H.630
Introduced by Representative McCormack of Burlington
Referred to Committee on
Date:
Subject: Conservation and development; land use; natural resources; Act 250;
housing project jurisdiction; designated centers
Statement of purpose of bill as introduced: This bill proposes to restore full
jurisdiction under 10 V.S.A. chapter 151 (Act 250) over large housing projects
by repealing the language reducing Act 250 jurisdiction in certain designated
areas.
An act relating to Act 250 jurisdiction over large housing projects
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7	(aa) [Repealed.]
8	(bb) [Repealed.]
9	(cc) 75 or more, in a municipality with a population of
10	6,000 or more but less than 10,000.
11	(dd) 50 or more, in a municipality with a population of
12	3,000 or more but less than 6,000.
13	(ee) 25 or more, in a municipality with a population of
14	less than 3,000.
15	(ff) Notwithstanding subdivisions (cc) through (ee) of
16	this subdivision (3)(A)(iv)(I), 10 or more if the construction involves the
17	demolition of one or more buildings that are listed on or eligible to be listed on
18	the State or National Register of Historic Places. However, demolition shall
19	not be considered to create jurisdiction under this subdivision if the Division
20	for Historic Preservation has determined that the proposed demolition will
21	have no adverse effect, will have no adverse effect if specified conditions are

1	met, or will have an adverse effect that will be adequately mitigated. Any
2	imposed conditions shall be enforceable through a grant condition, deed
3	covenant, or other legally binding document. [Repealed.]
4	(II) The determination of jurisdiction over a priority housing
5	project shall count only the housing units included in that discrete project.
6	[Repealed.]
7	(III) Housing units in a priority housing project shall not count
8	toward determining jurisdiction over any other project. [Repealed.]
9	* * *
10	(D) The word "development" does not include:
11	* * *
12	(viii)(I) The construction of a priority housing project in a
13	municipality with a population of 10,000 or more.
14	(II) If the construction of a priority housing project in this
15	subdivision (3)(D)(viii) involves demolition of one or more buildings that are
16	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 (A)(iv)(I)(ff)
19	of this subdivision (3) and any imposed conditions are enforceable in the
20	manner set forth in that subdivision. [Repealed.]
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, owner-
4	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	that at the time of first sale does not exceed 85 percent of the new construction,
7	targeted area purchase price limits established and published annually by the
8	Vermont Housing Finance Agency; or
9	(ii) at least 20 percent of the housing units have a purchase price
10	that at the time of first sale does not exceed 90 percent of the new construction,
11	targeted area purchase price limits established and published annually by the
12	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 not
15	less than 15 years. [Repealed.]
16	(28) "Mixed use" means construction of both mixed income housing
17	and construction of space for any combination of retail, office, services,
18	artisan, and recreational and community facilities, provided at least 40 percent
19	of the gross floor area of the buildings involved is mixed income housing.
20	"Mixed use" does not include industrial use. [Repealed.]
21	* * *

1	(35) "Priority housing project" means a discrete project located on a
2	single tract or multiple contiguous tracts of land that consists exclusively of:
3	(A) mixed income housing or mixed use, or any combination thereof,
4	and is located entirely within a designated downtown development district,
5	designated new town center, designated growth center, or designated village
6	center that is also a designated neighborhood development area under
7	24 V.S.A. chapter 76A; or
8	(B) mixed income housing and is located entirely within a designated
9	Vermont neighborhood or designated neighborhood development area under
10	24 V.S.A. chapter 76A. [Repealed.]
11	* * *
12	Sec. 2. 10 V.S.A. § 6081 is amended to read:
13	§ 6081. PERMITS REQUIRED; EXEMPTIONS
14	* * *
15	(o) If a designation pursuant to 24 V.S.A. chapter 76A is removed,
16	subsection (a) of this section shall apply to any subsequent substantial change
17	to a priority housing project that was originally exempt pursuant to subdivision
18	6001(3)(A)(iv)(I) of this title on the basis of that designation. [Repealed.]
19	(p)(1) No permit or permit amendment is required for any change to a
20	project that is located entirely within a downtown development district
21	designated pursuant to 24 V.S.A. § 2793, if the change consists exclusively of

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subdivision 6081(p)(2) of this title.

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

(1) The District Commission may authorize a district coordinator to
issue such an amendment, without notice and a hearing, if the applicant
demonstrates that all parties to the existing permit or existing permit
amendment, which contains the condition or conditions proposed to be
changed, or their successors in interest have consented to the proposed changes
to conditions relative to the criteria for which the party obtained party status.
(2) If the applicant is not able to obtain the consent of a party or parties
or their successors in interest with respect to one or more of the conditions in
the existing permit or permit amendment proposed to be changed, the applicant
shall file a permit application pursuant to this section. However, review by the
District Commission shall be limited to whether the changes to conditions not
consented to by the party or parties or their successors in interest enable
positive findings to be made under subsection 6086(a) and are authorized
under subsection 6086(c) of this title. [Repealed.]
Sec. 4. EFFECTIVE DATE
This act shall take effect on July 1, 2018.