1	H.194
2	Introduced by Representatives Baser of Bristol and Deen of Westminster
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; land use; Act 250; housing project
6	jurisdiction; designated centers
7	Statement of purpose of bill as introduced: This bill proposes to amend
8	10 V.S.A. chapter 151 (Act 250) with respect to the construction of priority
9	housing projects.
10 11	An act relating to priority housing projects under 10 V.S.A. chapter 151 (Act 250)
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 10 V.S.A. § 6001 is amended to read:
14	§ 6001. DEFINITIONS
15	In this chapter:
16	* * *
17	(3)(A) "Development" means each of the following:
18	* * *
19	(iv) The construction of housing projects such as cooperatives,
20	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8	15,000 or more; [Repealed.]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10	10,000 or more but less than 15,000; [Repealed.]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	* * *

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	(29) "Affordable housing" means either of the following:
2	(A) Housing that is owned by its occupants whose gross annual
3	household income does not exceed 80 percent of the county median income, or
4	80 percent of the standard metropolitan statistical area income if the
5	municipality is located in such an area, as defined by the U.S. Department of
6	Housing and Urban Development, and the total annual cost of the housing,
7	including principal, interest, taxes, insurance, and condominium association
8	fees, is not more than 30 percent of the gross annual household income.
9	(B) Housing that is rented by the occupants whose gross annual
10	household income does not exceed 80 percent of the county median income, or
11	80 percent of the standard metropolitan statistical area income if the
12	municipality is located in such an area, as defined by the U.S. Department of
13	Housing and Urban Development, and the total annual cost of the housing,
14	including rent, utilities, and condominium association fees, is not more than 30
15	percent of the gross annual household income.
16	* * *
17	(35) "Priority housing project" means a discrete project located on a
18	single tract or multiple contiguous tracts of land that consists exclusively of:
19	(A) mixed income housing or mixed use, or any combination thereof,
20	and is located entirely within a designated downtown development district,
21	designated new town center, designated growth center, or designated village

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	$\frac{2793}{2793}$ 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	(p)(1) No permit or permit amendment is required for any change to a
2	project that is located entirely within a downtown development district
3	designated pursuant to 24 V.S.A. § 2793, if the change consists exclusively of
4	any combination of mixed use and mixed income housing, and the cumulative
5	changes within any continuous period of five years, commencing on or after
6	the effective date of this subsection, remain below the jurisdictional threshold
7	specified in subdivision 6001(3)(A)(iv)(I) of this title.
8	(2) No permit or permit amendment is required for a priority housing
9	project in a designated center other than a downtown development district if
10	the project remains below the jurisdictional threshold specified in subdivision
11	6001(3)(A)(iv)(I) of this title and will comply with all conditions of any
12	existing permit or permit amendment issued under this chapter that applies to
13	the tract or tracts on which the project will be located. If such a priority
14	housing project will not comply with one or more of these conditions, an
15	application may be filed pursuant to section 6084 of this title.
16	* * *
17	Sec. 3. 10 V.S.A. § 6084 is amended to read:
18	§ 6084. NOTICE OF APPLICATION; HEARINGS, COMMENCEMENT OF
19	REVIEW
20	* * *

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 <u>This act shall take effect on July 1, 2017.</u>