for each rental unit for which the  
2 Department received a certificate pursuant to this section:

- 3 (1) name of owner or landlord;
- 4 (2) phone number, e-mail address, and mailing address of landlord, as  
5 available;
- 6 (3) location of rental unit;
- 7 (4) type of rental unit;
- 8 (5) number of units in building; ~~and~~
- 9 (6) School Property Account Number;
- 10 (7) year built;
- 11 (8) accessibility of rental unit; and
- 12 (9) any other information the Department deems appropriate.

13 (g) Annually on or before December 15, the Department shall submit a  
14 report on the aggregated data collected under this section to the Senate  
15 Committee on Economic Development, Housing and General Affairs and the  
16 House Committee on General and Housing.

17 (h) Within three days after a State declaration of a state of emergency under  
18 20 V.S.A. chapter 1 or a federal emergency declaration covering any portion of  
19 the State, the Department shall provide any data compiled from the certificates  
20 received under this section to the Division of Vermont Emergency  
21 Management at the Department of Public Safety and any other appropriate

1 State department or agency. The Department shall be deemed to have satisfied  
2 the requirements of this subsection if it has provided the data as required under  
3 this subsection within the 30 days preceding the emergency declaration.

4 (i) Any data obtained under this section shall be protected pursuant to 1  
5 V.S.A. § 317(c)(2) and may only be released to specifically designated persons  
6 who, in the discretion of the Department, shall use such data to further the  
7 public good. Data obtained under this section may not be disclosed to entities  
8 for the purposes of solicitation campaigns without express authority granted by  
9 the Department. Data about a specific unit may be disclosed to the owner or  
10 operator of the rental unit.

11 \* \* \* Short-Term Rental Safety Regulation \* \* \*

12 Sec. 45. 18 V.S.A. § 4303 is amended to read:

13 § 4303. RULEMAKING

14 (a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to  
15 establish minimum standards for the safe and sanitary operation of food or  
16 lodging establishments, ~~or~~ children's camps, short-term rentals, or any  
17 combination thereof and for their administration and enforcement. The rules  
18 shall require that an establishment or short-term rental be constructed,  
19 maintained, and operated with strict regard for the health of the employees and  
20 the public pursuant to the following general requirements:

21 \* \* \*

1 (6) There shall be proper operation and maintenance of pools, recreation  
2 water facilities, spas, and related facilities within lodging establishments and  
3 short-term rentals.

4 (7) The Commissioner may adopt any other minimum conditions  
5 deemed necessary for the operation and maintenance of a food or lodging  
6 establishment or short-term rental in a safe and sanitary manner.

7 \* \* \*

8 **Sec. 46A. 18 V.S.A. § 4301 is amended to read:**

9 § 4301. DEFINITIONS

10 (a) As used in this chapter:

11 \* \* \*

12 (9) “Lodging establishment” means a place where overnight  
13 accommodations are regularly provided to the transient, traveling, or  
14 vacationing public, including hotels, motels, inns, ~~and~~ bed and breakfasts, and  
15 short-term rentals. ~~“Lodging establishment” shall not include short-term~~  
16 ~~rentals.~~

17 \* \* \*

18 (14) “Short-term rental” means a furnished house, condominium, or  
19 other dwelling room or self-contained dwelling unit rented to the transient,  
20 traveling, or vacationing public for a period of fewer than 30 consecutive days  
21 and for more than 14 days per calendar year.

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\* \* \*

**Sec. 46B. 18 V.S.A. § 4352 is amended to read:**

§ 4352. APPLICATION

Prior to operating an establishment in which food is prepared and served, ~~or~~  
in which three or more lodging units are offered to the public, or which is a  
short-term rental, a person shall apply to the Commissioner upon forms  
supplied by the Department and shall pay a license fee as provided by section  
4353 of this title. An application for licensure shall be submitted no fewer than  
30 days prior to the opening of a food or lodging establishment. Upon receipt  
of such license fee and when satisfied that the premises are sanitary and  
healthful in accordance with the provisions of this chapter and related rules, the  
Commissioner shall issue a license to the applicant with respect to the premises  
described in the application.

**Sec. 46C. REPEAL**

18 V.S.A. § 4466 (short-term rental inspection) is repealed.

**Sec. 46D. 18 V.S.A. § 4468 is amended to read:**

§ 4468. EDUCATIONAL MATERIALS; COMPLAINTS

(a) The Department of Health, in collaboration with the Department of  
Public Safety’s Division of Fire Safety, shall prepare a packet of information  
pertaining to the health, safety, and financial obligations of short-term rental

1 operators, including information regarding the importance of reviewing options  
2 for property and liability insurance with the operator’s insurance company.

3 (b) Included with the information packet set forth in subsection (a) of this  
4 section shall be a self-certification form pertaining to health and safety  
5 precautions that short-term rental operators must take into consideration prior  
6 to renting a unit. ~~The form shall be retained by the operator and need not be~~  
7 ~~filed with the Department.~~ A short-term rental operator shall file the form with  
8 the Department and shall make the form available to a renter upon request.

9 (c) A renter of a short-term rental may file a complaint with the Department  
10 of Public Safety’s Division of Fire Safety if the renter believes the short-term  
11 rental is in violation of the health and safety standards set forth in the  
12 information packet provided under subsection (a) of this section.

13 (d) If a complaint issued under subsection (c) of this section results in an  
14 inspection for a short-term rental, the Commissioner shall give consideration in  
15 any hearing or order under section 4307 of this title to whether the operator of  
16 the short-term rental disclosed any potential health or safety violations under  
17 this chapter in the certification form filed with the Department under  
18 subsection (b) of this section.

19 \* \* \* Flood Risk Disclosure \* \* \*

20 Sec. 47. 27 V.S.A. § 380 is added to read:

21 § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL



1           ESTATE

2           (a) Prior to or as part of a contract for the conveyance of real property, the  
3 seller shall provide notice to the buyer whether the property is subject to any  
4 requirement under federal law to obtain and maintain flood insurance on the  
5 property. This notice shall be provided in a clear and conspicuous manner in a  
6 separate written document and attached as an addendum to the contract.

7           (b) The failure of the seller to provide the buyer with the information  
8 required under subsection (a) of this section is grounds for the buyer to  
9 terminate the contract prior to transfer of title or occupancy, whichever occurs  
10 earlier.

11           (c) A buyer of real estate who fails to receive the information required to be  
12 disclosed by a seller under subsection (a) of this section may bring an action to  
13 recover from the seller the amount of the buyer’s damages and reasonable  
14 attorney’s fees. The buyer may also seek punitive damages when the seller  
15 knowingly failed to provide the required information.

16           (d) A seller shall not be liable for damages under this section for any error,  
17 inaccuracy, or omission of any information required to be disclosed to the  
18 buyer under subsection (a) of this section when the error, inaccuracy, or  
19 omission was based on information provided by a public body or a by another  
20 person with a professional license or special knowledge who provided a

1 written report that the seller reasonably believed to be correct and that was  
2 provided by the seller to the buyer.

3 (e) Noncompliance with the requirements of this section shall not affect the  
4 marketability of title of a real property.

5 Sec. 48. 9 V.S.A. § 4466 is added to read:

6 § 4466. REQUIRED DISCLOSURE

7 A landlord shall disclose in advance of entering a rental agreement with a  
8 tenant whether any portion of the premises offered for rent is located in a  
9 Federal Emergency Management Agency mapped flood hazard area. This  
10 notice shall be provided in a separate written document given to the tenant at  
11 or before execution of the lease.

12 Sec. 49. 10 V.S.A. § 6236(e) is amended to read:

13 (e) All mobile home lot leases shall contain the following:

14 \* \* \*

15 (8) Notice that the mobile home park is in a flood hazard area if any lot  
16 within the mobile home park is wholly or partially located in a flood hazard  
17 area according to the flood insurance rate map effective for the mobile home  
18 park at the time the proposed lease is furnished to a prospective leaseholder.  
19 This notice shall be provided in a clear and conspicuous manner in a separate  
20 written document attached as an addendum to the proposed lease.

1 Sec. 50. 10 V.S.A. § 6201 is amended to read:

2 § 6201. DEFINITIONS

3 As used in this chapter, ~~unless the context requires otherwise:~~

4 \* \* \*

5 (13) “Flood hazard area” has the same meaning as in section 752 of this  
6 title.

7 (14) “Flood insurance rate map” means, for any mobile home park, the  
8 official flood insurance rate map describing that park published by the Federal  
9 Emergency Management Agency on its website.

10 \* \* \* Mobile Homes \* \* \*

11 Sec. 51. 10 V.S.A. § 6201 is amended to read:

12 § 6201. DEFINITIONS

13 As used in this chapter, unless the context requires otherwise:

14 \* \* \*

15 (2)(A) “Mobile home park” means any parcel of land under single or  
16 common ownership or control that contains, or is designed, laid out, or adapted  
17 to accommodate, more than two mobile homes, together with all improvements  
18 on the land, if held as:

19 (i) a parcel under single or common ownership or control; or

20 (ii) parcels managed together by a common interest community.

1           (B) “Mobile home park” does not mean premises used solely for  
2 storage or display of mobile homes. Mobile home park does not mean any  
3 parcel of land under the ownership of an agricultural employer who may  
4 provide up to four mobile homes used by full-time workers or employees of  
5 the agricultural employer as a benefit or condition of employment or any  
6 parcel of land used solely on a seasonal basis for vacation or recreational  
7 mobile homes.

8           Sec. 52. MOBILE HOME PARK INFRASTRUCTURE NEEDS  
9                           ASSESSMENT

10           (a) On or before January 15, 2025, the Department of Housing and  
11 Community Development shall submit a report to the Senate Committee on  
12 Economic Development, Housing, and General Affairs on the near- and long-  
13 term infrastructure needs of each mobile home park in the State. The report  
14 shall recommend plans to address those needs.

15           (b) The sum of \$50,000.00 is appropriated from the General Fund to the  
16 Department of Housing and Community Development for the purpose of  
17 subsection (a) of this section.

18           Sec. 53. MANUFACTURED HOME IMPROVEMENT AND REPAIR

19                           PROGRAM APPROPRIATIONS; INFRASTRUCTURE; MOBILE  
20                           HOME REPAIR

1        (a) The sum of \$1,000,000.00 is appropriated from the General Fund to the  
2        Department of Housing and Community Development in fiscal year 2025 for  
3        improvements to mobile home park infrastructure under the Manufactured  
4        Home Improvement and Repair Program established by 2022 Acts and  
5        Resolves No. 182, Sec. 3, and amended from time to time.

6        (b) The sum of \$1,000,000.00 is appropriated from the General Fund to the  
7        Department of Housing and Community Development in fiscal year 2025 for  
8        expanding the Home Repair Awards program under the Manufactured Home  
9        Improvement and Repair Program established by 2022 Acts and Resolves No.  
10       182, Sec. 3, and amended from time to time.

11       Sec. 54. MOBILE HOME TECHNICAL ASSISTANCE APPROPRIATION

12       The sum of \$1,000,000.00 is appropriated from the General Fund to the  
13       Office of Economic Opportunity within the Department for Children and  
14       Families for a subgrant to the Champlain Valley Office of Economic  
15       Opportunity in fiscal year 2025 to fund technical assistance programs under the  
16       Mobile Home Program.

17       \* \* \* Age-Restricted Housing \* \* \*

18       Sec. 55. 10 V.S.A. § 325c is added to read:

19       § 325c. AGE-RESTRICTED HOUSING; RIGHT OF FIRST REFUSAL

20       A private owner electing to dispose of subsidized age-restricted housing  
21       shall offer for sale the property to the Board at least 30 days prior to any public

1 sale or bid. The offer shall be made in writing and shall be sent by certified  
2 mail to the Board. The offer shall include a description of the property, the  
3 price, and any terms, reservations, or conditions the owner proposes to include  
4 as part of the sale. Within 30 days, the Board shall accept or reject the offer.  
5 If the Board does not accept the offer within the 30-day period, the Board’s  
6 preferential right under this section shall terminate, but in no event shall the  
7 owner offer to sell the property, or any portion of it, to any other person on  
8 terms more favorable than the final terms offered to the Board.

9 \* \* \* Housing Retention Funding \* \* \*

10 Sec. 56. APPROPRIATION; RENT ARREARS ASSISTANCE FUND

11 The sum of \$5,000,000.00 is appropriated from the General Fund to the  
12 Vermont State Housing Authority in fiscal year 2025 for the Rent Arrears  
13 Assistance Fund established by 2023 Acts and Resolves No. 47, Sec. 45.

14 Sec. 57. APPROPRIATION; LANDLORD RELIEF PROGRAM

15 The sum of \$5,000,000.00 is appropriated from the General Fund to the  
16 Vermont State Housing Authority in fiscal year 2025 for the Landlord Relief  
17 Program to assist landlords eligible to access relief due to participation in the  
18 Section 8 project-based voucher program.

19 \* \* \* Land Bank Study \* \* \*

20 Sec. 58. LAND BANK STUDY

1           (a) The Department of Housing and Community Development and the  
2 Vermont League of Cities and Towns shall analyze the feasibility of a land  
3 bank program that would identify, acquire, and restore to productive use  
4 vacant, abandoned, contaminated, and distressed properties. The Department  
5 and the League shall engage with local municipalities, regional organizations,  
6 community organizations, and other stakeholders to explore:

7           (1) existing authority for public interest land acquisition for  
8 redevelopment and use;

9           (2) successful models and best practices for land bank programs in  
10 Vermont and other jurisdictions, including local, regional, nonprofit, state, and  
11 hybrid approaches that leverage the capacities of diverse communities and  
12 organizations within Vermont;

13           (3) potential benefits and challenges to creating and implementing a  
14 land bank program in Vermont;

15           (4) alternative approaches to State and municipal land acquisition,  
16 including residual value life estates and eminent domain, for purposes of  
17 revitalization and emergency land management, including for placement of  
18 trailers and other temporary housing;

19           (5) funding mechanisms and resources required to establish and operate  
20 a land bank program; and







1           (5) a representative of [entity], appointed by {whomever}.

2           (c) Powers and duties. The Committee shall study issues with Vermont’s  
3 current evictions process, including the following issues:

4                   (1) the impact of evictions policies on rental housing availability;

5                   (2) whether current termination notice periods and evictions processing  
6 timelines reflect the appropriate balance between landlord and tenant interests;

7                   (3) practical obstacles to the removal of unlawful occupants; and

8                   (4) whether existing bases for termination are properly utilized,

9 including specifically 9 V.S.A. § 4467(b)(2) (termination for criminal activity,  
10 illegal drug activity, or acts of violence);

11           (d) Assistance. The Committee shall have the administrative, technical,  
12 and legal assistance of [named entity].

13           (e) Report. On or before December 15, 2024, the Task Force shall report to  
14 the Senate Committee on Economic Development, Housing and General  
15 Affairs with its findings and any recommendations for legislative action, which  
16 may be in the form of proposed legislation.

17           (f) Meetings.

18                   (1) [Person] shall call the first meeting of the Committee to occur on or  
19 before [date].

20                   (2) The Committee shall select a chair from among its members at the  
21 first meeting.

1           (3) A majority of the membership shall constitute a quorum.

2           (4) The Committee shall cease to exist upon submission of its findings  
3 and any recommendations for legislative action.

4           (g) Compensation and reimbursement.

5           (1) For attendance at meetings during adjournment of the General  
6 Assembly, a legislative member of the Committee serving in his or her  
7 capacity as a legislator shall be entitled to per diem compensation and  
8 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 6  
9 meetings.

10           (2) Other members of the Committee shall be entitled to per diem  
11 compensation and reimbursement of expenses as permitted under 32 V.S.A.  
12 § 1010 for not more than 6 meetings

13           (3) Payments to members of the Committee authorized under this  
14 subsection shall be made from monies appropriated to the General Assembly.

15                                   \* \* \* Effective Dates \* \* \*

16       Sec. 61. EFFECTIVE DATES

17           (a) This section shall take effect on passage.

18           (b) Sec. [22] (grand list contents, 32 V.S.A. § 4152(a)) shall take effect on  
19 July 1, 2037.

- 1           (c) Notwithstanding 1 V.S.A. § 214, Sec. Z (medical expenses deduction)  
2           shall take effect retroactively on January 1, 2023 and shall apply to taxable  
3           years beginning on and after January 1, 2023.  
4           (d) All other sections shall take effect on July 1, 2024.  
5