

**Comments on S.237, “An act relating to promoting affordable 3 housing”**

**Senate Economic Development, Housing & General Affairs Committee**

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September 10, 2020

Thank you for the opportunity to comment on S.237, which originated in your committee and is now being considered in the House.

I applaud your work on this important bill, which has been carefully crafted to promote the development of more inclusive housing and to help alleviate Vermont’s chronic housing shortage. I followed the bill’s progress in your committee closely last winter, before you all were forced to leave the State House due to the pandemic. The many innovative measures incorporated into the bill grew out of your series of field hearings last summer and fall. Many of these innovations came to you from a stakeholder process conducted around the same time by the Department of Housing and Community Affairs.

As you know Vermont’s affordable housing challenges are multi-faceted and require a variety of solutions. Some require greater financial investments by state and federal government, others can come through land use policy changes like those proposed in S.237. There is no one silver bullet, we need many tools.

I want to remind you why the inclusive housing mechanisms in this bill are so important. Our country has a long history of government policies at the local, state and federal levels that explicitly discriminate against classes of people that are now protected through Fair Housing Law: Black, Indigenous and other People of Color, people with disabilities, and the poor, to name a few. This history includes redlining by banks and insurance companies, federal public housing policies, and local zoning. Nationally, these practices have led to segregated neighborhoods, unequal access to education, and lower rates of homeownership among People of Color, as well as substantial disparities in wealth.<sup>1</sup>

Whether intentional or not, “traditional,” locally controlled zoning can act to exclude low-income people by setting development standards that promote more expensive housing, housing that is out of reach to people of modest means and who are disproportionately represented among people in protected classes. This is why current state law sets certain minimum standards that apply to zoning in *all* municipalities. For example, state law currently prohibits local zoning from excluding mobile homes, mobile home parks and multi-family development, and sets minimum state standards for group homes for people with disabilities and for accessory dwelling units.

Your bill builds on these minimum state standards in ways that further promote inclusive housing development. We appreciate the concerns raised by some local planners and municipalities. You helped address those concerns by including an off-ramp that allows municipalities to document why the new inclusive development provisions won’t work in their community. We are open to improvements that further address their concerns.

***Toward that end, we support the compromise measures developed by your House counterparts in their draft 1.1 of the bill. Their proposed changes are reasonable, workable solutions that address many of the concerns without unduly watering down the bill or gutting its intent. They represent the best possibility for advancing a bill that will make a real difference during the current abbreviated session.***

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<sup>1</sup> I highly recommend [The Color of Law: A Forgotten History of How Our Government Segregated America](https://www.epi.org/publication/the-color-of-law-a-forgotten-history-of-how-our-government-segregated-america/), by Richard Rothstein, a research associate at the Economic Policy Institute; see <https://www.epi.org/publication/the-color-of-law-a-forgotten-history-of-how-our-government-segregated-america/>. Also recommended: the film, "Owned: A Tale of Two Americas," see <https://www.ownedfilm.com/>.

Removing the proposed provisions entirely, as some have proposed, or watering them down to the extent of rendering them ineffective, would have a ***disproportionate impact on low-income residents, People of Color, and those in other federally and state protected classes.***

There is a wealth of data on how restrictive zoning and outdated land-use regulations can suppress housing supply, drive up housing costs, and widen racial and economic disparities. The benefits of reducing minimum lot size, enabling greater density,<sup>2</sup> allowing duplexes to go through the same review as single-family homes, and loosening parking requirements, are widely accepted planning measures that reduce administrative and regulatory burden while increasing affordable housing. In addition, you restrict the ability of NIMBY opponents to use “neighborhood character” to justify their opposition, thus further encouraging infill development in areas where we want development to happen, instead of contributing to unwanted sprawl.

The inclusive housing measures you have included in your bill are consistent with national conversations and trends that are looking at removing exclusionary zoning barriers to more housing development. Given our well-documented state and national affordable housing crisis, we need bold solutions, like those enacted by the City of Minneapolis, which has eliminated single-family zoning.

Two specific points I want to emphasize for when the House amendments (hopefully) come back to you for your consideration:

- Section 6 amends 24 V.S.A. § 4453, regarding challenges to housing provisions in bylaws. Please be sure to extend the Attorney General’s authority to enforce the equal treatment of housing and the adequate provision of affordable housing in 24 V.S.A. § 4412(a)(1) to apply also to your new inclusive housing provisions in 4412(b).
- In Section 10 on mobile home parks, please include “loan forgiveness” as one of the options for restructuring Tri-Park Mobile Home Park’s Clean Water State Revolving Fund loans. This is an essential part of Tri-Park’s efforts to lower expenses and enhance the park’s financial sustainability.

Lastly, as you consider making recommendations on the FY 21 budget to your colleagues on Senate Appropriations, please ask them to:

- Restore the \$750,000 for immediate critical infrastructure needs at Tri-Park that were originally in your bill and were stripped out by Appropriations.
- Restore \$150,000 for the Municipal and Regional Planning Fund to assist municipalities in updating their zoning to include inclusive housing bylaws, also removed by Appropriations.
- Support the House budget language directing DHCD to use \$400,000 in unused CRF dollars to help create the rental registry outlined in H.739 (and its Senate companion S.257). The registry is a public health priority during the COVID-19 pandemic as it is needed now more than ever to help identify potential permanent housing for some of the homeless Vermonters living in state-funded motels. These folks are among those at highest risk of contracting the virus and spreading it. They cannot “stay safe at home” without a real home. In addition, the registry would allow state agencies administering COVID housing relief funding to communicate directly with property owners to let them know of the resources available to them.

Thank you for your consideration.

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<sup>2</sup> I also recommend reviewing *Visualizing Density* by Vermont landscape architect Julie Campoli: <https://www.juliecampoli.com/visualizing-density>. Julie’s book makes the compelling case for how well-planned, dense development can be visually appealing and create desirable, compact neighborhoods that are an alternative to the wasteful, car-dependent, sprawling suburban tract housing developments of the 50’s, 60’s and 70’s.