

Amendments suggested by Chip Sawyer for S.237 as passed the Vermont Senate.

Purpose: To address local constraints in mapping water/sewer lines, remove new regulatory preemptions and order a report on recommendations to increase housing density.

Version: 2020-08-06

This amendment would make the following changes to S.237:

- A. Limit the obligation to map water and sewer lines to KNOWN lines. This addresses a substantial resource issue for any community that does not have maps for its historic water and sewer lines, which would be costly.
- B. Keep the adjustments to the accessory dwelling unit rules that are proposed in Sec. 2 of S.237. The ADU rules are already in 24 V.S.A. Chapter 117 and do not represent a new regulatory preemption.
- C. Remove the rest of Sec. 2 with its regulatory preemptions and related effects.
- D. Add a provision for DHCD and stakeholders to create a report on recommendations and resources for increasing housing density.
- E. Suggest related changes to the effective timing of the bill.

1 It is suggested that the bill be amended as follows:

2 First: In Sec. 1, 24 V.S.A. § 43829(a)(4), by striking out the words “water supply, lines,

3 facilities, and service areas; sewage disposal, lines, facilities, and service areas” and inserting in

4 lieu thereof the following: “water supply, known lines, facilities, and service areas; sewage

5 disposal, known lines, facilities, and service areas”

6 Second: By striking out Sec 2., 24 V.S.A. § 4412 in its entirety and inserting in lieu

7 thereof the following: “24 V.S.A. § 4412 is amended to read:

8 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

9 Notwithstanding any existing bylaw, the following land development provisions shall apply in

10 every municipality:

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

12 \*\*\*

13 (D) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of

14 this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling

15 unit that is located within or appurtenant to ~~an owner-occupied~~ a single-family dwelling on an

16 owner-occupied lot. A bylaw may require a single-family dwelling with an accessory dwelling

17 unit to be subject to the same review, dimensional, or other controls as required for a single-

18 family dwelling without an accessory dwelling unit.

19 An accessory dwelling unit means ~~an efficiency or one-bedroom apartment~~ a distinct unit that is

20 clearly subordinate to a single-family dwelling, and has facilities and provisions for independent

21 living, including sleeping, food preparation, and sanitation, provided there is compliance with all

22 the following:

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- 1 (i) The property has sufficient wastewater capacity.  
2 (ii) The unit does not exceed 30 percent of the total habitable floor area  
3 of the single-family dwelling or 900 square feet, whichever is greater.  
4 (iii) ~~Applicable setback, coverage, and parking requirements~~  
5 ~~specified in the bylaws are met.~~  
6 (E) Nothing in subdivision (a)(1)(E) of this section shall be construed to prohibit:  
7 (i) a bylaw that is less restrictive of accessory dwelling units; or  
8 (ii) a bylaw that ~~requires conditional use review for one or more of~~  
9 ~~the following that is involved in creation of an accessory dwelling unit:~~  
10 (I) ~~a new accessory structure;~~  
11 (II) ~~an increase in the height or floor area of the existing~~  
12 ~~dwelling; or~~  
13 (III) ~~an increase in the dimensions of the parking areas~~  
14 regulates short-term rental units distinctly from residential rental units.

15 \* \* \*

16 Third: By striking out Sec. 4. REPORT ON SUBSTANTIAL MUNICIPAL  
17 CONSTRAINTS in its entirety and inserting in lieu thereof the following:

18 “Sec. 4. REPORT ON INCREASING HOUSING DENSITY  
19 On or before January 15, 2022, the Department of Housing and Community Development shall  
20 report to the House Committees on General, Housing, and Military Affairs and on Natural  
21 Resources, Fish, and Wildlife and to the Senate Committees Economic Development, Housing,  
22 and General Affairs and on Natural Resources and Energy with legislative recommendations to  
23 enhance the availability of affordable housing and the resources needed to implement said  
24 recommendations. The report shall consider factors to reduce housing costs, including increasing  
25 housing density while providing municipalities flexible options to achieve the density goals;  
26 reducing energy costs through conservation and efficiency; and reducing transportation costs.  
27 The housing density recommendations may provide for performance targets or average density  
28 increases and methods for determining housing density in order to measure progress. The  
29 Department shall consult with stakeholders and consider the incorporation of the findings and

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- 1 recommendations of the Zoning for Great Neighborhoods program.”
- 2       Fourth: By striking out Sec. 24. IMPLEMENTATION in its entirety.
- 3       Fifth: By striking out Sec. 25 EFFECTIVE DATES in its entirety and inserting in lieu
- 4 thereof the following: “This act shall take effect on January 1, 2021.”