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H.194

Introduced by Representatives Baser of Bristol and Deen of Westminster

Referred to Committee on

Date:

Subject: Conservation and development; land use; Act 250; housing project  
jurisdiction; designated centers

Statement of purpose of bill as introduced: This bill proposes to amend  
10 V.S.A. chapter 151 (Act 250) with respect to the construction of priority  
housing projects.

An act relating to priority housing projects under 10 V.S.A. chapter 151  
(Act 250)

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

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

In this chapter:

\* \* \*

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

\* \* \*

(iv) The construction of housing projects such as cooperatives,  
condominiums, or dwellings, or construction or maintenance of mobile homes

1 or mobile home parks, with 10 or more units, constructed or maintained on a  
2 tract or tracts of land, owned or controlled by a person, within a radius of five  
3 miles of any point on any involved land, and within any continuous period of  
4 five years. However:

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

7 (aa) ~~275 or more, in a municipality with a population of~~  
8 ~~15,000 or more; [Repealed.]~~

9 (bb) ~~150 or more, in a municipality with a population of~~  
10 ~~10,000 or more but less than 15,000; [Repealed.]~~

11 (cc) 75 or more, in a municipality with a population of 6,000  
12 or more but less than 10,000;

13 (dd) 50 or more, in a municipality with a population of  
14 3,000 or more but less than 6,000;

15 (ee) 25 or more, in a municipality with a population of less  
16 than 3,000; and

17 (ff) notwithstanding subdivisions ~~(aa)~~(cc) through (ee) of  
18 this subdivision (3)(A)(iv)(I), 10 or more if the construction involves the  
19 demolition of one or more buildings that are listed on or eligible to be listed on  
20 the State or National Register of Historic Places. However, demolition shall  
21 not be considered to create jurisdiction under this subdivision if the Division

1 for Historic Preservation has determined that the proposed demolition will  
2 have no adverse effect, will have no adverse effect if specified conditions are  
3 met, or will have an adverse effect that will be adequately mitigated. Any  
4 imposed conditions shall be enforceable through a grant condition, deed  
5 covenant, or other legally binding document.

6 (II) The determination of jurisdiction over a priority housing  
7 project shall count only the housing units included in that discrete project.

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

10 \* \* \*

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

12 \* \* \*

13 (viii) The construction of a priority housing project in a  
14 municipality with a population of 10,000 or more. However, if the  
15 construction of the project involves demolition of one or more buildings that  
16 are listed or eligible to be listed on the State or National Register of Historic  
17 Places, this exemption shall not apply unless the Division for Historic  
18 Preservation has made the determination described in subdivision  
19 (3)(A)(iv)(I)(ff) of this section and any imposed conditions are enforceable in  
20 the manner set forth in that subdivision.

21 \* \* \*

1           (27) “Mixed income housing” means a housing project in which the  
2 following apply:

3           (A) Owner-occupied housing. At the option of the applicant,  
4 owner-occupied housing may be characterized by either of the following:

5           (i) at least 15 percent of the housing units have a purchase price  
6 which at the time of first sale does not exceed 85 percent of the new  
7 construction, targeted area purchase price limits established and published  
8 annually by the Vermont Housing Finance Agency; or

9           (ii) at least 20 percent of the housing units have a purchase price  
10 which at the time of first sale does not exceed 90 percent of the new  
11 construction, targeted area purchase price limits established and published  
12 annually by the Vermont Housing Finance Agency;

13           (B) Rental Housing. ~~At least 20 percent of the housing units that are~~  
14 ~~rented constitute affordable housing and have a duration of affordability of no~~  
15 ~~less than 20 years~~ In addition to owner-occupied housing, the project may  
16 include housing units that are rented.

17           (28) “Mixed use” means construction of both mixed income housing  
18 and construction of space for any combination of retail, office, services,  
19 artisan, and recreational and community facilities, provided at least 40 percent  
20 of the gross floor area of the buildings involved is mixed income housing.

21 “Mixed use” does not include industrial use.



1 center that is also a designated neighborhood development area under  
2 24 V.S.A. chapter 76A; or

3 (B) mixed income housing and is located entirely within a designated  
4 Vermont neighborhood or designated neighborhood development area under  
5 24 V.S.A. chapter 76A.

6 \* \* \*

7 Sec. 2. 10 V.S.A. § 6081 is amended to read:

8 § 6081. PERMITS REQUIRED; EXEMPTIONS

9 (a) No person shall sell or offer for sale any interest in any subdivision  
10 located in this State, or commence construction on a subdivision or  
11 development, or commence development without a permit. This section shall  
12 not prohibit the sale, mortgage, or transfer of all, or an undivided interest in all,  
13 of a subdivision unless the sale, mortgage, or transfer is accomplished to  
14 circumvent the purposes of this chapter.

15 \* \* \*

16 (o) If a ~~downtown development district~~ designation pursuant to 24 V.S.A.  
17 ~~§ 2793~~ chapter 76A is removed, subsection (a) of this section shall apply to  
18 any subsequent substantial change to a priority housing project that was  
19 originally exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title on the  
20 basis of that designation.



1       (f) This subsection concerns an application for a permit amendment to  
2       change the conditions of an existing permit or permit amendment in order to  
3       authorize the construction of a priority housing project described in  
4       subdivision 6081(p)(2) of this title.

5           (1) The District Commission may authorize a district coordinator to  
6       issue such an amendment, without notice and a hearing, if the applicant  
7       demonstrates that all parties to the permit or permit amendment or their  
8       successors in interest have consented to the proposed changes to conditions  
9       relative to the criteria for which the party retained party status.

10           (2) If the applicant is not able to obtain the consent of a party or parties  
11       or their successors in interest with respect to one or more of the conditions  
12       proposed to be changed, the applicant shall file a permit application pursuant to  
13       this section. However, review by the District Commission shall be limited to  
14       whether the changes to conditions not consented to by the party or parties or  
15       their successors in interest enable positive findings under subsection 6086(a)  
16       and are authorized under subsection 6086(c) of this title.

17       Sec. 4. EFFECTIVE DATE

18       This act shall take effect on July 1, 2017.